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Comments

of

The New York State Restaurant Association

for the

**Committee on Small Business and the Committee on Consumer Affairs on
Earned Sick Time Act Implementation and Business Education**

October 29, 2014

10:00 a.m.

**New York City Council
250 Broadway, 14th Floor
New York, NY**

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Good morning Chairmen Cornegy, Espinal and members of the Small Business and Consumer Affairs committees. My name is Christopher J. Hickey and I am the New York City Regional Director for the New York State Restaurant Association (the Association), a trade group that represents approximately 5,000 food service establishments in New York City and over 10,000 statewide. The Association is the largest hospitality trade association in the State of New York and it has advocated on behalf of its members for over 75 years. Our members, known as Food Service Establishments (“FSEs”), represent one of the largest constituencies regulated by the City, and every restaurant has been impacted by the Earned Sick Time Act or Paid Sick Leave Act (“PSL”).

New York City is one of the pillars of the culinary arts world. Our restaurants employ hundreds of thousands of New Yorkers and are a backbone of the tourism trade here in New York City. It is also an industry largely made up of small business owners as seven of ten eating establishments are single-unit operations and nine of ten eating and drinking establishments have less than fifty employees. Recent economic reports indicate that restaurant job growth is strong and has remained so since the Great Recession making the industry one of the top employers in New York City.

Yet, to ensure the continued viability of the restaurant and hospitality industry, we must have sensible and reasonable regulations. We must have regulations that properly balance the need to protect the safety of the public with the need for the industry to grow and thrive.

Thank you for taking the time to review the implementation of the PSL. This law, enacted with the best of intentions, has been implemented against small businesses rather quickly. That being said, the administration’s decision to delay enforcement actions to allow time for training seminars and business outreach is commendable and a model of an “educate-first vs. fine-first” mentality that the Association has been espousing for years. The DCA’s team has worked hard to conduct numerous training seminars for small businesses throughout the city, including joint training seminars with organizations like the NYS Restaurant Association.

The Administration and the DCA should also be commended for providing substantial guidance to small businesses via model forms and tracking tools that are available on the nyc.gov portal.

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That being said, the Association continues to believe the focus of the DCA should remain on educating businesses, especially small businesses such as restaurants that are often very small operations with limited human resources support and little time to understand and comply with the dozens upon dozens of laws they must comply with. These small businesses lack many of the resources of the larger businesses that were originally targeted by the first PSL law enacted in 2013. In fact, many of these small restaurants face the daily pressure of operating in the highly competitive NYC marketplace in a business with a fifty percent or higher failure rate. The Association hopes the City will continue to remember that it should be supporting these small businesses and not penalizing them if they make a mistake on the implementation of this law.

For these reasons, the Association would like to ask these committees to urge the administration to continue to avoid then fining of restaurants for any violations of then PSL and focus on education and the mediation of any alleged violations.

Small businesses are the back-bone of NYC neighborhoods and they play an integral part in supporting the growing tourism trade in NYC. Small businesses are more likely to be owned by recent immigrants, women and people of color and provide more job growth for NYC than large businesses. The Association asks that the City remember these important statistics before we have the PSL implementation become a punitive, revenue-generating policy enforced by the City, similar to the letter grade system. That would be a true failure.

A vital part of NYS Restaurant Association's mission is to seek the development of a fair and equitable regulatory environment that encourages the success and growth of New York City's world famous restaurant industry. I thank you for the opportunity to provide these comments today on behalf of the over 5,000 members of the NYS Restaurant Association in New York City and the entire food service industry.

Respectfully Submitted,

Christopher J. Hickey
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Testimony of Commissioner Julie Menin
New York City Department of Consumer Affairs
Before the
New York City Council Committees on Small Business and Consumer Affairs

Oversight Hearing on
The Earned Sick Time Act:
Implementation and Business Education

October 29, 2014

Good morning Chairman Cornegy, Chairman Espinal, and members of the Committees on Small Business and Consumer Affairs. I am Julie Menin, Commissioner of the Department of Consumer Affairs (“DCA”), and I am joined by my colleagues Kristen Lasky, Executive Director of DCA’s Paid Sick Leave Division, Marla Tepper, General Counsel, Amit Bagga, Deputy Commissioner of External Affairs, and Connie Ress, Associate Commissioner of Communications and Marketing.

We are also joined by Gregg Bishop, Deputy Commissioner of the Business Development Division within the Department of Small Business Services (“SBS”). I would like to thank Mr. Bishop for being here today to represent SBS, an agency with which we work closely on a variety of issues and I would also like to thank SBS Commissioner Maria Torres-Springer for being a helpful partner in DCA’s efforts to educate New Yorkers about The Earned Sick Time Act (“paid sick leave”).

I would like to thank Manhattan Borough President Gale Brewer for her testimony in support of DCA’s efforts and in particular for her hard work on the issue of paid sick leave over many years. Her leadership and advocacy, as well as that of the Paid Leave Coalition, have been instrumental in making paid sick leave a reality in New York City.

I greatly appreciate the opportunity to speak with you about DCA’s implementation of a law that is of deep importance not only to Mayor de Blasio and Speaker Mark-Viverito, but also to the more than one million New Yorkers¹ who now have access to sick time to take care of themselves and their loved ones.

New York City’s paid sick leave law is being implemented at a scale larger than any other city’s and DCA is very proud to be the agency that is charged with the implementation of the law and also to be a national leader in the scope of its outreach efforts. It is DCA’s mission to empower and protect consumers as well as to educate and engage businesses, and implementing the paid

¹ A Better Balance, Background on Paid Sick Time in New York City: <http://www.abetterbalance.org/web/ourissues/127-paidicksdaysnyc>

sick leave law has afforded the agency the opportunity to do just that - not only with the 80,000 businesses across 55 industries that we license, but also with hundreds of thousands of businesses in all five boroughs.

Paid sick leave is beneficial to employers, employees, and to the public. It leads to healthier employees with better morale, less employee turnover, and lower healthcare costs in the long term. We also know that in other cities where paid sick leave has been successfully implemented, job growth following implementation has been strong, demonstrating that paid sick leave does not have a detrimental impact on businesses.

The Wall Street Journal has reported that in Seattle, which first began implementing its paid sick leave law in September 2012, job growth stood at 5.4% as of August 2013, outpacing the national average of job growth during the same period of time, which stood at 3.4%.²

To convey these messages, as well as to educate business owners about their obligations under the law and to inform employees of their rights, DCA has conducted outreach to both employers and employees about paid sick leave with an unprecedented \$2 million campaign and I am pleased to share the results of our efforts to date.

Overview of Paid Sick Leave Advertising and Outreach

DCA's approach to raising awareness about the paid sick leave law has been informed by several factors: DCA's obligation to effectively implement the law; the broad scope of the law, and demographic information about both employers and employees. Utilizing resources assigned to the agency for the purpose of raising public awareness, DCA mounted a major, multilingual advertising campaign earlier this year that included transit, outdoor, print, radio, and television advertising.

The agency is also engaged in significant direct outreach efforts, such as presenting at hundreds of events, joining forces with sister agencies to disseminate information, engaging in direct contact with employers, and working with dozens of industry groups, nonprofits, advocates, elected officials, and other stakeholders to raise awareness about paid sick leave. We are confident that our efforts to date have been effective in educating businesses about their obligations and notifying employees of their rights under the paid sick leave law and we are focused on furthering these efforts moving forward.

² Wall Street Journal: Seattle a Leader in Job Growth, August 25, 2013:
<http://online.wsj.com/articles/SB10001424127887323423804579024702316622012>

Advertising

To fulfill the goal of beginning to effectively implement a law that provides the fundamental right to sick time to so many New Yorkers, DCA launched its transit and outdoor advertisements in March 2014. These advertisements began running just before a key date in the timeline of the law's implementation – April 1 – which was when the law went into effect and eligible employees began accruing sick time.

Between March and August 2014, DCA ran 3,000 subway car and 3,000 bus advertisements in two phases, as well as 260 subway station advertisements about paid sick leave in English and Spanish. DCA also ran advertisements in bus shelters and on payphone kiosks beginning in April. Running such a large number of advertisements in mass transit enabled DCA to communicate with both employers and employees, as subways and buses are the primary modes of transportation for millions of New Yorkers.

In the weeks before and after another key date in the timeline of the law's implementation – July 30 – which is when eligible employees could begin using sick time they'd earned, DCA ran print, radio, and television advertisements in many different languages.

To ensure that we reached as many New Yorkers as possible, including the City's many immigrants, who are the backbone of our business communities, we placed print advertisements in 10 English-language community newspapers and 14 newspapers that are either printed in foreign languages or have primarily immigrant readerships.

In addition to these newspapers, “wrap” advertisements, which are “wrapped” around the front and/or back covers of newspapers, ran in amNY, Metro-NY, and The Daily News, bringing the total of newspapers in which we ran advertisements to 27. Furthering the agency's goal of reaching immigrant small business owners and employees, the agency featured radio advertisements in seven languages: Spanish, Bengali, Cantonese, Mandarin, Korean, Russian, and of course, also in English. Lastly, to reach New Yorkers through as many media as possible, DCA ran television advertisements in both English and Spanish during the month of August, which was the month immediately following the date on which one could begin using accrued sick time. These advertisements were not only featured on network television channels, but also on cable and NYC Media channels, as well as on Taxi TV.

While we know such advertising is an effective tool to communicate information about paid sick leave, such efforts must be complemented by making educational and implementation tools easily accessible and by speaking directly to as many New Yorkers as we can. To this end, the agency has engaged in language-accessible outreach and education.

Resources and Outreach

SBS estimates that approximately 40 percent of the City’s businesses are owned by immigrant entrepreneurs and that one in two employed New Yorkers is an immigrant. It is precisely for these reasons that DCA has prioritized language access in the development of resources and in the structure of our outreach efforts.

To ensure that employers and employees have access to all the information they need – no matter what language they speak –and to further Mayor de Blasio’s goal of ensuring City agencies serve all New Yorkers, DCA far exceeded the paid sick leave law’s mandate to provide the Notice of Employee Rights in seven languages by translating it into 26 languages, including English, on our website, www.nyc.gov/paidsickleave.

In addition to providing this notice in 26 languages, DCA has also provided two additional documents: “Paid Sick Leave: What Employers Need to Know” and “Paid Sick Leave: What Employees Need to Know” in the same languages. From Arabic to Albanian and from Hindi to Haitian Kreyol, information about paid sick leave is now available for easy access and downloading. Additionally, recognizing that important nuances can sometimes be lost in translation, DCA, through its own multilingual staff and with the assistance of the Mayor’s Office of Immigrant Affairs, conducted native-speaker reviews of all the translated documents, ensuring that the information provided was both clear and correct.

Effectively publicizing any new initiative requires the production of printed materials that can be easily read and distributed. To accomplish this goal, DCA designed and printed a slim brochure that features the most basic and important points about paid sick leave for both employers and employees. Our continued emphasis on language access is evidenced in this brochure, which contains information in English, Spanish, Chinese (simplified), Korean, Russian, Haitian Kreyol, Bengali, and Arabic, languages spoken by some of New York City’s largest or fastest-growing immigrant and small business-owning communities.

Naturally, the resources we have developed can only enable us to accomplish our task of raising awareness about paid sick leave if we are able to effectively distribute them. I am proud to report that DCA, through its staff, its many partners, and through volunteers, has disseminated more than 1.5 million pieces of literature since April of this year, with the largest percentage of materials being provided to employers.

Through October 22 of this year, we have mailed or distributed 592,000 copies of “Paid Sick Leave: What Employers Need to Know,” 469,000 copies of the Notice of Employee Rights, 77,000 copies of “Paid Sick Leave: What Employees Need to Know,” and 424,000 copies of our paid sick leave brochure.

All of DCA's patrol inspectors carry paid sick leave materials with them when they conduct inspections and our Licensing Division has distributed over 26,000 copies of "What Employers Need to Know" to our licensees. The agency also plans on mailing information to 400,000 businesses and nonprofits within the coming month.

DCA has distributed materials at over 350 events across the five boroughs, 78 of which have been employer-focused. These events have included presentations at all 59 Community Boards, presentations before dozens of industry groups, ranging from The Bodega Association to the New York Hospitality Alliance, community events such as street fairs and NYCHA Family Days, and specific trainings for multi-branch businesses, such as Gregory's Coffee and Ricky's Cosmetics.

75 of the events we've attended or hosted have taken place in Spanish and 239 of the events have taken place in boroughs outside Manhattan. Because of these and other outreach efforts, DCA has had over 209,000 unique hits to our paid sick leave webpage.

As we are keenly aware that often the most effective forms of outreach and education are individual conversations as well as the conveying of information through trusted community leaders, the agency has devised an outreach strategy that utilizes both methods of engagement.

For example, DCA's paid sick leave staff, who speak Mandarin, Cantonese, Spanish, Korean, Bengali, Haitian Kreyol, and Russian, have engaged in robust door-to-door small business outreach, walking many of New York City's commercial corridors, speaking directly with business owners about the law. In fact, Esther Louis, a bilingual Haitian Kreyol and English speaker who is the Paid Sick Leave Division's Regional Field Director for Brooklyn East and Queens South, personally visited 92 businesses on Fulton Street in Bedford-Stuyvesant in just a few days earlier this month.

In addition to such outreach, we have worked with community leaders and advocates such as Michael Lambert, the Executive Director of the Bed-Stuy Gateway Business Improvement District, and the leadership of Make the Road-New York, to host events, conduct trainings, and distribute information to their networks and constituencies.

Many of these partners also participated in DCA's July 16 paid sick leave "Day of Action," the first of its kind held by a City agency. This Day of Action involved 1,400 business owners and leaders, community organizations, workers, unions, city employees, and everyday New Yorkers distributing more than 350,000 brochures in just four hours and talking to their friends and neighbors about paid sick leave at more than 120 subway stops throughout New York City.

The subway stations at which volunteers were placed were not chosen at random, but rather through a data-driven process that enabled DCA to identify the probability that populations living near these stations would likely benefit from access to sick leave.

The agency also benefitted from significant support from the office of Speaker Mark-Viverito, several Members of the Council, and their staffs, many of whom participated in the Day of Action. I would like to thank all of you for your support of our efforts on that day. So many New Yorkers captured our activities on social media that “#PaidSickLeave” was a top trend on Twitter that day in New York City.

We take great pride in our Day of Action, which not only informed New Yorkers of their rights, but was also an execution of Mayor de Blasio’s vision of having City agencies engage New Yorkers as directly as possible. Many of our sister agencies have joined us in this endeavor, and the City’s residents have been benefitting from our collaborations.

Interagency Collaboration

I would like to take this opportunity to highlight our partnership with SBS, as well as with some additional City agencies. SBS has provided key support to DCA in our outreach and education efforts.

SBS has distributed information to more than 150 community-based organizations and over 91,000 small businesses in New York City through a variety of channels. In addition to sending a targeted e-mail blast to more than 3,300 businesses that employ between five and 19 employees, SBS has also been including information about paid sick leave in its bi-weekly e-bulletin that reaches approximately 80,000 subscribers across the City. SBS has also shared information via e-mail with the 69 Business Improvement District (“BID”) Executive Directors, who have, by SBS’ estimation, distributed information to more than 85,000 businesses in all five boroughs.

At all of SBS’ seven Business Solutions centers, where SBS offers a range of business services including courses, pro-bono legal assistance, access to incentives, financing assistance, trainings, and technical assistance, SBS has been distributing paid sick leave materials targeted to employers. More than 30 SBS and Business Solutions staff members have received training to deliver information about paid sick leave to the more than 8,700 business owners who utilize the Business Solutions Centers every year.

SBS has also assisted with communications, featuring paid sick leave information on its website as well as on its Twitter and Facebook pages, which have a combined following of over 10,000. Lastly, SBS representatives have spoken about paid sick leave at town hall meetings they have

attended throughout City, many of which were hosted by Members of the City Council as well as Members of the New York State Assembly and Senate. We greatly appreciate all of the efforts undertaken by SBS, an agency that has been crucial in assisting DCA raise awareness of an initiative that is of high priority for the Administration and for the Council.

In addition to our collaboration with SBS, DCA has continued to leverage the extensive reach of other sister agencies to inform employees and employers about paid sick leave. The Health and Hospitals Corporation (“HHC”) and the Department of Health and Mental Hygiene (“DOHMH”) are two agencies with natural connections to paid sick leave and both have been central to our outreach efforts.

HHC, which serves a population we believe will greatly benefit from access to sick leave, is distributing 46,500 paid sick leave brochures in all of its clinics and hospitals. HHC is also running DCA’s public service announcement on video monitors in waiting areas of emergency rooms at its hospitals. Additionally, DCA staff members have been presenting on paid sick leave at HHC Advisory Council meetings and will be working with HHC to train the agency’s financial officers on paid sick leave so that they can counsel patients and their families about their rights to sick leave.

DOHMH, which has a natural interest in assisting DCA with our efforts, as the paid sick leave law can facilitate positive public health outcomes, is distributing paid sick leave materials in all of its licensing and permitting communications processed by DCA’s Licensing Center. The agency is also including an article about paid sick leave in its “Food Matters” newsletter, which is sent to thousands of New York City food service establishments.

Paid sick leave materials are also being disseminated at the Bureau of Childcare offices, Health Academy offices, and in the homes of New York City families who are visited by or sent materials by staff of the Early Intervention Services and the Nurse-Family Partnership program. Earlier this month, DCA presented on paid sick leave to outreach staff at DOHMH’s Bureau of Maternal, Infant, and Reproductive Health. Finally, DOHMH has worked with DCA to include questions about paid sick leave in a panel survey of low-income New Yorkers that it is conducting. This survey will help us better gauge respondents’ general awareness of the paid sick leave law and inform future outreach and advertising strategies.

