



**Mayor's Office to  
Combat Domestic  
Violence**

REMARKS OF  
COMMISSIONER CECILE NOEL  
MAYOR'S OFFICE TO COMBAT DOMESTIC VIOLENCE

BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON CIVIL SERVICE AND LABOR

"Safe leave for victims of family offense matters, sexual offenses and stalking and their family members."

June 12, 2017

Good afternoon, Chairperson Miller and the members of the City Council Committee on Civil Service and Labor.

I am Cecile Noel, Commissioner of the Mayor's Office to Combat Domestic Violence (OCDV), which was established in 2001 and oversees the citywide delivery of domestic violence services, creates innovative policies, develops crisis intervention and prevention based programs, and works to increase awareness through broad and diverse outreach efforts throughout New York City. OCDV also operates the City's five Family Justice Centers (FJs) which provide comprehensive, multi-disciplinary and trauma-informed services for victims of intimate partner violence, sex trafficking and elder abuse in one location. Last year, the FJs had over 62,000 client visits across the boroughs.

Thank you for the opportunity to speak with you today about legislation that would extend the option for paid leave – Safe Leave – to employees who are survivors of domestic violence, sexual assault, or stalking, so that they may focus on safety and plan their next steps, without fearing loss of income. And, I would like to take a moment to specifically thank Councilmember Julissa Ferreras-Copeland for her support for this legislation and for her leadership in improving the safety network for survivors of domestic violence.

New York City and New York State have Human Rights Laws<sup>1, 2</sup> and the Penal Law<sup>3</sup> that support the needs of employees to take leave from work who are survivors of domestic violence, sexual assault, or stalking. These strong state and local laws, however, do not require employers to pay employees for leave to address their safety and wellbeing after a domestic violence, sexual assault or stalking incident. Additionally, neither New York City's Earned Sick Time law, nor New York State's recently enacted Paid Family Leave law, include provisions for employees who are survivors of domestic violence, sexual assault or stalking.

Amending the NYC Earned Sick Time Act to the Earned Sick and Safe Time Act would expand the acceptable reasons to use earned sick days, including paid leave, where applicable, to allow a survivor of domestic violence, sexual assault, or stalking to take time off of work in order to plan their immediate next steps and focus on safety. The Earned Sick and Safe Time Act would not add any additional days of leave available to employees and the safe leave would only be required by employers who are otherwise required to provide sick leave.

The Earned Sick and Safe Time Act would enable an employee to use paid leave to restore the physical, psychological, or economic safety or wellbeing of the employee or

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<sup>1</sup> New York State Executive Law §§292, 296:(1)

<sup>2</sup> New York City Administrative Code §8-107.1 Victims of Domestic Violence, Sex Offences, or Stalking

<sup>3</sup> New York Penal Law §215.14

their family member, or to protect those who associate or work with the employee.

Acceptable paid safe leave uses would include:

- Creating a safety plan to address the immediate and ongoing safety of the victim and their children or obtaining services from a victim service provider;
- Speaking with a civil legal service provider to get information or advice on issues related to housing, family law, immigration, or other critical legal needs;
- Filing a report with law enforcement or speaking with the District Attorney's Office;
- Seeking safe housing or shelter;
- Transferring or enrolling a child in a new school or daycare program;
- Attending to a financial matter that may cause severe harm to the victim's financial wellbeing or credit standing if not immediately addressed; or
- Any other critical action to improve or restore safety and stability.

This important legislation has the opportunity to positively impact the safety and economic security of survivors of domestic violence, sexual assault, or stalking. In the last eighteen months, the five FJCs have served 9,129 clients who reported being employed and those clients have accounted for over 25,660 client visits to the FJC – an average of almost 3 visits per client. Many of these employed clients have reported to

service providers the difficulty they have in returning to the FJCs during business hours for follow-up appointments. We know that success in obtaining legal and social services and taking measures to increase personal safety is greatly impacted by employees' ability to take paid leave from work without facing the risk of penalty.

I would like to speak for a moment about a survivor who exemplifies the need for this legislation. Stefanie, a client of the Manhattan Family Justice Center, worked full time in an office. She struggled to pay her rent and keep her family financially afloat after becoming the sole income earner for her family, due to domestic violence. After being assaulted by her partner, Stefanie took unpaid days off of work to speak with an Assistant District Attorney and meet with a case manager at the FJC. Stefanie was extremely interested in other services at the FJC to help herself and her child obtain and maintain safety, but could not afford to take more unpaid time off of work. The FJC staff worked to connect her to the few programs and organizations providing services outside of the business day and worked to schedule phone appointments for other providers during her lunch hours, however she had to take those calls in lunchrooms or busy hallways, which limited her ability to engage in those critical services.

