

FOR THE RECORD

New York City Council Committee

On

Civil Service and Labor

Intro 97

Testimony

Of

Eileen Cifone

Manager, NYC Government Relations

National Grid, US

Good afternoon Chairman Sanders and members of the Committee. My name is Eileen Cifone, Manager of New York City Government Relations for National Grid. We are an international electricity and gas company focused on delivering energy safely, reliably and efficiently. In New York City, we provide natural gas to 1.1 million customers in Brooklyn, Queens and Staten Island.

National Grid does not dispute the good intentions of the proposed paid sick leave bill, and, in fact, our current sick leave policy is over and above the provisions of the proposed bill. However, we are concerned that Intro 97--as currently drafted--could leave us powerless to manage our workforce. As you know, National Grid provides a critical service to the city of New York and not being able to appropriately oversee and schedule our workforce could impede our ability to provide safe and reliable service 24-7.

Because National Grid must operate in times of emergencies, we enforce a very stringent emergency policy and failure to report to work due to severe weather conditions may result in loss of pay. The ability to safely and expeditiously restore service, particularly in the heart of cold winters is a critical service and can be the difference between life and death to our customers.

Like the workforce of New York City including NYPD, NYFD and OEM, National Grid along with Con Ed and Verizon are seated at the table of OEM in times of emergencies. As such, our companies, regulated by the Public Service Commission, must be exempt from this bill in order to continue to provide restoration that New York City demands of us.

We simply request that the definition of "employer" be expanded to include a section IV -- a utility company or public utility company as defined in section 2(23) of New York State Public Service Law or an affiliate of such company.

We thank the many members who have listened to our concerns over the past couple of months. We hope that you will consider the serious impact that this bill has on providing a safe environment for citizens of this great city.

FOR THE RECORD

**New York City Council Committee on Civil Service and Labor
Testimony of John H. Banks
Con Edison Company of New York
May 11, 2010**

Good afternoon Chairperson Sanders and committee members. My name is John Banks and I am the Vice President of Government Relations at Con Edison. Con Edison has serious concerns about our ability to manage our workforce as Intro. 97 is currently written. These concerns have been expressed directly by me and my staff to the Speaker's office, Chairman Sanders and Council member Brewer and to all of the members of the body through formal correspondence.

Con Edison, along with National Grid and Verizon, are regulated by the Public Service Commission because the utilities provide essential public service. The Council has made it clear during prior hearings that they consider electric, gas, steam and telephone services essential, and the more than 500 phone calls my office fielded from the members of this body last year is indicative of the urgency and necessity of utility services to the people of this City.

Con Edison has comprehensive benefits and values the health and welfare of its employees. We have attended job fairs at this body's request to inform your constituents about opportunities available with our company, and have reviewed their resumes and tracked their progress through the employment process, because of the way we treat our employees. We are consistently recognized as one of the best employers to work for, particularly for minorities, women and the LGBT community. Our company is clearly not the problem, and not the reason for this bill being drafted.

We are, however, directly affected by the language of the bill and believe that our ability to manage our workforce will be impeded. We need to look no further back than March of this year to see the devastation that can be wrought by nature – the storm caused thousands of New York City residents to lose electricity and access to phone services. We were able to respond quickly once our employees could work safely- but that is because we have a stringent emergency response policy. Unlike many of the thousands of businesses in New York City, we cannot close. We do not shut down in inclement weather. We do not have the option of saying "not today." Our emergencies are matters of public safety. We sit at the table with the New York City Office of Emergency Management. We work with the New York Police Department, the Fire Department and countless other agencies during moments of crisis. We demand that our employees respond to the call to serve the public and they are disciplined if they do not. Intro. 97 prevents us from doing so. We cannot be in a position where we cannot compel employees to document their absence during an emergency after the first missed shift, or allow them to avoid discipline when they abuse our generous policies.

We are merely asking that the employees of the utilities be treated the same way as you will treat every employee of New York City- as a critical component in the daily functioning of this City. I strongly urge you to amend Intro.97 to include the following language:

"Employer" shall mean "employer" as defined in labor law section 190(3). For purposes of this section, "employer" does not include (i) the United States government; (ii) the state of New York including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by municipal home rule section 92 or county law section 207 or (iv) a utility company or public utility company as defined in section 2(23) of the New York State Public Service Law or an affiliate of such company.

Thank you.



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May 11, 2010

FOR THE RECORD

James Sanders, Jr.
Chairperson, Committee on Civil Service and Labor
New York City Council
250 Broadway
New York, NY 10007

Re: Int. No. 97, the Paid Sick Time Act, relating to the provision of paid sick time earned by employees

Dear Chairperson Sanders:

The New York Civil Liberties Union (NYCLU) writes to express our support for Int. No. 97, which would allow employees paid sick time off to address their personal or family health needs without sacrificing their employment.¹ However, while the enactment of Int. No. 97 would certainly constitute a significant step towards meeting the healthcare needs of working individuals and their families, we also urge the City Council to take this initiative further. A comprehensive policy must also include paid leave for families with a new child, thereby providing employees with flexibility in the workplace so that they can care for their families. Such a policy would not only be sound and beneficial for the health of individuals, but also for the businesses that employ them.

The NYCLU commends the New York City Council for recognizing the need for paid sick leave. In New York City, where nearly half of the city's working population (48%) does not have the right to take paid sick leave, between 1.65 and 1.85 million people face the prospect of losing their jobs and/or income when they or a family member become ill.² As a consequence, many persons are compelled to go to work even when faced with such healthcare needs.³

¹ The bill provides that employees may accrue up to 72 hours of paid sick time per year for their own or their family members' healthcare needs. "Family member" is defined in a manner that recognizes the varied and complex family systems that exist in New York City. And the bill protects employees from retaliation for exercising their right to paid leave.

² Jeremy Reiss and Nancy Rankin, "Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers," The Community Service Society of New York, October 2009.

³ *Id.*

⁵ *Id.* (Low-income is defined as an annual income of \$44,000 for a family of four).

In particular, the lack of paid sick leave has a disproportionate impact on certain populations who are in great need of such a policy, and would benefit from it most. According to a study by the Community Service Society of New York, of the persons who reported not having paid sick leave, 66% were low-income workers.⁵ The lack of paid sick time also disproportionately affects single working mothers, and Latino workers, of whom 7 out of 10 do not have paid sick leave.⁶ And well over half of the employees in the leisure, hospitality, retail, whole-sale trade, manufacturing, and construction sectors do not have paid sick leave.⁷

When persons are sick and forced to go to work, overall public health is also threatened. Because many employees report being more likely to go to work when sick, these employees put other persons at risk of becoming ill, particularly in a city like New York City where most of the population relies on public transportation, and people come into close contact with one another during the course of traveling. These concerns were especially apparent during the recent public health threat posed by the H1N1 flu virus, and the Council should not wait for another similar incident before adopting legislation that would allow employees to attend to their health without jeopardizing the health of others.

New York City is in need of legislation like Int. No. 97 because federal and state laws are currently inadequate. Under federal law, the Family Medical Leave Act (FMLA) provides up to 12 weeks of *unpaid* leave annually to eligible workers. FMLA preserves job security, but it does not provide needed financial support, and it often fails to cover many low-income workers who need it most.⁸ In contrast, Int. No. 97 would help to ensure that the city's working population and especially its low-income employees are able to maintain a livelihood and care for their families.

However, a sound and comprehensive leave policy must also include paid leave for employees who must take time off to care for a new child. For many employees, the birth of a child or an illness in the family triggers a cycle of economic strain. In the case of families that enter poverty, twenty-five percent of the time, this is due to the birth of a child.⁹ Aside from Australia, the United States is the only industrialized country that does not provide comprehensive paid leave benefits to workers.¹⁰ We therefore urge the City Council to expand the scope of this proposal, and to follow the example set by the Paid Family Leave Act (Senate Bill No. 5791/Savino), which is currently pending in the New York State Legislature, and would provide financial support and job leave when families face serious healthcare challenges for up to thirteen weeks, including those families who have just experienced the birth, adoption, or foster care placement of a child.

⁶ *Id.*

⁷ *Id.*

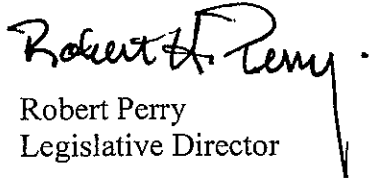
⁸ Sarah Fass, "Paid Leave in the States: A Critical Support for Low-wage Workers and Their Families," National Center for Children in Poverty, March 2009. (FMLA does not apply to small businesses, and it excludes part time workers and people with less than stable employment histories because it requires employees to have worked for the same employer for at least one year and for at least 1,250 hours).

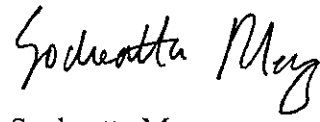
⁹ Senate Bill Number 5791 (Sponsored by Diane Savino), Sponsor's Memorandum.

¹⁰ Lisa Belkin, "The Fight for Paid Maternity Leave," New York Times, Motherlode: Adventures in Parenting, February 1, 2010.

Working people and families in New York City need the benefits and protections afforded by a sound and comprehensive paid leave policy. The NYCLU commends those City Council Members who are the legislative sponsors of Int. No. 97, which represents a significant step towards the creation of comprehensive paid leave. But we also urge the Council to consider expanding the scope of this proposal, providing employees with more flexibility in the workplace so that they can care for their families.

Yours sincerely,


Robert Perry
Legislative Director


Socheatta Meng
Legislative Counsel

cc: Members of the Committee on Civil Service and Labor

Testimony of Samira Rajan

CEO of Brooklyn Cooperative Federal Credit Union

Good afternoon. Thank you for this opportunity to express Brooklyn Cooperative's unqualified support of the proposal in front of you today.