DCA has also collaborated with several other City agencies, including the Human Resources Administration, the Department of Youth and Community Development, the Department of Parks and Recreation (“DPR”), and the Department of Education (“DOE”) on the distribution of materials. DPR is helping DCA reach an important set of beneficiaries of the paid sick leave law – domestic workers – who have access to an additional two days of sick leave under New York City’s law. DPR has granted DCA permission to distribute materials in City parks, which many

domestic workers frequent with children they are looking after. Speaking directly with domestic workers is central to our outreach efforts, as the employers of domestic workers are not brick-and-mortar businesses and therefore harder to reach.

DCA also collaborated with DOE in June of this year to insert 20,000 flyers in English and Spanish into the backpacks of students at several schools in neighborhoods with high concentrations of residents likely to benefit from new access to sick leave.

In addition to our extensive advertising and outreach, DCA has made specific tools and resources available to businesses to assist them with compliance.

Business Tools and Resources

Since July 16 of this year, the doors of our Paid Sick Leave Division, which is on the 11th floor at 42 Broadway, the building that also houses our Licensing Center, have been open for business five days per week. Both employers and employees can come in to obtain information, ask questions about compliance, and file complaints.

Recognizing that many of New York City's small businesses might not have formal human resources departments or timekeeping tools, we have developed a beta-tested, easy-to-use, downloadable Microsoft Excel document that businesses can access on our website to help them keep track of their employees' hours and accruals. The document contains built-in formulas that automatically calculate the number of hours an employee has accrued based on the number of hours worked.

As I am sure the members of the Committees are aware, under the paid sick leave law, eligible employees accrue one hour of sick time – paid or unpaid, depending on the size of the employer – for every 30 hours worked. The document easily allows employers to track hours on a daily, weekly, or bi-weekly basis. To ensure this tool can be used by as many businesses as possible, DCA is planning on translating the document into several languages.

As I have previously stated, DCA's paid sick leave outreach team also goes door-to-door in commercial corridors throughout the City, speaking directly with business owners and managers about paid sick leave. Just in the last several weeks, our staff members have spoken directly with more than 200 business owners on Mott and Mulberry Streets in Manhattan's Chinatown, Fordham Road and 3rd Avenue in the Bronx, as well as 5th Avenue and Fulton Street in Brooklyn. We will be expanding these efforts to ultimately reach thousands of businesses in all five boroughs.

Based on questions and feedback we've received from both employees and employers, DCA has published an extensive Frequently Asked Questions ("FAQs") document, from which most inquiries can be answered, significantly decreasing DCA's response time to questions. Naturally, more complicated questions are referred to the attorneys in the Paid Sick Leave Division. DCA updates the FAQs with new questions and answers on a rolling basis, as there are often questions asked that we believe might be relevant to a large number of employers.

We know that our extensive advertising and outreach efforts are working, as we have received over 7,700 inquiries about paid sick leave over the last several months. Our statistics to date demonstrate that New Yorkers know to call us with their questions and concerns.

DCA plans to run additional public advertising campaigns in the coming months. Television advertisements will be on the air in November and December, and advertisements in 19 foreign-language and community newspapers will run the last week in November and the first week in December. We will also be airing radio advertisements in several languages.

The agency will likely run an advertising campaign from February through June of 2015, as well. We anticipate this campaign will also include transit, outdoor, print, radio, and television advertising, and will expand into online advertising.

Our outreach staff continues to develop and foster new partnerships that enable the agency to effectively communicate information about the paid sick leave law, evidenced by our new collaboration with the Queens Library system. In the coming weeks, all of the Queens Library branches will begin to feature paid sick leave materials and DCA outreach staff will begin speaking at events hosted by the branches. Additionally, DCA staff will provide training to Queens Library staff so that library staff can answer basic questions they might receive from visitors who avail themselves of our materials.

Our mission to educate New Yorkers about paid sick leave extends into our enforcement of the law, which is aimed at protecting employees' rights and ensuring that businesses are given the opportunity to engage in mediation before more aggressive actions are pursued.

Overview of Enforcement (Implementation)

To execute Mayor de Blasio's vision, which seeks to ensure that all employees' rights are protected and also that businesses are given the opportunity to come into compliance before fines are assessed, DCA has adopted a focused and fair approach to enforcement of the paid sick leave law. The agency is charged with receiving and investigating complaints regarding non-compliance and we work with employees and employers to resolve complaints in the quickest and least costly way, which is through mediation. Mediation is always the first approach. In

cases of retaliation, there can be a chilling effect over a workplace that can prevent others from exercising their rights to sick leave. In such cases, DCA sends investigators to the workplace as soon as possible. Even in cases of retaliation, all employers are afforded multiple opportunities to resolve complaints and come into compliance before charges are issued. We also use mediation as another means of educating employers about their responsibilities under the law.

When mediation fails or when a complaint alleges serious employer misconduct, DCA is obligated to pursue a robust investigation. Even when an investigation is initiated, DCA will pursue opportunities to resolve the complaint before charges are issued and again before a hearing is held. Employers that come into compliance and provide their employees full access to sick leave can avoid the maximum penalties under the law.

An employee can file a Paid Sick Leave complaint with the Department of Consumer Affairs by coming into our office and speaking with an investigator, by calling 311, by completing a Complaint Intake Form and mailing, emailing, or faxing it to our office. We even follow-up with employees who inquire about filing a complaint on social media. Through all these channels, we have received a total of 355 complaints to date.

When an employee files a complaint, a DCA investigator gathers all the relevant information from the employee so that the agency can determine if it has jurisdiction and cause for an investigation. Once it does so, it accepts the complaint as a case in its docket. As of October 22 of this year, we have docketed 245 cases. The vast majority of docketed cases have alleged a failure to provide the required Notice of Employee Rights (60%), 29% have alleged a failure to pay for sick time used and 14% have alleged a failure to accrue sick time correctly. Almost 8% of the docketed cases to date have alleged retaliation or a threat of retaliation.

Once a complaint is docketed, DCA notifies the employer of the allegations made against them and gives the employer 30 days to respond to the allegations. Employers are required to include all documentation within this period of time, demonstrating their compliance. There are special circumstances, such as with complaints alleging retaliation, when DCA is permitted to access or receive employer records with only two days advance notice. I will speak more about investigations into allegations of retaliation shortly, but now return to the example of a non-retaliation complaint.

Within the initial 30-day response period given to an employer, DCA makes several attempts to mediate the complaint. In the original notice to the employer, it instructs the employer on how to contact the investigator assigned to the case if the employer would like a speedy resolution through mediation. Additionally, the DCA investigator makes at least two attempts by phone or email to engage the employer in mediation. In all of these communications, DCA stresses that if mediation is not successful, the employer must still provide a response and all documentation by

the 30-day deadline.

If an employer fails to mediate the complaint by the 30-day deadline, DCA reassigns the case to a different investigator for the investigation phase of the complaint's life cycle. Even before DCA serves a Notice of Hearing, which is the agency's official charging document, DCA will offer an employer an opportunity to resolve the complaint with reduced or no penalties. I am pleased to report that in the 70 cases closed at the time of the preparation for this testimony, all had been resolved without DCA issuing charges against the employer and DCA has been able to recover back wages and sick leave pay in two closed cases.

There will be cases where employers fail to come into compliance with the law and DCA will not hesitate to issue Notices of Hearing against those employers and we have recently issued our first Notices of Hearing against two employers. Once DCA issues a Notice of Hearing, an employer has two choices. Either the employer settles the violations with the agency or the employer decides to take the case to a hearing at the DCA Administrative Tribunal. In either case, an employer may face penalties, the payment of restitution, and injunctive relief, although the penalties would be reduced if an employer chooses to settle the complaint.

It is our sincerest hope that very few cases reach the hearing stage of the complaint life cycle. DCA's goal is to reach fast, fair, and cost-efficient outcomes for both employees and employers through mediation or other facilitated resolution.

As is expected, the agency has found that certain industries are targets of employee complaints more than others. To date, the highest percentage of cases (35%) are filed against employers in the professional services industries, which include security services firms, property and real estate management companies, and temporary employment agencies. The retail industry and health care industries, including medical and dental offices and home health agencies, receive significant percentages of the complaints, as well (18% and 13%, respectively).

As enforcement and outreach are intrinsically related, we are utilizing our complaint information to inform outreach strategies moving forward. DCA is in the process of working with appropriate industry groups and specific employers to facilitate education and the distribution of information and is, of course, open to any suggestions the Council might have.

Future Efforts

We believe that our outreach and implementation efforts to date constitute good news and that our efforts have been well-received. The number of inquiries we've received, the number of cases we are mediating, as well as the excitement of stakeholders as diverse as industry groups, advocates, and government agencies to partner with us are all indications of this.

I am proud of the work that our Paid Sick Leave division has done in a very short amount of time and I should note that many other divisions within the agency have proactively lent great support. I am confident that the agency's efforts to date have laid a strong foundation for the successful implementation of the paid sick leave law in the long term.

As we look ahead to continued outreach and implementation efforts, we seek to be responsive to businesses and protective of employees. We continue to learn every day about areas in which we can hone our outreach efforts and we welcome feedback and input from the Council.

DCA is committed to both maintaining its balanced approach to enforcement by always beginning with mediation as well as aggressively pursuing those employers who repeatedly violate the law or engage in retaliation against employees.

Once again, we are very proud to be implementing this historic law, one that is beneficial to all New Yorkers.

Thank you very much for the opportunity to testify before you today. I will be glad to answer any questions you might have.

PAID SICK LEAVE: WHAT EMPLOYERS NEED TO KNOW

Certain employers must comply with New York City's Earned Sick Time Act (Paid Sick Leave Law) starting April 1, 2014. Under the law, covered employees have the right to use sick leave for the care and treatment of themselves or a family member.

The Department of Consumer Affairs (DCA) prepared this sheet to provide guidance to employers about their responsibilities under the law. DCA will update this sheet as appropriate. Please note the date at the bottom of the sheet. To read the law and Frequently Asked Questions about the law, go to nyc.gov/PaidSickLeave.

EMPLOYERS WHO MUST PROVIDE SICK LEAVE

Number of Employees	Amount of Sick Leave per Calendar Year	Paid or Unpaid Sick Leave	Rate of Pay
5 or more <i>Must work 80+ hours a calendar year*</i>	Up to 40 hours	Paid	Regular hourly rate but no less than \$9 per hour (minimum wage)
1-4 <i>Must work 80+ hours a calendar year</i>	Up to 40 hours	Unpaid	Not Applicable
1 or more domestic workers <i>Must work 80+ hours a calendar year and have been employed by the same employer at least 1 year</i>	2 days	Paid	Regular hourly rate but no less than \$8 per hour (minimum wage)

*Note: "Calendar Year" means any regular and consecutive 12-month period of time determined by an employer.

Note: If you have an existing policy allowing employees to use sick leave, your policy must meet or exceed the requirements of the law.

EMPLOYERS WHOSE EMPLOYEES ARE NOT COVERED BY THE LAW

The law does not cover employees who work 80 hours or less a calendar year; students in federal work study programs; employees whose work is compensated by qualified scholarship programs; employees of government agencies; physical therapists, occupational therapists, speech language pathologists, audiologists who are licensed by the New York State Department of Education if they call in for work assignments at will, determine their own work schedule, have the ability to reject or accept any assignment referred to them, and are paid an average hourly wage, which is at least four times the federal minimum wage; independent contractors who do not meet the definition of an employee under New York State Labor Law; participants in Work Experience Programs; certain employees subject to a collective bargaining agreement. In the case of collective bargaining agreements, employees are not covered by the law if the agreement expressly waives the law's provisions and provides comparable benefits. For employees in the construction or grocery industry covered by a collective bargaining agreement, the law does not apply if the agreement expressly waives the law's provisions. For guidance on collective bargaining agreements, read Frequently Asked Questions at nyc.gov/PaidSickLeave.

NOTICE OF EMPLOYEE RIGHTS

Employee	Date Written Notice Due to Employee
New <i>First employed on or after April 1, 2014</i>	First day of employment
Existing <i>Already working for employer before April 1, 2014</i>	May 1, 2014

You must provide each employee with written notice of the employee's right to sick leave, including accrual and use of sick leave, the right to file a complaint, and the right to be free from retaliation. The notice must state your calendar year, including Start Date and End Date. Employees have a right to the notice in English and, if available on the DCA website, their primary language. The notice is available at nyc.gov/PaidSickLeave.

SICK LEAVE ACCRUAL AND USE – IMPORTANT DATES

	Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
Employee	1 hour for every 30 hours worked	April 1, 2014 (Existing employee)	July 30, 2014 (Existing employee)
		First day of employment (New employee)	120 days after first day of employment (New employee)
Domestic Worker	2 days after 1 year on the job	DCA will provide guidance at nyc.gov/PaidSickLeave	DCA will provide guidance at nyc.gov/PaidSickLeave

Exception: If an employee is covered by a collective bargaining agreement that is in effect on April 1, 2014, the employee begins to accrue sick leave under City law beginning on the date that the agreement ends.

RECORD KEEPING

You must keep and maintain records documenting compliance with the law for at least three years. You must keep any health related information confidential unless the employee permits you to disclose it or disclosure is required by law. You must make the records available to DCA upon notice at an agreed upon time of day.

ADVANCE NOTICE

If the need is foreseeable, you can require up to seven days advance notice of an employee's intention to use sick leave. If the need is unforeseeable, you may require an employee to give notice as soon as practicable (reasonable).

DOCUMENTATION

You can require documentation from a licensed health care provider if an employee uses more than three consecutive workdays as sick leave. The Paid Sick Leave Law prohibits you from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws. You may require an employee to provide written verification that the employee used sick leave for sick leave purposes.

UNUSED SICK LEAVE

An employee can carry over up to 40 hours of unused sick leave to the next calendar year. However, you are only required to let an employee use up to 40 hours of sick leave per calendar year. You can choose—but are not required—to pay an employee for unused sick leave at the end of the calendar year. Employees cannot carry over sick leave if you pay them for the unused sick leave AND you provide the employee with an amount of paid sick leave that meets or exceeds the requirements of the law for the new calendar year on the first day of the new calendar year.

RETALIATION

You cannot retaliate against employees for requesting or using sick leave. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in an employee's hours, or any other adverse employment action against an employee who exercises or attempts to exercise any right guaranteed under the law.

COMPLAINTS

If an employee files a complaint with DCA, DCA will contact you by mail for written response. You must respond to DCA within 30 days. DCA will work with you and the employee to resolve the complaint. We will also assist you to come into compliance.

NOTICE OF VIOLATION

If you receive a notice of violation, you will have the opportunity to settle the violation without a hearing or you can appear before an impartial judge at DCA's Adjudication Tribunal.

Note: All employers must comply with the law starting April 1, 2014. Up to October 1, 2014, the following employers will have the opportunity to ensure compliance without a penalty, and a first violation before October 1, 2014 will not be counted against these employers:

- Employers with 1 to 19 employees
- Manufacturing businesses listed in sectors 31, 32, or 33 of the U.S. Department of Labor's North American Industry Classification System (NAICS). For the full list, go to http://www.bls.gov/oes/current/naics2_31-33.htm

QUESTIONS? WANT TO ATTEND A TRAINING TO UNDERSTAND THE LAW?

Contact DCA in the following ways:

- Online Live Chat, available at nyc.gov/BusinessToolbox
- Email PaidSickLeave@dca.nyc.gov
- Call 311 (212-NEW-YORK outside NYC) and ask for information about Paid Sick Leave



Bill de Blasio
Mayor

Department of Consumer Affairs

Julie Menin
Commissioner

PAID SICK LEAVE: WHAT EMPLOYEES NEED TO KNOW

Under New York City's Earned Sick Time Act (Paid Sick Leave Law), covered employees have the right to use sick leave for the care and treatment of themselves or a family member.

The Department of Consumer Affairs (DCA) prepared this sheet to provide guidance to employees about their rights under the law. DCA will update this sheet as appropriate. Please note the date at the bottom of the sheet. To read the law or Frequently Asked Questions about the law, go to nyc.gov/PaidSickLeave.

EMPLOYEES COVERED/NOT COVERED BY THE LAW

Covered	Not Covered
<ul style="list-style-type: none"> • Full-time employees • Part-time employees • Transitional jobs program employees • Undocumented employees • Employees who are family members but not owners • Employees who live outside of New York City <p>Employees must work 80+ hours per calendar year in New York City.</p> <p>See "Domestic Workers" section on back.</p>	<ul style="list-style-type: none"> • Employees who work 80 hours or less a calendar year in New York City • Students in federal work study programs • Employees whose work is compensated by qualified scholarship programs • Employees of government agencies • Physical therapists, occupational therapists, speech language pathologists, audiologists who are licensed by the New York State Department of Education <p><i>These professionals are not covered under the law if they call in for work assignments at will; determine their own work schedule; have the ability to reject or accept any assignment referred to them; and are paid an average hourly wage, which is at least four times the federal minimum wage.</i></p> <ul style="list-style-type: none"> • Independent contractors who do not meet the definition of an employee under New York State Labor Law (Go to labor.ny.gov and search "Independent Contractors.") • Participants in Work Experience Programs (WEP) • Certain employees subject to a collective bargaining agreement

Note: If your employer has an existing policy allowing employees to use sick leave, the policy must meet or exceed the requirements of the law.

NOTICE OF EMPLOYEE RIGHTS

Employee	Date Written Notice Due to Employee
New <i>First employed on or after April 1, 2014</i>	First day of employment
Existing <i>Already working for employer before April 1, 2014</i>	May 1, 2014

If you are a covered employee, your employer must give you written notice of your right to sick leave. You have a right to the notice in English and, if available on the DCA website, your primary language. **Keep a copy of the notice.**

AMOUNT OF SICK LEAVE (See "Domestic Workers" section on back, if applicable.)