Stefanie, like so many survivors of domestic violence seen at the Family Justice Centers and community based organizations throughout the City, demonstrated

immense resourcefulness and determination connecting to services while working to provide for her family. This legislation would support survivors, like Stefanie, who are daily balancing their need to earn an income with their need to seek assistance to increase safety and allow them to better connect to services for themselves and their families.

This legislation has been widely supported by members of the Mayor's Domestic Violence Task Force. In November 2016, Mayor Bill de Blasio announced the NYC Domestic Violence Task Force (DVTF) to develop a comprehensive citywide strategy to reduce domestic violence by intervening as early as possible, enhancing pathways to safety for survivors and ensuring swift, effective and lasting enforcement to hold abusers accountable. The Task Force was co-chaired by First Lady Chirlane McCray and Police Commissioner James O'Neill under the direction of myself and OCDV and Director Liz Glazer and the Mayor's Office of Criminal Justice (MOCJ). The DVTF released a comprehensive set of 27 recommendations in April 2017, and one of those recommendations was to pass this legislation to implement paid safe leave for survivors.

The NYC Earned Sick Time Act is a national example in scope and breadth and is overseen by the largest municipal labor standards office in the country. If enacted, this legislation would continue to put New York City at the forefront by extending paid leave

to include domestic violence, sexual assault and stalking survivors, decreasing the burden on survivors of choosing between economic stability and meeting their safety needs.

We thank you for the opportunity to speak to this issue and welcome any questions that this committee may have.

**Testimony of Deputy Commissioner Liz Vladeck  
New York City Department of Consumer Affairs**

**Before the  
New York City Council Committee on Civil Service and Labor**

**Hearing on  
Introduction 1313**

**amending the administrative code of the city of New York in relation to safe leave for victims of family offense matters, sexual offenses, and stalking and their family members**

**June 12, 2017**

Good afternoon, Chairman Miller and members of the committee. I am Liz Vladeck, Deputy Commissioner of the Office of Labor Policy and Standards at the Department of Consumer Affairs. On behalf of Mayor de Blasio and DCA Commissioner Salas, I'm glad to help represent the administration at today's hearing, to discuss securing important workplace protections for survivors of family violence and their loved ones by amending one of the Mayor's signature initiatives, the Earned Sick Time Act. I am joined by my colleagues from OLPS: Leah Obias, Director of Stakeholder Engagement, and Steven Kelly, Associate Commissioner.

Our Mayor, the Speaker, and all of you, have shown great leadership in supporting laws and policies for workers in New York City, particularly the most vulnerable among them, to have the support they need to take care of themselves and their families. As you know, the Department of Consumer Affairs works to protect and enhance the daily economic lives of New Yorkers. The administration and the Council created DCA's Office of Labor Policy and Standards, which I direct in my role as Deputy Commissioner of DCA, to be a dedicated voice in City government for workers in New York City and to improve the working conditions of women, people of color, immigrants, refugees, and other vulnerable workers.<sup>1</sup>

The amendments under consideration today provide important workplace rights for survivors of family offense matters, sexual offenses, and stalking, and their loved ones. The new "Earned Sick and Safe Time Act" will enable workers eligible for leave under the city's law to use their accrued time to respond to acts of physical, psychological, and economic harm.

Amending the Earned Sick Time Act will build on the protections the law affords workers and the success it has already achieved in the three years since implementation. New York City was the seventh jurisdiction to enact paid sick leave protections for workers when our law took effect in 2014, and has been joined since then by more than 30 other cities, counties, and states in ensuring that workers can take time off to tend to their own or a family member's need for sick time. Ours remains the largest municipal

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<sup>1</sup> New York City Charter §20-a(b)(i),(vi).



paid sick law of its kind in the nation, protecting the legal right to sick leave for millions of private and nonprofit sector workers.

Since 2014, OLPS has closed almost 1,000 paid sick leave investigations, securing \$5.4 million in fines and restitution for more than 17,000 workers in New York City who were denied their right to paid sick leave, and we have ensured that thousands more workers receive sick leave to which they are entitled. Our cases come most commonly from lower-wage professions, such as security guards, home health aides, restaurant workers, and retail workers, and these results demonstrate our deep and unwavering commitment to aggressively enforcing this law.

The Earned Sick Time Act has been proven to protect New York City workers without harming business. The New York City Economic Development Corporation announced earlier this year that citywide unemployment has dropped to the lowest rate since 1976, which is the earliest available unemployment data from the New York State Department of Labor.<sup>2</sup> New York City has added more than 325,000 new jobs since Mayor de Blasio took office.<sup>3</sup> And research by the Murphy Institute and Center for Economic and Policy Research<sup>4</sup> has shown that the Earned Sick Time Act has not negatively impacted businesses. According to a report titled “No Big Deal,” the overwhelming majority of employers surveyed (more than 85 percent) reported the law did not increase costs,<sup>5</sup> while more than 94 percent reported that the Earned Sick Time Act had no effect on productivity,<sup>6</sup> and two percent reported that productivity increased.<sup>7</sup> Similarly, 96 percent of employers reported no change in customer service as a result of the new law, and more than three percent saw an increase;<sup>8</sup> less than one percent reported a decrease in customer service.<sup>9</sup> Virtually no employers reported any change in turnover.<sup>10</sup>

The amendments under consideration by the Council today would mark the latest step in New York City’s leadership in adopting and enforcing a new generation of minimum labor standards, in this case to ensure robust protections for workers who face threats to their lives and livelihood.

