

Re: New York State Paid Sick Leave & Public Health Emergency Leave

Dear Governor Cuomo, Majority Leader Stewart-Cousins and Speaker Heastie,

Thank you for your leadership in responding to the urgent need for New York to enact a statewide paid sick leave law that also provides relief for New Yorkers who are dealing with the impact of the coronavirus. Overall access to paid sick leave means workers who are ill will be less likely to go to work while sick or send a sick child to school or child care, reducing the spread of disease.¹ Moreover during this unprecedented time, enacting a public health emergency leave law will guarantee the health, safety and economic security of all our citizens.

We urge the Governor's office and legislature to act quickly to ensure the health and safety of all New Yorkers. This is a matter of urgent public health and economic security.² Access to paid sick leave means workers who are ill will be less likely to go to work while sick or send a sick child to school or child care, reducing the spread of disease.³ This is especially urgent in the wake of the coronavirus, a disease that spreads easily from person to person. In the long term, paid sick leave will mean workers are more likely to seek preventive care, which is an essential tool for overall health.⁴

Below are our key concerns and priorities which we urge you to include in the legislation you are currently crafting:

- PAID SICK LEAVE

- Begin with the strong policy provisions included in the Executive Budget and subsequent chapter amendments. (including “safe time” uses for those who have experienced domestic violence, sexual assault and sex trafficking; and protection of New York City’s law and enforcement provisions)
- Include language that opts in domestic workers, guaranteeing all domestic workers 5 days of paid leave, regardless of their employer’s number of employees.
- Make clear that retaliation of any kind against workers who request and take paid time off is prohibited. Specifically prohibit the use of penalty point systems based on attendance and attempts to pressure or punish workers based on immigration status. Set clear penalties and a means for workers to report violations.

¹ People without access to paid sick leave are 1.5x more likely to go to work while they have a contagious illness and are nearly twice as likely to send a sick child to school or daycare than those with access to it. Tom W. Smith & Jibum Kim, *Paid Sick Days: Attitudes and Experiences*, Nat’l Opinion Res. Ctr. at U. of Chi. (June 2010), <https://www.issuelab.org/resource/paid-sick-days-attitudes-and-experiences.html>.

² See *A Better Balance, Summary of Studies on the Health Effects of Paid Safe and Sick Time Ordinances* (2019), <https://www.abetterbalance.org/resources/summary-of-studies-on-the-health-effects-of-paid-sick-safe-time-ordinances/>.

³ People without access to paid sick leave are 1.5x more likely to go to work while they have a contagious illness and are nearly twice as likely to send a sick child to school or daycare than those with access to it. Tom W. Smith & Jibum Kim, *Paid Sick Days: Attitudes and Experiences*, Nat’l Opinion Res. Ctr. at U. of Chi. (June 2010), <https://www.issuelab.org/resource/paid-sick-days-attitudes-and-experiences.html>.

⁴ Kevin Miller et al., *Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits*, Inst. for Women’s Pol’y Res. (Nov. 2011), <http://www.iwpr.org/publications/pubs/paid-sick-days-and-health-cost-savings-from-reduced-emergency-department-visits>.

- Enable workers to bring a civil action for alleged violations of their sick leave rights.
- Provide a clear definition of family that builds upon the current definition in the NY Paid Family Leave Act, but which adds siblings and situations in which a person is dependent upon someone who is not a blood relative for care. (see New York City law).
- EMERGENCY SICK DAYS
 - Provide at least 14 public health emergency paid sick days available to all employees, no matter their employer's size, for immediate use, without a waiting period or the need to accrue the time to use the leave.
 - Include coverage for all employees including those working for small employers, those labeled as independent contractors, and the self-employed.
 - Require restaurants to pay the minimum wage plus tips at least for the emergency time period.
 - Eliminate waiting periods so workers can immediately qualify for paid family leave
 - Reduce to 30 days the work history requirement for unemployment insurance
 - Lift benefits and eliminate work history requirements for TDI
 - Expansion of unemployment insurance, temporary disability insurance, or paid family leave policies to provide money for workers in the event that their illness, the illness of their family member, or quarantine goes beyond 14 days.

Paid sick leave is a gender and economic justice issue.

The lack of paid sick leave disproportionately affects low-wage workers and women. More than half of the 1.24 million New Yorkers without paid sick leave are in the bottom wage quartile, meaning they earn less than \$22,000 a year.⁵ Faced with the fear of losing their job, or not being able to bring home a paycheck to feed their families, these workers are too often forced to go to work sick, risking their health and the health of those around them.

Women are more likely than men to care for ill or injured family members, especially children and elderly family members.⁶ Because women are half of all U.S. workers, and mothers are the primary breadwinners or co-breadwinners in nearly two-thirds of American families,⁷ millions of women without paid sick days are forced to choose between their economic stability and their or their families' health. Nearly 40 percent of mothers say they are *solely* responsible for staying home from work with sick children, compared with only 3 percent of fathers.⁸

Adequate paid leave with job protection is also critical for the many New York residents who provide unpaid care for their loved ones, while juggling the responsibilities of their daily lives,

⁵ *Community Service Society, Statement: Community Service Society Praises Governor Cuomo For His Proposal To Require Paid Sick Leave Statewide, Announced In His 2020 State Of The State Address* (Citing a "Calculation made by Jeff Hayes, Institute for Women's Policy Research based on analysis of 2018 National Health Interview Survey and 2018 American Community Survey. These workers may have low annual earnings due to low wages or less than full-time or year-round employment").

⁶ See INST. FOR WOMEN'S POL'Y RESEARCH, *Briefing Paper*, *supra* note 3.

