



Legislation Details (With Text)

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Int. No. 242

By Council Members Palma, Cornegy, King, Rosenthal, Vallone and Rodriguez

A Local Law in relation to reporting of data by the Independent Budget Office regarding the Earned Sick Time Act.

Be it enacted by the Council as follows:

Section 1. a. Independent budget office report. Pursuant to section 260 of the New York city charter, no later than March 31, 2015 and on or before every March 31 thereafter, the independent budget office (“IBO”) shall report to the mayor, public advocate, comptroller and the council, and post on its website a report presenting data for the previous calendar year related to the costs and benefits of the earned sick time act, Local Law 46 of 2013 as amended by Local Laws 6 and 7 of 2014. Such report shall include to the extent practicable a comparison of New York city with surrounding counties and large cities comparable to New York City that do not provide sick time, and shall include, to the extent practicable given available data and methodologies, but not be limited to, data regarding:

1. Wage and employment rates.

2. Small business start-up and failure rates, and the number of such businesses that were minority or women owned.

3. Infectious disease rates.

4. Complaints received by the department of consumer affairs or any other agency designated by the mayor to administer the earned sick time act regarding alleged violations of the earned sick time act, including:

A. the number of complaints filed against employers, disaggregated by the number of employees of such employers as follows: under 5; 5-10; 11-20; 21-50; 51-100; 101-200; 201-300; 301-500; more than 500;

B. the number of notices of violation issued against employers, disaggregated by the number of employees of such employer as follows: under 5; 5-10; 11-20; 21-50; 51-100; 101-200; 201-300; 301-500; more than 500;

C. the number of complaints resolved through mediation; and

D. the number of complaints resolved by a hearing.

5. Penalties and other relief, including:

A. the total amount of civil penalties ordered paid by employers to the city, including the subtotal of such penalties ordered against small businesses with under twenty employees;

B. the total amount of monetary awards ordered paid by employers to employees, including the subtotal of such awards ordered against small businesses with under twenty employees; and

C. a list of the types of injunctive relief ordered against employers including, but not limited to, reinstatement.

b. The first report shall compare statistics from the period of January 1, 2010 until December 31, 2013 to the period of between April 1, 2014 until December 31, 2014 in order to assess the effect of the earned sick time law on the city, particularly on small businesses. Such comparison shall include, but not be limited to, small business start-up and failure rates and whether start-ups hired on average more or fewer employees prior

to the earned sick time act going into effect.

c. Methodology. When reporting the data required by this local law, the IBO director shall ensure that IBO uses appropriate and professionally accepted methodologies for comparing similar data and identifies such methodologies in the report, and shall clearly specify the extent to which the earned sick time act can properly be determined to have had an impact on any of the data analyzed. The report shall be contingent on the availability to IBO of data the IBO director determines to be necessary to complete such report. The IBO director shall be authorized to secure such information, data, estimates and statistics from the agencies of the City as the director determines to be necessary in the preparation of such report, including, but not limited to, the department of the consumer affairs and the department of mental health and mental hygiene, and such agencies shall provide such information to the extent that it is available in a timely fashion.

§ 2. This local law shall take effect immediately.

MWC
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