

MEMORANDUM IN SUPPORT

TITLE: A LOCAL LAW to amend the New York city charter and the administrative code of the city of New York, in relation to the provision of sick time earned by employees, and section 7 of local law number 46 for the year 2013, relating to such sick time, in relation to the effective date of such local law, and to repeal section 6 of local law number 46 for the year 2013, relating to a determination of the Independent Budget Office

SUMMARY OF PROVISIONS:

Section 1 of the bill amends section 2203 of the Charter to expressly authorize the Department of Consumer Affairs (DCA) to initiate investigations to enforce Chapter 8 of Title 20 of the Administrative Code, known as the “Earned Sick Time Act” (“the Act”). Section 9 of the bill clarifies that DCA, or an alternate enforcement agency as designated by the Mayor, can issue notices of violation based on investigations brought on its own initiative.

Sections 2 and 9 of the bill further amend the Charter and the Administrative Code to grant the Mayor the authority to designate an agency other than DCA to enforce the Act and provide the agency designated by the Mayor with the necessary enforcement authority to do so. In section 4 of the bill, the definition of "department" is amended to include either DCA or a different agency designated by the Mayor, so that all existing Earned Sick Time Act provisions will automatically apply to the new agency, once designated by the Mayor.

Section 5 of the bill amends the definition of "family member" to expand the family members that can be cared for with earned sick time to include grandparents, grandchildren, and siblings. “Sibling” includes half siblings, step siblings, and adopted siblings.

Section 6 of the bill expands the scope of the paid sick leave requirement. Now all employers with 5 or more employees and employers of one or more domestic workers will be required to provide paid sick leave. Employers with fewer than 5 employees (other than domestic workers) will be required to provide unpaid sick leave. Section 6 also removes the exemption for the manufacturing sector.

Section 7 of the bill extends the employer record keeping requirement from 2 to 3 years, and section 8 changes the statute of limitations for bringing complaints from 270 days to 3 years.

Section 10 of the bill repeals section 6 of Local Law 46 for the year 2013, which required the Independent Budget Office (IBO) to report to the Council on the New York City Coincident Economic Index.

Section 11 of the bill changes the effective date of Local Law 46 to April 1, 2014 (although the law will not affect valid collective bargaining agreements in effect on that date).

Section 12 of the bill provides that the effective date of the bill will be April 1, 2014 (except in the case of employees covered by a valid collective bargaining agreement in effect on that date). Prior to April 1, 2014, the Mayor can designate an agency other than the DCA to enforce the Act, and either DCA or the agency designated by the Mayor can begin rulemaking.

REASONS FOR SUPPORT:

For too many New York families, waking up to a sick child, or with a sudden illness, isn't just stressful, it can lead to crisis. For a mother of two making \$10 per hour, missing days without pay might mean falling below the poverty line, or losing a job altogether.

As a matter of public policy, these scenarios are in no one's best interest. We need parents to work. We need parents to take care of their kids and other family members when they're ill. Paid sick leave is in the best interest not only of parents and children, but also of schools, hospitals, and even employers themselves through increased productivity, lower employee turnover, and reduced transmission of illness.

These enhancements to the Earned Sick Time Act will extend these benefits this year to nearly half a million additional New Yorkers and their employers who are not covered under existing law.

People working at businesses with 5 or more employees will be covered and protected – instead of the 15-employee threshold under current law. That will cover an additional 355,000 New Yorkers – more than 200,000 of whom currently receive no paid sick leave.

By eliminating the phase-in all workers covered under the bill will have immediate coverage beginning April 1, 2014. This includes 140,000 people who would have waited until October 1, 2015 under the existing law. 85,000 of those workers do not have a single paid sick day.

This legislation will build on the law enacted last year and with these changes New York City will have the strongest paid sick leave law in the nation.

Accordingly, the Mayor urges the earliest possible favorable consideration of this legislation.

Respectfully submitted,
Brian Flynn
Senior Legislative Representative