I would like to introduce my colleagues to the committee. Leah Obias, the OLPS Director of Stakeholder Engagement will speak about their experience providing assistance to survivors of family offense matters, demonstrating the importance of securing these vital workplace protections. After Leah, Associate Commissioner Kelly will provide more information about what this new legislation would do.

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<sup>2</sup> N.Y.C. Economic Development Corp., *New York City Hits Record Low Unemployment, Adds 39,000 Private Jobs in January 2017* (March 10, 2017) <https://www.nycedc.com/press-release/new-york-city-hits-record-low-unemployment-adds-39000-private-jobs-january-2017>.

<sup>3</sup> Id.

<sup>4</sup> EILEEN APPELBAUM & RUTH MILKMAN, *NO BIG DEAL: THE IMPACT OF NEW YORK CITY’S PAID SICK DAYS LAW ON EMPLOYERS* (2016), available at <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>.

<sup>5</sup> Id. at 3 and 21.

<sup>6</sup> Id. at 4, 23, and 24 (Table 13B).

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id.

**Director of Stakeholder Engagement Leah Obias**  
**Office of Labor Policy and Standards**  
**New York City Department of Consumer Affairs**

Thank you, Deputy Commissioner Vladeck, Chairman Miller, and members of the committee. Prior to joining OLPS, I spent over a decade as a community organizer with Damayan Migrant Workers Association, a community-based organization and worker center here in New York City. At Damayan, I worked with immigrant women workers from the Philippines, mostly nannies, elderly caregivers and housecleaners. They came to us with stories of exploitation, and verbal, emotional and sometimes physical abuse.

The economic pressure facing immigrant women working in precarious industries like domestic work cannot be overstated. Because of poverty and lack of employment opportunities in their home countries, immigrant women workers make the ultimate sacrifice to leave their families and their entire support networks behind, and come here to work. And they do so through illness, through crises, and through all the emotional and psychological effects of often multiple forms of trauma. The simple prospect of taking a day off would elicit a shrug I've seen too many women do, along with the simple response: "No work, no pay."

One such worker I'll call Clara. Clara came to Damayan when she was working as a nanny in Tribeca. She had met a man I'll call Stuart through an online dating site, and they became serious pretty quickly. But Clara started to become suspicious when the details of Stuart's life story were inconsistent, in particular his occupation. Clara discovered that Stuart was a law enforcement officer. When she confronted him and tried to call off their engagement, he became incensed. He threatened her with deportation if she would not marry him, and he began to track her movements and send her threatening texts and emails about the fact that he knew where she worked and lived.

When Clara came to Damayan for help, she was in the middle of this nightmare. We connected her immediately with an attorney at the New York Legal Assistance Group, who set up appointments with two district attorneys' offices while I spoke with Clara about her work situation. She had a good relationship with her employer and was lucky, she told me. She had informed her employer about what was going on, and her employer was supportive.

We also set Clara up with a counselor at Safe Horizon. She continued to meet with her attorneys, who were exploring a potential U visa application. We went to a health clinic, and to those assistant district attorneys. Each appointment was another negotiation with her employer, and at one point she told me she was worried that she asking for too much. Clara did eventually get through the crisis, and stayed in touch with Damayan as a member.

Some details of Clara's story are extraordinary, which is why I remember it so vividly. Some details are not. Women survivors of violence are constantly making calculations about how to ensure their safety, whether at work, at home or in the streets. Clara had an understanding and fair employer; many workers do not. Economic pressure forces women to make the untenable choice between their safety and wellbeing, and the ability



to provide for their families. No woman – no person – should have to make that choice. The new policies represented by this legislation would help ensure they do not have to.

Steven Kelly, the Associate Commissioner of OLPS, will now speak in more detail about how these amendments will secure vitally important workplace protections for survivors of family violence and their loved ones. Thank you.

**Associate Commissioner Steven Kelly  
Office of Labor Policy and Standards  
New York City Department of Consumer Affairs**

Thank you, Director Obias, Deputy Commissioner Vladeck, Chairman Miller, and members of the committee. Director Obias' testimony confirms that many workers need time off to care for themselves or their loved ones after surviving domestic violence, sexual assault and stalking. Without paid time off, survivors may lose their jobs at the time they most need to ensure their own safety and that of their children or other loved ones.