Brooklyn Cooperative Federal Credit Union opened its doors in January 2001. It is a certified community development credit union, meaning that it is a full service retail financial institution similar to a bank, except that a credit union is a cooperative. The shareholders of a credit union are the same folks who deposit money and transact at the credit union. We are community development because we promote economic development by offering fair and affordable financial services -- such as savings accounts and small business loans -- as well as the complementary non-financial services -- such as foreclosure prevention counseling and free tax preparation -- that enable people to build assets and improve their economic security.

Today Brooklyn Cooperative operates two branches, manages over \$10 million in community assets, has 6500 largely low-income, working class members throughout Central Brooklyn, and employs 13 full-time staff. As a small business, we've seen many ups and downs, including the current tough economic times. Plus, we provide financing for many neighborhood small businesses, so we know how hard it is to stay afloat. So we definitely do not take lightly the need to be super cost-conscious.

At the same time, there is no doubt in my mind that the single most important factor in our past and our future success is our staff. No business, no company whether profit or not-for-profit, will thrive without a dedicated and competent workforce. This is why, though the credit union's budget is often tight, we have never compromised on fairness to our employees. Every employee starting from their first week of employment is entitled to 12 sick

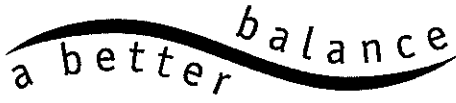
days annually, and may take part of their vacation as paid sick days if they choose.

Allowing staff to take time off when they are sick is a basic right and expectation.

A sick employee resents being at work, is not thinking, is not performing their job duties, and depresses overall staff morale. They may spread sickness to other employees and further decrease overall productivity. In addition, given that all credit union staff interact with members of the public daily, there is the potential to spread sickness to the individuals coming to do their banking business. Finally, giving a sick staff member one or two days to rest will help them get better faster so they more quickly return to full capacity. Forcing staff to work will only exacerbate their illness, perhaps even prevent them from seeing a physician to obtain proper care, and creating unpredictability and an indefinite drag on productivity.

A company's relationship with its workers ought to be built on mutual respect: the employee respects the company's policies and procedures, and endeavors to do their job right, while the employer respects the employee by providing a safe workplace, transparent decision-making, and fair treatment. Everybody gets sick. Its unavoidable. To penalize a worker for this fact of life denigrates the workplace. Many business owners do try to do right by their employees, but without a citywide standard that requires all businesses to provide sick days, they face being undercut by less scrupulous competitors.

In the end, I wish to once again express support for the bill in front of you today, and to thank you for listening to our testimony.



the work and family legal center

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TESTIMONY BEFORE NEW YORK CITY COUNCIL

On Int. 97

“Paid Sick Time Act”

May 11, 2010

Submitted by Sherry Leiwant

Executive Director, A Better Balance: The Work and Family Legal Center, 80 Maiden Land, Suite 606, New York, N.Y. 10038

I am Sherry Leiwant, Executive Director of A Better Balance: The Work and Family Legal Center. We are an organization dedicated to supporting families facing the demands of balancing work and family responsibilities in the 21st century workforce and have worked on paid leave issues around the country including paid sick days legislation in 22 states and localities.

I’ve been asked to talk about the proposed New York City Paid Sick Time law, Intro 97.

I want to start by saying that the purpose of the bill is to insure the public health of the City of New York – to insure that when a worker is sick he or she can take time off without sacrificing a day’s pay or risking job loss and that no parent will ever have to choose between their job and caring for a sick child.

The sponsor of this bill, Gale Brewer, has met with dozens and dozens of groups and individuals concerned about this bill since she introduced the first paid sick time act in the last Council session. She and the Council have made numerous changes in the current bill on the basis of those conversations.

I want to make clear certain important features of this bill that are critical for it to serve its purpose of protecting the health of our families and our city:

- **It must cover all workers** – insure that all workers have some paid sick days. Smaller number of days for smaller businesses because recognize smaller businesses may be able to do less for their workers BUT all workers need paid sick time
- **It must cover both workers and their families**, allowing workers time off when they or a family member are sick. The time has passed when there is always a mom at home to pick a sick child up from school or take an aging parent to the hospital.
- **Businesses that already provide time off for their workers do not have to add any additional time off because of this bill.** Let me say that again. Businesses that already provide time off for their workers – no matter what they call it – pto/vacation/personal days/time off – do not have to add days if the days they provide can be used when a person is sick EVEN if they can also be used for other purposes

PROVISIONS OF THE BILL – EXPLANATION

Accrual/Number of Days. Paid sick time is earned or accrued based on the hours an employee works – one hour for each 30 hours worked up to a maximum of 72 hours or 9 days for larger businesses and 40 hours or 5 days for smaller businesses. Smaller businesses are defined as those employing fewer than 20 full time equivalent employees. Accrual begins at the beginning of employment but an employee must work 90 days before using any paid sick time.

Use. Days can be used for an employee’s own physical or mental illness or for preventive care of for the illness of a child, parent, spouse, domestic partner or grandparent. They can also be used when there is a public health emergency and a school

or place of business is closed. Notice of foreseeable leave can be required and documentation can be requested if a worker is out for more than 3 days. Discrimination and retaliation against workers is prohibited.

Covered employees/employers. The bill covers all private employers and employees within city boundaries. Small businesses are covered but are required to give fewer days and small businesses are defined as those with fewer than 20 workers.

Enforcement. Posting and notice to employees is required. There will be an administrative procedure for enforcement but an enforcement agency has to be chosen.

Any business that gives leave of any kind complies with the law. If an employer provides the same amount of time off that is required under the paid sick time act and employees can use the time when they are sick the employer is covered and does not need to provide any more leave. It doesn't matter what the leave is called – vacation, pto or personal time – there is no need to change policies or do more. In addition, businesses never need to pay employees for unused paid sick time and never need to give more than 72 hours for larger employees or 40 hours for smaller employers.

Changes from last year's bill. Small business was formerly defined as businesses of fewer than 10 employees but is now defined as fewer than 20 full time equivalent employees. This means that 88% of New York City's businesses are small businesses under this bill. Relatives were defined more broadly in last year's bill and have now been restricted to children, spouses, domestic partners, parents and grandparents. The rehire period – the period during which laid off workers can return to work and retain their earned sick time – has been reduced from one year to 6 months so that seasonal summer workers do not keep their paid sick time from year to year. The new bill also makes clear that businesses do not have to change their bookkeeping practices if the time off given is sufficient to comply with the law.

Testimony Before the New York City Council

On Int. 97

“Paid Sick Time Act”

May 11, 2010

Submitted by Quenia Abreu

New York Women’s Chamber of Commerce

Good afternoon. My name is Quenia Abreu and I am President of the Women’s Chamber of Commerce. My organization has 1,500 members, mostly small businesses, the majority women owned.

I am here to testify in favor of the Paid Sick Time Act, Int. 97. Paid sick time for our employees is important for our city and for business. As small business owners, we know how important it is for our workers to be able to take time off when they or a family member is sick with the peace of mind of knowing they won’t lose a day’s pay or their job. Paid sick days is a matter of basic fairness. No one should have to come to work when they’re sick, and no one should risk losing their job or the paycheck they need just because they come down with a cold or their sick child needs care. As women business owners, we know it’s so often the women in the family who are responsible for caring for sick children or parents but who also have jobs they want to keep. Giving our employees paid sick days means a happier, healthier, and more productive workforce. That’s why we’re proud to stand here today in support of the paid sick days bill.

As small business owners who care about our workers, it is also important that we know that all businesses will be doing the right thing. That levels the playing field for all of us, so we can provide what we know is right for our

workers without putting ourselves at a disadvantage. This bill has a special provision for small businesses that will balance our needs with the need to make sure everyone's health is protected by including smaller businesses in the bill but requiring small businesses to provide a few less days than big business.

As everyone knows, the economy has not been great and all business, especially small businesses are struggling. But providing paid sick time for our workers is not going to cost us very much. Having a worker stay out when they are sick is better for any business owner than having sick workers come in and make other workers and customers sick. And the small cost of paid sick days is not the problem for small business. The problem for us is the price of commercial rent, property taxes and a lot of unnecessary red tape. That's what forces family owned businesses out of business. For years organizations like mine have fought against unnecessary regulation, unfair tactics by large corporations and unfair city rules. We have banded together to support the Small Business Survival Act. There are a lot of ways the City Council could help small business, but failing to pass a law that will help so many people by guaranteeing a small amount of paid sick time is not one of them. Paid sick days is good policy for everyone – workers and businesses alike -- and I hope the Council will pass this law.

TESTIMONY TO THE NEW YORK CITY COUNCIL IN SUPPORT OF Int. No.0097

May 11, 2010

Good morning my name is Marjorie Hill, Chief Executive Officer at Gay Men's Health Crisis (GMHC). Thank you for this opportunity to testify here today.

GMHC, the nation's oldest provider of services for people with HIV/AIDS strongly urges the New York City Council to pass the New York City Paid Sick Time Law. This law will guarantee that all workers in New York City will be able to earn paid sick time and have a profoundly positive impact on the public health of this city.

In October of 2009 the Community Service Society released a report that showed that almost 1.85 million working New Yorkers, almost one in two, have no paid sick leave and almost 1.5 million have no paid leave at all.¹ Almost two thirds of low-income New Yorkers do not earn any sick time, and workers in small businesses and low-income single mothers are particularly impacted. This reality is of particular concern for GMHC, since we serve in excess of 15,000 men, women, and children infected and affected by HIV/AIDS each year and the vast majority live at or below the poverty level with over 77% earning less than \$10,000 a year.

Not having time off makes it extremely difficult for workers to hold on to their jobs. In fact, an analysis by Health Impact Partners found that one in six workers reports that they or a family member has been suspended, fired or disciplined for taking time off due to illness.² Workers who are already in precarious financial situations or feel that taking time off threatens their job security are forced to make decisions that not only negatively impact their health but that of their family and public at large.