⁷ See THE SHRIVER REPORT, *supra* note 2.

⁸ See INST. FOR WOMEN'S POL'Y RESEARCH, *Briefing Paper*, *supra* note 3.

often with little or no outside support. These recommended measures will help them to continue attending to their loved ones without worrying about missing pay or losing their jobs.

New York Is Lagging Behind Other States When It Comes to Providing Paid Sick Leave

New York must join the eleven states and D.C. that currently have paid sick leave laws on the books, including Arizona, California, Connecticut, Massachusetts, Maryland, Michigan, New Jersey, Oregon, Rhode Island, Vermont, and Washington State.⁹ Two states, Maine and Nevada, have enacted broad paid time off laws that can cover sick leave.¹⁰ And twenty-two cities and counties across the country currently have paid sick leave laws on the books, including New York City and Westchester County.¹¹ Faced with a public health emergency, New York must act swiftly to join this growing list of states.

Paid Sick Leave is Good For Business.

Paid sick leave reduces productivity loss from “presenteeism,” the phenomenon wherein workers go to work sick, which can spread infection to co-workers.¹² Paid sick leave also reduces health care costs, by, for example, reducing the number of costly emergency room visits.¹³ In New York City, research conducted after the paid sick leave law was implemented¹⁴ found that 86% of employers said they supported the law and 85% of employers said the law had *no* effect on their business costs.

For all these reasons, our organizations urge you to pass paid sick and safe leave and the public health emergency paid sick days legislation without delay. For more information or questions, please contact Sherry Leiwant (sleiwant@abetterbalance.org), Molly Weston Williamson (mwilliamson@abetterbalance.org), or Sarah Brafman at A Better Balance (sbrafman@abetterbalance.org); Lisa Zucker, NYCLU, lzucker@nyclu.org (917) 733-6344; Marrisa Senteno, NDWA, Marrisa@domesticworkers.org (917) 412-1810 or Blue Carreker, Citizen Action of NY bcarreker@citizenactionny.org (518) 4668500.

⁹ See A Better Balance, *Interactive Chart: Paid Sick Time Laws* (2020), <https://www.abetterbalance.org/paid-sick-time-laws/>.

¹⁰ See A Better Balance, *Overview of Paid Time Off Laws in the United States* (2019), <https://www.abetterbalance.org/resources/overview-of-paid-time-off-laws-in-the-united-states/>.

¹¹ *Id.*

¹² Stefan Pichler & Nicolas R. Ziebarth, *The Pros and Cons of Sick Pay Schemes: Testing for Contagious Presenteeism and Noncontagious Absenteeism Behavior*, Nat'l Bureau of Econ. Res. (Aug. 2016), <https://www.nber.org/papers/w22530.pdf>.

¹³ Kevin Miller et al., *Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits*, Inst. for Women's Pol'y Res. (Nov. 2011), <http://www.iwpr.org/publications/pubs/paid-sick-days-and-health-cost-savings-from-reduced-emergency-department-visits>.

¹⁴ Eileen Appelbaum & Ruth Milkman, *No Big Deal: The Impact of New York City's Paid Sick Days Law on Employers*, Ctr. For Econ. & Pol'y Res. 3-4, 8 (Sept. 2016), <https://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>.

A Better Balance: The Work & Family Legal Center
Citizen Action of New York
New York Civil Liberties Union
National Domestic Workers Alliance
A and K Group Family Day Care Corp.
ABC Playhouse Daycare Corp.
African Communities Together
Albany County Central Federation of Labor
Aleah's Little Stars Day Care Inc.
All Our Kin
Alliance for Quality Education
Blooming Child Family Group Daycare LLC
Brightside Up
Bronx Baptist Day Care & Learning Center
Callen-Lorde Community Health Center
Catholic Migration Services
Center for Children's Initiatives
Citizens' Committee for Children of NY
ClearSource
Creating Stars Family Daycare LLC
Dake's Day Care Corp.
Daycare of Modern Art Inc.
Demos
Early Childhood Alliance of Onondaga
ECE PolicyWorks
Future Prints Childcare, Inc.
Gender Equality Law Center
GetOrganizedBrooklyn
Greater New York Labor-Religion Coalition
Haffner Consulting
Her Justice
Hollaback!
Hope's Door
Indivisible Nation BK
Jump for Success
Ketty's Family Daycare
Laundry Workers Center
League of Women Voters of St. Lawrence County
Legal Momentum, the Women's Legal Defense and Education Fund
Lutheran Social Service
Mekong NYC
MomsRising
Monroe County Clerk's Office
My Sweet Little Home Daycare Corp
National Center for Law and Economic Justice
National Institute for Reproductive Health Action Fund

New York Legal Assistance Group
New York Statewide Senior Action Council
NOW-NYC
Nurse Practitioners of New York
NY Working Families Party
NYCD16 Indivisible
NYS Nurses Association
One Fair Wage
Pay Equity Coalition
PCV Busy Bees Daycare
Restaurant Opportunities Centers (ROC) United
RIT
Rochester City School District
Rochester NOW
RWDSU
Schuyler Center for Analysis and Advocacy
Sexual Harassment Working Group
Southwest Women's Law Center
The Children's Agenda
The Legal Aid Society
The YMCA of Greater Rochester
Tigers Group Family Daycare
Tiny Feet Childcare
UFCW Women's Network
UN Women USA NY
Westchester Women's Agenda
Women's Justice NOW
Women's Health and Reproductive Rights (WHARR), a working group of GetOrganizedBK
Youth Represent
YWCA Brooklyn
YWCA Elmira & Twin Tiers
YWCAs of New York State
Zonta Club of Brooklyn