Number of Employees Employed by Employer	Amount of Sick Leave per Calendar Year*	Paid or Unpaid Sick Leave	Rate of Pay
5 or more	Up to 40 hours	Paid	Regular hourly rate but no less than \$8 per hour (minimum wage)
1-4	Up to 40 hours	Unpaid	Not Applicable

*Note: "Calendar Year" means any regular and consecutive 12-month period of time determined by an employer. The Notice of Employee Rights must state the employer's calendar year.

SICK LEAVE ACCRUAL AND USE – IMPORTANT DATES (See “Domestic Workers” section below, if applicable.)

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
1 hour for every 30 hours worked	April 1, 2014 (Existing employee)	July 30, 2014 (Existing employee)
	First day of employment (New employee)	120 days after first day of employment (New employee)

Exception: If you are covered by a collective bargaining agreement that is in effect on April 1, 2014, you begin to accrue sick leave under City law beginning on the date that the agreement ends.

Keep a copy of all documents that show your amount of sick leave and your sick leave accrual and use.

ACCEPTABLE REASONS TO USE SICK LEAVE

You can use sick leave when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.

The law recognizes the following as family members: Child (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*); Grandchild; Spouse; Domestic partner; Parent; Grandparent; Child or parent of an employee's spouse or domestic partner; Sibling (including a half, adopted, or step sibling).

ADVANCE NOTICE

If the need is foreseeable, your employer can require up to seven days advance notice of your intention to use sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable (reasonable). Your employer may require you to provide written verification that you used sick leave for sick leave purposes.

DOCUMENTATION

Your employer can require documentation from a licensed health care provider if you use more than three consecutive workdays as sick leave. The Paid Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws.

UNUSED SICK LEAVE

You can carry over up to 40 hours of unused sick leave to the next calendar year. However, your employer is only required to let you use up to 40 hours of sick leave per calendar year.

RETALIATION

Your employer cannot retaliate against you for requesting or using sick leave. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

COMPLAINTS

You may file a complaint with DCA. To get the complaint form, go online to nyc.gov/PaidSickLeave or contact 311 (212-NEW-YORK outside NYC).

DCA will conduct an investigation and work with your employer to try to mediate your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, mediate the complaint, or is required by law.

Domestic Workers

Below is information about amount of sick leave and sick leave accrual and use specific to domestic workers under City law. This leave is in addition to the three days of paid rest to which you are entitled under New York State Labor Law. Go to labor.ny.gov and search “Domestic Workers’ Bill of Rights.” All other information on this sheet applies to you.

Amount of Sick Leave per Calendar Year	Paid or Unpaid	Rate of Pay
2 days	Paid	Regular hourly rate but no less than \$8 per hour (current minimum wage) Go to labor.ny.gov and search “Minimum Wage.”

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
2 days after 1 year on the job	DCA will provide guidance at nyc.gov/PaidSickLeave	DCA will provide guidance at nyc.gov/PaidSickLeave

QUESTIONS? To contact DCA, visit nyc.gov/PaidSickLeave, email PaidSickLeave@dca.nyc.gov, or call 311 and ask for information about Paid Sick Leave.



Bill de Blasio
Mayor

Department of Consumer Affairs

Julie Menin
Commissioner

PAGO POR AUSENCIA LABORAL DEBIDO A ENFERMEDAD: LO QUE LOS EMPLEADOS DEBEN SABER

De acuerdo con la Ley de Pago por Ausencia Laboral debido a Enfermedad (Paid Sick Leave Law) de la ciudad de Nueva York, los empleados cubiertos tienen derecho a usar un permiso de ausencia laboral debido a enfermedad para el cuidado y tratamiento de ellos mismos o de algún miembro de su familia.

El Departamento de Asuntos del Consumidor (Department of Consumer Affairs, DCA) preparó esta hoja para ofrecer una guía a los empleados acerca de sus derechos según la ley. El Departamento actualizará la hoja según sea apropiado. Tome en cuenta la fecha en la parte inferior de la página. Para leer la ley o las preguntas frecuentes acerca de la misma, visite nyc.gov/PaidSickLeave.

EMPLEADOS CUBIERTOS/NO CUBIERTOS POR LA LEY

Cubiertos	No cubiertos
<ul style="list-style-type: none"> • Empleados a tiempo completo • Empleados a tiempo parcial • Empleados en el programa de trabajos de transición • Empleados indocumentados • Empleados que son miembros de la familia, pero no propietarios • Empleados que viven fuera de la ciudad de Nueva York <p>Los empleados deben trabajar más de 80 horas por año calendario en la Ciudad de Nueva York.</p> <p>Consulte la sección "Trabajadores domésticos" en la parte de atrás.</p>	<ul style="list-style-type: none"> • Empleados que trabajan 80 horas o menos en un año calendario en la Ciudad de Nueva York • Estudiantes en programas federales de trabajo y estudio • Empleados cuyo trabajo es compensado por programas de becas elegibles • Empleados de entidades gubernamentales • Fisioterapeutas, terapeutas ocupacionales, patólogos del habla y lenguaje, audiólogos certificados por el Departamento de Educación del estado de Nueva York <p><i>Estos profesionales no están cubiertos por la ley si llaman para pedir, voluntariamente, asignaciones de trabajo, si elaboran su propio horario de trabajo, si tienen la posibilidad de rechazar o aceptar cualquier asignación que se les remita y reciben como pago un salario por hora promedio, que sea equivalente a por lo menos cuatro veces el salario mínimo federal.</i></p> <ul style="list-style-type: none"> • Los contratistas independientes que no satisfacen la definición de empleado según la Ley de Trabajo del Estado de Nueva York (Visite labor.ny.gov y busque "Contratistas independientes"). • Participantes en programas de experiencia laboral (Work Experience Programs, WEP) • Ciertos empleados sujetos a acuerdos de negociación colectiva

Nota: Si su empleador tiene una política vigente que permite que los empleados usen el permiso de ausencia laboral debido a enfermedad, dicha política debe cumplir o satisfacer los requisitos de la ley.

AVISO DE DERECHOS LABORALES

Empleado	Fecha en que se debe entregar el aviso escrito al empleado
Nuevo <i>Contratado por primera vez en o después del 1 de abril de 2014</i>	Primer día de empleo
Existente <i>Ya trabaja para el empleador antes del 1 de abril de 2014</i>	1 de mayo de 2014

Si usted es un empleado cubierto, su empleador debe entregarle un aviso escrito de su derecho a permisos de ausencia laboral debido a enfermedad. Usted tiene derecho a recibir este aviso en inglés y, si está disponible en el sitio web de DCA, en su idioma natal. **Guarde una copia del aviso.**

TIEMPO DE PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD

(Consulte la sección "Trabajadores domésticos" en la parte de atrás, si aplica).

Cantidad de empleados contratados por el empleador	Tiempo de permiso de ausencia laboral debido a enfermedad por año calendario*	Ausencia laboral por enfermedad pagada o no pagada	Tarifa de pago
5 o más	Hasta 40 horas	Pagado	Tarifa por hora regular, pero no menos de \$8 por hora (salario mínimo)
1-4	Hasta 40 horas	No pagado	No aplica

*Nota: "Año calendario" significa cualquier período de tiempo regular y consecutivo, de 12 meses, determinado por un empleador. El aviso de los derechos del empleado debe indicar el año calendario del empleador.

ACUMULACIÓN Y USO DEL PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD: FECHAS IMPORTANTES

(Consulte la sección "Trabajadores domésticos" a continuación, si aplica).

Tasa de acumulación	Fecha en que comienza la acumulación	Fecha en que el permiso de ausencia laboral debido a enfermedad está disponible para uso
1 hora por cada 30 horas trabajadas	1 de abril de 2014 (Empleado existente)	30 de julio de 2014 (Empleado existente)
	Primer día de empleo (Empleado nuevo)	120 días después del primer día de empleo (Empleado nuevo)

Excepción: Si está cubierto por un acuerdo de negociación colectiva que entra en vigencia el 1 de abril de 2014, empezará a acumular horas de permiso de ausencia laboral debido a enfermedad en virtud de la ley de la Ciudad, a partir de la fecha en que finalice el acuerdo.

Mantenga una copia de todos los documentos que muestren la cantidad de horas de ausencia laboral debido a enfermedad acumuladas y usadas.

MOTIVOS ACEPTABLES PARA USAR EL PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD

Puede usar el permiso de ausencia laboral debido a enfermedad cuando:

- tiene una enfermedad mental o física, una lesión o condición de salud; necesita obtener un diagnóstico médico, cuidados o tratamiento de su enfermedad física o mental, lesión o condición; necesita obtener atención médica preventiva.
- debe cuidar de algún miembro de su familia que necesita un diagnóstico médico, cuidados o tratamiento por una enfermedad física o mental, lesión o condición de salud, o bien, necesita atención médica preventiva.
- la empresa de su empleador cierra debido a una emergencia de salud pública o bien, usted necesita cuidar de un hijo cuya escuela o proveedor de cuidado de niños cerró debido a una emergencia de salud pública.

La ley reconoce a las siguientes personas como miembros de la familia: hijo (hijo biológico, adoptivo, o de crianza; pupilo legal; hijo de un empleado que esté en lugar de sus padres); nieto; cónyuge; pareja de hecho; padre/madre; abuelos; hijo o padres del cónyuge o pareja de hecho de un empleado; hermano (incluye medios hermanos, hermanos adoptados o hermanastros).

AVISO ANTICIPADO

Si la necesidad es previsible, su empleador podría solicitarle que le notifique con siete días de anticipación sobre su intención de usar su permiso de ausencia laboral debido a enfermedad. Si la necesidad es imprevisible, su empleador podría requerir que le notifique tan pronto como sea posible (tiempo razonable). Su empleador puede pedirle que proporcione un comprobante escrito que muestre que usted usó el permiso de ausencia laboral debido a enfermedad por motivos de enfermedad.

DOCUMENTACIÓN

Su empleador podría requerir documentación de parte de un proveedor certificado de cuidados de salud en caso de que usted necesite más de tres días consecutivos de permiso de ausencia laboral debido a enfermedad. La Ley de Pago por Ausencia Laboral debido a Enfermedad prohíbe que los empleados soliciten que los proveedores de atención médica especifiquen el motivo médico de la ausencia laboral. Otras leyes podrían requerir la divulgación del mismo.

AUSENCIA LABORAL DEBIDO A ENFERMEDAD NO USADA

Usted puede transferir hasta 40 horas de ausencia laboral debido a enfermedad al siguiente año calendario. Sin embargo, su empleador solo está obligado a dejarlo usar hasta 40 horas de ausencia laboral debido a enfermedad por año calendario.

REPRESALIAS

Su empleador no puede tomar represalias en su contra por una ausencia laboral debida a enfermedad. Las represalias incluyen cualquier amenaza, medida disciplinaria, despido, degradación de puesto, suspensión o reducción en sus horas de trabajo o cualquier otra medida en su contra debido al ejercicio o intento de ejercer cualquier derecho garantizado por la ley.

QUEJAS

Puede presentar un reclamo ante el DCA. Para obtener un formulario de reclamos, visite nyc.gov/PaidSickLeave o llame al 311 (212-NEW-YORK fuera de la ciudad de Nueva York).

El DCA realizará una investigación y trabajará con su empleador para intentar mediar en su queja. El DCA mantendrá su identidad confidencial a menos que la divulgación sea necesaria para realizar la investigación mediar en la queja, o sea requerida por la ley.

Trabajadores domésticos

A continuación se incluye información acerca del tiempo de ausencia laboral debido a enfermedad y la acumulación y el uso de dicha ausencia específicos para los trabajadores domésticos según la ley de la Ciudad. Este permiso de ausencia es adicional a los tres días de descanso pagado a los que tiene derecho según la Ley de Trabajo del Estado de Nueva York. Visite labor.ny.gov y busque "Declaración de los derechos de los trabajadores domésticos". Cualquier otra información en esta hoja le aplica a usted.

Tiempo de permiso de ausencia laboral debido a enfermedad por año calendario	Pagado o no pagado	Tarifa de pago
2 días	Pagado	Tarifa por hora regular pero no menos de \$8 por hora (salario mínimo actual) Visite labor.ny.gov y busque "Salario mínimo".

Tasa de acumulación	Fecha en que comienza la acumulación	Fecha en que el permiso de ausencia laboral debido a enfermedad está disponible para uso
2 días después de 1 año en el trabajo	El DCA ofrece una guía en nyc.gov/PaidSickLeave	El DCA ofrece una guía en nyc.gov/PaidSickLeave

¿TIENE ALGUNA PREGUNTA? Para comunicarse con el DCA, visite nyc.gov/PaidSickLeave, escriba un correo a

PaidSickLeave@dca.nyc.gov o llame al 311 y solicite información acerca de la Ley de Pago por Ausencia Laboral debido a Enfermedad.



Bill de Blasio
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Department of Consumer Affairs

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Commissioner

PAGO POR AUSENCIA LABORAL DEBIDO A ENFERMEDAD: LO QUE LOS EMPLEADORES DEBEN SABER

Ciertos empleadores deben cumplir con la Ley de Pago por Ausencia Laboral debido a Enfermedad (Paid Sick Leave Law) de la Ciudad de Nueva York a partir del 1 de abril del 2014. De acuerdo con la ley, los empleados cubiertos tienen derecho a usar un permiso de ausencia laboral debido a enfermedad para el cuidado y tratamiento de ellos mismos o de un miembro de su familia.

El Departamento de Asuntos del Consumidor (Department of Consumer Affairs, DCA) preparó esta hoja para ofrecer a los empleadores una guía acerca de sus responsabilidades según la ley. El Departamento actualizará la hoja según sea apropiado. Tome en cuenta la fecha en la parte inferior de la página. Para leer la ley y las preguntas frecuentes acerca de la misma, visite nyc.gov/PaidSickLeave.

EMPLEADORES QUE DEBEN OFRECER PAGO POR AUSENCIA LABORAL DEBIDO A ENFERMEDAD

Cantidad de empleados	Tiempo de permiso de ausencia laboral debido a enfermedad por año calendario	Ausencia laboral por enfermedad pagada o no pagada	Tarifa de pago
5 o más <i>Deben trabajar más de 80 horas en un año calendario*</i>	Hasta 40 horas	Pagado	Tarifa por hora regular, pero no menos de \$8 por hora (salario mínimo)
1-4 <i>Debe trabajar más de 80 horas en un año calendario</i>	Hasta 40 horas	No pagado	No aplica
1 o más trabajadores domésticos <i>Debe trabajar más de 80 horas por año calendario y haber estado empleado por el mismo empleador al menos 1 año</i>	2 días	Pagado	Tarifa por hora regular, pero no menos de \$8 por hora (salario mínimo)

*Nota: "Año calendario" significa cualquier período de tiempo regular y consecutivo de 12 meses determinado por un empleador.

Nota: Si usted tiene una política vigente que permite que los empleados usen el permiso de ausencia laboral debido a enfermedad, su política debe cumplir o satisfacer los requisitos de la ley.

EMPLEADORES CUYOS EMPLEADOS NO ESTÁN CUBIERTOS POR LA LEY

La ley no cubre a los empleados que trabajan 80 horas o menos en un año calendario; a los estudiantes en los programas federales de trabajo y estudio; a empleados cuyo trabajo es compensado a través de programas de becas elegibles; a empleados de entidades gubernamentales; a fisioterapeutas, terapeutas ocupacionales, patólogos del habla y lenguaje, audiólogos que estén certificados por el Departamento de Educación del Estado de Nueva York, si llaman para pedir, voluntariamente, asignaciones de trabajo, si elaboran su propio horario de trabajo, si tienen la posibilidad de rechazar o aceptar cualquier asignación que se les remita y si reciben como pago un salario por hora promedio, que es por lo menos cuatro veces el salario mínimo federal; a contratistas independientes que no satisfacen la definición de un empleado según la Ley de Trabajo del Estado de Nueva York; a participantes de Programas de capacitación laboral; a ciertos empleados sujetos a acuerdos de negociación colectiva. En el caso de acuerdos de negociación colectiva, los empleados no están cubiertos por la ley si el acuerdo expresamente anula las cláusulas de la ley y ofrece beneficios comparables. Sin embargo, para los empleados en la industria de la construcción o supermercados y tiendas de conveniencia que están cubiertos por un acuerdo de negociación colectiva, la ley no aplica si el acuerdo expresamente anula las cláusulas de la ley. Para informarse más sobre los acuerdos de negociación colectiva, lea las Preguntas frecuentes en nyc.gov/PaidSickLeave.

AVISO DE DERECHOS LABORALES

Empleado	Fecha en que se debe entregar el aviso escrito al empleado
Nuevo <i>Contratado por primera vez en o después del 1 de abril de 2014</i>	Primer día de empleo
Existente <i>Ya trabaja para el empleador antes del 1 de abril de 2014</i>	1 de mayo de 2014

Debe proporcionarle a cada empleado un aviso escrito del derecho del empleado a un permiso de ausencia laboral debido a enfermedad, incluyendo la acumulación y el uso del permiso de ausencia, el derecho a presentar un reclamo y el derecho a estar libre de represalias. El aviso debe indicar su año calendario, incluidas la fecha de inicio y fecha final. Los empleados tienen derecho a recibir este aviso en inglés y, si está disponible en el sitio web de DCA, en su idioma natal. El aviso está disponible en nyc.gov/PaidSickLeave.