Workers without sick leave are more likely to go to work while ill or send their children to school or day care sick, all of which increases the chances of spreading contagious illnesses.³ Moreover, either because they are afraid to miss work or lose income from taking time off, many low-income workers are more likely to use the emergency room for health care since they are unwilling or unable to schedule regular medical visits during regular working hours.

For HIV positive workers, access to medical care is an important part of adherence to HIV treatment. The inability to reliably take time off for regular medical appointments is of particular concern, since it makes it more difficult to track the progression of HIV and adjust treatment accordingly. This certainly has impact on worker productivity and well being. Further, studies have shown that adherence to HIV treatment reduces the overall viral load in one's system and subsequently the likelihood of transmitting HIV. In this sense, access to reliable and comprehensive treatment for HIV-positive people is a strong public health prevention effort.

GMHC calls on New York City council to pass the New York City Earned Paid Sick Time Law as it will have a profoundly positive impact on the health and well being of New York City. This legislation will give workers the time they need to recover

from sickness without fear of retribution or financial loss, while guarding the health of the general public.

Thank you again for this opportunity to testify.

Marjorie Hill
Chief Executive Officer

¹ Reiss, Jeremy. Rankin, Nancy. *Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers*.

http://www.abetterbalance.org/cms/index2.php?option=com_docman&task=doc_view&gid=72&Itemid=99999999.

² Human Impact Partners. A Health Impact Assessment of the Healthy Families Act of 2009, Summary of Findings, June 11, 2009.

³ Reiss, Jeremy. Rankin, Nancy. *Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers*.

http://www.abetterbalance.org/cms/index2.php?option=com_docman&task=doc_view&gid=72&Itemid=99999999.



LA UNIÓN HACE LA FUERZA
THE COMING TOGETHER OF
LATIN AMERICAN INTEGRATION CENTER
AND MAKE THE ROAD BY WALKING

Good afternoon. My name is Maximino Santos and I am a member of Make the Road New York. Thank you to the members of this committee for the opportunity to testify.

I worked for five years as a chef at a restaurant called Viennese Gourmet at 475 Lexington Avenue in Manhattan. I had accepted the job on the condition of having an assistant. The boss promised many times that he would hire more people but he never did. I was doing the work of two or three people, for example, working two shifts back to back and never taking any breaks. This was one reason that I began to get sick.

While I worked there, I got sick many times, but I went to work because I was afraid of losing my job. First it was just a cold but it got worse and worse over time because I kept going to work while I was sick. My boss wouldn't let me take any time off so I would just take Tylenol or Advil and go to work sick, often with a fever. I wanted to go see a doctor but my boss told me that he could not run the business without me, so I had to go to work.

My boss was not concerned about me being contagious. I bought face masks with my own money because I didn't want anyone else to get sick, but my boss never bought anything like that.

Finally I was so sick that I went to a clinic. The doctor there told me that I was very ill and that I could not go back to work. He told me that my lungs were inflamed and that if I went back to work, I was risking my life. I asked him for a letter to show my boss. I still have the doctor's letter. I'm 45 years old but two months ago my lungs were functioning like those of an 84 year old. In February the clinic did a test and I have the documentation that shows this. Then I went to the hospital and they told me that I had to take very good care of myself because my lungs were very weak. They told me that I had bronchitis which had developed into pneumonia. The doctor told me that it would not have gotten so serious if I had been able to see a doctor earlier.

I called my boss and he told me that I had to come back to work if I wanted to keep my job. For three weeks I was seriously ill and had a high fever. After two weeks, I was still very sick, but I bundled up and went back to work because I was afraid of losing my job. When I got there, my boss told me that he had already hired someone else and that I didn't have a job anymore.

This happened about two months ago. I have been unemployed since then because I'm still sick and I have not been able to go back to work.

I ask the City Council to please pass this legislation as soon as possible, for the health of all workers like me and for the well-being all New Yorkers.

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Hotel Association of New York City

TESTIMONY IN OPPOSITION

**Int. 97 (Brewer, et. al)
New York City Council
Civil Service and Labor Committee**

The Hotel Association of New York City opposes City Council Int. 97 in relation to the provision of paid sick time earned by employees.

The Hotel Association is a trade organization representing 249 of the finest hotels in New York City, with more than 70,000 hotel rooms and over 32,000 employees.

The vast majority of the Industry's employees are represented by the New York Hotel Trades Council and their terms and conditions of employment are covered by a New York City – Wide Collective Bargaining Agreement, commonly referred to as the Industry Wide Agreement or "IWA." The IWA is the product of over 70 years of collective bargaining with the New York Hotel Trades Council. It is not hyperbole to state that the IWA makes our employees the highest paid in the United States. In addition to their wages, our Association member hotels provide our employees with:

- Family major medical and hospitalization at no cost to the employee
- Family dental care at no cost to the employee
- Pension benefits, up to \$1,500 per month, for eligible employees
- Family pharmaceutical benefits at no cost to the employee
- Optical
- Life Insurance
- Up to five (5) weeks of paid vacation
- 9 paid holidays
- 3 paid personal days
- 3 paid bereavement days; and
- As of July 1, 2010, 8 paid sick days which may be carried over for up to 15 days from year to year.
- As you can see, we provide as much as 49 paid days off per year; almost 10 weeks per year.

In the true spirit of collective bargaining, these benefits have been negotiated between the Association and the Union and they establish and reflect an extraordinarily comprehensive wage and benefit package.

In fact, all the employees will receive 3.5% wage increase on July 1st at a time when the Industry is still only able to charge rates it was getting 10 years ago.

We urge the City Council to recognize, as has the U.S. Supreme Court, that a central purpose of federal labor laws is to protect and encourage the practice and procedure of collective bargaining between employers and unions, so that they themselves may determine the terms and conditions of employment of Hotel employees.

The Hotel Association strongly objects to the section of Int. 97 that contravenes the law governing collective bargaining by usurping the parties' bargaining rights and interfering with the bargaining process. Int. 97 would negate the "quid pro quo" which the Association received in return for the comprehensive wage and benefit package it negotiated with the Union.

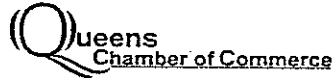
We strongly believe that those employers who provide paid sick leave and other employee benefits under a bona-fide collective bargaining agreement should simply be exempt from this legislation.

Among the non-union hotel members of our organization, most have equivalent benefits of those that are outlined in the bill. We urge that the Committee review §2507(c)(9) which addresses equivalent time and clarify the provision to ensure that all leave time is included and that employers will not be forced to either give a different benefit or face additional penalties in the future. Toward that end we urge that the language unambiguously state that those employers who offer the number of paid leave days the bill mandates, be exempted from the bill's requirements.

Thank you for the opportunity to testify on this matter. The members of the Hotel Association of New York City look forward to working with the Committee as this issue moves forward.



Brooklyn Chamber
of Commerce



The Staten Island Chamber of Commerce

**Testimony of Jack Friedman, Executive Director of the Queens Chamber of Commerce
On behalf of the 5 Boro Chamber Alliance
Before the Committee on Civil Service and Labor of the New York City Council
May 11, 2010**

Good morning Chairman Sanders and members of the Committee on Civil Service and Labor. My name is Jack Friedman and I am the Executive Director of the Queens Chamber of Commerce. I am also here on behalf of the 5 Boro Chamber Alliance, representing each borough's Chamber of Commerce and over 5,000 dues-paying members across the city.

Since the introduction of Paid Sick Leave legislation in the City Council last summer, we have banded together with over 25 business organizations, representing a wide range of industries and small businesses – some of which you will be hearing from later today – in strident opposition to first Intro 1059 and now, Intro 97. Our fundamental argument remains the same as when we testified before this Committee in November - our business coalition opposes government deprivation of our ability to determine the appropriate benefit package for our employees.

Any business person knows that a successful, profitable organization begins with motivated and healthy employees. In fact, our coalition whole heartedly agrees with supporters of Intro 97 in that no worker should fear retaliation from his or her employer or worse, termination if they take a sick day. It is the government's mandate that these sick days be compensated solely by the business community, however, is where we differ. As we reported last November, 2 out of 3 of our collective Chamber membership already offer some form of paid sick leave. And for those businesses that do not offer paid sick days, it is probably because they can't afford it as Mayor Bloomberg has said.

If the Council considers paid sick days as a moral imperative on par with unemployment insurance or social security – where everyone pays into then system – then help our business community pay for it. Similar legislation in other states have created mechanisms to share the cost of these socially-motivated initiatives to ease the burden on the business community – particularly, small businesses. During the past few weeks, our coalition followed this vein and drafted bill language that could achieve this. We have even shared it with some Council members in hopes of creating a basis for a new bill that we could all support. Unfortunately, Intro 97 is not that bill.

Intro 97, in fact, falls miserably short of addressing many of the concerns that were voiced in November. And at a time when the Council has been making great strides in addressing small business concerns through the Regulatory Review Panel and the Access to Credit summit, Intro 97 will only undo all the good that has been done thus far. Let me go through just three examples of many of the bill's shortcomings.

- The new definition of small businesses as 20 or less employees does not comport with any other legislative definition of small business. FMLA and the recently-passed federal health insurance reform bill defines small business as 50 employees or less. This discrepancy could affect the bottom line of thousands of small businesses.
- The bill still allocates five paid sick days per employee for small businesses and nine paid sick days for large businesses. Is there any public policy basis to require more paid sick days at larger businesses? Or is this just government aiming at what is perceived to be deeper pockets?
- The bill is still silent as to what regulatory authorities would be responsible for enforcement and most importantly, adjudication of any disputes. The absence of such specifics could lead to frivolous private actions which would further add to the court system's backlog.

