



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JOHN WEIS
Chair

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District Manager

December 2, 2009

Honorable Gale Brewer
City Hall Office
250 Broadway
Suite 1744
New York, NY 10007

**Re: New York City Council Intro. 1059
Employer Required Paid Sick Leave**

Dear Council Member Brewer,

Manhattan Community Board No. 4 gives its conditional support for Intro. 1059, which would require employers to provide employees with paid sick leave. We applaud your leadership in trying to secure this important right for thousands of New York City's workers who currently do not receive any paid sick days. Manhattan CB4 enthusiastically supports the intent of Intro. 1059 and believes the broadest range of industries should be covered. However, we are concerned about the bill's potential economic impact, especially on small businesses, and as yet unresolved matters surrounding its implementation and enforcement.

The issues articulated below were raised at November's Full Board meeting and in a subsequent Housing, Health, and Human Services Committee meeting. The intent of this letter is not to recommend specific alternatives, but rather to raise the issues and express that the Board's continued support is conditioned upon favorable resolution of these items before the bill's passage.

- Determine the bill's economic impact on New York City employers on an annual basis. This requirement has been instituted in both San Francisco and Washington D.C., the two largest cities to have passed similar laws already. However, preliminary studies have not fully analyzed the impact of the law, including costs and benefits, for both employers and employees.
- Rethink the number of employees that distinguishes between small and large employer. Manhattan CB4 has long been concerned about the viability of small businesses. Recognizing that the burden will vary depending on the size of the business, it is encouraging that the bill applies differently to small and large

employers. However, 12 employees may not equate a large business in New York City. Washington D.C. has three tiers of employers: between 0 and 24, between 24 and 99, and more than 100, and different accrual rates for each tier. In New York, a workable standard for a smaller business may be a business with fewer than 50 employees.

- Clearly define “employer” and when an employer’s obligation is triggered. There is some confusion as to if an employer means a corporation or an individual operating unit based in New York City. Additionally, it is unclear if the employer is obligated to provide paid sick leave for employees whose home office is in New York City, but also work in other offices outside the City.
- Clearly define “employee.” The Board is concerned that some employees who work seasonally or under other non-traditional arrangements will not be covered. The Board would like to see the definition of “employee” be as broad as possible.
- Clearly define “family member.” The bill allows paid sick leave related to an employee’s need to care for a family member. The Board recommends a broad definition of “family member,” but the language “or the equivalent” should be removed as it is too vague.
- Clearly define a “day.” Not all employees work full-time, regular shifts. The bill must clarify that a “day” means a single shift, no matter its length or proximity to the next day an employee is scheduled to work.
- Re-consider the number of days an employee has to be employed before eligible to take paid time off. Other cities stipulate that workers must be employed for a certain amount of time before they are eligible to use their accrued time. A clear standard should be established.
- Strengthen provisions designed to minimize abuse. The Board supports the decision to include provisions intended to minimize opportunities to abuse the new policy. It seems reasonable to allow employers to require proof of illness when employees are out for more than one consecutive day.
- Clarify that should a collective bargaining agreement exist, its Sick Leave provisions would supersede Intro. 1059.
- State which city agency will be responsible for administering and implementing the paid sick leave law. As you know, a good law means little without adequate enforcement. The designated agency must put policies in place to determine:
 1. how employers and employees will be educated about the new law
 2. how sick days will be counted and tracked
 3. what base period of time (i.e., calendar year or fiscal year) will be used for sick time tracking.

4. how to deal with employee complaints
 5. how to deal with non-compliant employers
- Provide whistleblower protections. The Board feels strongly that whistleblower protections must be put in place. Employees must feel protected from illegal firings or threats from employers of calling immigration authorities.

Manhattan CB4 applauds those employers that already provide their employees with this important benefit. However, we also recognize that some employers will never provide paid sick time unless required to by law. Intro. 1059 would go far to protect workers—both full-time and part-time—with only a modest increase in cost to the employer. For this fundamental reason, Manhattan CB4 supports New York City Council Intro. 1059, provided the above issues are reconciled, and urges its prompt passage.

Sincerely,



Joe Restuccia
Co-Chair, Housing, Health and
Human Services Committee

[signed 12/2/09]

Dave Hanzel
Co- Chair, Housing, Health and
Human Services Committee