TESTIMONY OF
WILLIAM HEINZEN, DEPUTY COUNSELOR TO THE MAYOR,
ON INTRO 565-A, BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON GENERAL WELFARE

December 6, 2007

Good afternoon, Chairman de Blasio and members of the Council.

My name is William Heinzen, and I am Deputy Counselor to the Mayor.

Thank you for the opportunity to testify regarding Intro. 565-A, which would amend the New York City Human Rights Law to make it illegal for employers to deny a reasonable accommodation to persons defined as caregivers.

As Mayor Bloomberg has made clear, any form of illegal discrimination in New York City is unacceptable, offensive, threatens productivity, and will not be tolerated. The City has an amazing tradition of protecting civil rights, and we are proud of our role in shaping that tradition, in partnership with the Council. Nonetheless, the administration believes that the bill's scope is uncertain, and that to the extent discrimination against

caregivers exists, it can be addressed by existing civil rights law. We also believe that there are unexamined cost implications for the public and private sectors, making the bill premature.

The Family Leave and Medical Act

The bill has an uncertain interplay with the Family and Medical Leave Act, which requires employers to provide employees up to 12 weeks of time off each year to care for a family member with a "serious health condition" or to care for a newborn, adopted or foster child.

FMLA applies to private sector employers of 50 or more, while the Human Rights Law applies to employers of 4 or more. Thus, it can be argued that, at minimum, the bill in effect extends FMLA's coverage to the City's small businesses. There is no evidence, however, that the impact on the business community has been thoroughly modeled and evaluated.

Int. 565-A would also give employees an argument that they are entitled to more leave than the FMLA requires, because that extra leave would not impose an undue hardship on the employer. And even though in many cases, leave provided under Int. 565-A could be counted toward meeting an employer's obligation under the FMLA, I note that the FMLA's definition of "serious health condition" is narrower than the definition of "disability" in the Human Rights Law, and there thus may be cases where an

employer provides leave required under Int. 565-A that does not count toward meeting the employer's obligation under the FMLA. Again, the interplay between this bill and FMLA is nowhere mentioned, but its implications need to be explored.

Existing Protections under Federal, State and City Law

Further, I note that New York City's Human Rights Law is, by express design, broader and more protective than federal or state civil rights law. The definition of "disability," to cite one pertinent example, is broader than under state or federal law. The City has a long and proud tradition of advancing human rights, and this is reflected in our very progressive Human Right Law, but it would be, at best, unusual and counterproductive to amend that law to address a problem of uncertain scope – and potentially create a very large pool of potential litigants – before we better understand the issue.

In fact, to the extent people who are caregivers for family members experience employment-related setbacks due to discrimination by their employers, we believe that the current Human Rights Law – in addition to federal and state civil rights law – provides a remedy. For this reason, the administration believes that most if not all instances of employment related actions that are characterized as caregiver discrimination can be addressed

by the existing prohibitions against sex and disability discrimination. To the extent such actions are traceable to race-based stereotypes and assumptions, these could also be addressed under the City's current law.

This conclusion is strongly supported by the federal government. Although federal law does not prohibit discrimination against caregivers per se, the federal Equal Employment Opportunity Commission recently issued guidance on the issue of caregiver discrimination. The EEEO guidance does not create a new protected class. Instead it illustrates circumstances in which sex stereotyping may violate Title VII. For example, an employer might refuse to hire a woman with young children, out of concern that she will be less productive than other employees. That decision would provide grounds for a sex discrimination claim, because the woman could allege that she has suffered from sex-based stereotyping.

Moreover, in addition to prohibiting discrimination against a qualified worker because of his or her own disability, the Americans with Disabilities Act (ADA) prohibits discrimination because of the disability of an individual with whom the worker has a relationship or association, such as a child, spouse, or parent. The City's Human Rights Law also provides this protection.

Thus, if an employer refused to promote an employee because they were caring for a family member with a disability, and the employer assumed that they would not be able to handle more work, that employee would have a claim under the ADA and existing City law.

Thus, although we support the goals of this bill, we do not support it as written because we do not believe there has been sufficient study of its actual effect on the public and private sector. More importantly, we believe that the root issues are properly and adequately addressed by existing law. We would, of course, be willing to work with the Council and the Human Rights Commission to develop more information about different types of workplace discrimination and to explore different options for addressing it, including public outreach and education.