Once again, Intro 97 - like its forbearer Intro 1059 - is a well-intentioned but overly broad bill that fails to recognize the diversity of our business community, its varying needs and strategies for creating and maintaining jobs in New York.



RESTAURANT OPPORTUNITIES CENTER OF NEW YORK
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NEW YORK, N.Y. 10001
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Member: Emily Sanders
Phone Number: 917-733-2371

Good afternoon, my name is Emily Sanders. I'm a long-time restaurant worker, and I've been working in restaurants for the last nine years.

At my last employer, where I was a bartender, I not only went to work sick regularly, but there was a time I went to work when I had food poisoning. First of all it was impossible at this employer to get another worker to cover your shifts. This particular time, when I had food poisoning, I was at home before work feeling nauseous – I was not even sure what was wrong, but I knew it wasn't a good idea to go into work. When I got to work and was setting up, I told my manager how I was feeling but he didn't seem to care. Then, we opened for dinner. While I was bartending, I was running to the bathroom every ten minutes.

I must be honest about what was happening. Everything that could happen when one is in the bathroom, was happening to me. Of course, at the bar, service was backed up – people weren't getting their drinks, and the service from me was just bad. One of my regular customers even told me "you look gross!" At that point, I went downstairs, where two of the owners and the manager were sitting. I told them "Guys, I'm not feeling good, I called folks and no one could cover, I need to go home NOW." They were a bit blank, and I left, because I was definitely doing more harm than good. The next day, I found out that the owner was making some joke about how food poisoning never really happens, it's just a made-up thing people say to get out of working.

Additionally, I have bronchitis. There have been two different incidents, each at a different restaurant, where I've come into work coughing and sneezing when my condition was acting up. There comes up in the issue of health insurance, too – my condition was never looked at by a doctor because I didn't have health insurance, and I couldn't even take a sick day. The one time I was sent home was only because a regular customer complained that I looked sick, and one of the owners was within earshot, so I got to go home early.

As a bartender – my hands are always wet. We touch fruit, bottle tops, glasses. We squeeze lemons and muddle mint. Why someone who does this work should come in sick is unclear. I think something like paid sick days would change this attitude that restaurant worker's work isn't important, because it would give restaurant workers an important right. The structure and reality of restaurant work is so that I don't expect anything from my owner – which isn't right. As a worker, you feel like you're on your own, there's usually a constant fear of getting fired, and there's no one watching out for you.

This needs to change now. I'm a restaurant worker, and I would like for the New York City Council to pass paid sick days now. Thank you so much for your time and attention to this important matter.



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Member: Romulo Gavilanes
Phone Number: 646-684-8845

Good afternoon, my name is Romulo Gavilanes, and I'm speaking as a restaurant worker and a member of ROC-NY. I am 25 years old and have been working in different restaurants around New York City for the last 10 years. I am currently working at Da Gianni's Ristorante in Long Island City.

The first restaurant I ever worked out was a great place. We were really a "family". We had benefits, such as paid sick days, and the owners and management really cared about their employees. Knowing that there were standards in place really pushed us as employees to do the best job possible. It was great to be able to come into work and not worry about my boss doing something unfair to me – I could just come in, and do my job well. I soon learned that restaurants like this are not the standard, and most places I have worked have cut corners wherever they could, and no one feels it more than the workers.

Before my current job, I worked at a restaurant that was the perfect example of why restaurant workers need paid sick days. First of all, they were understaffed, and I was doing everything – serving, delivering, cooking, and even working to schedule events for private parties. If we took a sick day our whole week's pay was taken away for each day we took off. My boss would say "If you want to call in sick, you better show up in a casket." This was the least of his statements, as he would always make comments about how all the immigrant workers were "drunk Mexicans". My co-workers would come in sick, and we would just have to make it work, because no one wanted to lose so much pay.

Personally, I've gone to work sick often, especially at my last job. I've had back pains, a runny nose. One particular time I had no voice, and I still went to work. Not having paid sick days, in addition to making workers feel like they aren't part of the human race, is also a cost to the employer. There's no way having a server come in and not be able to speak to customers is good for business.

No one should be treated this way. New York City should set an example around the nation and pass Paid Sick Days now. I'm a restaurant worker, and we need Paid Sick Days.

Thank you to the New York City Council for holding this important hearing. I ask Speaker Quinn to call this important bill to a vote as soon as possible to help keep New Yorkers healthy.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

**Testimony of Manhattan Borough President
Scott M. Stringer**

**Before the The New York City Council Committee on Civil Service and Labor
Hearing on Int 97: A Local Law to amend the administrative code of the city of New York,
in relation to the provision of paid sick time earned by employees**

May 11, 2010

Good afternoon. I'd like to thank you, the Members of the City Council's Committee on Civil Service and Labor, for holding this hearing on the important matter of paid sick leave. I would also like to thank Councilmember Gale Brewer for sponsoring this vital piece of legislation.

I'm here today to reiterate my support for this measure, because working New Yorkers should not be put in the position of having to choose between a paycheck, and putting their health at risk.

For too many New Yorkers, caring for themselves or for their sick children is simply not an option. For a worker without paid sick leave, staying home means loss of pay and sometimes even loss of a job.

A long-term study by the Community Service Society determined that approximately 1.7 million workers in New York City receive no paid sick leave. Not surprisingly, the burden of balancing home and work without paid leave does not fall equally across the workforce. To take just one example, 72 percent of low-income Latino workers in our city make due without a paid sick day.

I want to commend the drafters of this legislation, who listened to members of the business community, took their concerns to heart and adjusted the language in the bill. The current version of the bill reflects an understanding of the unique challenges facing small businesses. As such, a small business is now defined as having 20 rather than 10 employees. With this change, 9 out of 10 New York City businesses will fall under the lower requirement of offering 5 rather than 9 sick days per year.

We have heard, and we will hear again today, from passionate opponents of this legislation who say that it imposes too large a burden on businesses. Concerns from small and large businesses about government mandates must always be seriously weighed when a new program is being launched, especially during difficult economic times like the one we are living through. New York City's economy must keep growing and diversifying.

Yet the costs of this paid sick leave legislation on businesses are small relative to the sizeable benefits the new law would provide for New York City workers and, yes, for employers, as well.

According to the Institute for Women's Policy Research, for large businesses the per worker cost of providing paid sick leave will be \$7.94 a week, or 23 cents an hour. For small businesses, the per worker cost will be an average of \$5.37 a week, or about 15 cents per hour.

My office has explored ways in which our City and State can make paid sick leave and paid family leave an affordable option for workers, their families, and employers. We hosted focus groups on the need for this benefit, and the obstacles that prevent employers from offering it.

Our report, called "A WORKING BALANCE," found that paid sick leave provides real benefits to business owners of all sizes.

Employers providing paid sick leave acknowledged that it reduces turnover by creating a more loyal and stable workforce. That translates directly to a more profitable bottom line.

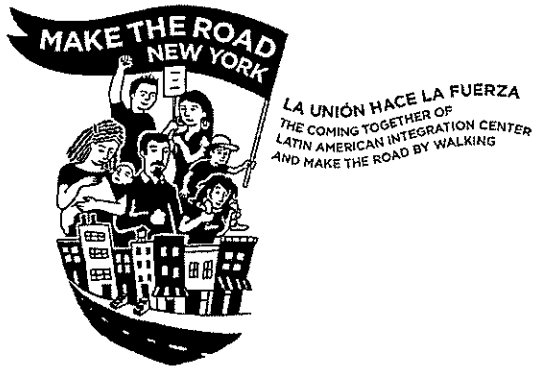
San Francisco and Washington D.C. each have enacted laws requiring paid sick leave for workers and their families. An initial examination of San Francisco's employment rate in the year following implementation showed that the city "maintained a competitive job growth rate."

New York City has a long and proud history of leading the nation with labor standards that have initially been labeled "progressive" but later come to be seen as a norm that constitutes nothing more than common sense and fair treatment for workers. I believe paid sick leave is this type of common sense labor standard. Yet, our neighbors in New Jersey already stand ahead of us in providing these supports for their workforce.

For New York City to maintain the nation's best work force and a competitive economy, we must never lag behind the standards set by our competitors. If we fail, New York risks losing the working people who have built this City and continue to make it run.

Paid sick leave is an economic issue, one that affects the future and vitality of our great city. But more importantly, it is a human issue.

For 1.7 million people who come to work in New York City but cannot take a paid sick day, this is landmark legislation. Rejecting this bill would, in effect, be telling them that their health and the health of their families are unaffordable luxuries. Let's pass this bill.



Testimony of Lourdes Espinoza Member, Make the Road New York

My name is Lourdes Espinoza, and for 5 years, I have worked in restaurants both as a waitress and as a cook to support myself and my family. I have never had paid sick days at any of my jobs.

At my most recent job, a few times when I was really really sick, they let me go home, but they always took the money out of my paycheck. I am a single mother supporting four children. I was working thirteen hours a day, six days a week at that restaurant. There were many times that I went to work anyways even though I was really ill, with a fever, with a runny nose, cough and headache because I couldn't afford to lose that money out of my paycheck.

Three years ago, while I was working as a cook at a restaurant on Junction Boulevard in Queens. I had an accident on the job. I was cooking, when a pan of hot oil fell on me, burning my shoulders, armpit, and wrist. The managers did not want to call an ambulance for me, so I had to go to the hospital alone. The next day, I returned to work. The managers gave me \$40.00 and told me not to return to work because they did not want any problems. I felt desperate due to the burns on my skin, and I also no longer had a job. I soon began to receive threats from the managers because they did not want me to sue.

I was seriously injured while working, and not only did they not pay for the time I spent in the hospital and at home recovering, but I lost my job for the time, I took to recover. The accident was not my fault, yet I was fully responsible for the consequences. Please, pass the Paid Sick Time Act, so that people like me who get sick or hurt can take the time to recover without fear that they will lose their jobs.