When presented with the challenges of dealing with these incredibly difficult life events, no worker should have to forego a potentially life-saving precaution, like obtaining an order of protection, because they cannot afford to take the time off work. Allowing workers to address urgent safety needs when they arise, without fear of job loss, helps to ensure that they can address the most pressing needs facing themselves and their family, but can also continue to provide for their personal and their family's needs.

There are a number of notable features of the Earned Sick and Safe Time Act that reflect the City's recognition that this issue is critically important and set forth the broadest possible legislative measures to address this crisis.

Most existing safe leave legislation provides time off for workers to deal with issues solely related to physical violence. This bill permits leave for "family offense matters," defined to include any act or threat of an offense over which the New York State Family and Criminal Courts have concurrent jurisdiction.<sup>11</sup> This ensures that victims of physical abuse, such as assault, emotional abuse, such as harassment and menacing, and economic abuse, such as identity theft, are all protected by the legislation.<sup>12</sup>

The bill also expands the definition of "family member" beyond legal and blood relatives by including relationships that are just as strong and important as those traditional categories.<sup>13</sup> This includes any individual whose close association with the worker is the equivalent of a family relationship. Thus the amended definition of "family member" would ensure that those who rely on a "chosen family" beyond blood relations, including members of the LGBTQ community, can avail themselves of "safe leave" protections.

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<sup>11</sup> Int. 1313-2016, N.Y. City Council (pursuant to N.Y.C. Admin. Code §§20-912 et seq.).

<sup>12</sup> Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., & Jain, A. *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*. 2 (2017) <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

<sup>13</sup> Proposed §20-912, Int. No. 1313, N.Y. City Council Session 2017.

Under the existing law, an employer may not require the employee to disclose the reason for needing to use accrued leave and may only request documentation after an absence of more than three consecutive work days.<sup>14</sup> This will continue to be the case for safe leave, and documentation to be provided when it is used will not be required to disclose any specific details of the family offense matter, sexual offense, or stalking.

Finally, the legislation protects the survivor's privacy in the workplace. All information concerning the employee's status or perceived status as a victim shall be confidential and may not be disclosed without the employee's written permission or as otherwise required by law.<sup>15</sup>

At OLPS, we remain sharply focused on our mission: to enforce key workplace laws and rules; to educate workers, employers, and the public about workplace protections under local, state and federal law; and to research and advance policy initiatives that can raise the floor for workers and respond to a changing economy. Empowering the workers protected by this legislation is part of that mission.

We thank the Council for your partnership with the administration on the many workplace issues that impact so many New Yorkers. We look forward to engaging further with the Council and other stakeholders on the important proposals being discussed today.

Thank you; we are happy to take any questions you may have.

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<sup>14</sup> Proposed §20-914(b), Int. 1313-2016, N.Y. City Council Session 2017.

<sup>15</sup> Proposed §20-921, Int. No. 1313, N.Y. City Council Session 2017.



**Testimony by New York Legal Assistance Group (NYLAG)**

**before the NYC Council Committee on Civil Service & Labor regarding: Safe leave for victims of family offense matters, sexual offenses and stalking and their family members**

**June 12, 2017**

Chair Miller, Council Members, and staff, good afternoon and thank you for the opportunity to address the Council on Intro 1313, Safe Leave for Victims of Family Offenses, Sexual Offenses and Stalking. My name is Maura McCarthy, and I am as Staff Attorney with the Matrimonial and Family Law Unit at the New York Legal Assistance Group (NYLAG). NYLAG is a nonprofit law office dedicated to providing free legal services in civil legal matters to low-income New Yorkers. The Matrimonial and Family Law Unit prioritizes survivors of domestic violence and sexual assault. Additionally, survivors of domestic violence, sexual assault, and stalking seek services at NYLAG for other civil matters, very often correlating to their status as survivors (for example, transferring housing or HRA benefits, foreclosure defense, and consumer protection issues). NYLAG strongly supports the Safe Leave Bill.

We are all aware that domestic violence and similar offenses have an enormous economic impact, not only on survivors but also on society as a whole. Social science research supports that proposition. It is reported that as many as 27% of survivors have reported a job loss as a direct result of domestic violence; one study found that 91% of survivors had resigned or lost a job in the last year as a direct result of violence at home.<sup>1</sup> It is estimated that survivors lose a total of 8.0 million days of paid work each year.<sup>2</sup> The economic impact of domestic violence on society as a

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<sup>1</sup> Swanberg, J.E., Logan, T.K., & Macke, C. (2006). The consequences of partner violence on employment and the workplace. In Kelloway, E.K., Barling, J., & Hurrell, Jr., J.J. (Eds.) *Handbook of Workplace Violence*. Thousand Oaks, CA: SAGE Publications.