Thank you, and I would be happy to answer any questions.

Statement on behalf of
Transport Workers Union Local 100
In Support of Intro 565A
December 6, 2007

Public Advocate Gotbaum, Chairman De Blasio, members of the Committee,

My name is Vernon Thorpe. I am here today to testify on behalf of Roger Toussaint and the 38,000 members of TWU Local 100 in support of Intro 565-A. This initiative would fix an important gap in New York City's ant-discrimination laws. We are grateful to Public Advocate Betsy Gotbaum, and to Council members de Blasio, Weprin and Brewer for directing public attention to this matter.

In our culture there is a gap between the ideal and the real when it comes to family responsibilities. In the abstract, working people are expected to be responsible family members who provide the necessary care to those in their families who require it, be they children, elderly parents or ill relatives. In the concrete, it is too often the case that having family responsibilities becomes a mark against an employee. An employee who must from time to time come in late or leave early in order to care for a dependent risks career limits or even termination, regardless of the quality of his or her work.

This is so much the case that pregnant women are at risk of discrimination based simply upon anticipation that they may be rendering care at a future time.

Working people need to be able to take care of their family members. They should not on this account be placed at risk of employment discrimination, whether in hiring, in promotion, or in job security.

While the responsibilities of caregiving may fall on any of us, they tend to fall disproportionately on women. Discrimination based on gender has been outlawed, yet discrimination based on caregiving offers an open backdoor to continued discrimination against women.

For these reasons, we support Intro 565-A and look forward to its passage to close an important gap in New York City's anti-discrimination laws.

District Council 1707 AFSCME Supports INT 565-A

General Welfare Hearing on Legislation Prohibiting Employment Discrimination Against Caregivers.

G.L. Tyler
Political Action Director
District Council 1707 AFSCME
December 6, 2007

District Council 1707 AFSCME wholeheartedly supports INT 565-A as a necessary addition to the basic laws protecting our members and the general public from insidious forms of discrimination. INT 565-A would enable caregivers to care for their loved ones without fearing retaliation and bias from their places of work.

District Council 1707 represents more than 25,000 non-profit social service employees, who as compassionate professionals care for the elderly, our young, the mentally and physically challenged – in summation – this city's most vulnerable communities.

We empathize with those who have been discriminated against due to their caregiver status because our members have been victims of the same prejudiced practices. Our members' battles in the workplace are fought by union representatives with grievances and arbitrations, while non-union employees have little recourse against workplace abuse because they are at-will employees.

This law expands the protections of employees to reasonable standards and layers the moral basis of protection to employees whose personal and financial obligations have been pushed to the limit due to care of a loved one. By protecting their employment caregivers, in already stressful environments, have fewer reasons to worry about paying rent, putting food on the table and delivering other basic necessities to their families.

We urge the passage of INT 565-A as a continuation of the human and democratic rights that should be afforded to all in this nation.

NEW YORK CITY
CENTRAL LABOR COUNCIL
AFL-CIO

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Testimony to NYC Council Committee on General Welfare

The New York City Central Labor Council
Edward F. Ott, Executive Director
December 6, 2008

Good afternoon. My name is Ed Ott and I am the Executive Director of the New York City Central Labor Council, the nation's largest municipal labor federation of 400 affiliated local unions representing 1.5 working men and women in New York City.

Thank you Chairman de Blasio and members on the committee for the opportunity to testify today in support of Intro. 565-A, which would amend the City's Human Rights Law to prohibit employment discrimination based on an individual's actual or perceived status as a caregiver.

A family caregiver is often also a full-time worker who is in need of support of their own. A caregiver can be a working mother, a loving and loyal son, or a new father encountering a discriminatory workplace barrier that prevents them from being able to balance work and family responsibilities.

Under the Equal Employment Opportunity statutes, workers are entitled to be evaluated as individuals, not as members of groups. Caregivers are sometimes subjected to unlawful disparate treatment that violates this cardinal principle.

Family responsibilities discrimination has been defined as a form of sex discrimination based on gender stereotypes, where employees are treated unfairly at work because of their informal caregiving responsibilities for children, elderly parents or ill relatives. According to the Center for Worklife Law, New York is one of three states with the greatest number of family responsibilities discrimination (also known as FRD) lawsuits.