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Testimony to NY City Council

11 May 2010

Nancy Aber Goshow of Goshow Architects, WBE SDE small business

Intro 0097/Paid Sick Days

The City Council's proposed Bill
Intro 0097/Paid Sick Days,
mandating nine sick days
will cost my small woman owned Architectural Firm
\$77,702 per year (9 days x \$28.40 per hour x 38 employees),
a 3.5% increase in my payroll costs.
Plus the additional impact of used sick time,
the 1200 annual hours of productivity that my firm will lose
as a result of this mandate
and the additional \$50,000
that will have to be spent
on per diem hiring
and overtime to complete the work
not being done by the absent employees
bringing total cost to my business to \$127,702 per year.

In an economic climate
where every dollar
has to be so carefully spent,
this additional expense
will likely force us to consider
further workforce reductions
beyond the 10% we have already implemented,
salary cuts
and a reduction in some combination of
paid holidays,
vacation time
and personal days
as well as a re-evaluation of
the 80% subsidy we provide for our employee health plan.
We already provide our employees
with the following benefits
which include short and long term disability
(supplemental to NY State's statutory disability),
Life Insurance/AD&D,
401 (K) Retirement Plan,
Eyecare,
3 healthcare plan options,
2 dental plan options,
and 3 wellness, corporate gym membership options
Sick time and Sick days
are not an issue for our staff
because we make accommodations for illness
and will continue to do so
without a mandate from the city.
The proposed mandate
of 9 sick days by the City Council
will force many companies
to make cuts like these even though all small business
have struggled with strategies
to avoid them during this recession.

STATEMENT OF THE BROADWAY LEAGUE

Hearing Re: Intro. 97, May 11, 2010

Good afternoon. I am Thomas Ferrugia, Director of Government Relations for The Broadway League, which has been the principal trade association for the commercial Broadway theatre industry for the past 80 years. We now represent over 700 members nationwide, including theatre owners, show producers, general managers and road presenters. I want to thank Chairman Sanders, as well as the other distinguished members of the Committee on Civil Service and Labor, for this opportunity to comment on Introductory Bill 97, which would impose mandatory paid sick-leave policies on all New York City employers.

The Broadway League supports the intent of the proposal and we recognize there may be unprincipled employers in various business sectors who exploit their human resources, depriving workers of sufficient time to address personal issues and medical conditions. However, our concern is that the proposed legislation is overly broad and, perhaps unintentionally, imposes unnecessary burdens on industries, like the arts, that have always respected their employees and understood that a content staff member is a productive worker. The commercial theatre industry has never been singled out because of unscrupulous employment practices, as our work environments are generally energetic, supportive and conducive to creative thinking.

There are three areas of the bill we would like to address: specifically the language regulating collective bargaining agreements; part-time

employment; and the lack of distinction between small, midsize and large offices.

With respect to collectively bargained contracts, the proposal seemingly intends to resolve a problem that, from our perspective, does not exist. In the 2008 through 2009 theatre-season, Commercial Broadway employed over 10,000 people in New York City, including actors, stagehands, musicians, box office personnel, ushers and electricians – nearly all working pursuant to collective bargaining agreements. Every word of these contracts, including language on work hours, salaries, health benefits, pension contributions and paid-leave days were painstakingly negotiated over the course of several months. In the majority of instances, all parties had long-standing relationships and well-established methods for reaching agreements. Employees were vigorously represented by advocates elected to act in the union's best interests and, ultimately, the membership voted to collectively ratify the negotiated terms. Incidentally, Broadway's union workers earn high hourly wages and, except for matinee days, commonly work just three to four hours a day.

There is no justifiable rationale for imposing terms requiring parties to affirmatively waive provisions of this proposed local law, then go on to impose minimum requirements. At best, such language could stall negotiations while employers and union representatives deliberate the application of this legislation to the collective bargaining process. At worst, it may result in unnecessary and costly litigation if there is disagreement between the negotiating parties on the exact terms of implementation, or how a municipal law incorporates into the parties' obligations under the National Labor Relations Act. This law could create unprecedented

challenges to both sides, which are already legally constrained by extensive rules governing collective bargaining prescribed by State and Federal law.

This proposal also creates difficulties for union members because it essentially imposes the City Council's judgment upon union leaders, directing priorities during negotiations. We do not believe union leaders want their hands tied by outside parties who have no relationship to the bargaining process, because every union has unique issues and, depending upon countless other factors, paid sick time may not be as important to the membership as increasing employer pension contributions. These exchanges do not take place in a vacuum, so every new term introduced into an employment contract requires a reexamination of the entire document with a determination of the value of that new term and the appropriate consideration the other side must offer. Employer and union representatives need absolute flexibility when negotiating these contracts, and all parties to the discussions must be on equal footing.

We note Intro 97 recognizes the unique nature of unionized employment because it exempts the construction industry. We find it patently unfair to single out that trade when work in the arts can be as just as sporadic and subject to even broader economic pressures and fiscal cycles. When theatre employment is available, both labor and management understand that workers must be available. Like the construction industry, our contracts, including required hours, seniority rules, generous pay and benefit scales are designed to support that reality.

We respectfully submit that this legislation, no matter how well intended, would unacceptably disrupt the careful balance unions and employers have worked to create over the decades in order to accommodate

the unique environment we operate in. Accordingly, we strongly urge the committee to rethink this issue and revise the proposal by providing a clear, unambiguous exemption for all employees working pursuant to a bona fide collective bargaining agreement.

Our chief concern with a part-time worker, as I am certain you will hear from other industries, is that he or she already has flexibility built into his or her schedule to address personal concerns. The purpose of a part-time employee is to fill gaps in a full-time staff and, since part-timers are physically at an office fewer hours than a full-time employee, it is essential that they work when scheduled. However, a part-time employee also enjoys free hours during the workweek, which a full-time employee may not, when he or she can readily schedule non-employment related appointments.

Most, if not all, of Broadway's production-related offices, where show concepts are developed and funding originated, are actually extremely small, commonly employing between 2 and 5 people. When a new production gears up, an office may hire a few extra part-time employees to help manage the additional workload. However, these part-time employees generally remain on staff for just a few months and are, as anticipated, let go around the date of the show's opening. Hypothetically, a small production office might hire one part-time employee for three months, working eight hours a day, just three days a week, accumulating 24 hours a week and just over 103 hours a month (there are actually an average 4.3 weeks per month). Under the terms of this legislation, this employee, who's worked a mere 309 hours over three months, has become eligible for nearly 3.5 hours of paid sick leave, which – from a business owner's standpoint, and as a practical matter

– does not make any sense. Under this scenario, the employee has not been disadvantaged in any way, because he or she had two full weekdays to tend to personal matters, while the employer incurred a wholly unnecessary expense.

The additional costs associated with offering paid leave to part-time workers – paying an employee who is not working, locating and compensating a substitute employee when a part-time employee calls in sick and the cost of record keeping for regular part-time employees, are simply not justified. Therefore, we recommend the proposal be amended to exempt part-time employees altogether. In the alternative, a part-time employee's hourly accrual rate, and maximum accruable hours, should be a fraction of that for a full-time worker.

Finally, Intro 97 does not acknowledge the unique cost implications and operational pressures absent employees have on small, mid-sized and large employers. Smaller firms can become paralyzed by excessive absenteeism because they are often less able to rapidly adjust to an unexpected nonappearance. Nor can smaller offices well afford the cost of hiring substitute personnel when existing staff cannot absorb the additional workload. Conversely, pre-arranging days off for non work-related appointments is generally less complicated in smaller and mid-sized offices where employees frequently interact with management. In addition, many employers rely on the unique expertise of specific employees, whose abilities and institutional knowledge simply cannot be readily replaced on an unplanned basis.

We submit that Intro 97's two-tiered approach for determining paid-leave hours and calculating leave accumulation for full-time employees ignores the countless mid-sized businesses operating in New York City. Under the terms of the Intro 97, a company employing 21 people would be treated no differently than a business employing 500. Clearly, any law regulating the terms of an employer-employee relationship must make best efforts to account for the varying needs of differently situated employers and work-forces, which, in this case, should be reflected in the maximum number of permissible paid sick days an employer is required to provide, as well as the rate employee leave hours are accumulated. We suggest the Council look to Washington, DC's sick-leave legislation, which utilizes a more realistic, three-tiered approach that incorporates all of the factors just cited.

Again, we thank you for this opportunity to express our concerns with the proposed bill. As I said at the top of my remarks, there may be some need for oversight in this area. However, as an industry that prides itself on good relationships with its employees, we hope to ensure that laws designed to protect exploited workers from unscrupulous employers do not end up strangling all of New York City's businesses. We would be happy to work with you to fine-tune the language and I am happy to answer any questions you may have. Thank you.



Louis J. Coletti
President & CEO

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TESTIMONY PRESENTED TO

NEW YORK CITY COUNCIL

COMMITTEE ON CIVIL SERVICE AND LABOR

INTRO 97 – PAID SICK LEAVE FOR EMPLOYEES

Council Chambers – City Hall

May 11, 2010

Presented by
Louis Coletti
Building Trades Employers' Association
President and CEO



Good Morning.

My name is Louis Coletti and I am the President & CEO of the Building Trades Employers' Association (BTEA), an organization representing 28 union contractor associations and over 1,700 construction managers, general contractors, and specialty trade contractors doing business in New York City.

The BTEA is in a unique position today. We have a strong partnership with the Building and Construction Trades Council and regularly appear together before the City Council to support or oppose legislation that affects our industry. However, when it comes to the current legislation proposed in Intro 97 regarding paid sick leave for employees, the BTEA and labor must agree to disagree.