<sup>2</sup> How employment helps female victims of intimate partner violence: A qualitative study. Rothman, Emily F.; Hathaway, Jeanne; Stidsen, Andrea; de Vries, Heather F. *Journal of Occupational Health Psychology*, Vol 12(2), Apr 2007, 136-143.



whole, is staggering, with estimated costs exceeding \$8.3 billion per year.<sup>3</sup> New York City alone fields 800 domestic violence related calls to NYPD each day.

Anecdotally, as lawyers for domestic violence, sexual assault, and stalking survivors, we can attest to the economic damage that domestic violence causes survivors and their families. We have seen firsthand, that survivors often choose to withdraw from proceedings requesting orders of protection due to fears of job loss related to repeated court appearances. We have seen survivors enter into settlement agreements simply because they can no longer suffer the economic toll of missed work, missed wages, and the inability to obtain stable employment as a result of endless court dates. We have seen survivors refuse to cooperate with criminal investigations and prosecutions because they fear that such proceedings will cause them to miss work, and ultimately lose their jobs. We have seen survivors have to choose between taking time to seek safe shelter and taking time to seek an order of protection.

This bill protects such survivors by allowing them to take the time they need to secure safe housing, orders of protection, counseling and other services without fear of job or wage loss. Additionally, this bill destigmatizes survivors by acknowledging that large portions of the population are impacted by domestic violence, sexual assault and stalking. As such, NYLAG strongly supports this bill and urges City Council to pass 1313.

Thank you for the opportunity to testify today. NYLAG looks forward to continuing its strong partnership with the City Council to ensure the fair and just treatment of survivors of domestic violence.

Respectfully submitted,

New York Legal Assistance Group

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<sup>3</sup> *Id.*



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**Testimony of Sarah Hayes,  
Deputy Director, Economic Empowerment Program  
Sanctuary for Families  
before the  
City Council Committee on Civil Service and Labor  
June 12, 2017**

Good afternoon. My name is Sarah E. Hayes, and I am Deputy Director of the Economic Empowerment Program at Sanctuary for Families. Sanctuary is New York State's largest provider of comprehensive services exclusively for survivors of domestic violence and trafficking. We are so grateful to the New York City Council for the opportunity to testify today—and to Council Member Ferreras-Copeland and Mayor deBlasio for introducing this urgently needed Paid Safe Leave bill before the Council.

As we know all too well at Sanctuary, domestic violence is a public health crisis that causes devastation for victims not just at home, but in all aspects of their lives, including the workplace. Nationally, victims of intimate partner violence lose millions of work days each year, and between one quarter and one half of domestic violence victims report that they have lost a job due at least in part to the violence. Beyond just days when victims are unable to work due to physical injury or hospital visits, lost work hours and days can result from abuse—even after victims leave their abusers. Victims may have court appearances and legal appointments, shelter and housing-related appointments. This is why the Paid Safe Leave legislation is so important: abuse survivors need to know that they can take time off from work to attend to these needs without fear of lost wages or termination. As the Mayor has said, "In the 21st century in the greatest city on earth, those who have already suffered at the hands of those they love should never have to choose between their safety and a paycheck or their home."

At Sanctuary, we have seen all too many cases of clients who have lost jobs due to domestic violence. In my work with the Economic Empowerment Program over the past five years, I see these issues each day, working with over 150 women annually as they strive to get back on their feet and secure living-wage jobs in the wake of violence. Some have not worked for months or even years due to the trauma of domestic violence, and consequently face gaps on their resume that we repair with portable skills and internships. We will continue to offer this high-quality training to prepare women for the living-wage workforce—but the fact is that these survivors shouldn't face this situation in the first place.

Consider the case of Julia, who was gainfully employed until, finally realizing that her partner's violence had become too dangerous, she fled to a domestic violence shelter to seek safety for herself and her child. But going into shelter, filing for an order of protection, and related court and legal appointments meant days of work missed. Without a provision of paid leave allowing her to address domestic violence-related issues, she had no legal claim on the legitimacy of the missed work days, which ultimately resulted in her unemployment. Her lost income translated to a financial burden shifted to the City in the form of public assistance and other social safety net entitlements.

New York City has a strong track record of progressive legislation and policies to ensure that domestic violence victims and their families have the support they need to get to safety, and to survive and thrive in the wake of violence. This new legislation is a logical next step after the Paid Sick Leave legislation of 2014. Thank you for the opportunity to testify today, and thank you for your work on behalf of our community's most vulnerable abuse survivors.





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**Testimony in support of Intro 1313  
Submitted by A Better Balance  
June 12, 2017**

My name is Molly Weston Williamson and I am a Staff Attorney with A Better Balance, a national legal non-profit based in New York City that champions the ability of working people care for themselves and their families without compromising their economic security. We are proud to have helped write, fight for, and win the landmark New York City Earned Sick Time Act and have represented workers under the law since it went into effect. Today, we are delighted to support expanding this crucial law.