ACUMULACIÓN Y USO DEL PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD: FECHAS IMPORTANTES

	Tasa de acumulación	Fecha en que comienza la acumulación	Fecha en que el permiso de ausencia laboral debido a enfermedad está disponible para su uso
Empleado	1 hora por cada 30 horas trabajadas	1 de abril de 2014 (Empleado existente)	30 de julio de 2014 (Empleado existente)
		Primer día de empleo (Empleado nuevo)	120 días después del primer día de empleo (Empleado nuevo)
Trabajador doméstico	2 días después de 1 año en el trabajo	El DCA ofrece una guía en nyc.gov/PaidSickLeave	El DCA ofrece una guía en nyc.gov/PaidSickLeave

Excepción: Si un empleado está cubierto por un acuerdo de negociación colectiva que entra en vigencia el 1 de abril de 2014, el empleado empezará a acumular horas de permiso de ausencia laboral debido a enfermedad según la ley de la Ciudad, a partir de la fecha en que finalice el acuerdo.

MANTENIMIENTO DE REGISTROS

Usted debe mantener y conservar registros que documenten el cumplimiento de la ley por lo menos durante tres años. Debe mantener cualquier información de salud en forma confidencial, a menos que el empleado le permita divulgarla o la divulgación sea un requisito legal. Debe poner los registros a disponibilidad del DCA al recibir una notificación a una hora del día acordada.

AVISO ANTICIPADO

Si la necesidad es previsible, usted puede solicitar que un empleado le informe con siete días de anticipación sobre la intención de usar el permiso de ausencia laboral debido a enfermedad. Si la necesidad es imprevisible, usted puede solicitarle a un empleado que le notifique tan pronto como sea posible (tiempo razonable).

DOCUMENTACIÓN

Usted puede requerir documentación de parte de un proveedor certificado de cuidado de la salud en caso de que un empleado necesite más de tres días consecutivos de permiso de ausencia laboral debido a enfermedad. La Ley de Pago por Ausencia Laboral debido a Enfermedad prohíbe que usted solicite que los proveedores de cuidado de la salud especifiquen el motivo médico de la ausencia laboral. Otras leyes podrían requerir la divulgación del mismo. Usted puede pedirle a un empleado que le proporcione un comprobante escrito que muestre que el empleado usó el permiso de ausencia laboral debido a enfermedad por motivos de enfermedad.

PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD NO USADO

Un empleado puede transferir hasta 40 horas de ausencia laboral debido a enfermedad al siguiente año calendario. Sin embargo, usted solo está obligado a dejar que un empleado use hasta 40 horas de ausencia laboral debido a enfermedad por año calendario. Usted puede decidir—pero no se le exige—a pagar a un empleado por las horas no usadas de ausencia laboral debido a enfermedad al final del año calendario. Los empleados no pueden transferir las horas de permiso de ausencia laboral debido a enfermedad si usted les paga por las horas no usadas Y ADEMÁS, usted le da al empleado un monto por ausencia laboral debido a enfermedad que satisface o excede los requisitos de la ley para el nuevo año calendario en el primer día del nuevo año calendario.

REPRESALIAS

Usted no puede tomar represalias contra los empleados por solicitar o usar el permiso de ausencia laboral debido a enfermedad. Las represalias incluyen cualquier amenaza, medida disciplinaria, despido, degradación de puesto, suspensión o reducción de las horas de trabajo de un empleado, ni ninguna otra medida laboral adversa en contra de un empleado que ejerce o intenta ejercer cualquier derecho garantizado por la ley.

QUEJAS

Si un empleado presenta una queja ante el DCA, el DCA se comunicará con usted por correo para obtener una respuesta por escrito. Usted debe responder al DCA dentro de un plazo de 30 días. El DCA trabajará con usted y el empleado para resolver la queja. También le ayudaremos a cumplir con la ley.

AVISO DE VIOLACIÓN

Si usted recibe un aviso de violación, tendrá la oportunidad de resolver la violación sin una audiencia, o puede comparecer ante un juez imparcial en el Tribunal de Adjudicaciones del DCA.

Nota: Todos los empleadores deben cumplir con la ley a partir del 1 de abril de 2014. Hasta el 1 de octubre de 2014, los siguientes empleadores tendrán la oportunidad de asegurar el cumplimiento sin una sanción y la primera violación antes del 1 de octubre de 2014 no se tomará en cuenta para estos empleadores:

- Empleadores con 1 a 19 empleados
- Empresas manufactureras que aparecen en los sectores 31, 32 o 33 del Sistema de Clasificación de la Industria de Norte América (North American Industry Classification System, NAICS) del Departamento de Trabajo de EE. UU. Para ver la lista completa, visite http://www.bls.gov/oes/current/naics2_31-33.htm

¿Tiene alguna pregunta? ¿Desea asistir a una capacitación para entender mejor la ley?

Llame al 311 (212-NEW-YORK fuera de la Ciudad de Nueva York) y solicite información acerca de la Ley de Pago por Ausencia Laboral debido a Enfermedad

কর্মী অধিকারের বিজ্ঞপ্তি

নিউইয়র্ক শহরের অসুস্থতা সংক্রান্ত পাওনা ছুটির আইনানুসারে (বেতন সহ অসুস্থতার ছুটি আইন), কিছু নিয়োগকর্তাদেরকে অবশ্যই তাদের কর্মীদের অসুস্থতার জন্য ছুটি দিতে হবে। কোন কর্মীরা এই আইনের আওতাভুক্ত তা জানতে nyc.gov/PaidSickLeave এ যান।

নিউইয়র্ক শহরে পাঁচ বা তার বেশি কর্মী আছে এমন নিয়োগকর্তারা যেসব কর্মীদেরকে বছরে ৪০ ঘন্টার বেশি কাজ করার জন্য নিয়োগ করেন তাদেরকে অবশ্যই বেতনসহ অসুস্থতার ছুটি দিতে হবে। পাঁচ জনের কম কর্মী থাকা নিয়োগকর্তাদেরকে অবশ্যই কর্মীদেরকে বেতন ছাড়া অসুস্থতার ছুটি দিতে হবে।

এক বা একাধিক দেশীয় শ্রমিক রয়েছে যারা অন্তত একবছর ধরে নিয়োজিত এবং বছরে ৪০ ঘন্টার বেশি কাজ করে এমন নিয়োগকর্তাদেরকে, সেই শ্রমিককে বেতনসহ অসুস্থতার ছুটি দেওয়া আবশ্যিক।

আইনানুসারে, নিয়োগকর্তারা যারা নতুন কর্মী এবং পুরানো কর্মীদেরকে অসুস্থতার ছুটি দেবেন তাদেরকে অবশ্যই ১লা মে ২০১৪ এর মধ্যে এই লিখিত বিজ্ঞপ্তিটি দিতে হবে।

আপনার অসুস্থতার ছুটি নেওয়ার অধিকার আছে, যা আপনি আপনার বা পরিবারের সদস্যদের যন্ত্রের এবং চিকিত্সার জন্য ব্যবহার করতে পারবেন।

অসুস্থতার ছুটির সংখ্যা:

- প্রতি বছর আপনার নিয়োগকর্তাকে অবশ্যই আপনার জন্য ৪০ ঘন্টার অসুস্থতার ছুটি দিতে হবে। আপনার নিয়োগকর্তার বর্ষপঞ্জী হল:
বর্ষপঞ্জীর শুরু: _____ বর্ষপঞ্জীর শেষ: _____
- দেশীয় শ্রমিক: আপনার নিয়োগকর্তাকে আপনাকে তিনদিনের বেতন সহ বিশ্রাম দেওয়া ছাড়া দুই দিনের বেতনসহ অসুস্থতার ছুটি দেওয়া আবশ্যিক নিউ ইয়র্ক রাজ্যের শ্রম আইন আপনাকে এই ছুটি পাওয়ার অধিকার প্রদান করে। “দেশীয় শ্রমিকদের অধিকারের বিল” সম্পর্কে আরো জানতে labor.ny.gov এ যান এবং এই সম্পর্কে অনুসন্ধান করুন।

ছুটি জমানোর হার:

- আপনি প্রতি ৩০ ঘন্টার জন্য ১ ঘন্টা করে ছুটি জমাতে পারেন, এইরকম করে আপনি বছরে সর্বোচ্চ ৪০ ঘন্টার ছুটি জমাতে পারেন।
- দেশীয় শ্রমিক: শহরের আইনের নিয়মানুসারে বেতনসহ অসুস্থতার ছুটি পেতে আপনাকে অন্ততঃ এক বছর একই নিয়োগকর্তার অধীনে কাজ করতে হবে। DCA nyc.gov/PaidSickLeave এ ছুটি জমানোর হার সম্পর্কে নির্দেশিকা প্রদান করবে।

ছুটি জমানো শুরু করার তারিখ:

১লা এপ্রিল ২০১৪ এ থেকে অথবা তার পরের দিকের যেকোনো তারিখে আপনার নিয়োগের প্রথম দিন থেকে আপনি অসুস্থতার ছুটি জমাতে পারেন।

ব্যতিক্রম: আপনি যদি কোনো যৌথ আলাপ-আলোচনার মাধ্যমে হওয়া চুক্তির আওতাভুক্ত থাকেন যা ১লা এপ্রিল ২০১৪ এ কার্যকরী হয়েছে তাহলে চুক্তি যে দিন শেষ হবে সেই দিন থেকে আপনি শহরের আইনের অধীনে অসুস্থতার ছুটি জমা করতে পারেন।

অসুস্থতার ছুটি ব্যবহারের জন্য উপলব্ধ হওয়ার তারিখ:

- আপনি ৩০ জুলাই ২০১৪ অথবা তার পরে হওয়া নিয়োগের ১২০ দিন পর থেকে অসুস্থতার ছুটি ব্যবহার করতে পারেন।
- দেশীয় শ্রমিক: DCA nyc.gov/PaidSickLeave এ কখন অসুস্থতার ছুটি ব্যবহারের জন্য উপলব্ধ হবে তার নির্দেশিকা প্রদান করবে।

অসুস্থতার ছুটি ব্যবহারের গ্রহণযোগ্য কারণসমূহ:

আপনি কখন অসুস্থতার ছুটি ব্যবহার করবেন তা দেওয়া হল:

- আপনার মানসিক বা শারীরিক অসুস্থতা, আঘাত বা শারীরিক অবস্থা হলে, আপনাকে চিকিত্সার রোগনিদান, যন্ত্র, অথবা আপনার মানসিক বা শারীরিক অসুস্থতা, আঘাত বা শারীরিক অবস্থার চিকিত্সা করতে হবে, আপনাকে প্রতিরোধমূলক চিকিত্সা করতে হবে।
- চিকিত্সার রোগনিদান, যন্ত্র, অথবা আপনার মানসিক বা শারীরিক অসুস্থতা, আঘাত বা শারীরিক অবস্থার চিকিত্সা করতে হবে অথবা প্রতিরোধমূলক চিকিত্সা পেতে হবে এমন পরিবারের সদস্যদের জন্য আপনাকে অবশ্যই যন্ত্র নিতে হবে।
- আপনার নিয়োগকর্তার ব্যবসায়িক প্রতিষ্ঠান জরুরী জনস্বাস্থ্যের জন্য বন্ধ থাকবে অথবা আপনাকে শিশু যার স্কুল বা শিশু যন্ত্র প্রদানকারীর অফিস জনস্বাস্থ্যের জন্য বন্ধ, তার যন্ত্র নিতে হবে।

পারিবারিক সদস্য:

আইন নিম্নলিখিতদেরকে পরিবারের সদস্য হিসাবে স্বীকৃতি দেয়:

- শিশু
- নাতি
- স্বামী/স্ত্রী
- দেশীয় অংশীদার
- পিতামাতা
- দাদু ঠাকুমা
- কোনো কর্মীর স্বামী/স্ত্রীর বা দেশীয় অংশীদারের শিশু বা পিতামাতা
- ভাই/বোন
(অর্ধ, দত্তক, সত ভাই/বোন)

অগ্রিম বিজ্ঞপ্তি:

যদি প্রয়োজনটি স্পষ্টভাবে স্বল্প সময়ের জন্য হয় তাহলে, নিয়োগকর্তাকে আপনার অসুস্থতা ছুটি ব্যবহার করার উদ্দেশ্য সম্পর্কে সাত দিন আগে আপনাকে একটি অগ্রিম বিজ্ঞপ্তি দিতে হবে। যদি স্পষ্টভাবে স্বল্প সময়ের জন্য না হয় তাহলে আপনাকে যত দ্রুত সম্ভব নিয়োগকর্তাকে বিজ্ঞপ্তি দিতে হতে পারে।

নথিপত্র:

আপনি যদি পরপর তিনদিন অসুস্থতার ছুটি হিসাবে ব্যবহার করেন তাহলে আপনাকে কোনো লাইসেন্সপ্রাপ্ত স্বাস্থ্য সেবা প্রদানকারীর থেকে প্রয়োজনীয় নথিপত্র আপনার নিয়োগকর্তাকে দিতে হবে। বেতনসহ অসুস্থতার ছুটির আইনানুসারে আপনার নিয়োগকর্তা অসুস্থতার ছুটির জন্য স্বাস্থ্য সেবা প্রদানকারীর থেকে চিকিৎসা সমস্যা নির্ধারণ করতে পারবে না। অন্য আইনের অধীনে প্রকাশ করার প্রয়োজন হতে পারে।

অব্যবহৃত অসুস্থতার ছুটি:

পরবর্তী বছরে 40 ঘন্টা পর্যন্ত অব্যবহৃত অসুস্থতার ছুটি ব্যবহার করা যাবে। যদিও আপনার নিয়োগকর্তা আপনাকে প্রতি বছর 40 ঘন্টা পর্যন্ত অসুস্থতার ছুটি ব্যবহার করতে দেবে।

অসুস্থতার ছুটি ব্যবহার করার জন্য আপনার নিয়োগকর্তা আপনার উপর প্রতিশোধ গ্রহণ করতে পারবে না।

এইসব ক্ষেত্রে আপনার নিয়োগকর্তা আপনার উপর প্রতিশোধমূলক আচরণ করতে পারেন না:

- অসুস্থতার ছুটির অনুরোধ ও ব্যবহার করা।
- DCA দিয়ে আইনের লঙ্ঘনের অভিযুক্তের জন্য একটি অভিযোগ দাখিল করা।
- কোনো ব্যক্তি বা সহকর্মীর সঙ্গে আইনের লঙ্ঘনের বিষয়ে কথা বলা।
- আইনের একটি অভিযোগ লঙ্ঘন সংক্রান্ত একটি আদালত কার্যধারা অংশগ্রহণ করা।
- অন্য কোনো ব্যক্তিকে তার সম্ভাব্য অধিকার সম্পর্কে জানানো।

প্রতিশোধের মধ্যে রয়েছে হুমকি, নিয়মানুবর্তীতা, ডিসচার্জ, পদাবনতি, বরখাস্ত বা আপনার কার্যঘন্টা কমিয়ে দেওয়া বা আইনের অধীনে নিশ্চিত কোনো অধিকার চর্চা বা অনুশীলন করার জন্য আপনার বিরুদ্ধে অন্য কোন বিরূপ কর্মসংস্থানের ব্যবস্থা।

আপনার অভিযোগ দাখিল করার অধিকার আছে।

আপনি DCA এর মাধ্যমে অভিযোগ করতে পারেন। অভিযোগ ফর্ম পেতে, nyc.gov/PaidSickLeave এ অনলাইনে যান বা 311 এ (212-NEW-YORK outside NYC) যোগাযোগ করুন।

DCA একটি তদন্তের ব্যবস্থা করবে এবং আপনার অভিযোগের মধ্যস্থতা করতে চেষ্টা করবে। DCA তদন্ত করার, অভিযোগের মধ্যস্থতা করার বা আইনের স্বার্থ ছাড়া আপনার পরিচয় গোপন রাখবে।

এই বিজ্ঞপ্তিটির এবং আপনার অসুস্থতার ছুটির সংখ্যার প্রমাণ দেয় এমন সংক্রান্ত সমস্ত নথি এবং মোট জমানো অসুস্থতার ছুটি ও তার ব্যবহারের একটি প্রতিলিপি রেখে দিন।

দ্রষ্টব্য: অসুস্থতা সংক্রান্ত পাওনা ছুটির আইন অসুস্থতার ছুটির জন্য ন্যূনতম প্রয়োজনীয়তা সেট করে। আপনার নিয়োগকর্তার নীতি ইতিমধ্যেই হয়তো আইনের প্রয়োজনীয়তা পূরণ বা অতিক্রম করছে।

ইংরেজীতে এবং DCA ওয়েবসাইটে আপনার প্রাথমিক ভাষা উপলব্ধ হলে সেই ভাষায় এই বিজ্ঞপ্তিটি দেওয়ার অধিকার আপনার আছে। DCA এই বিজ্ঞপ্তি স্প্যানিশ, চাইনিজ, ফরাসী - ফ্রেঞ্চ, ইতালিয়ান, কোরিয়ান এবং রাশিয়ান ভাষাতে অনুবাদ করেছে।

প্রামাণ্য জিজ্ঞাসিত প্রমাণবলী সহ আরো তথ্যের জন্য, nyc.gov/PaidSickLeave এ যান বেতনসহ অসুস্থতার ছুটি সম্পর্কে আরো জিজ্ঞাসা করতে 311 এ কল করুন।



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직원 권리에 관한 통지서

뉴욕시 유급 병가법(Earned Sick Time Act 또는 Paid Sick Leave Law)에 따라, 특정 고용주들은 직원들에게 병가를 제공해야 합니다. 어떤 직원이 유급병가법의 적용을 받는지 확인하려면 nyc.gov/PaidSickLeave 를 방문해 주십시오.

뉴욕시에서 역년(1년) 기준으로 80 시간 이상 근무하는 직원을 5인 이상 두고 있는 고용주는 반드시 유급 병가를 제공해야 합니다. 직원이 5인 미만인 고용주의 경우 무급 병가를 제공해야 합니다.

적어도 1년 이상 근무하였으며 역년 기준으로 80 시간 이상 근무하는 가사 노동자를 한 명 이상 두고 있는 고용주는 반드시 유급 병가를 제공해야 합니다.