In many cases when discrimination occurs, the problem revolves around an issue of scheduling and can be resolved by accomidating individuals during times of need. As with any other worker, a caregiver is only protected against discrimination if it is based on one of the protected characteristics that are specifically covered by the EEO laws. Discrimination based purely on parental or caregiver status is not protected. However, the EEO laws do reach discrimination against caregivers that is based on sex, race, or any other protected status, just as they reach claims brought by non-caregivers that are based on a protected EEO status.

Disparate treatment based on hostility toward workers who assume caregiving responsibilities is not limited to women and also impacts men, who face different but equally harmful sex-based

stereotypes. For example, perceptions about men and caregiving might lead to a son's being harassed after he switches to a part-time schedule to take care of his terminally ill mother. The reality is, all of us have family responsibilities that have or will interfere with our work and jobs at times. A caregiver is a vital role, not just in our family lives, but in our society. The Human Rights Law fails to protect individuals against employment discrimination based on one's status as a caregiver, and should be amended to extend employment discrimination protection to New Yorkers who are actual caretakers.

In closing, I want to thank Public Advocate Gotbaum for her leadership on this important labor issue. Hopefully, with the passage of Intro. 565-A, that situation will change for the better, and caregivers will not be held to different standards than other workers.

BRIDGING SENIOR SERVICES

Council of Senior Centers & Services of NYC, Inc.
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Testimony of Council of Senior Centers and Services
Before City Council and Public Advocate on:

Intro. 565-A,"a local law to amend the administrative code of the city of New York, in relation to prohibiting employment discrimination based on an individual's actual or perceived status as a caregiver"

December 6, 2007

My name is Miriam Burns and I am the Public Policy Associate for the Council of Senior Centers and Services (CSCS). CSCS is the central organization representing over 200 member agencies providing community-based services to 300,000 older New Yorkers annually. CSCS was instrumental in the creation of the New York City Family Caregiver Coalition (NYCFCC) in 2004. The NYCFCC was created to bring together caregivers of all ages, circumstances and relationships. Along with HIP Health Plan of New York, CSCS has hosted two Caregiver galas in the City of New York.

We would like to testify today in support of Int. 565-A. We are increasingly aware of the difficulties faced by family members trying to balance caregiving responsibilities with the need to work. Demographic shifts have left the heart of America's workforce caring for their aging parents and their children at the same time. The commitment on the part of American employers to help their employees meet their family obligations is essential to their long-term well-being.

America's population is aging. Thirty-Five million Americans were 65 or older in 2002 and by 2030 that number will rise to 47.5 million. The Mayor's 2030 plan projects a 45% increase in the elderly population of New York City by the same year. Critically important is the significant increase in those individuals who are over age 75 who are significantly more likely to need some caregiver assistance - and our workforce is primarily going to be providing that care. Family and friends informally provide 80 percent of the care needed by elders at a savings of more than $24 billion annually to New York City alone.

The increase of women in the workforce has resulted in an increased number of dual-earner households. Studies have determined that more women are involved in caregiving roles than men. Many companies have adopted innovative job scheduling and other flexible policies that have supported the needs of caregivers. The Family and Medical Leave Act (FMLA) of 1993 contributed to a

change in employer response and attitudes toward care giving needs.

However, there is currently a move by business to dilute the promise of the FMLA as outlined in a NY Times article of December 2, 2007. The Labor Department has signaled its support of changes by soliciting public comment on changes to that law. The National Association of Manufacturers (NAM) contends that the law is widely abused and has caused a "staggering loss of work hours" as employees took unfair advantage of the law's intent. The NAM suggests that employees just use that time to extend vacation time.

There is serious concern by advocates that the current administration will issue new rules that cut back on FMLA time for those who need it by, for example, narrowing the definition of serious health condition. This makes it even more critical that local and state governments increase protections for caregivers in the employment arena.

Int. 565-A addresses an important aspect of the caregiving conundrum by eliminating employment discrimination based on caregiving responsibilities. While caregiving responsibilities disproportionately impact working women, their effects may be more pronounced among some women of color, particularly African-American women who have a long history of working outside of the home. Women of color also may devote more time to caring for extended family members including grandchildren and elderly relatives than their white counterparts. These responsibilities limit the employment opportunities and are felt most profoundly by lower-paid workers who have much less control over their schedules and are more likely to face inflexible employer policies. Family crises often lead to discipline or even discharge when a worker violates an employer policy in order to address caregiving responsibilities. For professionals employer discrimination may lead to the "glass ceiling" limits on career advancement.