Since 2014, the Earned Sick Time Act has given workers in New York City the right to earn time off, usually paid, that they can use when they or their families are sick, injured, or receiving medical attention, including mental health and preventive care. Victims of domestic violence, sexual abuse, and stalking already have the right to use their earned sick time to address their physical and mental health needs, along with those of their families, as a result of these heinous crimes.

Victims, especially low-income workers, also need and deserve the security of knowing they can take the time they need to get assistance or get to safety without risking their paycheck at a vulnerable time. The proposed legislation would expand the existing law by allowing victims to use their earned time for *non*-medical needs, a practice commonly known as safe time. These could include meeting with an attorney or social services agency, relocating or planning to relocate for safety reasons, interacting with law enforcement or the district attorney's office, enrolling a child in a new school, or other actions to ensure their family's health and safety.

A majority of jurisdictions with sick time laws on the books, including all seven statewide laws, already include safe time protections. Laws passed more recently have almost universally included safe time and San Francisco, which passed the first sick time law in the country, has since amended it to include safe time. It is time for New York City to join them. We applaud Council Member Ferreras-Copeland and the mayor, as well as the many other sponsors and champions, for advancing this crucial and common sense measure.

We are equally excited to support the other important aspect of this bill. Intro 1313 would expand the definition of "family member" under the law to better reflect and protect the diversity of our families. This would ensure that workers can care for all the people who are most important to them when they are sick or suffering, including workers' extended families and chosen families, loved ones to whom they may not have a legal or biological relationship. In enshrining workers' right to care for their chosen families, New York City would join Los Angeles; Chicago and Cook County, Illinois; St. Paul, Minnesota; and the state of Arizona. It is particularly fitting for New York to take this important step



the work and family legal center

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in the month of June, because chosen families are especially important for LGBTQ New Yorkers.

Thank you for the opportunity to testify today. We are proud to support Intro 1313 and urge you to vote in favor.



**Testimony of**  
**James Meagher, Director, DOVE Initiative**  
**Safe Horizon, Inc.**

**Intro. 1313 - Safe Leave for Victims of Family Offense Matters,  
Sexual Offenses, and Stalking and their Family Members**

**Committee on Civil Service and Labor**

**Hon. I. Daneek Miller, Chair**

**New York City Council**

**June 12, 2017**

Thank you for the opportunity to testify before you today on the proposed legislation to allow victims of family offense matters, sexual offenses, and stalking to use paid safe leave time. My name is James Meagher, and I am the Director of the DOVE Initiative at Safe Horizon, the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime. Safe Horizon's mission is to provide support, prevent violence, and promote justice for victims of crime and abuse, their families, and communities. We have programs across all five boroughs in the city's family courts, criminal courts, domestic violence shelters, police precincts, and community offices, and we meet with victims each day who will benefit from this law, if passed.

Safe Horizon thanks Council Member Julissa Ferreras-Copeland for sponsoring this legislation and for supporting the work of Safe Horizon for many years. We also thank Mayor Bill de Blasio for assembling the NYC Domestic Violence Task Force in 2016. Safe Horizon is grateful and pleased to have been included at the table during this process, and we look forward to working with our government and community partners in following through on the Task Force's recommendations and continuing to enhance New York City's response to domestic violence. Passing this law, Paid Safe Leave, is one of the many recommendations put forward by that Task Force.

Although there are countless hardships facing victims of domestic violence, sexual violence, and stalking, my comments today will focus on the economic obstacles that victims encounter when seeking assistance and the impact this legislation will have on our clients.

It is important to begin by saying that victims of domestic violence, sexual violence, and stalking encounter many systems when seeking support and safety: Family Court, Criminal Court, shelters, hospitals, community programs, and many more. Each of these systems can be confusing and overwhelming, especially to people in crisis. For the sake of time, I will focus on Family Court.

My colleagues and I have met with many survivors who were encouraged to seek relief from Family Court. They arrived in the morning, believing that they would be able to quickly obtain an order of protection and move on with the rest of their day. Unfortunately, the process for obtaining an order of protection or other forms of relief through Family Court can be very long. A victim may wait all day before their hearing, and the case may be adjourned for a later date. And this can happen again and again for months or even years. Many victims, after obtaining accurate information about the court process, tell us that this was their one day, their one chance to take off from work and seek the help and support they were looking for.

One colleague met with a survivor who had petitioned for an order of protection, child support, and custody the prior year. During that year, the client's abusive partner rarely showed up for court so all three cases were adjourned from month to month. She did not get paid when she was not working, and she had to take the full day off for each court appearance because there is no designated hearing appointment. Her time in court took a huge financial toll on her and her children. Safe Horizon helped her with gift cards and metro cards to ease some of the financial burden, but a full day's pay would have been much more useful and valuable.

Another client who recently sought assistance from Safe Horizon's Family Court Program used all of her saved vacation time to attend court hearings. She now has no more time left to attend important family events, including a family vacation that she had planned with her children. She is not sure what she will do if an emergency arises.

