



the work and family legal center

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LGBT Elders in New York City Need Paid Sick Time!

The New York City Paid Sick Time Act, a bill that would ensure paid sick time for workers in New York City, is currently pending in the City Council. Although paid sick time is crucial for all New Yorkers, passage of the bill has specific benefits for LGBT elders.

- **Approximately half of all working New Yorkers—more than *1 million* people—do not get a single paid sick day for themselves or their relatives, and many of these workers are LGBT elders and their loved ones.¹** Low-income New Yorkers are significantly less likely to have paid sick time than other members of the workforce; nearly two-thirds of all low-wage workers in New York City have no paid sick time.² Based on these figures, many LGBT elders and their loved ones—especially those who work in lower-wage and service sector jobs—cannot take a sick day without losing pay or risking job loss.
- **The number of elderly LGBT New Yorkers who are employed or looking for work is on the rise. These workers cannot afford to choose between their jobs and their health.** According to the federal government, the number of workers age 55 and over is expected to increase by more than 36% between 2006 and 2016.³ If LGBT older adults in the workforce are unable to take paid time off to attend medical appointments and recover from illness, their health and economic security are jeopardized. The loss of a paycheck or job can be devastating to LGBT elders, who have a higher than average risk of poverty; for example, lesbian couples age 65 and older are twice as likely to be poor as married, heterosexual couples.⁴ Research has also shown that LGBT New Yorkers face high rates of financial insecurity. In a 2009 survey of New York's LGBT community, close to 20% of respondents said they did not have enough income to meet basic needs and 40% said they had just enough income.⁵
- **LGBT elders have a higher incidence of cancer and disability.** LGBT Americans generally have a higher risk of cancer than the population at large, and LGBT older adults are more likely to be disabled.⁶ Due to these health risks and other health disparities in the LGBT community, many LGBT elders have caregiving needs or require time off work to receive medical care.
- **Access to paid sick time makes it easier for LGBT elders and their loved ones to meet family caregiving needs.** Many LGBT New Yorkers who have paid sick time cannot use it to care for family members; the Paid Sick Time Act would ensure that workers in New York City could use sick time to care for domestic partners, same-sex spouses, children, and parents. Although LGBT elders often lack the family support system possessed by heterosexual seniors, a significant percentage of LGBT elders receive or provide family caregiving. Approximately 27% of LGBT older adults in the U.S. have family caregiving responsibilities; of these caregivers, 35% provide care to a partner/spouse, and 16% provide care to a parent/parent-in-law.⁷ Many LGBT elders receive care from relatives as well: 17% of LGBT elders currently receive care from a loved one; of these care recipients, more than half receive care from a partner or spouse.⁸ Additionally, a 2004 study showed that about 20% of LGBT elders in New York have children.⁹ The Paid Sick Time Act would make it easier for workers to provide care for elderly LGBT parents, partners, and spouses.
- **Paid sick time is a significant public health issue for elderly LGBT New Yorkers.** When sick workers are unable to stay home, they increase the spread of illness in public spaces throughout New York City. The unnecessary spread of contagions in the community creates a health risk to LGBT elders and seniors living with HIV/AIDS, who face a higher risk of complications from influenza and other communicable illnesses. The Paid Sick Time Act would provide crucial public health benefits to LGBT elders and seniors living with HIV/AIDS, by minimizing the spread of flu and other illnesses.



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- **Paid sick time also helps working New Yorkers provide care for LGBT elders living with HIV/AIDS.**

Among New York City residents with HIV, 75% are 40 years of age or older and 37% are 50 years of age or older.¹⁰ Older adults living with HIV/AIDS typically have a high number of co-morbidities and prematurely experience age-related health complications.¹¹ As the population of New Yorkers living with HIV/AIDS continues to age, their working relatives will face increased caregiving demands. The Paid Sick Time Act would allow more workers to support the health needs of loved ones aging with HIV/AIDS.

How would the Paid Sick Time Act work? Does the bill respond to business concerns?