Although this legislation provides an exception for the construction industry through a provision that allows a waiver to be granted and included in collective bargaining agreements, the BTEA cannot support this bill because the inclusion of this waiver gives labor an unfair advantage at the negotiating table. When we negotiate collective bargaining agreements in the construction industry, we sign agreements with labor based on an overall economic package. In other words, it is

the responsibility of the labor union to allocate spending however they choose, whether it is to increase wages, benefits, etc.

If BTEA members sit at the collective bargaining table with labor and need to request that a specific waiver be placed in agreements in order to receive an exemption from this proposed legislation, then we will be at a major disadvantage. This legislation will eliminate the equal footing that our members and labor start with when we they begin the negotiating process.

I thank the City Council for allowing me to present my comments on Intro 97. The BTEA believes that this bill has good intentions, but we cannot support it due to the waiver that must be provided in our collective bargaining agreements. Before you vote on this bill, I hope that you will seriously consider the negative effect this legislation will have on the fairness of the collective bargaining process in the New York City construction industry.

Thank you.

Advocates of the
Food Industry
Since 1900



FOOD INDUSTRY ALLIANCE OF NEW YORK STATE, INC.

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Comments
by the Food Industry Alliance of New York State, Inc.
on Int. No. 97
in relation to the provision of paid sick time earned by employees

The Food Industry Alliance of New York State, Inc. (FIA) is a not for profit trade association representing the interests of New York's 21,000 food stores. In New York City our members include A&P, AIM Stores, Bravo Supermarkets, C-Town, D'Agostino Supermarkets, Fairway Markets, Food City Markets, Food Emporium, Foodtown, Gristede's, Key Food Stores, King Kullen, Met Food, Pathmark, Pioneer Supermarkets, Shoprite Supermarkets, Stop & Shop and Waldbaum's as well as their wholesale suppliers including Bozzuto's, C & S Wholesale Grocers, Krasdale Foods, Supervalu, Wakefern, and White Rose.

On behalf of our members, FIA must oppose adoption of paid sick leave legislation in New York City. As you know, through a program of zoning and financial incentives, and working with the food industry, City and State agencies, unions and a wide array of community and interest groups, the Council and the Mayor's Office are seeking to encourage food stores in underserved New York City neighborhoods as part of the broad policy objective of improving access to healthy foods. Moreover, the Council and the Mayor's Office recently announced measures to eliminate unnecessary regulatory obstacles to business growth. We greatly appreciate these initiatives and expressions of Council support during this time of economic hardship. However, new costs associated with this bill as well as bureaucratic requirements could very well tip the balance the other way---discouraging the very development the City is hoping to encourage, especially taking into consideration the narrow, narrow margins in the retail food industry. And the fact that New York City does not have an agency that enforces labor laws and thus must create this infrastructure, leads us to the conclusion that implementation of this initiative will also impose significant new governmental costs at a time when huge cuts are being contemplated. This is the broad context within which we view, and oppose, paid sick leave.

More specifically, for the retail food industry there are two essential issues that must be addressed should this proposal move forward.

First, in our view, paid sick leave should be limited to full time employees.

Int. No. 97 includes virtually all employees, be they seasonal, part time, students, provisional etc. Food stores rely heavily on part time employees and make every effort to accommodate individuals' needs and availability. Supermarkets are both a significant source of entry level jobs and supplemental income. They employ teenagers after school, college students looking for summer employment, seasonal workers looking to boost their income during the holiday season, parents who want to work around their children's school schedules, senior citizens still wanting to work. These employees work anywhere from 10 to 30 hours per week and have flexible schedules. Importantly, at least 50 percent have another job.

Secondly, the language in the bill relating to collective bargaining agreements [§22-507 (k.)(1)] should read "The provisions of this section shall not apply to any employee covered by a bona fide collective bargaining agreement." Period.

Many FIA members are union employers with collective bargaining agreements that include paid sick leave as part of comprehensive benefit packages. To require sick leave benefits comparable to those specified in the bill in a one-size-fits-all formula will disrupt comprehensive benefit and compensation packages that have been specifically negotiated with and agreed to by union associates. Moreover, who or by what process will compliance be determined and, perhaps more importantly, at what cost?

Beyond these two key issues, several provisions, especially those relating to the accrual process, are problematic. Keeping in mind that we are addressing sick leave benefits for full-time employees, food retailers' position is that:

Sick days should be available to employees only after a waiting period of a year or at the very least, six months.

Sick leave should be accrued in days, increasing with the number of years of employment up to a maximum to be determined based on the overall level of benefits available to employees.

After the waiting period, available sick days for the calendar year may be taken as needed.

Sick days may be taken in no less than half day segments.

Sick time does not carry over year to year.

FIA does appreciate that Int. No. 97 limits the purposes for which sick leave may be taken and proposes a more specific definition of family member as compared to its predecessor bill from last session.

Thank you for your time and attention to the issue and to FIA's concerns.

Respectfully submitted,
Food Industry Alliance of New York State, Inc.
Patricia Brodhagen
Vice President, Public Affairs
Metro Office: 203-977-2438
pat@fiany.com

Thank you for the opportunity to present the comments and concerns regarding paid leave of the dry cleaning industry.

My name is Nora Nealis and I am the Executive Director of the National Cleaners Association. I am here representing the hundreds of NCA members citywide who could not leave their businesses to be here today to provide you with comments themselves. I would like to give you a look at this proposal from the Mom and Pop drycleaner's point of view.

Here is his situation:

This cleaner -- optimistically- is grossing about \$300,000 a year in sales.

The husband and wife work side by side roughly 66 – 70 hours a week in the store (7 AM – 6 PM, six days a week) with the help of two employees in production, pressing, mark in, inspection and assembly.

They pay rent of between \$6,000 - \$8,000 per month – (\$72,000 – 96,000 per year.)

Utilities (G&E) run between \$2,400- \$3,000 per month – (\$ 28,800 - \$36,000 per year.)

Supplies average - \$ 2,250 - \$3,250 per month – (\$ 27,000 - \$39,000 per year.)

Two-thirds of their sales are on credit or debit cards that costs them \$500 per month (\$6,000 a yr. in fees.)

About 1% of all orders are never picked up, which reduces sales by \$250 per month (\$3,000 per year)

And then there's insurances (\$9,000- not including health insurance), water costs (if they are on a recirculating water system- average \$100 per week - \$5,000 per year – double that if no recirculation system), permits, registrations, fees, hazardous waste disposal costs, phone, postage, repairs, maintenance (\$6,000 - \$9,000), MTA taxes, claims ($\frac{1}{2}\%$ - 1% of gross sales- \$1500- \$3000) – etc. which will easily account for another \$50,000, if not more.

The low side total for these expenses is \$186,800 – the high side estimate is \$230,000.

Best case scenario – the owner has \$113,200 to cover payroll for his two employees, himself and his wife. Worst case scenario – the owner has \$70,000.

Best case: Presser gets at least \$35,000. Mark in /assembly bagger gets \$25,000. Owner and wife (who is covering the counter 66 hours a week) split \$ 53,200., which – when you do the math - is \$ 512. per week each (for 66 hours labor-minimum).

Now the presser is out sick for a week but the work must get out. So – the cleaner hires someone to fill in temporarily --- he pays the temp \$700 and pays the 'sick' presser his \$673, but where did the \$700 come from to pay the temporary worker? Well, the cleaner won't get paid at all that week, AND his wife will take a \$198 pay cut! The other choice is the cleaner will work an extra 34 hours for a total of 100 hours that week, and won't make one thin dime more for his labor and effort.

Keep in mind, that even if the economy bounces back, it won't help the cleaner. When his volume reaches \$350,000 – he's going to have to add a presser... at a cost of another \$35,000, but his utilities, supplies, water costs, claims, credit/debit card processing fees, and a host of other costs will go up commensurately. Maybe he and his wife will see an extra \$50 a week each in pay –so they are now working 66 hours a week for the princely

sum of \$562 gross! And the business still isn't showing a profit. These people bought themselves a job --- not a business with a 10% return on investment!

Is what you are proposing here fair? We sit here and talk about being fair to workers... what about being fair to the small business owners who employ them and are struggling to survive in an impossible economic climate? This can not be what you envisioned when this proposal was adopted, but it is the reality of how it will impact small dry cleaners in this city.

No, he won't lay off his two employees – he needs them to produce the work – and it's physically impossible for him to work 100 hours out of 144 to do it all himself! So the workers stay, the statistics are protected, but that doesn't make it anything less than unconscionable for you to adopt this proposal as it is currently constituted.

There must be a small business exemption in this proposal.

Thank you.

Hearing of the NY City Council
Committee on Civil Service and Labor
James Sanders Jr., Chair

Provision of Paid Sick Time Earned by Employees

Tuesday, May 11, 2010, 2 PM
Council Chambers, City Hall

Dear Chairman Sanders and members of the Committee on Civil Service and Labor,

My name is Carol Pittman. I am here to testify on behalf of the New York State Nurses Association (NYSNA). NYSNA represents 36,000 Registered Nurses state-wide, 26,000 of whom work in the five boroughs of New York City. NYSNA is the oldest and largest professional association and union for RNs in the state.

The New York State Nurses Association strongly supports The Paid Sick Time Act (int. 0097-2010) recently introduced in the City Council.

About two million workers - nearly half of working New Yorkers - do not receive paid sick time on their jobs - and although low-income workers are hit the hardest, middle- and higher-income workers also go without (Sick in the City, A Policy Brief, by CSS and *a better balance*, Oct.'09).

This is a shocking statistic when you consider the density of our population and the speed with which influenzas, or other potentially deadly diseases, can spread. Without paid sick time, the goal of preventive care, so much the buzz word as a means to better health and reducing healthcare costs, is very much undermined when people cannot see their doctor for disease control and management, for lack of paid sick time.