Safe Horizon has met with many victims who simply dropped their Family Court cases because they were being told by their employers that they could not take any more time off from work. Just last week, another client asked that we provide her with a letter to explain to her employer that her victimization will require that she spend time out of work for court. She is not sure what she will do if her supervisor pushes back. This is the reality for so many of the victims and survivors who come to our offices each day. They may lose their jobs for missing a day of work. Victims are confronted everyday with the painful choice between maintaining employment and financial stability and accessing the services and tools that can help them find safety.

The sad fact is these are only the stories of those victims who were able to seek our support and to share them with us in the first place.

Enduring a lengthy Family Court case, relocating to a shelter far from home, filing a police report, enrolling a child in a new school away from an abusive parent, and even walking into a Family Justice Center for the first time all require time and an incredible amount of physical and mental energy. It is vital that victims and survivors have access to services, to support, and to help without the burden of missing work. We must ensure that victims are able to take the steps to stay safe without worrying about losing their job. This legislation is a step in the right direction to

safeguarding that access. Thank you again for the opportunity to testify, and I am happy to answer any questions you may have.



Testimony of the Partnership for New York City

New York City Council  
Committee on Civil Service and Labor

Int. No. 1313 of 2016 – Safe leave for victims of family offense matters,  
sexual offenses and stalking and their family members  
June 12, 2017

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Thank you Chair Miller and members of the committee for the opportunity to testify on Int. No. 1313 that would expand the Earned Sick Time Act to cover “safe time” for employees dealing with family offense matters, sexual offenses and stalking. The Partnership for New York City represents the city’s business leaders and largest private sector employers. We work together with government, labor and the nonprofit sector to promote economic growth and job creation throughout the city.

The Partnership fully support efforts to help victims of domestic violence and their families. Our members are committed to the wellbeing of their employees and work to make their policies as flexible as possible to accommodate employee needs. Int. No. 1313, however, is simply another unwelcome intrusion of local government into the relationship between employers and employees.

Over the last three years, the City Council has introduced and passed at least 16 new employer mandates. These new laws are enacted without consideration of the impact they may have on the city’s economy. While the intent of Int. No. 1313 is laudable, there is no evidence that this legislation is necessary, given the broad definition of sick leave in the city’s Earned Sick Time Act. Moreover, as drafted, this measure would be nearly impossible to implement.



**Testimony on NYC Paid Safe Leave, Int. No. 1313-2016**

I want to thank the City Council and the Committee on Civil Service and Labor for the opportunity to testify today regarding Int. No. 1313-2016. My name is Rachel Braunstein. I am the Managing Policy Attorney of Her Justice, a nonprofit organization that takes a “pro bono first” approach to the provision of legal services to low-income women with high-stakes legal needs in New York City. Our clients come from all five boroughs of New York City, half are Latina, a quarter are African American, and 16% are Asian or from another minority group. Approximately 80% of our clients are domestic violence survivors and three-quarters of our clients are mothers; all are facing barriers to their ability to thrive that the law can address. Our staff of 18 lawyers and legal assistants ensures that over 3,000 women every year receive legal assistance in family, divorce, and immigration matters. The majority of our cases – 80% – are handled by volunteer attorneys from the City’s premiere law firms, with rich assessment, mentoring, training and support from our staff. The remaining 20% of the cases are handled in-house to ensure that we retain the necessary flexibility to respond to emergency situations, navigate particularly complex legal issues, and stay fully engaged in the matters on which we train and provide support.

We recognize the severe shortage of lawyers available for low-income New Yorkers and the challenges that these individuals face in navigating the judicial system without counsel. In the civil courts, that burden falls disproportionately on women who frequently are unrepresented in family and divorce matters. Our work with the private bar, as well our ability to obtain expert witness testimony from private sector forensic accountants, results in fair financial awards, more favorable settlement awards, and significantly reduced stress and strain for our clients. Based on our experience representing thousands of victims of domestic violence in civil court we strongly support Int. No. 1313-2016 and encourage an amendment that reflects how essential civil court access is for victims of domestic violence.

Civil legal services are critical for victims of domestic violence. The effects of domestic violence in a victim’s life are pervasive. For many, fleeing domestic violence may be the first time they come into contact with the legal system to directly address the violence they have suffered, by participating in the criminal justice system as a witness or seeking a civil court order of protection. It is less well-known that domestic violence survivors need to access the civil courts for other kinds of relief as well. Domestic violence survivors need child and spousal support orders from Family Court to become financially secure and remain free from the abusive relationship they fled. They need orders of custody and, when it is safe for children, orders of visitation that minimize survivors’ contact with the abuser. They need to protect their rights to a fair share of any assets accumulated in the marriage in a Supreme Court divorce litigation. As you are well aware, the current reality of charged language and changing federal policy has created a dreadful climate of fear among families who have any foreign-born members. Immigrant victims of domestic violence are more afraid than ever to call law enforcement, to access the courts, or to even contact a lawyer for advice. As 70% of Her Justice clients were born abroad, we have been working to address these fears with even more focus and dedication than before. We are working hard to ensure that civil court is a safe place for our clients to access remedies crucial to their and their families’ well-being.