법에 따라, 병가를 제공해야 하는 고용주는 신입 직원에게는 업무 개시 시점에, 기존 직원들에게는 2014년 5월 1일까지 이 서면 통지서를 제공해야 합니다.

귀하나 가족 구성원의 간호와 치료를 위해 병가를 사용할 수 있는 권리가 있습니다.

병가 시간:

- 귀하의 고용주는 반드시 매 역년 기준으로 최대 40 시간의 병가를 제공해야 합니다. 고용주의 역년:

역년 시작일: _____ 역년 종료일: _____

- 가사 노동자: 고용주는 뉴욕주 노동법(New York State Labor Law)에 따라 제공되는 3일의 유급 휴식에 추가하여 2일의 유급 병가도 제공해야 합니다. 자세한 정보는 labor.ny.gov 를 방문하여 "Domestic Workers' Bill of Rights(가사 도우미의 권리 장전)"를 검색해 보십시오.

병가 산정 비율:

- 매 30 시간 근무마다 1 시간의 비율로 병가가 발생하며, 역년 기준으로 최대 40 시간까지 병가를 이용할 수 있습니다.
- 가사 노동자: 동일한 고용주를 위해 적어도 1년 이상 근무한 경우 뉴욕시법에 따라 2일의 유급 병가가 주어집니다. DCA는 nyc.gov/PaidSickLeave 에 자세한 병가 산정 비율에 대한 지침을 제공할 예정입니다.

병가 발생 시작일:

병가는 2014년 4월 1일 또는 첫 근무일 중 더 늦은 날짜부터 발생합니다.

예외: 2014년 4월 1일 발효 중인 단체협약의 적용 대상인 경우, 해당 협약이 종료되는 날짜에 시작되는 뉴욕시법에 따라 병가가 발생합니다.

병가 사용 가능 시점:

- 병가는 2014년 7월 30일 또는 고용된 지 120일이 되는 날짜 중 더 늦은 날짜부터 사용할 수 있습니다.
- 가사 노동자: DCA는 nyc.gov/PaidSickLeave 에 병가 사용 가능 시점에 대한 지침을 제공할 예정입니다.

병가 사유:

다음의 경우 병가를 사용할 수 있습니다.

- 정신 또는 신체적 질병, 부상 또는 건강 문제가 있는 경우, 정신 또는 신체적 질병, 부상 또는 문제에 대해 의학적 진단, 처치 또는 치료가 필요한 경우, 예방 차원의 의학적 처치가 필요한 경우
- 정신 또는 신체적 질병, 부상 또는 건강 문제에 대해 의학적 진단, 처치 또는 치료가 필요하거나 예방 차원의 의학적 처치가 필요한 가족 구성원을 간호해야 하는 경우
- 공중 보건상 응급 상황으로 인해 고용주의 사업장이 폐쇄되거나 동일한 상황으로 인해 학교나 탁아시설이 폐쇄되어 자녀를 돌보아야 하는 경우

가족 구성원:

법에 의해 인정되는 가족 구성원은 다음과 같습니다.

- 자녀(친자, 양자 또는 수양자; 법적 후견; 부모 대신에 행동하는 직원에 아이)
- 손자손녀
- 배우자
- 동거 파트너
- 부모
- 조부모
- 직원의 배우자 또는 동거 파트너의 자녀나 부모
- 형제자매 (이복, 입양 또는 의붓형제 포함)

사전 통지:

병가 사용을 예측할 수 있는 경우, 고용주는 직원에게 병가 사용 의향을 최대 7 일 전에 사전 통지할 것을 요구할 수 있습니다. 병가 사용을 예측할 수 없는 경우, 고용주는 직원에게 합리적으로 최대한 빨리 통지할 것을 요구할 수 있습니다.

증빙 서류:

병가를 3 일 이상 연속으로 사용하는 경우, 고용주는 연허가 있는 의료 제공자가 발행한 증빙 서류를 요구할 수 있습니다. 유급병가법에 의하면 고용주가 의료 제공자에게 병가의 의학적 사유를 명시하도록 하는 것은 금지됩니다. 다른 법에 의해 공개가 요구될 수는 있습니다.

사용하지 않은 병가:

사용하지 않은 병가는 최대 40 시간까지 다음 해로 이월할 수 있습니다. 그러나 고용주가 직원에게 허용해야 하는 한 해당 병가 시간은 최대 40 시간입니다.

병가 사용에 있어 고용주로부터 보복을 받지 않을 권리가 있습니다.

고용주는 다음에 대해 보복할 수 없습니다.

- 병가 요청 및 사용
- DCA 에 법 위반 혐의에 대한 불만사항 접수
- 동료를 포함한 다른 사람과 법 위반에 관한 의견 교환
- 법 위반 혐의와 관련한 법적 절차 참여
- 다른 사람에게 잠재적 권리에 대해 알림

보복에는 위협, 징계, 해고, 좌천, 정직, 근무 시간 삭감 또는 기타 모든 법에 의해 보장되는 권리를 행사하거나 행사하려는 직원에 대한 불리한 고용 행위가 포함됩니다.

불만사항을 접수할 권리가 있습니다.

귀하는 DCA 에 불만사항을 접수할 수 있습니다. 불만사항 접수 양식은 nyc.gov/PaidSickLeave 에서 온라인으로 또는 311(NYC 외 지역은 212-NEW-YORK)번으로 전화하여 얻으실 수 있습니다.

DCA 는 불만사항을 중재 해결하기 위해 조사를 실시하고 고용주와 협의하게 됩니다. DCA 는 조사 실시나 불만사항 중재에 필요한 경우 또는 법에서 요구하여 공개가 필요한 경우를 제외하고 신고자의 신원을 기밀로 유지할 것입니다.

본 통지서 사본과 함께 귀하의 병가 시간, 병가 발생 및 사용이 설명되어 있는 모든 서류를 보관하십시오.

참고: 유급병가법(Earned Sick Time Act 또는 Paid Sick Leave Law)에는 병가를 위한 최소 요건이 마련되어 있습니다. 고용주의 휴가 정책이 이미 유급병가법에서 정한 요건을 충족하거나 이보다 나을 수도 있습니다.

귀하는 본 통지서를 영어와 귀하가 주로 사용하는 언어(DCA 웹사이트에서 이용 가능한 경우)로 받아볼 권리가 있습니다.

유급 병가와 관련하여 자주 묻는 질문과 답변을 포함하여 보다 자세한 정보가 필요한 경우 nyc.gov/PaidSickLeave 를 방문하거나 311 번으로 전화해 유급 병가에 관한 정보를 요청하십시오.



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AVISO CON LOS DERECHOS DE LOS EMPLEADOS

Según la Ley de Pago por Ausencia Laboral debido a Enfermedad de Nueva York (Paid Sick Leave Law), algunos empleadores deberán darles a sus empleados permiso de ausencia laboral debido a enfermedad. Visite nyc.gov/PaidSickLeave para saber qué empleados están cubiertos por esta ley.

Los empleadores que tienen contratados cinco empleados o más quienes trabajan más de 80 horas por año calendario en la ciudad de Nueva York, deberán dar permiso de ausencia laboral debido a enfermedad, pagado. Los empleadores con menos de cinco empleados deberán proporcionar permiso de ausencia laboral debido a enfermedad, no pagado.

Los empleadores que tienen un empleado doméstico o más que haya trabajado por lo menos un año y que además, trabaje 80 horas por año calendario deberán dar permiso de ausencia laboral debido a enfermedad, pagado.

Según la ley, los empleadores que deben dar permiso de ausencia laboral debido a enfermedad deberán dar este aviso por escrito a los nuevos empleados al inicio de su relación laboral y a los empleados existentes antes del 1 de mayo de 2014.

USTED TIENE DERECHO A UN PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD, EL CUAL PUEDE USAR PARA SU CUIDADO Y TRATAMIENTO, O EL DE ALGÚN MIEMBRO DE SU FAMILIA.

TIEMPO DE PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD:

- su empleador le deberá dar hasta 40 horas de permiso de ausencia laboral debido a enfermedad, cada año calendario. El año calendario de su empleador es:
Inicio del año calendario: _____ Fin del año calendario: _____
- **trabajadores domésticos:** su empleador deberá darle dos días de permiso de ausencia laboral debido a enfermedad, pagados. Además de los tres días a los que tiene derecho según la Ley Laboral del estado de Nueva York. Visite labor.ny.gov y busque "Declaración de los derechos de los trabajadores domésticos" para obtener más información.

TASA DE ACUMULACIÓN:

- usted puede acumular horas de permiso de ausencia laboral debido a enfermedad a una tasa de una hora por cada 30 horas trabajadas, hasta un máximo de 40 horas de permiso de ausencia laboral debido a enfermedad por año calendario.
- **trabajadores domésticos:** para obtener dos días de permiso de ausencia laboral debido a enfermedad, pagado, según la ley de la Ciudad, usted debe haber trabajado para el mismo empleador por lo menos durante un año. DCA lo orientará con respecto a la tasa de acumulación en nyc.gov/PaidSickLeave.

FECHA EN QUE SE INICIA LA ACUMULACIÓN:

usted empezará a acumular horas de permiso de ausencia laboral debido a enfermedad el 1 de abril de 2014 o, en su primer día de labores, lo que suceda de último.

Excepción: si está cubierto por un acuerdo de negociación colectiva que esté vigente el 1 de abril de 2014, empezará a acumular horas de permiso de ausencia laboral debido a enfermedad, según la ley de la Ciudad, a partir de la fecha en que finalice el acuerdo.

FECHA EN QUE EL PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD ESTÁ DISPONIBLE PARA SU USO:

- usted puede empezar a usar su permiso de ausencia laboral debido a enfermedad el 30 de julio de 2014 o 120 días después de que usted inicia labores, lo que ocurra de último.
- **trabajadores domésticos:** DCA lo orientará con respecto a la fecha en que el permiso de ausencia laboral debido a enfermedad estará disponible para su uso, en nyc.gov/PaidSickLeave.

RAZONES ACEPTABLES PARA USAR EL PERMISO DE AUSENCIA LABORAL DEBIDO A ENFERMEDAD:

Puede usar el permiso de ausencia laboral debido a enfermedad cuando:

- tenga una enfermedad mental o física, una lesión o trastorno de salud; necesite obtener un diagnóstico médico, o bien, para la atención o tratamiento de su enfermedad física o mental, lesión o trastorno; necesite obtener atención médica preventiva.
- deba cuidar de algún miembro de su familia que necesita un diagnóstico médico, atención o tratamiento para una enfermedad física o mental, lesión o trastorno de salud, o bien, si necesita atención médica preventiva.
- la empresa de su empleador cierra debido a una emergencia de salud pública o bien, usted necesita cuidar de un hijo cuya escuela o proveedor de cuidado infantil ha cerrado debido a una emergencia de salud pública.

MIEMBROS DE LA FAMILIA:

la ley reconoce a las siguientes personas como miembros de la familia:

- hijo (hijo biológico, adoptivo, o de crianza; pupilo legal; hijo de un empleado que esté en lugar de sus padres)
- nietos
- cónyuge
- parejas de hecho
- padres
- abuelos
- hijos o padres del cónyuge o pareja de hecho del empleado
- hermanos (incluso medios hermanos, hermanos adoptados o hermanastros)

AVISO ANTICIPADO:

si la necesidad es previsible, su empleador podría solicitarle que le notifique con siete días de anticipación sobre su intención de usar su permiso de ausencia laboral debido a enfermedad. Si la necesidad es imprevisible, su empleador podría requerir que le notifique tan pronto como sea posible.

DOCUMENTACIÓN:

su empleador podría requerir de documentación de parte de un proveedor de atención médica certificado en caso de que usted necesite más de tres días consecutivos de permiso de ausencia laboral debido a enfermedad. La Ley de Pago por Ausencia Laboral debido a Enfermedad prohíbe que los empleados soliciten que los proveedores de atención médica especifiquen la razón médica para la ausencia laboral. Otras leyes podrían requerir la divulgación de la misma.

AUSENCIA LABORAL DEBIDO A ENFERMEDAD NO USADA:

hasta 40 horas de ausencia laboral debido a enfermedad pueden trasladarse al siguiente año calendario. Sin embargo, su empleador solo está obligado a dejarlo usar hasta 40 horas de ausencia laboral debido a enfermedad por año calendario.

USTED TIENE DERECHO A ESTAR LIBRE DE REPRESALIAS DE PARTE DE SU EMPLEADOR POR USAR LA AUSENCIA LABORAL DEBIDO A ENFERMEDAD.

Su empleador no puede tomar represalias en su contra por:

- solicitar y usar la ausencia laboral debido a enfermedad.
- presentar una queja debido a supuestas violaciones a la ley, ante DCA.
- comunicarse con cualquier persona, incluso con compañeros de trabajo, en relación a cualquier violación de la ley.
- participar en un procedimiento legal relacionado con una supuesta violación de la ley.
- informar a otra persona sobre sus posibles derechos.

Las represalias incluyen cualquier amenaza, medida disciplinaria, despido, degradación de puesto, suspensión o reducción en sus horas de trabajo o cualquier otra medida en su contra debido al ejercicio o intento de ejercer cualquier derecho garantizado por la ley.

TODAS LAS PERSONAS TIENEN DERECHO A PRESENTAR UN RECLAMO.

Usted puede presentar un reclamo ante el DCA. Para obtener un formulario de reclamo, visite nyc.gov/PaidSickLeave o comuníquese al 311 (212-NEW-YORK fuera de NYC).

DCA realizará una investigación y tratará de mediar en su reclamo. DCA mantendrá su identidad confidencial a menos que la divulgación sea necesaria para realizar la investigación, mediar en el reclamo, o sea requerida por la ley.

Mantenga una copia de este aviso y de todos los documentos que muestren la cantidad de horas de ausencia laboral debido a enfermedad y, la acumulación y uso de estas.

Nota: La Ley de Pago por Ausencia Laboral debido a Enfermedad establece requerimientos mínimos para ausencias laborales debido a enfermedad. Las políticas de ausencia laboral de su empleador podrían cumplir o exceder los requerimientos de ley.

Usted tiene derecho a que le den este aviso en inglés y, si está disponible en el sitio web de DCA, en su idioma natal.

Para obtener más información, incluso las preguntas más frecuentes, visite nyc.gov/PaidSickLeave o llame al 311 y pida información sobre la ausencia laboral debido a enfermedad.



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Commissioner

員工權利通知

根據紐約市帶薪病假法案，某些雇主必須准許員工請病假。請至 nyc.gov/PaidSickLeave 瞭解此法案所包含的員工類型。

在紐約市，如果某位雇主擁有 5 名或 5 名以上、每日曆年受雇工時超過 80 小時的員工，則其必須提供帶薪病假。而員工少於 5 人的雇主必須提供無薪病假。

如果某位雇主擁有 1 名或 1 名以上、年資至少 1 年、每日曆年受雇工時超過 80 小時的家庭幫傭，則其必須提供帶薪病假。

根據法律，必須提供帶薪病假的雇主需要在新進員工開始任期時給予此書面通知，並在 2014 年 5 月 1 日前發送給現有員工。

您有權為自身或家庭成員的照護與治療需求請病假。

病假數：

- 您的雇主每日曆年必須提供最高 40 小時的病假。您雇主的日曆年為：

日曆年始於：_____ 日曆年結束於：_____

- 家庭幫傭：根據紐約州勞工法(New York State Labor Law)，雇主必須提供您應得的 3 日有薪假及 2 日帶薪病假。如需詳細資訊，請至 labor.ny.gov 搜尋「家庭幫傭權利法案」(Domestic Workers' Bill of Rights)。

累計率：

- 每工作 30 小時可累計 1 小時病假，每日曆年最高可累計至 40 小時。
- 家庭幫傭：根據紐約市法律，您必須受雇於同一雇主至少 1 年，才可享有 2 日帶薪病假。DCA 將在 nyc.gov/PaidSickLeave 提供累計率指南。

累計開始日期：

累計日期從 2014 年 4 月 1 日或任期第一天開始，以較遲者為準。

例外：2014 年 4 月 1 日生效的勞資談判協議的適用對象應依照紐約市法律規定，從此協議結束日期開始累計。

病假使用日期：

- 您可於 2014 年 7 月 30 日或任期開始 120 日後開始使用病假，以較遲者為準。
- 家庭幫傭：DCA 將在 nyc.gov/PaidSickLeave 上提供有關病假的可使用時間的指南。

許可之病假使用原因：

您可在下列情況下使用病假：

- 您有精神或身體疾病、受傷或健康狀況；您需要獲得精神或身體疾病、受傷或健康狀況的醫療診斷、照護或治療；您需要獲得預防性醫療照護。
- 您必須照顧因為精神或身體疾病、受傷或健康狀況而需要醫療診斷、照護或治療的家庭成員，或需要預防性醫療照護的家庭成員。
- 您的工作地點因為突發公共衛生事件關閉，或您因為學校或托兒所因突發公共衛生事件關閉而必須照顧小孩。

家庭成員：

法律認可的家庭成員包含：

- 子女 (包含領養和寄養子女)
- 孫子或孫女
- 配偶
- 家庭伴侶
- 父母
- 祖父母
- 員工配偶或家庭伴侶的子女或父母
- 兄弟姐妹
(包含同父異母、同母異父、領養或過繼的兄弟姐妹)

提前通知：

若可預知請假需求，雇主可要求您最早於請假前 7 日提前通知。若需求無法預知，雇主可要求您盡快給予通知。

文件：

請假超過連續 3 個工作天，雇主可要求您提供有執照的醫療保健提供者文件。本帶薪病假法案禁止雇主要求醫療保健提供者註明請病假的醫療原因，可能會有其他法案對此進行揭露。

未使用的病假：

最高可將 40 小時未使用之病假延至下一日曆年使用，但雇主每日曆年最高只需核准 40 小時病假。

您有權使自己不會受到雇主因你使用病假所進行的報復。

您的雇主不可以因下列原因向您報復：

- 要求與使用病假。
- 以涉嫌違反 DCA 法投訴。
- 與任何人 (包括同事) 溝通違法事項。
- 參與涉嫌違反本法的訴訟程序。
- 告知另一人此員工的潛在權利。

報復包含任何威脅、處分、開除、降級、停職、縮減工時或任何其他會妨礙您行使或想要行使本法所保障之任何權利的行為。

您有權投訴。

您可提出投訴至 DCA。請上網訪問 nyc.gov/PaidSickLeave，或撥打 311 (紐約市外請撥打 212) 索取投訴表格。

DCA 會進行調查並嘗試就您的投訴進行調解。您的身分會保密，但調查、調解或法律上有需要時就必須揭露。

請保存本通知及所有可顯示您病假數、累計數及使用數的文件。

註：本帶薪病假法案是病假最低要求，您雇主的病假政策可能已達到甚至超過本法之規定。

您有權獲得本通知的英文版本，請至 DCA 網站查詢您主要語言的版本。

如需詳細資訊 (包括常見問題)，請至 nyc.gov/PaidSickLeave，或撥打 311 並請求提供有關帶薪病假的資訊。

NOUVO LWA VIL NEW YORK KONSÈNAN KONJE MALADI PEYE APLIKE POU PIFÒ ANPLWAYE!