The lack of paid sick days by such a large portion of the NYC workforce has serious implications for public health:

- Without paid sick time, sick workers spread illnesses to co-workers and the public, especially in New York City's congested worksites, subways and food-service establishments.
- When people become ill and cannot take time away from work to visit a doctor and/or recover, they become sicker and are forced to visit emergency rooms, adding to the already overcrowded conditions facing New Yorkers in our ERs.
- Sick children get sicker and infect their peers in schools and playgrounds when parents can't take time off work to take children to the doctor or stay home with them while they get better.
- People are aging and need extra care after hospitalization and help getting to medical appointments. Most hospital discharges and doctor appointments happen during working hours. One should not have to choose between helping a loved one and one's job.

NYSNA stands ready to help make The Paid Sick Time Act law.

We thank Council Member Gale Brewer for her leadership on this issue.
Thank you for this opportunity to testify.

CHRISTOPHER J. DODD
CONNECTICUT

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URBAN AFFAIRS

FOREIGN RELATIONS

HEALTH, EDUCATION, LABOR,
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May 11, 2010

The Honorable Christine Quinn
Speaker
New York City Council
City Hall
New York, NY 10007

The Honorable James Sanders, Jr.
Chairman, Committee on Civil
Service and Labor
New York City Council
250 Broadway, Suite 1820
New York, NY 10007

Dear Speaker Quinn and Chairman Sanders,

I write in deep appreciation for – and strong support of – New York City's paid sick days legislation.

As you know, nearly 40 million private sector workers in America – including more than a million in New York City – have no paid sick leave. When they get sick, they have a choice: Go to work sick, put off going to see your doctor, and risk infecting your co-workers – or stay home and lose a day's pay. One in six American say they have lost a job or been threatened with termination if they took time off because they or someone in their family became sick.

This is deeply unfair to workers, but it's a public health issue for all of us. When Mayor Bloomberg urged New Yorkers to stay home from work and keep their kids home from school should flu symptoms arise, he was offering common-sense advice in light of the outbreak of H1N1. But that advice loses its value when following it puts an even greater economic strain on working families.

This burden disproportionately falls upon low- and middle-income workers, minorities, and – ironically – those workers who have the most contact with the public, such as food service, retail, and hospitality workers.

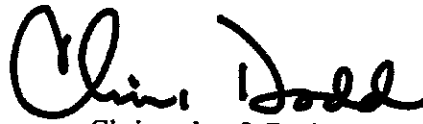
Far from harming business' bottom lines, paid sick leave would benefit employers through lower health care costs and a healthier workplace, higher rates of employee recruitment and retention, and a more productive workforce. One estimate puts the cost to an employer of a paid sick leave policy at \$.23 per hour for high-wage employees. The costs would be even less for the vast majority of workers who currently have no sick leave, which are low-wage workers. And New York City's legislation is carefully written to ensure that employers benefit.

It's incredible to think that, in a world where 137 countries guarantee paid sick leave, America still lags behind. That's why I've fought so hard for the Healthy Families Act, which would implement paid sick leave nationwide. But in the meantime, New York City has the

opportunity to lead the nation by standing up for its workers and guaranteeing them paid sick leave.

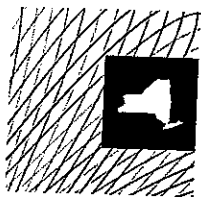
No one should have to choose between their job and their health. And so I urge the Council to approve this legislation.

Sincerely,

A handwritten signature in black ink that reads "Chris Dodd". The signature is fluid and cursive, with the first name "Chris" and the last name "Dodd" clearly legible.

Christopher J. Dodd
United States Senator

Cc: The Honorable Gale A. Brewer
Donna Dolan, Chair, New York State Paid Family Leave Coalition



**The
Business
Council**

FOR THE RECORD

Testimony to

**The New York City Council Committee on
Civil Service and Labor**

***Hearing on Intro # 97 regarding mandatory employee sick
time***

Presented by

**Tom Minnick
Vice President, Human Resources**

May 11, 2010

Mr. Chairman, and members of the Committee on Civil Service and Labor and other City Council members, my name is Tom Minnick and I am Vice President of Human Resources at The Business Council of New York State, Inc. We represent more than 3,000 private sector employers across New York State and more than 260 employers in the five boroughs employing over 217,000 employees. On behalf of those members, I appreciate this opportunity to provide you with our views on intro # 97 which would mandate employers in the City of New York to provide up to nine days of sick leave per year.

The Business Council urges the City Council to reject this proposal. Here's why.

Mandated leave will increase absenteeism

Economics makes the case that work incentives matter. Last year in a New York Times article, Casey Mulligan, economics professor at the University of Chicago, wrote that The International Monetary Fund studied American and European employees' absence from work for sickness from 1995 to 2003. The report found that the average European was absent from work for sickness more than American workers. In the Netherlands, Norway and Sweden specifically, workers stayed home sick twice as often as American workers.

Yet, no study has found that Europeans are sicker than Americans. Some have argued the contrary. So, why would European workers stay home sick more than their American counterparts? The answer is that mandated government social insurance systems in Europe reward employees' absence. Certainly, under such systems, sick workers are less likely to go to work when they are sick, but employees who are not sick are more likely to be absent saying they are sick. The labor market responds to the governments' sick leave program reward of paid absence by keeping European workers home sick more often. Don't do that here in New York City.

The five borough Chambers of Commerce, representing over 5,000 business, have a recent sample survey showing that 2 out of 3 businesses responding already provide paid sick leave to their employees and of those businesses, nearly half provide more than 5 sick days per year.

Our experience has been that in small businesses who do not provide a formal sick leave program, they will work with their valuable employees and work out a win-win arrangement that works for both the employee in need and the small business owner.

Employers and workers are better positioned to provide a workable solution to time off needs, not governmental one-size-fits-all mandates.

This local government unfunded mandate puts City businesses in an uncompetitive position

The 233,600 private businesses in the five boroughs compete with other businesses both in and out of New York State. For years, they have toiled under a significantly heavier tax, fee and regulatory burden than their competitors outside of the city line. The additional cost and administrative requirements of this proposal which you hear from others testifying today, will further impede competition and hinder the already slow moving recovery. Don't put New York City businesses in this position. If there is to be further debate, discussion and action around mandated government paid leave and paid time off, let it be at the federal level so the effect would be consistent and spread across industries or geography.

Consider that the city has lost 136,000 private sector jobs in the past year. City wide real unemployment including discouraged and part-time workers who want full time employment is at 14.9 percent, nearly 1.3% higher than last year. 396,000 New York City residents are still officially counted as unemployed compared to 234,000 a year and a half ago. This is no time to make it harder for businesses to create and retain private sector jobs.

Economic recovery will be driven by new private sector investment and job growth.

One bright spot is that the city has gained nearly 15,000 start-up businesses in the last year. However, these new employers need to grow in this still very harsh economy, and the last thing you should be doing is placing new employment related mandates on them.

In the past year, using recent Department of Labor Data, New York State lost 298,000 private sector jobs. The official unemployment rate in New York City is stuck at 10 percent and is nearly 9 percent in many regions upstate.

Employers in New York City need to re-create those jobs, and create thousands more, simply to put the unemployed back to work and to keep up with a growing population. The alternative is a continued loss of young, talented people to states with more competitive economic climates and greater economic opportunities.

We, and a significant number of our members, believe the state legislature and the city council need to reduce the size and cost of state and local government, and the cost burdens it imposes on the private sector and job growth.

Statewide, 845,000 New Yorkers are out of work and searching for jobs while another 375,000 have given up looking or can only find part-time work. Only private sector employers can create real jobs that will offer out-of-work New Yorkers hope and opportunity. But, those private employers are being drowned in a sea of taxes, fees and new costs which discourage job creation. New York needs 500,000 new jobs just to return to pre-recession employment levels. Those jobs will come only with economic growth and that growth can't happen until government clears obstacles such as this out of the way.

It is inconceivable that the City Council would impose a new unfunded mandate on the backs of struggling city employers, driving up costs in the middle of the most profound recession since the Great Depression, just when New York City, facing staggering and protracted unemployment levels, needs private sector job growth. It makes no sense that the City Council is stepping forward to propose a burdensome new requirement with new added costs on the very same business owners they turn to for those new jobs.

Thank you for the opportunity to testify today.

TM

**DMI Testimony: Guaranteeing Workers Paid Sick Leave in New York City
To the New York City Council
March 11, 2010**

John Petro
Policy Analyst for Urban Affairs
Drum Major Institute for Public Policy

My name is John Petro and I am an urban policy analyst at the Drum Major Institute for Public Policy. The Drum Major Institute is a non-partisan think-tank based here in New York City. My job at DMI is to highlight the ways that cities can make a positive impact on their residents' lives through effective public policy.

The paid sick leave bill under consideration today is a great example of how the city can create a new citywide standard that will instantly improve the standard of living of over one million New Yorkers and their families. The city and state of New York have a proud legacy of setting workplace standards and regulations, and this bill builds off of that legacy. While we must consider the cost that these regulations place on businesses, the city also has the duty to protect the health, safety, and rights of workers.

Fortunately, in the case of paid sick leave we know that a healthy business climate and healthy workers can coexist. The paid sick leave bill would actually impose very little cost on city businesses, while at the same time creating positive benefits for both the affected workers and the city as a whole. New data from the U.S. Department of Labor has found that the cost of providing sick leave for private employers is actually quite low at 23 cents per hour. For service occupations—retail, restaurants—the cost is even lower at eight cents per hour.

It is this second figure, eight cents per hour, which is particularly relevant for the Council today. Although the cost of providing paid sick leave is lower for these occupations, service sector workers are the least likely to receive paid sick leave—68 percent of service workers in New York City do not have any paid sick leave. And because these workers are the ones that we come into contact with every day—they handle our food, merchandise, and money—we risk spreading contagious disease when they cannot stay home from work when they are sick.