Indeed home responsibilities can mean missing out on promotions and training at work. More than 49% of caregivers in a MetLife study reported that caregiving effected their ability to advance on the job. Moreover their income was often severely reduced because of caregiving obligations. Nearly two-thirds of the respondents in the same study reported that caregiving had a direct impact on their earnings. The total loss of wage wealth was estimated at $566,443. Retirement income also suffered because it resulted in loss of social security benefits totaling as much as $2,100 annually. Employers also reported a loss in employee productivity, increases in turnover and absenteeism which could total as much as $11.4 to $29 billion per year.

The billions of dollars worth of family care giving and the out of pocket contributions of caregivers results in savings to the government and support for the community based care for the elderly and disabled. Unless we support employed family caregivers, the consequences for society are incalculable.

a better balance
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TESTIMONY OF A BETTER BALANCE: THE WORK AND FAMILY LEGAL CENTER

On INT. NO. 565-A Outlawing Discrimination Against Caregivers in New York City

Sherry Leiwant

Phoebe Taubman

TESTIMONY ON PROPOSED INT. NO. 565-A

Submitted by: A Better Balance: The Work and Family Legal Center by Sherry Leiwant and Phoebe Taubman

A Local Law Prohibiting Employment Discrimination Based on an Individual's Actual or Perceived Status as a Caregiver

I want to start by commending the Public Advocate Betsy Gotbaum and her staff as well as the Council members and this committee for recognizing that there is a gap in our city's anti-discrimination laws, which, although generally excellent, fail to protect New Yorkers with family responsibilities from job loss and discrimination because of their need to care for their loved ones.

Discrimination against caregivers is a serious problem for a wide range of New Yorkers. This issue is a real one for New Yorkers across the economic spectrum – it affects both men and women, upper, middle and lower income workers. Every day workers are fired, demoted, not promoted or denied other employment benefits due to their family responsibilities. Discrimination against caregivers deprives families of needed income and intimidates those who need to care for their children or a sick family member but are afraid of losing their jobs.

Real case examples abound. A 34 year old woman has her first child and takes a maternity leave from her six figure communications job. Within days, she is bombarded with work requests and, before her maternity leave time has expired, she is laid off. Without her salary, her family loses their home. A woman with an advanced degree in psychology and a good job is demoted when she has her first child because her employer believes she should be at home with her baby and should not remain in a time-demanding job. A clerical worker whose mother is ill is fired when he takes her to the doctor. A mother who has worked for the same employer for 20 years is laid off when she refuses to work 3 hours of overtime on an evening when there is an important event at her child's school.

Although no federal (or New York state) law explicitly protects workers who are caregivers, those who have suffered often dramatic economic harm as a result of family responsibilities discrimination have found ways to seek redress within the existing framework of civil rights laws. The severity of discrimination against caregivers is exemplified by the dramatic increase in the number of such cases claiming "family responsibilities discrimination" – in the last 10 years these cases have increased 400%, from 97 cases to 483, while general discrimination cases have declined by 23%.[i] New York is one of the areas of the country with the greatest number of these cases.[ii]

The dramatic increase in caregiver discrimination claims grows out of the increased number of mothers with young children in the workforce today. Three out of four women with minor children are now in the work force (a contrast with thirty years ago when fewer than half of women with minor children had paid jobs) and the biggest increase has been among mothers with children under age three.[iii] At the same time, work hours have substantially increased over the last thirty years.[iv] Bias against working mothers, as well as impatience with the needs of parents with children, has often led to unfair treatment of parents and other caregivers in the workplace.

Although mothers are often the target of discrimination due to caregiving responsibilities, this is not just a woman's issue. Joan Williams, in her survey of published legal arbitrations between unions and employers, found that over 50% of the cases involved male employees — generally fathers — who were fired or otherwise disciplined because they experienced work/family conflict and chose to take care of their children or other family members.[v]

Similarly, work-family conflict is not just an upper-middle-class issue. Research indicates that over two thirds of the employees experiencing severe work-family conflict are non-professionals.[vi] In addition, conversations with Legal Aid attorneys, who represent poor women with children making the transition from public assistance, indicate that many single parents in the city have been fired, demoted and given poor shift assignments as a result of their need to take care of family emergencies.