Si w ap travay nan Vil New York pandan plis pase 80 èdtan pa ane, ou kapab:

- Touche jiska 40 èdtan konje maladi chak ane pou pran swen tèt ou oswa yon moun ki nan fanmi ou.
- Kòmanse itilize konje peye nan dat 30 jiyè 2014.

Si ou se yon patwon, tankou yon òganizasyon non-komèsyal oswa yon ti biznis, ou dwe bay:

- Konje maladi **peye** si ou gen 5 anplwaye oswa plis k ap travay nan Vil New York oswa konje maladi **san peye** si ou gen mwens pase 5 anplwaye.
- 2 jou konje maladi **peye** pou travayè nan kay ki travay pou ou pandan plis pase 1 ane. Konje sa a se yon diplis sou 3 jou repo peye travayè nan kay yo gen dwa anba Lwa Travay Eta New York (New York State Labor Law).

RELE 311 OSA ALE SOU SITWÈB NYC.GOV/PAIDSICKLEAVE POU JWENN PLIS ENFÒMASYON OSA POU FÈ YON PLENT KONT YON PATWON.

ANSANM, NOU KAPAB KENBE BIZNIS YO FÒ EPI NOU KAPAB KENBE MOUN NEW YORK AN SANTE.

뉴욕시의 새 병가법이 직원 대부분에게 적용됩니다!

뉴욕시에서 한 해 80시간 이상 일을 하는 직원은:

- 한 해 최대 40시간의 병가를 받아서 직원 자신이나 가족을 돌볼 수 있습니다.
- 2014년 7월 30일부터 병가를 사용할 수 있습니다.

비영리 나 소규모 사업을 포함한 고용주는:

- 뉴욕시에서 일하는 5인 이상의 직원이 있으면 유급 병가를 제공해야 하며 5인 이하의 직원이 있으면 무급 병가를 제공해야 합니다.
- 1년 이상 고용된 가사 노동자에게 2일 병가를 제공해야 합니다. 이 병가는 뉴욕주 노동법에 따라서 가사 노동자에게 제공해야 하는 3일의 휴가외에 추가로 제공해야 합니다.

자세한 사항이나 고용주에 관한 항의 사항은 전화 311 또는 NYC.GOV/PAIDSICKLEAVE 웹사이트를 참조하세요.

우리는 함께 비즈니스를 튼튼하게 다지고 뉴욕 시민의 건강을 지킬 수 있습니다.

ينطبق قانون مدينة نيويورك الجديد الخاص بالأجازة المرضية على معظم الموظفين

إذا كنت تعمل في مدينة نيويورك لمدة تزيد على ٨٠ ساعة في العام، يمكنك:

- أن تحصل على ما يصل إلى ٤٠ ساعة من الأجازة المرضية كل عام لرعاية نفسك أو فرد من أفراد العائلة.
- بدء استخدام الأجازة التي حصلت عليها يوم ٣٠ يوليو ٢٠١٤.

إذا كنت صاحب عمل، بما في ذلك الأعمال التجارية التي لا تهدف إلى الربح، أو الأعمال التجارية الصغيرة، يجب أن تقدم:

- أجازة مرضية مدفوعة الأجر إذا كان لديك ٥ موظفين أو أكثر يعملون في مدينة نيويورك، أو أجازة مرضية غير مدفوعة الأجر إذا كان لديك أقل من ٥ موظفين.
- يومين أجازة مرضية مدفوعة الأجر لخدومي المنازل الذين عملوا لك لمدة تزيد على عام واحد. هذه الأجازة هي بالإضافة إلى ٣ أيام الراحة المدفوعة الأجر التي تحق لخدومي المنازل بموجب قانون العمل بولاية نيويورك.

اتصل بالرقم 311 أو قم بزيارة الموقع NYC.GOV/PaidSickLeave للحصول على مزيد من المعلومات أو لتقديم شكوى ضد صاحب عمل.

يمكننا معًا، الحفاظ على الأعمال التجارية قوية والحفاظ على سكان نيويورك بصحة جيدة.

নিউ ইয়র্ক শহরে ভাতাপ্রদত্ত অসুস্থতাজানিত নতুন আইন আর্ কর্মীদের ক্ষেত্র প্র

আপনি যদি নিউ ইয়র্ক শহরে ঘন্টার বেশী কাজ করেন তাহলে:

- প্রতি বছর ৪০ ঘন্টা পর্যন্ত আপনার পরিবারের সদস্যের শুশ্রূষার ছুটি অর্জন করতে পারবেন।
- অর্জিত ছুটি ২০১৪ সনের জুথেকে ব্যবহার করা শুরু করতে পারবেন।

আপনি যদি একজন মূনাফাই ক্ষুদ্রব্যবসা প্রতিষ্ঠানসহ যেকোনো নিয়োগকর্তা হয়ে থাকেন, সে অবশ্যই নিম্নে বর্ণিত সুবিধা প্রদান করতে হবে:

- যেক্ষেত্রে আপনার প্রতিষ্ঠানে ৫ শহরে কর্মরত ৫ অথবা তদনিন্মুক্ত রয়েছেন, তাদেরকে ত অসুস্থতাজানিত ছুটির সুবিধা অনাধ্যায় ৫ অথবা তার থেকে কর্মচারীর থাকার ক্ষেত্রে আপনাতাভাবিহীন অসুস্থতাজানিত ছুটি প্রদান করবেন। এই ছুটি নিউ আইন নির্ধারিত গার্হস্থ্য কর্মের ভাতাপ্রদত্ত বিশ্রামের অতিরিক্ত ছুটি প্রদান করবেন।
- আপনার সেবায় এক বছরের গার্হস্থ্য কর্মচারীর কাজ করে ভাতাপ্রদত্ত অসুস্থতাজানিত ছুটি প্রদান করবেন। এই ছুটি নিউ আইন নির্ধারিত গার্হস্থ্য কর্মের ভাতাপ্রদত্ত বিশ্রামের অতিরিক্ত ছুটি প্রদান করবেন।

আবো তথ্যের জন্য অথবা কোনো অভিযোগ দায়ের করার জন্য 311 এ অথবা NYC.GOV/PAIDSICKLEAVE

ঐক্যবদ্ধভাবে আমরা ব্যবসাকে র এবং নিউ ইয়র্কবাসীদেরকে রাখতে

NYC'S NEW PAID SICK LEAVE LAW APPLIES TO MOST EMPLOYEES!

If you work in NYC for more than 80 hours a year, you can:

- Earn up to 40 hours of sick leave each year to care for yourself or a family member.
- Start using earned leave on July 30, 2014.

If you are an employer, including a not-for-profit or a small business, you must provide:

- **Paid** sick leave if you have 5 or more employees who work in NYC or unpaid sick leave if you have fewer than 5 employees.
- 2 days of **paid** sick leave to domestic workers who have worked for you for more than 1 year. This leave is in addition to the 3 days of paid rest to which domestic workers are entitled under New York State Labor Law.

CONTACT 311 OR VISIT NYC.GOV/PAIDSICKLEAVE FOR MORE INFORMATION OR TO FILE A COMPLAINT ABOUT AN EMPLOYER.

TOGETHER, WE CAN KEEP BUSINESSES STRONG AND KEEP NEW YORKERS HEALTHY.

¡LA NUEVA LEY DE PAGO POR AUSENCIA LABORAL DEBIDO A ENFERMEDAD DE LA CIUDAD DE NUEVA YORK AMPARA A LA MAYORÍA DE LOS TRABAJADORES!

Si trabaja más de 80 horas al año en la ciudad de Nueva York, usted puede:

- Acumular hasta 40 horas de ausencia laboral cada año para cuidar de sí mismo o de algún familiar enfermo.
- Empezar a usar su permiso laboral a partir del 30 de julio de 2014, con los días acumulados desde el 1° de abril de este año.

Si usted es empleador, incluso una organización sin fines de lucro o pequeño negocio, usted debe proveer:

- Ausencia laboral por enfermedad **pagada** si tiene más de 5 empleados quienes trabajan en NYC o ausencia laboral por enfermedad **no pagada** si tiene menos de 5 empleados.
- 2 días de ausencia laboral por enfermedad **pagados** a trabajadores domésticos quienes han trabajado para usted por más de 1 año. Esta ausencia es adicional a los 3 días de descanso pagados a los que trabajadores domésticos tienen derecho bajo la ley laboral del Estado de Nueva York.

LLAME AL 311 O VISITE LA PÁGINA WEB NYC.GOV/PAIDSICKLEAVE PARA MÁS INFORMACIÓN O PARA PRESENTAR UNA QUEJA SOBRE ALGÚN EMPLEADOR.

ESTA LEY PROTEGE LA SALUD DE LOS TRABAJADORES Y MANTIENE LOS NEGOCIOS FUERTES.

新的紐約市帶薪病假法對大多數員工皆適用！

如果您一年內在紐約市的工作時間超過 80 個小時，您可以：

- 每年積攢上至 40 小時的病假，用於自我或家人的護理。
- 從 2014 年 7 月 30 日起開始使用積攢的病假。

如果您是位僱主，包括非營利機構或小型企業的僱主，您必須提供：

- 帶薪病假（如果您員工有至少5名在紐約市工作）或無薪病假（如果您員工少於 5 名在紐約市工作）。
- 2 天的帶薪病假給您家中幫傭超過 1 年的傭工。該病假不包括在紐約州勞工法規定的 3 天帶薪休息日之內。

若欲獲得更多相關資訊或提交對僱主的投訴，請聯繫 311 或瀏覽 NYC.GOV/ PAIDSICKLEAVE。

同心協力，我們非但能保持強勁的商務，也能保持紐約民眾的健康。

НОВЫЙ ЗАКОН ГОРОДА НЬЮ-ЙОРК ОБ ОПЛАЧИВАЕМОМ ОТПУСКЕ ПО БОЛЕЗНИ РАСПРОСТРАНЕН НА БОЛЬШИНСТВО РАБОТНИКОВ

Если Вы работаете в городе Нью-Йорк более 80 часов в год, Вы можете:

- Получать каждый год до 40 часов отпуска по болезни для собственноручного ухода за членом семьи.
- Начать использовать этот отпуск с 30 июля 2014 г.

Если Вы являетесь работодателем (включая некоммерческие и малые предприятия), Вы должны предоставлять:

- **Оплачиваемый** отпуск у Вас не менее 5 сотрудников в городе Нью-Йорке, или неоплачиваемый отпуск по болезни, если у Вас менее 5 сотрудников.
- 2 дня **оплачиваемого** отпуска для домашних работников, у Вас более одного года. Этот отпуск является дополнительным к трем дням оплачиваемого отпуска, которые домашние работники имеют право по Трудовому Закону штата Нью-Йорк (New York Labor Law).

ЕСЛИ ВЫ ХОТИТЕ ПОЛУЧИТЬ ИНФОРМАЦИЮ ИЛИ ПОДАТЬ ЖАЛОБУ НА РАБОТОДАТЕЛЯ, ПОЗВОНИТЕ ПО 311 ИЛИ ПОСЕТИТЕ САЙТ NYC.GOV/PAIDSICKLEAVE.

ВМЕСТЕ МЫ УКРЕПИМ БИЗНЕС ИЛИ РАБОТУ ИЛИ ЖИТЕЛЕЙ НЬЮ-ЙОРКА.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

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**BOROUGH PRESIDENT GALE A. BREWER
TESTIMONY TO THE NYC COUNCIL COMMITTEES ON
CONSUMER AFFAIRS & SMALL BUSINESS JOINT
HEARING
October 29, 2014**

Good afternoon, and thank you for the opportunity to testify today on the implementation efforts of the Earned Sick Time Act, legislation that I introduced as a City Councilmember, and which was recently expanded and signed into law this past February by Mayor de Blasio.

The expanded Act has been in effect since April 1st, which, according to an analysis by A Better Balance, now provides 3.4 million private sector workers in New York City with the right to a paid day off when they or a family member fall in. This includes 1.2 million New Yorkers who had no access to paid sick time prior to the original law's passage. This is an accomplishment we should all be proud of.

Our work on this law is far from over, however; we must now turn our efforts to ensuring that the law is implemented and enforced as seamlessly as possible, and in a manner that is fair to both employers and employees. In particular, we must ensure that small business owners are fully and accurately informed about the law. By most accounts implementation and enforcement has gone smoothly; some small business owners have sought clarification of the law's requirements to ensure that they are compliant.

The smooth implementation of the Act undoubtedly owes much to the excellent work of Commissioner Menin and the staff at the Department of Consumer Affairs (DCA). Since April 1st of this year when the law went into effect, she and DCA have implemented a well-designed and run outreach program to educate both employers and employees about the law, including an extensive advertising campaign on the subways, as well as on television, radio, and the Internet. The agency reports that it has distributed 1.5 million pieces of printed information in 26 languages- far more than the 7 mandated by the law- and has



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educated 40,000 attendees at various trainings and events. Commissioner Menin and the DCA staff deserve our congratulations and respect for these efforts, and for all their work on the roll-out and administration of such a far-reaching law.

At the Manhattan Borough President's Office, we too have conducted extensive outreach and held trainings to both small businesses and employees in our Borough to ensure the residents of Manhattan understand the benefits and requirements of the law. We sponsored information sessions in all five boroughs, along with the Public Advocate's Office, the other Borough Presidents, and local Business Improvement Districts. Our office also helped turn out hundreds of volunteers who participated in the large day of action event this past July 15th.

I'd also like to extend my gratitude to groups like A Better Balance, Make the Road, and the Community Service Society who have been complementing the work of the city with their own public education campaigns, research into various aspects of Paid Sick Time, and training for employers and employees. A Better Balance, for example, recently launched an outreach campaign to ensure that employers and employees are fully versed in the rights, requirements, and responsibilities of the Act. Outreach efforts like these are critical to its long-term success, and we are indebted to our non-profit partners for their critical role in what has been a highly successful roll-out.

July 30, 2014 was the first day employees could begin using their earned sick leave, and DCA's efforts to enforce the provisions of the law are now well-underway and some data has become available. This joint hearing provides one opportunity to assess that data, the effect of the public education campaign, and initial efforts at enforcement. As of this past Monday, October 27th DCA informed us that there were over 240 total valid complaints, nearly all of which have been or are being successfully mediated.

Although implementation of the Act is clearly keeping the staff at DCA busy, the agency does not appear to be inundated with baseless complaints as feared by some of the law's critics. To ensure a smooth start-up, I understand that the agency has requested additional staff who would be dedicated to the administration of Earned Sick Time. Adequate staffing is essential to its success, and I fully support such a request to OMB.



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Overall, the Act seems to have been introduced fairly seamlessly. I have spoken with many business leaders and organizations regarding their concerns about implementation and enforcement. While business owners certainly still have complaints with Earned Sick Time, these complaints seem to be less about the spirit and intention of the law and more about confusion over specific rules and how the law applies to specific industries. Most employers I speak with want to make sure they are in compliance, and to that end business groups are undertaking their own outreach to ensure that their member owners know the law. The work of DCA and the advocacy and business groups have gone a long way towards overcoming many of the dire predictions about the impacts of Earned Sick Time. However, a couple of issues have come to my attention that I'd like to raise today.

One issue involves "temp" agencies with government contracts. It is unclear to some of these businesses whether workers under these contracts are employees who are covered by the law. Our reading of the DCA rules is that they are covered. Perhaps more targeted outreach to temp agencies with government contracts would clarify their uncertainty and concern, and ensure that workers from temp agencies under government contract know their rights and receive the benefits of the law to which they are entitled.

Another issue, and one on which I have previously testified, involves workers whose workplaces lack a clear Earned Sick Leave policy, and who are not maintaining an adequate record of their employment. Without documentation, workers have difficulty proving how many days of earned sick pay they are entitled to. To address this issue, our counterparts in San Francisco looked into national research that has shown that workers use, on average, 3 days of sick pay each year. San Francisco has officially adopted this 3-day average as a standard metric to help address instances where, when record keeping is incomplete, workers are denied the days they have earned. San Francisco's 3-day metric is a commonsense solution I would urge DCA to evaluate, as problems of inadequate record keeping have begun to arise here as well.

