



the work and family legal center

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## FACT SHEET

### Why the Paid Sick Time Act is Important to New York City's LGBT and HIV/AIDS Communities

**New York City has the highest number of LGBT adults and HIV/AIDS cases of any metropolitan area in the United States. The New York City Paid Sick Time Act is a crucial piece of employment legislation that would offer economic and health protections to LGBT individuals and people living with HIV/AIDS. Because low-income LGBT workers and people living with HIV/AIDS are less likely to have paid sick time than the workforce as a whole, access to paid sick time is an economic justice issue for the LGBT and HIV/AIDS communities.**

#### What is the New York City Paid Sick Time Act?

- **How Does 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 to the Paid Sick Time Act 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 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).
- **What’s the Status of the Bill?** Despite widespread public support and a veto-proof majority of 38 New York City Council Members signed on as co-sponsors, Speaker Christine Quinn announced in October 2010 that she would not allow a vote on the Paid Sick Time Act. Speaker Quinn promised to review her decision every two months. Advocates have redoubled efforts to pass the Paid Sick Time Act.

#### Why is Access to Paid Sick Time Necessary for New York City's LGBT and HIV/AIDS Communities?

- **Ensuring the Health of Employees and Benefiting Employers:** While most of us take paid sick time for granted, half of all working New Yorkers—and nearly two-thirds of all low-wage workers—have no paid sick time.<sup>1</sup> In its Gay and Lesbian Health Report, the New York City government states that the city’s LGBT population is estimated to range from 750,000 to one million people.<sup>2</sup> Based on these figures, many LGBT workers in New York City are forced to go to work ill because they cannot afford to lose pay or risk losing their jobs. In addition to reducing the spread of illness in our congested city and workplaces, numerous studies have shown that paid sick time helps business by promoting productivity and reducing turnover. San Francisco implemented a similar paid sick time law in 2007, and its success has been clear. Recent research confirms the policy’s public health benefits and shows that two-thirds of San Francisco employers support the law.<sup>3</sup>
- **Protecting LGBT Families:** The Paid Sick Time Act strengthens LGBT families by allowing workers to take leave to care for their spouses, domestic partners, children, and parents. Additionally, some LGBT New Yorkers who already have paid sick time cannot use it to care for relatives; the Paid Sick Time Act would ensure that all working New Yorkers could use sick leave to care for family members. According to census data, individuals in same-sex couples are significantly more likely to be employed than married, heterosexual New Yorkers.<sup>4</sup> Due to this high rate



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of employment, LGBT workers have a heightened need for workplace benefits that support LGBT families. The 2000 census also reported that 15% of same-sex couples in New York City are raising children under the age of 18; due to the limited nature of data on LGBT families, the actual figure is likely to be even higher.<sup>5</sup> On average, LGBT couples raising children in New York City have lower household income than heterosexual, married parents.<sup>6</sup> As a result, LGBT parents are less likely to be able to afford to take unpaid time off from work. Providing paid sick time would allow LGBT workers to better care for their own health needs and those of their family members.

- **LGBT Families of Color are Especially Vulnerable:** Approximately 76% of low-income Latinos and 52% of low-income blacks in New York City do not have paid sick time.<sup>7</sup> This need is especially apparent in the Bronx, where 93% of individuals in same-sex couples are nonwhite and more than 40% are Latino/a.<sup>8</sup> Furthermore, almost half of all same-sex couples in the Bronx are raising children; these LGBT families are more likely to experience financial strain, as same-sex couples raising children in the Bronx have household incomes that are 28% lower than those of heterosexual, married parents in the Bronx.<sup>9</sup> The Paid Sick Time Act would provide greater economic security to LGBT families of color in the Bronx and throughout New York City.
- **Paid Sick Time is Crucial for New Yorkers Living with HIV/AIDS:** The implications of the Paid Sick Time Act for people living with HIV/AIDS in New York City are significant, as New York City has more HIV/AIDS cases than Los Angeles, Miami, San Francisco, and Washington D.C. combined.<sup>10</sup> Access to paid sick time is a crucial health issue for many New Yorkers living with HIV/AIDS, especially those individuals who work in lower-wage and service sector jobs. If these workers are unable to take time off to attend medical appointments and recover from illness, their health and economic security are jeopardized. Moreover, access to paid sick time influences the ability of working New Yorkers to provide care for aging family members with HIV/AIDS. Among New York City residents with HIV, approximately 75% are 40 years of age or older and 37% are 50 years of age or older.<sup>11</sup> As the population of New Yorkers living with HIV/AIDS continues to age, their working family members will face increasing eldercare demands. The New York City Paid Sick Time Act would allow more workers to support the health needs of loved ones aging with HIV/AIDS.
- **Paid Sick Time is Important for Transgender New Yorkers:** By ensuring that all workers in New York City earn a modest floor of paid sick time, the Paid Sick Time Act would make it possible for transgender workers to take care of their health needs without fear of lost pay or job retaliation.

To learn more or get involved, please contact A Better Balance at 212-430-5982 or [jmake@abetterbalance.org](mailto:jmake@abetterbalance.org).

<sup>1</sup> 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.

<sup>2</sup> New York City Department of Health and Mental Hygiene (DOHMH), *Gay and Lesbian Health Report*, available at [www.nyc.gov/html/doh/html/ah/glreport.shtml](http://www.nyc.gov/html/doh/html/ah/glreport.shtml) (last visited March 26, 2011).

<sup>3</sup> Robert Drago and Vicky Lovell, *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees*, Institute for Women's Policy Research (Feb. 2011).

<sup>4</sup> Adam P. Romero and Gary J. Gates, *Census Snapshot: New York City*, The Williams Institute (Aug. 2008), p. 2 (76% of individuals in same-sex couples in New York City are employed, while only 58% of married, non-LGBT individuals are employed).

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.* (“[d]espite having a higher percentage of dual-income households . . . [t]he median household income of same-sex couples with children is . . . 26% lower than that of married parents . . . .”)

<sup>7</sup> Rankin, *Still Sick in the City*, p. 7.

<sup>8</sup> Romero and Gates, *Census Snapshot*, pp. 1, 3.

<sup>9</sup> *Ibid.*, p. 3.

<sup>10</sup> New York City DOHMH, *City Health Information* (Feb. 2006), p. 1, available at [www.nyc.gov/html/doh/downloads/pdf/chi/chi25-2.pdf](http://www.nyc.gov/html/doh/downloads/pdf/chi/chi25-2.pdf); see also New York City DOHMH, *Care Coordination Chronicle* (March 2010), p. 4, available at [www.nyc.gov/html/doh/downloads/pdf/ah/ah-care-coordination-news-letter.pdf](http://www.nyc.gov/html/doh/downloads/pdf/ah/ah-care-coordination-news-letter.pdf).

<sup>11</sup> New York City 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).