Targeted legislation is necessary to protect New Yorkers against this form of discrimination. There is currently no specific law that protects New Yorkers from employment discrimination based on their status as caregivers. There have been attempts to use existing civil rights laws such as the Federal Family and Medical Leave Act, Title VII of the Civil Rights Act of 1964, and the Pregnancy Discrimination Act, to remedy discrimination against caregivers, but because these laws do not offer specific protection, many individuals fall through the cracks. In order to challenge family responsibilities discrimination under current law, victims would have to show that they were treated differently on the basis of gender stereotypes about motherhood or fatherhood resulting in gender discrimination (which can be hard to prove), or that the discrimination was really pregnancy discrimination (but most discrimination happens after the baby is born), or that there had been a violation of the Family and Medical Leave Act (but the FMLA covers actions by the employer only during a protected leave and only if the employer is large enough to be covered, i.e. 50 or more employees.).

The Equal Employment Opportunity Commission's recent enforcement guidance on disparate treatment of workers with caregiving responsibilities has helped to illustrate the range of factual circumstances prohibited by existing law.[vii] For example, in addition to claims based on gender stereotyping and pregnancy discrimination, employees who are treated differently because of their association with a disabled relative for whom they provide care are protected under the Americans with Disabilities Act. However, the EEOC guidance is limited by the scope of existing equal employment laws and does not create a new protected category for caregiver employees. As a result, an employer who treats both women and men with children, for example, equally poorly relative to workers who are unaffected by family responsibilities may not be found to have violated the law.

Because it can be complicated to make out a case under statutes designed to protect against different kinds of discrimination, and because these statutes do not protect caregivers *as such*, it is important to have a law that specifically outlaws discrimination based on family responsibilities. New York City has one of the most comprehensive and far reaching civil rights laws in the country, yet employers are still free to refuse to hire workers because they have responsibility for family members or fire employees who need

to care for their loved ones. This is a loophole that must be closed to insure that all New Yorkers have the opportunity to work free from discrimination.

Enactment of this statute would send a clear message that discriminating against those with family responsibilities is wrong. In the years preceding enactment of Title VII of the Civil Rights Acts of 1964, many employers adopted internal policies to refuse to hire or promote women or African Americans. Similarly, in the years prior to the passage of Title IX of the Education Amendments of 1973, prohibiting gender discrimination in federally-funded education, law schools openly placed quotas on the number of women they would accept. There was simply no clear sense among employers that anything was wrong with their practices. It is important that a clear message be sent to today's employers that they cannot disfavor men and women in hiring, firing or promotion decisions because they have family members in their care. You can send this message by including protection of caregivers in our city's civil rights laws.

Accommodation for caregivers will protect families and will not hurt business. We applaud the drafters of this law for including a "reasonable accommodation" provision with respect to caregivers. The law would afford caregivers the same protections currently extended to people with disabilities and those who require accommodations for religious practice. Specifically, under the law, using the standards already in place in the City's civil rights law, employers would be required to provide reasonable accommodations for caregivers, but only if that accommodation does not cause "undue hardship" to the employer. In determining undue hardship, such factors as the nature and cost of the accommodation, the overall financial resources, size and general ability to make changes in structure or operation will be considered.

"Reasonable accommodation" has worked well in insuring that those with disabilities are not treated unfairly or driven out of the workplace. In order to effectively protect caregivers, it is equally important that employers provide accommodations when possible and reasonable. An anti-discrimination law alone will not be sufficient to protect caregivers. Discrimination against caregivers, like discrimination against the disabled, is

prevalent not just because of stereotypes about them as a group (as in race and sex), but also because these groups often have different needs from other workers, different "norms" that require accommodation in order to allow them to be productive members of the workforce.[viii] We as a society have accepted that accommodations for those with disabilities is important. Accommodations for caregivers are equally important.