- The Paid Sick Time Act would establish a modest minimum floor of paid sick time for private sector workers employed in New York City. In response to business concerns and to ensure that small businesses are not burdened, supporters made numerous business-friendly amendments in 2012. Under the current bill, workers in businesses with 5 or more employees would earn up to 5 days of paid sick time a year. Businesses with fewer than 5 employees would be prohibited from retaliating against workers who use up to 5 *unpaid* sick days a year. New businesses with fewer than 20 employees will have a one-year grace period before being covered by the bill. Employers will not have to change their policies if they already provide an equivalent amount of paid time off or vacation that can be used for the purposes covered in the Paid Sick Time Act.

How does the Paid Sick Time Act define “family member”?

- The Paid Sick Time Act allows employees to use sick time to care for spouses, domestic partners, parents, parents of spouses or domestic partners, children, foster children, adopted children, step-children, legal wards, and children of employees who stand “*in loco parentis*” (this phrase covers LGBT parents who do not have a legal or biological relationship to their children).

Do other cities and states have paid sick time laws?

- San Francisco, Washington D.C., Seattle, Philadelphia, and Connecticut all have paid sick time laws. The success of San Francisco’s paid sick time law, which was implemented in 2007, has been clear. Recent research confirms the policy’s public health benefits and the lack of negative economic consequences.¹² Moreover, two-thirds of San Francisco employers now support the law.¹³

What’s the status of the New York City Paid Sick Time Act?

- Despite widespread public support and a veto-proof majority of 37 City Council Members signed on as co-sponsors, Council Speaker Christine Quinn announced in October 2010 that she would not allow a vote at that time on the Paid Sick Time Act. Advocates have redoubled efforts to pass the bill in coming months.

For more information or to get involved, please contact us at 212-430-5982 or jmake@abetterbalance.org.

¹ Nancy Rankin, *Still Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers*, Community Service Society of New York (Jan. 2012), p. 3.

² Ibid., p. 7.

³ U.S. Department of Labor, Employment and Training Administration, *Aging Worker Initiative: Strategies for Regional Talent Development*, available at http://www.doleta.gov/pdf/AWI_One_Pagers_Fact_Sheet.pdf. Last accessed November 28, 2011.

⁴ SAGE & Movement Advancement Project (MAP), *Improving the Lives of LGBT Older Adults* (March 2010), p. 11; Randy Albelda, M.V. Lee Badgett, Alyssa Schneebaum & Gary J. Gates, *Poverty in the Lesbian, Gay, and Bisexual Community*, The Williams Institute (March 2009), p. ii.

⁵ Somjen Frazer for The Empire State Pride Agenda, *LGBT Health and Human Services Needs in New York State* (2009), p. 5.

⁶ Karen I. Fredriksen-Goldsen, *Resilience and Disparities among LGBT Older Adults*, Public Policy and Aging Report: Integrating LGBT Older Adults into Aging Policy and Practice, SAGE & National Academy on an Aging Society, Robert B. Hudson, ed. (Summer 2011), Vol. 21, No. 3, p. 5.; National LGBT Cancer Network, *Cancer and the LGBT Community*.

⁷ Fredriksen-Goldsen, *Resilience and Disparities among LGBT Older Adults*, p. 5. In addition, a 2004 survey of LGBT New Yorkers over age 50 showed that 46% provided caregiving assistance to families of origin or choice (including friends, non-related caregivers, etc.). See Mandy Hu, *How Social Security Privatization Will Affect Lesbian, Gay, Bisexual and Transgender Americans*, National Gay and Lesbian Task Force, p. 16.

⁸ Fredriksen-Goldsen, *Resilience and Disparities among LGBT Older Adults*, p. 5.

⁹ Hu, *How Social Security Privatization Will Affect Lesbian, Gay, Bisexual and Transgender Americans*, p. 16.

¹⁰ NYC DOHMH, *Health Department Reports 75% of New Yorkers Living with HIV/AIDS Are 40 or Older and More than a Third Are over 50*, Press Release #033-10 (July 15, 2010).

¹¹ See, e.g., Jane Gross, *AIDS Patients Face Downside of Living Longer*, New York Times (Jan. 6, 2008); Stephen E. Karpik and R. Andrew Shippy, *Research on Older Adults with HIV*, AIDS Community Research Initiative of America (2006), available at <http://www.acria.org/research/roah-study>.

¹² Robert Drago and Vicky Lovell, *San Francisco’s Paid Sick Leave Ordinance: Outcomes for Employers and Employees*, IWPR (Feb. 2011).

¹³ Ibid.