

The New York Statewide Paid Leave Coalition

STATEMENT ON PASSAGE OF NYS EMERGENCY COVID-19 PAID SICK LEAVE LEGISLATION AND DELAY IN PASSAGE OF PERMANENT PAID SICK DAYS

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The New York Emergency COVID-19 Paid Sick Leave bill (S.8091 A.10153) is now law.! The New York Statewide Paid Leave Coalition (NYSPLC), which represents over 50 statewide and regional organizations applauds Governor Andrew Cuomo for his leadership, New York Senate Majority Leader Andrea Stewart Cousins, NY Assembly Speaker Carl Heastie, Senator Jessica Ramos and Assemblywoman Cathy Nolan for understanding the urgency of providing job protection and paid leave for our state’s workers and their families impacted by COVID-19; and for recognizing that the current pandemic also underscores the need to legislate a strong permanent statewide paid sick days policy.

While we applaud this achievement, NYSPLC members are deeply disappointed and frustrated at the last minute separation of the permanent paid sick days language from the emergency legislation and urge quick action to address the following priority concerns:

1. Pass a permanent statewide paid sick days policy as part of the state budget, if not before, using the language originally contained in the COVID-19 Emergency Response Paid Sick Days bill (key elements described below).
2. Clarify language in the COVID-19 Emergency Response Paid Sick Days bill regarding what qualifies as an authorized mandatory or precautionary isolation or quarantine, particularly as it applies to school closures. Criteria should be broadly defined to include a range of scenarios that force an individual to stay home due to COVID-19.
3. Move quickly to introduce and pass legislation that addresses the needs of employers and employees who have lost critical income as a result of the pandemic. Among those most impacted are the self-employed including independent contractors, and those providing unpaid caregiving services to at-risk family members other than dependent children. We also encourage the availability of hardship assistance to small business owners.

The New York State Emergency COVID-19 Paid Sick Leave Law passed today by both chambers, which will be signed by Governor Cuomo shortly, addresses the immediate impact of COVID-19. Highlights include the following:

1. Provides job protection for all employees who are prevented from working due to “mandatory or precautionary orders of quarantine or isolation” issued by an authorized government agency, or who must care for a minor dependent child who is home as a result of such an order.
2. Establishes a method for providing pay covering the 14-day period, sharing the responsibility of providing or replacing lost wages between employers and government established benefit programs including paid family leave, temporary disability insurance (TDI) and unemployment insurance.
3. Eliminates waiting periods for paid family leave, TDI and unemployment benefits, and alters the actual benefits available to workers by guaranteeing 100% wage replacement (capped at a salary level of \$150,000 annually) through a combination of sources. A state sponsored web site with details of the policy, as well as an 800 hotline number are expected to be available tomorrow.

The equally important section of the original proposal which is now to be addressed in the budget, would establish a permanent statewide right to paid sick days for employees to be implemented on January 1, 2021. Highlights of this proposed policy include:

1. Most workers will be able to earn and use at least five job protected paid sick days per year to care for themselves or their family members
2. Large employers with 100 or more workers will be required to provide seven days of paid sick leave.
3. Employers with 5- 99 employees will be required to provide five paid sick days.
4. Small employers with one to four employees will have to provide five days of sick leave, but it will be unpaid.
5. New York City’s law will not be pre-empted, and the City will continue its own enforcement. Westchester County law will be replaced by the state law.
6. Paid sick days, under the law, can also be used to seek services in response to domestic abuse, sexual assault or human trafficking, experienced by the worker or a worker’s family member.

In addition to the necessity to quickly pass the permanent statewide paid sick days policy contained in the originally proposed legislation, NYSPLC members are dedicated to extending the benefits of ongoing paid sick days to all domestic workers and undocumented persons, as well as to those working in businesses that employ fewer than five employees.

We have already begun discussions with state leaders about implementation of the COVID-19 Emergency Response Paid Sick Days policies, including critical outreach and education. How will workers learn about their rights? How will they apply for benefits and how long will they need to fend for themselves before those benefits are available? The complexities of melding

federal, state and municipal policies and communicating the details in a simple way to those impacted are challenging. Members of the New York Statewide Paid Leave Coalition look forward to continuing our work with the Governor and legislative leaders on this next critical stage of our state response.

New York Statewide Paid Leave Coalition member agencies include the following: 1199 SEIU United Healthcare Workers East; Albany NAACP; AAUW Buffalo Branch, A Better Balance, African American Clergy United for Empowerment; Albany County Central Federation of Labor, Albany Social Justice Center; Alliance for Clean and Healthy New York; Capital District Area Labor Federation; Capital District Democratic Socialist Alliance; Centro Civico NY; Citizen Action of New York; Community Service Society of New York; Coalition of Black Trade Unionists, Coalition of Labor Union Women, Democratic Socialist Alliance, Empire Justice Center; First Unitarian Universalist Society of Albany; Girls for Gender Equity, Habitat for Humanity, Capital Region; In Our Own Voices; Labor-Religion Coalition of New York, Make the Road NY; MomsRising, National Domestic Workers Alliance, New York Civil Liberties Union, New York State Coalition Against Sexual Assault, New York State Council of Churches, New York State Nurses Association; New York Sustainable Business Council; One Fair Wage; Partnership for the Public Good; Planned Parenthood Empire State Acts; Refugee and Immigrant Support Services (RIISE); RWDSU; SEIU Local 32BJ; SEIU Local 200 United; Solidarity Committee of the Capital Region; United Auto Workers, Region 9A; The Legal Project; The Marlow Collective; The Social Justice Center of the Capital Region; Urban Grief; United University Professions; Western New York Women's Foundation; Worker Justice Centers of New York; YMCA of Greater Rochester.