Other countries that have included caregiver discrimination in their civil rights laws have also included a reasonable accommodation requirement for those caregivers. These countries have acknowledged their debt to the United States for creating the concept with respect to the disabled.[ix] The Canadian Supreme Court looked with approval on an anti-discrimination standard that included reasonable accommodation, stating that such an approach was premised on the need for workplaces that accommodate the potential contributions of all employees as long as that can be done without undue hardship to the employer. Such an approach does not mean that employers cannot have rules that may burden caregivers, but that, in such cases, reasonable alternatives must be explored.[x] Similarly, New South Wales, Australia, in response to the growing wage gap between women and men and the drop-out rate of mothers from the work force, created a strong caregiver anti-discrimination law with a reasonable accommodation provision. That provision has been used to increase work-time flexibility for caregivers who need it to be able to stay in the labor market.[xi]

Most of the stories of job loss and demotion due to caregiving responsibilities could be remedied by reasonable accommodations on the part of the employer – allowing a mother a few hours off to take her sick child to the doctor, or giving an employee a flexible or part-time work schedule after the birth of a child. When the norm in the workplace does not allow for family responsibilities, failure to accommodate will push workers out of jobs and result in employment sanctions such as loss of pay or job status. As long as employers are not required to make accommodations if they will suffer undue hardship, such a provision should not create problems for employers. Indeed, changing the workplace to accommodate employees with caregiving responsibilities can truly be a win-win for both employers and workers. The business case for work-family benefits and practices is a strong one – accommodation of family needs in the work place makes for

happier and more productive employees. As stated by the Families and Work Institute: "The importance of supportive work-life practices...is clear – when they are available, employees exhibit more positive work outcomes such as job satisfaction, commitment to employer and retention."[xii]

New York City should be a leader in protecting families in the workplace. The District of Columbia and the State of Alaska already have laws on the books that prohibit Families Responsibility Discrimination.[xiii] In February 2007, a bill banning this form of discrimination was introduced in California. The New York Human Rights Code is one of the strongest in the nation and New York should be a leader in this area.

Families deserve protection and support. Discrimination against workers with family responsibilities hurts those in our society struggling to both care and provide for their families. This is an issue that affects all New Yorkers. We congratulate the Public Advocate and the City Council for supporting working families in New York by giving this issue the attention it deserves.

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[i] Mary C. Still, *Litigating the Maternal Wall: U.S. Lawsuits Charging Discrimination Against Workers with Family Responsibilities*, Center for WorkLife Law, July 6, 2006, pg. 7, *available at* http://www.uchastings.edu/site_files/WLL/FRDreport.pdf.
[ii] Id. at pg. 11.
[iii] U.S. Department of Labor, Bureau of Labor Statistics, *Labor Force Participation Rate of Mothers, 1975-2006*, MLR: The Editor's Desk, December 3, 2007, http://www.bls.gov/opub/ted/2007/dec/wk1/art01.htm. 72% of single mothers with children under 18 are employed in the workforce. The labor force participation rate for all mothers was 70.9% in 2006, and among mothers with children younger than a year old, 56.1% were in the labor force. U.S. Department of Labor, Bureau of Labor Statistics, *Employment Characteristics of Families in 2006*, May 9, 2007, Table 4, *available at* http://www.bls.gov/news.release/famee.nr0.htm.
[iv] James T. Bond & Ellen Galinsky, *When Work Works: A Status Report on Workplace Flexibility*, IBM and the Families and Work Institute (2004).
[v] Joan C. Williams, *One Sick Child Away from bring Fired: When "Opting Out" is not an Option*, WorkLife Law, 2006, pg. 19, *available at* http://www.uchastings.edu/site_files/WLL/onesickchild.pdf.
[vi] Still at pg. 8.

[vii] Enforcement Guidance 915.002, "Enforcement Guidance on Unlawful Disparate Treatment of Workers with Caregiving Responsibilities," (May 23, 2007). Can be found at http://www.eeoc.gov/policy/docs/caregiving.html ..

[viii] Lucinda Finley, "Transcending Equality Theory: A Way Out of the Maternity and the Workplace Debate," 86 *Columbia L. Rev.* 1118, 1172 (1986).

[ix] *European Union Directive on Equal Treatment* (2000).

[x] *Central Alberta Dairy Pool,* 2 S.C.R. 489,518 (1990).

[xi] Conference Report, *Working Time Discrimination and the Law: The Family Responsive Workplace in Europe and the United States* (March, 2005), pg. 11.

[xii] Bond & Galinsky, supra. For example, a study by Bristol-Myers Squibb found that parents whose children attended on-site daycare centers were not only more satisfied and committed to the company (a common finding) but that their satisfaction translated directly to their relationship with their supervisor, which they related more highly than parents whose children did not attend on-site daycare. Stacey Gibson, *Research and Action Come Together: A Dialogue with Boston College and Bristol-Myers Squibb on their Joint Child Care Center Assessment,* Sloan Research Network Newsletter, 2004, 6:5.

