

Melissa O'Connor
President & Chief Executive Officer

Memorandum in Opposition

A.8947-B (Reyes)
Assembly Committee on Codes

AN ACT to amend the labor law, in relation to requiring retail worker employers to develop and implement programs to prevent workplace violence.

The Retail Council of New York State strongly opposes the captioned legislation and corresponding sponsor's memorandum in support for its stunning and false claim that stores investing in local communities have not "assessed the risk of violence in the workplace, let alone developed a plan to reduce the risk."

The health and safety of employees and customers is our top priority as an industry, and we have made that abundantly clear to the Executive, state and local lawmakers, prosecutors, business improvement districts, law enforcement and community boards over the past several months.

The challenges presented by organized retail crime, habitual retail theft and related violence require an informed, comprehensive response on the part of all stakeholders. Through our research and continued partnership with the aforementioned groups, we continue to strongly and actively support specific initiatives that were included in the FY 2024-25 State Budget:

- Interagency coordination at the state and local level – and related funding – which is absolutely critical to identify emerging trends and habitual offenders.
- Dedicated prosecutors in district attorney offices for cases involving retail theft, along with funding for implementation.
- The allocation of funding to "deploy a dedicated State Police team to build cases against organized retail theft rings and create a new State Police enforcement unit dedicated to this purpose." It is important to note that a similar approach was taken in California, which increased proactive organized retail crime investigations and operations by over 310%, recovering 187,515 items stolen from retailers.
- Allocation of state funding to "build the capacity of local law enforcement efforts to combat retail theft."
- Increased penalties for the assault of retail workers, along with the creation of a "commercial security tax credit" for small businesses.

The proposals listed are necessary to support measures already taken by store owners faced with retail crime in New York. Retailers have invested millions of dollars to prevent theft and protect employees and customers, installing security mechanisms such as cameras, locked display cases and new technology, along with employee training programs, security guards, paid police detail and more.

In addition, our organization has hosted constructive meetings with district attorneys and local police precincts throughout the state to ensure there is consistent coordination and communication with neighborhood stores. This collaboration was formalized in the five boroughs at our request through the New York City Retail Theft Task Force.

As we continue this important dialogue with all stakeholders, the safety of our employees and customers will be at the forefront of our work, as always. The costly mandates proposed in the bill — including onerous recordkeeping requirements, panic buttons and additional security guards — will do little, if anything, to address recidivists entering stores with the intent to engage in illegal activity such as shoplifting and assault. A genuine, holistic approach to store and community safety is necessary, and our organization is committed to achieving results through our ongoing partnership with state and local government officials.

The Retail Council of New York State will remain a constructive part of the conversation on public safety. The specific provisions in the bill are simply not feasible for a variety of reasons. Therefore, we oppose the legislation and urge its disapproval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melina", with a long, sweeping horizontal flourish extending to the right.