Employers also report confusion on the part of employees as to when they must request an earned sick day. Some small businesses report that some employees do not show up for work or contact their employer, and later claim the absence as a sick day. DCA has created clear rules on this subject—an employer can deny an employee the right to payment for an earned sick day if the employee



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did not provide notice to the employer at the time of his/her absence. However, some small businesses may also be unaware that they are required to educate their employees about everyone's rights and responsibilities under the Act. This is one aspect of education for both employers and employees that DCA and advocates may need to stress.

With the law in its infancy, regular evaluations will be needed for the foreseeable future. But the smooth roll-out and relatively small number of problems reflect not only the practical soundness of the law and the good will of employers and employees, but the work of all those who help create the Act and the excellent work of DCA. We have much to be proud of.

Thank you again for the opportunity to testify. I look forward to working with all concerned parties on the implementation of the Earned Sick Leave Act.

Testimony to City Council Oversight Hearing on Paid Sick Leave
October 29, 2014

Rosina Rubin, Chief Financial Officer, Attitude New York Inc.
48-50 34th Street, Long Island City 11101
212-397-0004
Rosina@AttitudeNewYork.com

Thank you for taking the time for this review. I appreciate that this legislation was the result of the best of intentions, and I welcome the opportunity to share its impact on my business and our employees.

- My husband started Attitude New York Limousines 28 years ago, and I joined him in 1990. We hired our first full-time employee in 1993, at which time we also began our employee benefits program – including health insurance, 401k, and PTO. We currently have 70 employees and operate 24/7/365.
- At the time of the bill's passage, our salaried workers were receiving 6 Sick/Personal days annually (which could be used for sick time, extra vacation, attending a school play, celebrating a family member's birthday, or just about any reasonable request for time off). We have made no change in this policy.
- Hourly workers, mostly chauffeurs, did not receive paid time off until mandated by the bill. Our rationale for this was that chauffeurs have a flexible work schedule, largely of their own making, with hours often changing from week to week. Shift swapping has long been a common practice at our company and throughout the industry – whether to make up for a missed day due to illness, to accommodate personal requests for time off, or because most chauffeurs would rather work on busy days and take off when business is slow. We have always encouraged employees to stay home when sick.
- Though this bill has a long-debated shift-swapping provision, our employment attorney found it to be somewhat hazy and we decided that it would be too difficult to implement. We therefore expanded paid sick time to all of our hourly employees. As a result, some chauffeurs are now getting both a paid sick day and a make-up shift in a single week.
- The forms posted online by DCA appear simple and straightforward – but the record-keeping required in order to fill out the form can be time consuming for a small business. The formula whereby hourly employees accrue one hour of paid sick time for every 30 hours worked is difficult to track, especially for businesses where hourly employees may not work a set number of hours each week.
- We use custom designed software for our business. Among its many features, we use it to run payroll. The average bi-weekly payroll report is 32 pages – and breaks out straight time, overtime, gratuities, commissions (if they refer a client), bonuses, expense reimbursement, and now sick days.
- I have been working with our programmer since the day the bill passed to implement the necessary record-keeping. We have invested hundreds of hours and thousands of dollars. We can now generate reports that tell us how much PTO time an individual has accrued, how much has been used, and what remains. For salaried and other office employees, we developed a manual over-ride component so we could input additional benefit days.

- The record-keeping responsibility falls to one terrific, hard-working full-time office manager, and me. We have asked our employees to help us make sure that we pay them properly by filling out a simple form, developed in consultation with our employment attorney. (A not insignificant amount of time and money invested there as well.)
- Computerizing the tracking of the roll-over provision has been even more of a challenge. I was recently advised by someone at DCA that no roll-over was required if the PTO is front-loaded at the beginning of the year, as it is for our salaried employees. But it does not seem right from any perspective to deny this provision to salaried workers and give it only to hourly workers. We're still trying to figure out how to make the computer understand that during this calendar year, salaried employees can take their PTO for any reason, but only those days left over from an allotted 5 sick days can roll over to the next calendar year.
- We find that most of the benefit is going to a handful of employees. For example, one chauffeur called in sick zero times between January 1-July 30. Since then, he has called out 4 times. During a conversation about scheduling earlier this week, that particular chauffeur acknowledged that he has twice put in for a paid sick day when he actually took the days off to run personal errands.
- Our Chauffeur Manager has indicated that the staff has made known that they would have preferred that we return our annual bonus pool or the 401k match, both of which we discontinued during the financial downturn and hope to reinstate when we can afford it.
- I feel that it is important to share one last thought with you. In February, 2013, we were given notice of eviction from the building we had occupied on the far west side of Manhattan for over six years – a not unexpected situation. During the ensuing search for new space, during which time we looked from the GW Bridge to Brooklyn, River to River, before landing in Long Island City, barely a week went by when we did not seriously consider the option of closing our doors. Almost certainly, we would not start this business in New York City in today's regulatory environment.

Respectfully submitted,

Rosina Rubin, CFO, Attitude New York, Inc.
October 29, 2014

Oversight – Earned Sick Time Implementation and Business Education
Wednesday, October 29th: 10:00am
Committee on Small Business & Committee on Consumer Affairs
250 Broadway, 14th Floor, NYC

Testimony of Andrew Rigie, Executive Director, New York City Hospitality Alliance

My name is Andrew Rigie and I'm Executive Director of the New York City Hospitality Alliance, a trade association representing eating and drinking establishments throughout the five boroughs. We appreciate the opportunity to testify before the Committees on Small Business & Consumer Affairs.

In preparation of the Paid Sick Leave law taking effect, the NYC Hospitality Alliance disseminated information to thousands of restaurant and nightlife operators on compliance and best practices with the law. We've hosted multiple seminars to teach the hospitality industry about the law. Several of our seminars were hosted in partnership with the NYC Department of Consumer Affairs (DCA). In fact, on April 1st, the effective day of the law, more than 225 restaurateurs attended a seminar we co-hosted with DCA and keynote speaker, Manhattan Borough President Gale Brewer.

Since the implementation of the law, The Alliance has continued to disseminate information to our members and host forums on compliance. Although most of our members now understand the general requirements under the law, they are still going through a transitional period, so we are unable to provide a full analysis of the law's affects from an operational and financial perspective. However, throughout the implementation process we've identified the following situations and questions we believe must be addressed:

We understand that the DCA currently takes the position that an employee must affirmatively request paid sick leave ("PSL"), which has presented a number of issues for employers:

- Employees don't always request PSL and accuse employers of violating the law when they do not see a PSL day on their paycheck;
 - Language barriers sometimes impede an employee's ability to affirmatively request PSL;
 - When employees call out, they cannot always speak with a manager who can affirmatively ask the employee whether he/she wants to take PSL;
 - Some employees call out sick by calling a number and leaving a voicemail. Often times the employees do not indicate if they want to take PSL;
 - Some employees are taking advantage of this loophole knowing that if they do not affirmatively ask for it they can get a day off without consequence;
 - Employers do not know how to allocate time when the employee is out of work but does not affirmatively request PSL.
- **The timing of PSL requests is problematic:**
- Some employees who no call/no show only request PSL when the employer tries to find out why the employee did not come to work. The fear of retaliation and the prohibitions against asking for doctor's notes are preventing employers from challenging employees over the misuse of PSL. This creates a race for the employer to write up the employee for no call/no show before the employee requests PSL.

- **Amount to be paid to employee for PSL**
 - This is an issue when an employee is scheduled to work till "close" at a restaurant or nightlife establishment that does not have a scheduled closing time. For example, how many hours do you pay the employee?
 - When the last employee leaves?
 - When the last employee in the same position leaves?
 - The average time that closing employees leave?
- **Use of PSL (time blocks)**
 - Employers can set the minimum increment for the use of PSL at no less than four hours per day. However, there is an issue of using PSL in time blocks. Currently, an employer cannot require that employees use PSL in hour or 30-minute time blocks. Thus, an employee can come to work after 4.12 hours of PSL and if the employee had 10 hours banked at the time, the employer must keep records that the employee has 5.88 hours left. This is a recordkeeping nightmare for small employers. It also makes planning coverage very difficult.

Thank you for holding today's oversight hearing and thank you to our city's elected representatives for assisting businesses through the implementation process. We also commend the DCA, who under the leadership of Commissioner Julie Menin, has created a regulatory culture that has supported our city's restaurants throughout the implementation of the law with an education and mediation first approach. The NYC Hospitality Alliance looks forward to continuing our cooperative working relationship with the city to ensure all matters related to the Paid Sick Leave law are addressed in a fair and equitable manner.

Respectfully submitted,



Andrew Rigie
arigie@theNYCalliance.org



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October 29, 2014

Paid Sick Leave Oversight Hearing

On behalf of our 10,000 members and subscribers we would like to thank you for allowing us to testify this morning on the paid sick leave enactment, the city's outreach efforts, our efforts and feedback on implementation.

Our chamber communicated with our members and subscribers via our website, email and social media postings as soon as the announcement was made about PSL going into effect. We also informed the leaders of many of our business organization colleagues and encouraged them to send out the information to their members and to all businesses in their circles. We provided the details, links, etc. and reached out to organizations, for example, on the lower east side, Washington Heights, East Harlem, Chinatown, Bodega Assoc. & National Supermarkets and pushed to have the information translated into other languages as quickly as possible.

In addition we printed and handed out flyers and information to the 457 businesses in the 2nd Avenue subway construction zone, 68th to 97th, going door-to-door.

We also promoted the city's educational events held in Manhattan through our online calendar and in weekly emails and through social media.

We believe that the city has done an admirable job with the outreach and were very glad that the forms and information were translated into so many languages to help spread the messaging to the far reaches of the city and its diverse ethnic communities. Even to the point of PSL info on the city's "on hold" telephone messaging which I heard yesterday!

Recently we took a snap poll of a few of our member companies regarding the implementation of the paid sick leave and how it is affecting their businesses. See attached comments.

Thank you again for this opportunity to comment.

Sincerely,

Nancy Ploeger
President



WE MEAN BUSINESS

MCC Snap Poll Paid Sick Leave Implementation Comments October 2014

*We have to pay for the time off and everyone is taking them. Viewed as a personal day. We cannot charge back our clients, so it is a new cost which reduces profit, which reduces new jobs.

* Having to change our PTO policies, update our employee handbook and employment materials, and coordinate with our Payroll Provider to change record-keeping procedures mid-year. Costs money and takes time that I don't have! That said, my PTO is still messed up and I just decided I had to change payroll providers and start from scratch in 2015. They could have waited to implement in 2015 thus providing more resources to payroll providers in helping their clients to transition. Also, I think the government should pay for employment attorney fees -- it's outrageous how expensive it is getting to offer a few great jobs to NYC residents. In fact, we're considering moving our headquarters from NYC to another state so that we can avoid the pain of ever-increasing expenses to operate here. Say goodbye to more great jobs and a thriving small business community!

*It is too much administrative work to track sick time for part-timers and it is costly.

*My business is home care and I must pay a substitute home care worker to care for a patient when someone is sick, therefore, I am paying two people for the same job but receiving payment only for one.

* Up-front: I totally support paid sick leave for pt employees. We run an internship program for high school students. Like a temp agency, these students come on our payroll. So I have 150 students on payroll in the summer and 5-40 during the school year. Tracking is a bit of a burden, and communicating the accrued time to the sites where the students work is very complicated. (We have only 10 full time staff here.)

* Tracking each person's leave and associated record-keeping are very problematic. We are a very small company (less than 20 employees), and we have only one bookkeeper, who is responsible for all of our financial accounting. We have no HR department. We therefore must operate largely on an honor system whereby employees who take sick leave declare this to their supervisors, and we accept this as long as it's reasonable and not excessive or suspect. However, if we were to truly account for each person's leave, it would take many extra hours and be very costly for us. We have no issues whatsoever giving reasonable sick leave to any of our staff, and we actually now pay 100% of the insurance for health and for long-term disability. The issue is one of administration and also the sense of interference by government in heavy-handed regulation of small business (once again). Maybe if we were a restaurant or large retail store, this would be a different matter. We are not; leave us be!

* In the consulting business, these are days for which we cannot charge the client and it was not built into our profitability model. Because of tight margins, a current project can now easily become unprofitable when employees take 1-5 sick days. The unintended consequence is that person might lose their job entirely because we can no longer afford to sustain the project.

* Not being able to ask for proof of use of sick leave. According to the bylaw, it says that we don't need a doctor's note or anything of the sort unless they use 3 or more consecutive days. And having tipped employees, if they ~~all~~ call in sick one day, we would be short staffed, and that would definitely affect our business.



Wednesday, October 29th, 2014

Written testimony respectfully submitted to Hon. Robert E. Cornegy, NYC Council Member and Chairperson, and Rafael L. Espinal, NYC Council Member and Chairperson, et al; by Quintana O'Neill, Director for Economic Development at the Brooklyn Chamber of Commerce.

Hon. Robert E. Cornegy, Chairperson, NYC Council Member
Hon. Rafael L. Espinal, Chairperson, NYC Council Member

Good morning Chairs Cornegy and Espinal, other elected officials, and guests.

My name is Quintana O'Neill and I am the Director of Economic Development at the Brooklyn Chamber of Commerce (BCC). I am delivering testimony on behalf of Carlo A. Scissura, Esq., President and CEO of the BCC, who sends his personal greetings to you both.

BCC is a membership-based business assistance organization, which represents the interests of over 1,900 member businesses, as well as other businesses across the borough of Brooklyn. The Brooklyn Alliance is the not-for-profit economic development organization of the Chamber, which works to address the needs of businesses through direct business assistance programs.

We thank Chairs Cornegy and Espinal for inviting BCC to testify at this hearing and commend your efforts on continued dialogue to seek ways to provide support to small businesses following the implementation of the Paid Sick Leave Law this past April 2014.

BCC was pleased to work closely with the city to provide support to our small business community. Before the law's implementation, President and CEO Carlo Scissura released a series of letters and updates on the law to keep our business owners informed. On April 25th, BCC hosted its own Paid Sick Leave Forum for businesses with representatives from the Mayor's Office and the Department of Consumer Affairs. On July 16th, we participated in the Paid Sick Leave Day with Mayor Bill de Blasio, educating both businesses and employees on the new law citywide.

We also thank NYC Council Speaker Melissa Mark-Viverito for providing BCC with support to complete a citywide outreach and education campaign on the new Paid Sick Leave Law. BCC created a 7-page, educational packet that included information on the law as well as tools for business owners to track employee sick-days and time accrued. Through BCC's boots on the ground, door-to-door outreach, BCC reached 15 neighborhoods across the 5 boroughs, covering over 180 city blocks and educating over 1,200 businesses.

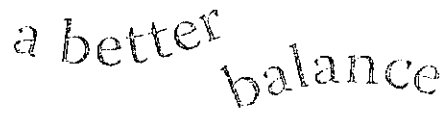
We commend New York City for its dedicated effort in educating our small businesses on the Paid Sick Leave Law. Across BCC's outreach, we found that while some business owners were familiar with the law, many were not familiar with the law or its effects on their business. It is imperative that



**Brooklyn Chamber
of Commerce**

the city continue its educational campaign, not just to *employees*, but to the city's small business *employers*, who could be seriously affected by the law.

Thank you for facilitating this hearing, BCC looks forward to continuing our work together to educate the city's business community on Paid Sick Leave.



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 t: 212.430.5982 f: 212.430.5983 info@abetterbalance.org abetterbalance.org

Testimony before the New York City Council Committee on Small Business and Committee on
Consumer Affairs
October 29, 2014

Submitted by Molly Weston,
A Better Balance: The Work and Family Legal Center

My name is Molly Weston. I am an attorney with A Better Balance, a legal non-profit that helps working men and women take care of themselves and their families without compromising their economic security. Our organization was at the forefront of drafting and advocating for the Earned Sick Time Act and is now working to implement it through both comprehensive outreach efforts and free legal services. A Better Balance has distributed thousands of “know your rights” brochures and fact sheets on the right to sick time, conducted more than a dozen trainings, and provided legal advice to nearly 100 callers. Attached to this testimony are examples of our materials.

First and foremost, we want to applaud the Department of Consumer Affairs for their outstanding efforts to promote this law, putting critical information in the hands of workers and employers who need it. We also want to thank the Council for its own hard work and leadership in getting the word out. We have been excited to partner with both the Department and many members of the Council in our outreach efforts and look forward to continuing to work with both groups in the future.

But there is still more to do. Implementing a law that creates a new legal right for 3.4 million working New Yorkers is a significant and difficult undertaking. In the seven months

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since the law went into effect, there have been substantial strides but challenges, inevitably, remain.

When the law first went into effect, we took calls from dozens of employers looking for guidance in how to comply with law. Today, DCA has taken the lead in providing guidance to employers and we now focus on calls from workers, many of them low-income. From these calls, we know that many employers—especially small businesses—still need help to learn about and fulfill their responsibilities under the law. In particular, we have identified three recurring issues that the City should stress in its education and outreach to small businesses.

First, as you know, the law requires that all employers distribute a notice of rights prepared by DCA. Distributing this notice, which is now available from DCA in 25 languages from Arabic to Yoruba, puts employers and employees literally and figuratively on the same page. All existing employees should have received this notice by May 1 of this year and all new employees should receive this notice at the commencement of employment. On call after call, we hear from covered workers who still have not received this notice and, as a result, are often unaware of or confused about their rights. We need to work together to ensure businesses know where to find these notices and understand their obligation to get them out to the employees.

Second, there is considerable confusion about the doctor's note requirements. Under the law, an employer may ask for medical documentation of the basis for an absence only after an employee misses three consecutive workdays. However, we know from our callers that many employers are still asking for doctors' notes after as little as one missed day. For many low-wage workers, these requests are not only illegal, they are impossible, as seeking medical treatment



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and documentation every time they or their family members have the flu or other common ailments is cost-prohibitive.