[xiii] Alaska Stat. §18.80.200; D.C. Code Ann. §§2-1401.01-.02.

Good Afternoon, my name is Toni-Anne Carulli. I am an Executive Board Member of New York Families for Autistic Children and the mother of a 13-year-old son with Autism. I am here to represent thousands of parents like myself that have been discriminated against in the workplace due to the extra care that our special needs children require.

My son Steven was diagnosed with Autism at the age of 3. Steven's diagnosis changed my life in many different ways. In addition to the immediate shock and heartache of knowing that my Steven will never be able to live a normal life, in time it was clear that many other obstacles would affect my life as well. One of them being that as a parent of a child with Autism, I am also disabled. Disabled in such a way, that affects my every day life in the work place and will do so for the rest of my life.

Because Steven's diagnosis and his special education needs I started to on a consistent basis get reviews at work that were influenced by the number of days that I needed to take off due to Steven's Autism. Evaluations, IEP meetings, parent/teacher meetings and parent training meetings were now an integral part of my life. Home programming, socialization groups, doctor's, physiatrist and physiological visits, are among my daily routine. Mandatory lab visits scheduled every other month for blood workups to assure that my son's liver is not being affected by the medications he must take for life. Illness's such as ear infections, digestive problems, Asthma and allergies that all special needs children are more prone to take up most if not all of my sick and vacation leave. Leaving me with no choice but to take numerous unpaid sick days.

This in turn led to warnings that my job was at risk due to my absenteeism. This is very humiliating to say the least. You see the corporate world doesn't care about personal problems only that their work is not being completed in a timely fashion, and that my production was not at its best.

My son's special needs are clearly defined by his diagnosis. Finding child care for a disabled child is harder if not next to impossible and much more expensive as compared to finding child care for a normally developing child. There are long waiting lists at Agency's for after school respite help, and the only assistance comes from family members who are not always available at last minute notice.

I am by trade a mortgage underwriter for the past 21 years; the past 10 years have been stressful to a degree that I cannot explain. To have to defend myself time and time again to my bosses who are clueless as to what is involved in raising a disabled child is very, very discouraging. But our hands are tied and we must deal with life on life's terms.

As an example, of which I have many. A couple of years back I was lucky enough to interview with a woman who had an inkling of my situation. Her sister was disabled and she had watched her mother have the same problems and issues that I have. She was sympathetic and did her best to accommodate my situations. Until she was transferred to another department at which time my reviews reflected only that the number of days that I had taken off was not satisfactory and I was denied even the smallest cost of living increase in salary. During that summer I had a misfortunate back injury, which kept me out of work for two months. Because I had used all of my sick and vacation time for the care giving of my son I was forced to use Family time which is unpaid time off but guarantee's your job position upon returning. I did return to work and within a few days I was fired due to excessive absenteeism. With 2 months without pay due to my back injury and then another month looking for work my home went into foreclosure. With the help of family members I was able to pull my home, and myself back together.

My next job was a very similar situation. Having to take extended lunch hours to assure that someone was home to take Steven off of the bus and wait for my 15 year old daughter to get home from school so that she could assist me in after school care caused the same negative responses. However this also became an issue because she also has a life to lead and I am not going to take that away from her. Trust me none of this makes for a healthy working or home environment. I was also let go from this job for excessive absenteeism. I am now out of work in an industry that has major problems so finding a job is very hard. I have had to claim bankruptcy and once again my home is in foreclosure. The stress that this causes affects every aspect of life.

Please we need your help. This bill will enable Parents with disabled children to lead a healthier and more productive life with the mental ability and strength to take care of our special needs children without the trials and tribulations of being discriminated against in the work place.

I have at least 3 other job situations that were unfair in the handling of my situation. Without help from you and the City Counsel this problem is just going to get worse. When my son was diagnosed 10 years ago the ratio of children born with Autism was 1 out of 2500, in the past 10 years it has risen to epidemic proportions. Today in 2007 1 out of every 150 children are today diagnosed with Autism. This will also increase the number of parents that are and will be affected in the work place. Without tolerance, acceptance and help for our situation these families will be discriminated against time and time again. Please help us!

Thank you and God bless.