Legal services are essential, but not sufficient. While our services are free, our clients cannot get safe or meaningfully participate in their cases with us if they do not have a job or sufficient income. Domestic violence survivors often face particular challenges in maintaining employment at the very point in life they and their families most need stable income. As we and the volunteer lawyers who handle our cases fight for our clients' rights in Family Court and Supreme Court, our clients are often fighting to keep their jobs. For example, one client I will call Maria was seeking an order of custody of her fourteen- and nine-year-old children against their abusive father. For more than a year after the couple separated, Maria worked as a secretary and supported her family. During the custody case, she missed three days of work to attend court hearings, all without pay. At the same time, Maria's abusive ex-partner was calling her workplace, threatening her job stability. Soon after, Maria's boss fired her so that she could "sort things out" in her life. For the next year and a half, she struggled to find work, resorting to government assistance to make ends meet.

Another Her Justice client I will call Sophie was seeking a child support order against her abusive ex-partner who had not provided any support to her seven-year-old child since the client fled years earlier because of domestic violence. Sophie had to go to court six times in less than a year. Each time her ex-partner showed up without proof of his income, the court set another date to give him a chance to provide the information. Each day Sophie attended court and missed a day at the medical office where she worked, she lost wages. Her employer was getting tired of Sophie missing work. Faced with the real possibility of losing her job, she decided to withdraw the child support case. Within two months, Sophie lost her housing and moved to a homeless shelter with her daughter and applied for public assistance.

New York City has strong laws that protect domestic violence victims in the workplace. Employers may not discriminate against victims by firing them or putting them on unpaid leave because of absence due to domestic violence. Employers must also make reasonable accommodations to allow employees experiencing domestic violence to take time off of work, including for medical treatment or counseling related to abuse. But paid safe leave laws, such as Int. No. 1313-2016, will further strengthen the protections for domestic violence survivors in the workplace. We fully support the proposed legislation and applaud the Council for recognizing the need for it. We believe the legislation could go even further to allow domestic violence victims to participate in civil court proceedings without fear of losing their jobs. Int. No. 1313-2016 could be strengthened to allow victims to use safe time to prepare for or participate in any criminal or civil proceeding, including the matters enumerated in the proposed legislation, in addition to meeting with a civil attorney or other social service provider to obtain information and advice on those matters. This will align New York City with several other states and cities that provide the strongest and most meaningful protection to domestic violence victims to give them and their families a real chance to access the justice system to obtain remedies that will help them remain secure and free from abuse.

Thank you for your time.



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1313 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/12/2017

(PLEASE PRINT)

Name: STEVEN KELLY

Address: 42 BROADWAY

I represent: DEPT of CONSUMER AFFAIRS - LA HOT POLICY

Address: 42 BROADWAY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: 6/12/17

(PLEASE PRINT)

Name: Molly Weston Williamson

Address: \_\_\_\_\_

I represent: A Better Balance

Address: 40 Worth St, 10th Fl, New York, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1313-2016 Res. No. \_\_\_\_\_

in favor  in opposition

Date: June 12, 2017

(PLEASE PRINT)

Name: Rachel Braunstein

Address: 150 Clermont Ave. Apt 4C Brooklyn NY 11205

I represent: Her Justice

Address: 100 Broadway 10th floor NY NY 10005

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1313 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Sarah E. Hayes

Address: P.O. Box 1400 Wall Street Station

I represent: Sanctuary for Families

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: James Meagher

Address: 20 Hawthorne St., 3rd Fl. Brooklyn, NY

I represent: Safe Horizon

Address: 2 Lafayette St.

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Appearance Card

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Cecile Noel

Address: 100 Gold

I represent: OCDV

Address: \_\_\_\_\_

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



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Appearance Card

I intend to appear and speak on Int. No. 1313 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/12/17

(PLEASE PRINT)

Name: Liz Vladeck

Address: DCA, 42 Broadway

I represent: Office of Labor Policy + Standards,

Address: Dpt Consumer Affairs

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1313 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/12/17

(PLEASE PRINT)

Name: Leah Obias

Address: 42 Broadway

I represent: Office of Labor Policy and Standards, DCA

Address: 42 Broadway

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1313 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/12/17

(PLEASE PRINT)

Name: Maria McCarty of New York Legal Ass't Group

Address: 7 Hanover Square 18th floor, NY 10004

I represent: Domestic Violence Survivors

Address: New York Legal Assistance Group, 7 Hanover Sq. NY 10004