Third, employers need to understand the circumstances under which pre-existing leave policies discharge their obligations under the law. To ensure that there is not an unreasonable burden on businesses, the ESTA allows employers to count time available under existing paid leave policies toward the time available under the law, regardless of whether that time is called sick leave, vacation time, PTO, or some other name. However, time available under existing policies only counts towards the law's requirements if it can be used for all the same purposes and under all the same conditions as ESTA time. In practice, many workers report that their employers are not allowing them to use this time in the way the law requires, for example giving demerits for the use of sick time.

In conclusion, we want to stress the tremendous progress that has been made under the law. Every day, working people in this city are now able to take the time they need when they or their families are ill or in need of medical care, without fear of losing their paycheck or their job. Paid sick time is a critical step forward not only for the economic stability of more than 1 million New Yorkers who had no paid sick leave before the ESTA, but also for the public health of the city as a whole. When no one needs to go to work sick or send their child to school sick because of a lack of paid sick time, we all benefit from a healthier community. The Earned Sick Time Act is a landmark piece of legislation to be proud of and we look forward to working with the City to promote and enforce it to its full effect.

KNOW YOUR RIGHTS:

New York City Earned Sick Time Act

1 What does the New York City Earned Sick Time Act do?

It gives workers up to 40 hours of sick time a year to recover from physical/mental illness or injury, seek medical treatment, or care for a sick family member (a child, spouse, domestic partner, parent, parent of a spouse or domestic partner, grandchild, grandparent, or sibling).

2 Am I covered?

If you work in New York City for more than **80 hours** in a year, you are probably covered, whether you are a **full-time, part-time, or temporary** worker.

3 How much sick time can I earn?

You earn **1 hour** of sick time for **every 30 hours worked**, up to a maximum of **40 hours** per year. If your workplace has **5 or more workers**, that time must be paid. If your workplace has **fewer than 5 workers**, your sick time will be unpaid—but you can't be fired or punished for taking it. **Domestic workers** receive 2 days of paid sick time after one year of employment, in addition to the paid "days of rest" they get under state law.

4 What if I already have paid leave or paid time off?

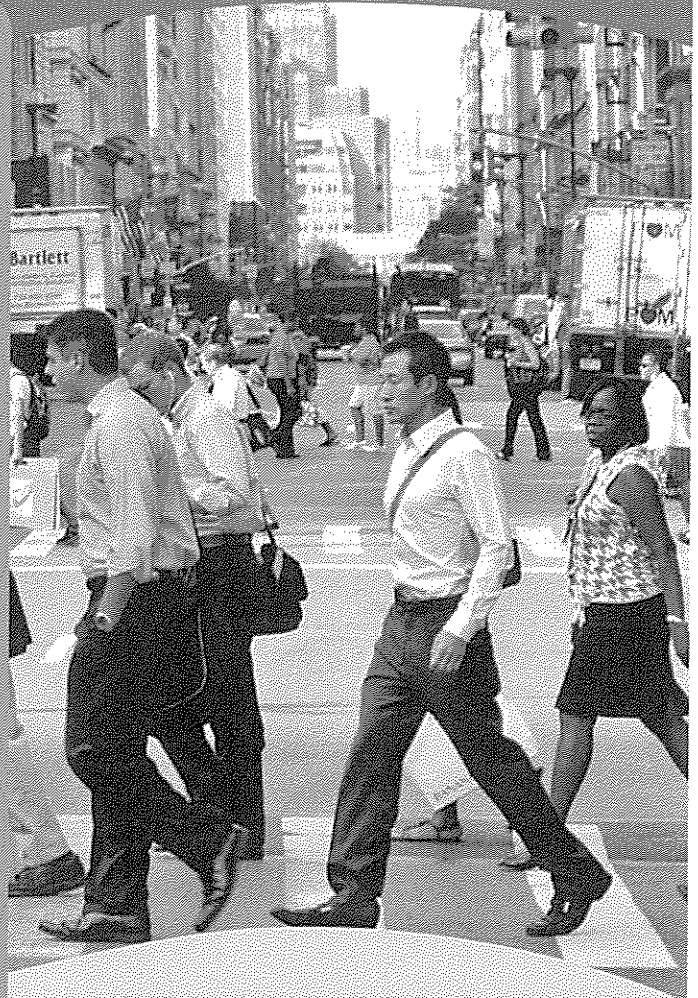
If you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time to care for yourself or a family member, **and** it's **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

5 When can I begin using my sick time?

You start earning sick time immediately but cannot use it for 120 days. If you were employed on April 1, 2014, you can use earned time beginning July 30, 2014.

6 Do I need a doctor's note?

Only after more than 3 consecutive days of absence (and the note does not have to specify your illness).



All covered workers are protected against being fired or punished for using or requesting sick time.

If you have a problem—or want more information—call A Better Balance's **free** legal clinic at **212.430.5982**.

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212.430.5982

abetterbalance.org

The New York City Department of Consumer Affairs (DCA) is in charge of enforcing this law. For more information on the law, see: www.abetterbalance.org/web/nycpaysick and www.nyc.gov/PaidSickLeave.

CONOZCA SUS DERECHOS

Ley de Pago de Días de Enfermedad de la Ciudad de Nueva York

1 ¿Qué hace la Ley de Pago de Días de Enfermedad?

Le otorga a los trabajadores hasta 40 horas de enfermedad al año para recuperarse de una enfermedad física/mental, por una lesión, para buscar tratamiento médico, o para cuidar a un familiar enfermo (hijo, cónyuge, pareja, padre, madre de cónyuge o pareja, nieto, abuelo o hermano).

2 ¿La ley me protege?

Si usted trabaja más de **80 horas** al año en la Ciudad de Nueva York como trabajador de **tiempo completo, medio tiempo, temporal y/o trabajador indocumentado**, es probable que la ley lo proteja.

3 ¿Cuánto tiempo de enfermedad puedo obtener?

Usted obtiene **1 hora** de tiempo de enfermedad por **cada 30 horas que trabaje**, hasta un máximo de **40 horas** de enfermedad al año. Si usted trabaja para una empresa con **5 o más empleados**, se le tiene que pagar el tiempo de enfermedad. Si usted trabaja para una empresa con **menos de 5 empleados**, no se le tiene que pagar el tiempo de enfermedad, pero no lo pueden despedir o tomar represalias en su contra por tomarlo. **Las trabajadoras domésticas** tienen derecho a 2 días de enfermedad pagados después de un año de empleo, además de los días de descanso pagados que ya reciben por la ley del estado.

4 ¿Qué pasa si ya recibo pago por días de enfermedad o días libres?

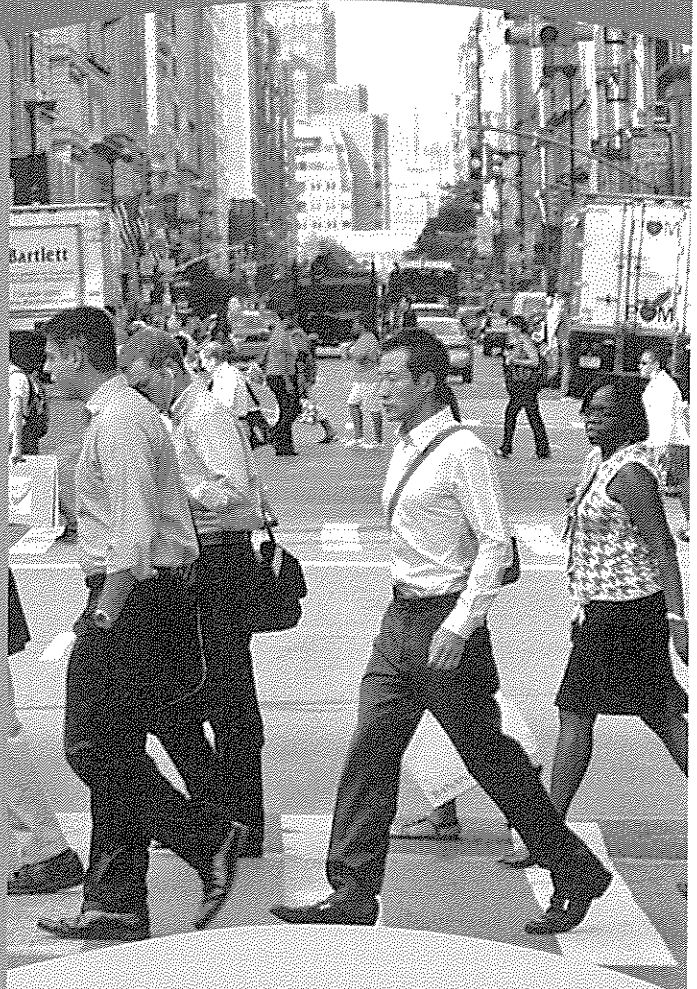
Si ya recibe pago por días libres (vacaciones, días libres, etc.) que se pueden usar como tiempo de enfermedad para cuidarse a sí mismo o cuidar a un miembro de la familia **y es la misma cantidad** de tiempo que tendría bajo esta ley, la ley **no** le dará más días pagados.

5 ¿Cuándo puedo empezar a usar mi tiempo de enfermedad pagado?

Usted empieza a ganar tiempo de enfermedad inmediatamente, pero hay que esperar 120 días para comenzar a utilizar su tiempo. Si usted ha trabajado desde el 1 de abril de 2014, puede comenzar a utilizar su tiempo el 30 de julio de 2014.

6 ¿Necesito excusa médica?

Sólo si usted falta al trabajo más de 3 días seguidos (y la excusa no tiene que especificar el tipo de dolencia).



Todos los trabajadores cobijados por esta ley están protegidos de despidos y represalias por tomar o pedir tiempo de enfermedad. Si usted tiene algún problema, o desea más información, llame a la línea directa de asesoramiento legal gratuito de A Better Balance: 212-430-5982.

*a better
balance*

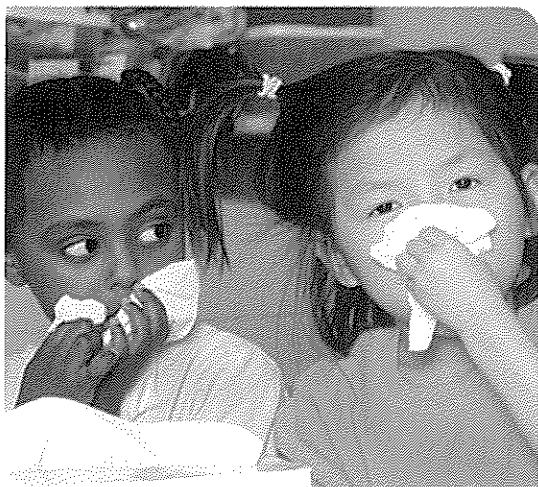
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abetterbalance.org

El Departamento de Asuntos del Consumidor (DCA) de la Ciudad de Nueva York se encarga de implementar esta ley. Para más información acerca de la ley, consulte: www.abetterbalance.org/web/nycpaysicksick y www.nyc.gov/PaidSickLeave.

If you need to take time off from work to recover from a physical/ mental illness or an injury, care for a sick family member, or seek medical treatment for yourself or a family member, a new law in New York City protects you.



The New York City Earned Sick Time Act went into effect on April 1, 2014. Read on to find out how the Earned Sick Time Act can help you keep your job—and may entitle you to paid sick time.

Need help or more information?

Call A Better Balance's Families @ Work Legal Clinic Hotline at **212.430.5982** about your workplace rights concerning sick time.

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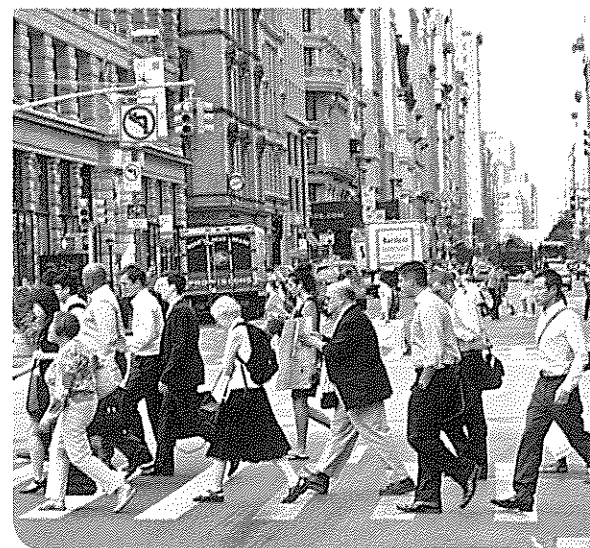
The New York City Department of Consumer Affairs (DCA) is in charge of enforcing this law. For more information, see: nyc.gov/PaidSickLeave.

This pamphlet is designed to assist you in understanding your basic rights at work under the New York City Earned Sick Time Act. It does not cover all aspects of the law. It is always advisable to consult with an attorney about your individual circumstances as soon as possible if you think your rights have been violated.



Know Your Rights: The New York City Earned Sick Time Act

*Workers in New York City
now have a right to sick time.*



*a better
balance*

the work and family legal center

1 | What does the Earned Sick Time Act do?

The New York City Earned Sick Time Act gives workers up to 40 hours of sick time in a year, either for themselves or for certain family members. Workers cannot be fired or punished for taking this time. If your workplace has 5 or more workers, your employer must pay you for the time off.

2 | Am I covered?

The law covers most people working in New York City. If you work within the boundaries of New York City (in Manhattan, Brooklyn, Queens, Bronx or Staten Island) for more than 80 hours in a year, you are covered, whether you are a full-time, part-time, or temporary worker.

However, the law does **not** cover:

- Federal, state, and municipal workers
- Students in federal work-study programs and recipients of certain fellowships/scholarships
- Independent contractors (Note: employers sometimes incorrectly label workers as independent contractors; check with an attorney if you have questions)
- Participants in a Work Experience Program (WEP)
- Certain occupational, speech, and physical therapists

3 | Which of my family members are covered by the law?

Under the law, you can take sick time to care for yourself or a child, spouse, domestic partner, parent, parent of a spouse or domestic partner, grandchild, grandparent, or sibling.



4 | How much paid sick time am I entitled to earn and use per year?

If you work for a business with 5 or more employees, you may earn up to 40 hours of paid sick time. You will earn 1 hour of paid sick time for every 30 hours worked.

If you work for a business with fewer than 5 employees, you may earn up to 40 hours of *unpaid* sick time. (If you work for a chain business or franchise, you may still be entitled to paid sick time depending on how the business is owned or operated.)

Domestic workers receive 2 days of paid sick time after one year of employment, in addition to the paid "days of rest" they get under state law.

All employees are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

5 | When can I start using my sick time?

If you were employed on April 1, 2014, you must wait until July 30, 2014 to use your sick time. If you begin employment after April 1, 2014, you must wait 120 days to use your sick time.

6 | What if I already have paid leave or paid time off?

If you already get any paid leave (vacation, paid time off, personal days, etc.) that you can use as sick time *and* it's at least the same amount you would earn under this law, the law does **not** give you any additional paid time off.

7 | What kind of notice and proof do I have to give to my employer under this law?

If you know you will need sick time (for example, for a doctor's appointment), your employer can require you to tell him/her up to 7 days before. Otherwise, you can be required to tell your employer as soon as possible. Either way, you cannot be required to find a replacement worker for your time off.

If you use sick time for more than 3 days in a row, your employer can require a note from a health care provider. The note does not need to describe the health issue—only your need for the amount of sick time taken.

8 | What if my employer does not provide me with sick time or fires/punishes me for taking—or trying to take—sick time? Where can I get more information about the law and my rights?

You have two years after a violation of the law to enforce your rights.

Call A Better Balance's Families @ Work Legal Clinic Hotline for help and advice at **212.430.5982**. A Better Balance works with New Yorkers who want free legal advice about sick leave, family leave, discrimination and other workplace issues related to pregnancy and family care.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: OCTOBER 29, 2014

(PLEASE PRINT)

Name: KRISTEN LASKY

Address: 241 W. 108 ST., NY, NY

I represent: DEPT. OF CONSUMER AFFAIRS

Address: 42 BROADWAY, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Gress Bishop

Address: _____

I represent: SBS

Address: 110 William St # 7th FL

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THE CITY OF NEW YORK**

Appearance Card

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Date: _____

(PLEASE PRINT)

Name: Quintana C'Neill

Address: 335 Adams St, Brooklyn 11201

I represent: Brooklyn Chamber of Commerce

Address: 335 Adams

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THE CITY OF NEW YORK**

Appearance Card

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Date: _____

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Name: Julie Menin, Commissioner

Address: _____

I represent: DCA

Address: _____

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THE CITY OF NEW YORK**

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(PLEASE PRINT)

Name: Aunt Maggie Barker

Address: TOAEE

I represent: DCA

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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Date: _____

(PLEASE PRINT)

Name: Maile E. Baker

Address: _____

I represent: DCA

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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Date: _____

(PLEASE PRINT)

Name: NANCY FLORES

Address: 1375 BROADWAY

I represent: MAY. CH. OF COMMERCE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 10/29/14

(PLEASE PRINT)

Name: Gale A. Brewer

Address: 1 Centre Street, #19

I represent: Manhattan Borough President

Address: 1 Centre Street, #19

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: 10/29/14

(PLEASE PRINT)

Name: ROSINA RUBIN, Manhattan Chamber of Commerce

Address: 565 WEST END Avenue, NY 10024

I represent: ATTITUDE NEW YORK Inc.

Address: 48-50 34th Street, Long Island City 11101

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/29/14

(PLEASE PRINT)

Name: Molly Weston

Address: _____

I represent: A Better Balance

Address: 80 Maiden Lane, Suite 606, New York, NY 10028

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/29/14

(PLEASE PRINT)

Name: Andrew Rigie

Address: 65 W 55th Street #203A NYC 10019

I represent: NEW YORK CITY HOSPITALITY ALLIANCE

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