On the other hand, there is practically no risk that this bill will hurt businesses or employment. Opponents of this bill have stated that businesses will be forced to cut back their hiring or to lay off employees if the bill is passed. But earlier this year I looked into whether we should expect this bill to result in job losses in the city by examining what has happened in San Francisco since they passed the nation's first local paid sick leave law in 2006.

I compared changes in employment in San Francisco with changes in employment in the five surrounding counties and found that **employment in San Francisco has performed better** than the five surrounding counties since the law went into effect there.

If the paid sick leave bill had the effect that opponents claim, we would have seen the opposite result.

New York is not San Francisco. For one thing, we have more than ten times the number of residents. However, there are many similarities. Both economies are supported heavily supported by tourism, fine dining, and entertainment. The tourism industry brings millions of dollars into the city, but it takes its toll on the low-wage workforce.

Regardless of which city you are in, paid sick leave is still a cost-effective policy that does not harm businesses. Whether you live by the Brooklyn Bridge or the Golden Gate Bridge, paid sick leave will not result in shuttered businesses or pink slips. What the bill will do, however, is help prevent the spread of contagious disease and to improve the workplace conditions of over a million New Yorkers.

I welcome your questions or comments. Thank you.

Testimony Before the New York City Council

On Int. 97

“Paid Sick Time Act”

May 11, 2010

Submitted by Andrea Doe

My name is Andrea Doe and I am here to testify in favor of the paid sick time bill before the City Council. I was a bank teller and I was fired because I took two days off to be with my 3 year old daughter when she was in the hospital, unable to breathe. I wanted to share my story with you.

On Saturday, March 27, I worked at the bank, a job I had for about 6 months, until 3:30 and then went to attend my classes as I am also going to school. When I picked up my daughter at her baby sitter she was having trouble breathing. She had a cold and a fever and I was very worried about her. My daughter was born premature and spent a month in the hospital after her birth and has a number of medical problems, so I knew I had to make sure a doctor saw her when she was so sick. I took her to the hospital emergency room where they told me that her oxygen intake was blocked and dangerously low and they would have to admit her in order to be able to clear her airways and allow her to breathe again. They admitted her to the hospital and gave her a lot of medication to help her to breathe.

When it became clear on Sunday night that my daughter would still be in the hospital on Monday when I was due at work I tried to call in and let the bank know. Unfortunately, the service was not working so I was unable to leave the message, but at 6:30 am on Monday I again called and this time spoke to a supervisor, explaining the seriousness of my daughter's condition and that I had to be with her. My supervisor said that was fine and I should just bring in documentation of the hospitalization when I returned to work. I told her I didn't

know exactly when I'd be back and she said that was ok. My daughter was released from the hospital at 6:30 in the evening on Monday, March 29. The next two days were my days off from the bank. No one from the bank called me during my two days off to let me know there was any problem. When I returned to work on Thursday morning after my daughter was out of danger, however, I was told that I was being fired for taking the time off to be with my daughter even though I had proof that she had been in the hospital.

No mother should ever have to choose between being with her little girl who can't breathe in the hospital and losing her job. I hope the City Council will pass the paid sick time bill so that all workers in New York City know they will never have to make such a choice. Thank you.

FOR THE RECORD

My name is K.Y. Chow and I am a small business owner of a printing company in Long Island City Queens where I support 30 jobs. Currently, among other benefits, my Company provides 6 pay sick days for my employees and the average claimed sick days for the past 2 years were 10%. We also provide vacation days and personal days.

So today I am here to voice my concern of the critical issues and additional cost to my small business if the City Council passed this new legislation which would require my company to pay 9 sick days to all of my employees.

This proposed bill is the wrong solution to a good cause. Increasing costs and mandates on small businesses will not help to bring our economy back and could hurt those you are trying to help with elimination of benefits to cover these costs and even elimination of jobs. During this economic downturn, I have tried my best to keep all my employees so that they can have a steady job to raise their families. Since we moved to Long Island City from Chinatown last year year, I am glad to say that we are able to maintain our business activities and keep all my employees. However, if this bill is passed, it will increase my cost by an extra \$30,000 a year. It might sound like a small amount for someone who thinks that we own a company and can afford it, but you should also understand that this amount represents the annual income of one employee---another job in my company.

You all know that living in New York City is very expensive, and I am here to tell you that running a small business is also very expensive. My business is not just competing in the local marketplace when I am bidding for contracts, I am also competing nationwide as well as with overseas competitors. The added cost you are proposing will only cause us to maintain competitive by cutting benefits or even a job. My wife and I are working 24/7 for the past 17 years to build this business, we do not have an 8th day to add on so that we can take on more responsibilities due to lack of needed staff or inability to hire additional staff.

This would put us in a very bad competitive position, trying to obtain jobs and contracts in competition with firms as nearby as Westchester, Long Island, Conn. & NJ who don't have the higher costs of doing business and can under-price us.

As small business owners, we need the flexibility to offer the benefits to my employees as needed for the success of the business and the contentment of our

valued employees. We should be able to create these benefits just as we do now with choosing who to hire, what job to give them, choosing the number of vacation days, the amount of bonuses, etc. - on our own without interference and our own terms. As a legislator once testified: "this mandated pay sick days proposed bill represents the intrusion of the government into employee-benefit policies of millions of companies, large and small."

When I am asked by legislators, government officials and media, what do a small business owners want, I tell them that I, and most small business owners, want to be left alone to build our businesses, innovate and create new jobs and be able to keep my employees employed. We are all struggling with access to credit and dollars to keep our businesses alive. We need the city's support, not its mandates.

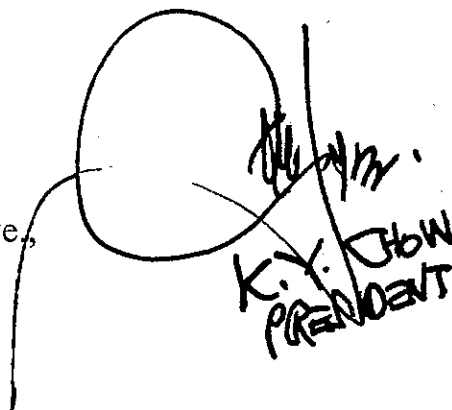
Thank you.

K.Y. Chow

GM Printing

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Long Island City



K.Y. CHOW
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* Also admitted in New Jersey

Testimony of
Angiuli, Katkin & Gentile, LLP- Partner- Annamarie G. Gentile, Esq.
NYC Committee on Civil Service and Labor- Paid Sick Time
May 11, 2010

Good afternoon, my name is Annamarie Gentile and I am a partner in the Staten Island Law firm of Angiuli, Katkin & Gentile, LLP. On behalf of my firm and the many small businesses that we represent, I would like to thank you for this opportunity to share our concerns about the reintroduction of the Paid Sick Days bill.

In speaking with our clients about this bill, they have, across the board, echoed the sentiment that they do believe in an employee's right to stay home if he or she is sick. In fact, almost every small business owner who I have spoken to has verified that there is already in place at their business, a paid leave policy. At the same time, every small business client, be it the contractor, the restaurant, the clothing sales business, the physician or the pharmacy, has also expressed genuine concern of how and whether they will be able to continue operating should this bill pass.

With the economic downturn facing our entire country, small business has clearly claimed its place as the future employer for a healthy America. Instead of receiving tax cuts and other incentives to help them hire more people- a true economy stimulator-the passage of this bill may well force these small businesses to slash their payrolls by letting people go or by decreasing hours. My clients have sadly admitted that, because of this bill, they will have to cut back elsewhere if they are even to maintain the status quo. Whether the cuts are financial or operational, they are sure to decrease morale among their employees. And what is sad is that this will take place throughout businesses that are already providing paid sick time, paid vacation and/or paid personal days. On the other hand, this legislation will not affect the employers who are paying their workers off the books- precisely those workers in need of protection against employer retaliation when they take a sick day. Additionally, the "one-size fits all" nature of this bill makes it unrealistic in the diverse environment constituting the business community of New York City.

From a legal perspective, the vagueness of many of the basic definitions and principles of the bill will, I believe, leave it open to constant litigation. For example, what constitutes a "serious illness" and who falls under the definition of "child" and "parent" are legal disputes waiting to happen. Additionally, I am



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particularly concerned that the private right of action accorded to employees under the bill will lead to a barrage of frivolous lawsuits- and it is not every day that you have a lawyer argue against legislation that would allow us to bill more hours! What is more, the fact that there are no exemptions for businesses falling within the Federal law definition of "small business" raises the question of whether the bill is vulnerable to legal challenge based on a conflict of laws. Finally, the New York City paid sick leave bill imposes a burden of paying for sick or vacation days on employers which is something so onerous that neither the Federal government nor any other State government has to date enacted a similar law. On the contrary, due to the dire state of the economy, in an unprecedented move, the New York State legislature has just passed a law requiring State workers to take a one day furlough without pay which will save the State \$30 million per week. Clearly this is not the time to pass paid sick time legislation!

Small business is the backbone of Staten Island's "good health". Without it our borough cannot thrive. The added financial burden that will come from the imposition of this bill will, without question, force an increase in unemployment- thereby decreasing the quality of life for Staten Island residents. At a minimum, modification to this proposed law needs to be made to keep small business in business- something that will benefit employers and employees alike.

* Also admitted in New Jersey

TESTIMONY OF PRINTING INDUSTRIES ALLIANCE BEFORE NYC CITY COUNCIL

COMMITTEE ON CIVIL SERVICE AND LABOR REGARDING

FOR THE RECORD

INTRO. 0097, MAY 11, 2010

Good afternoon, Mr. Chairman and Committee members, thank you for the opportunity to appear before you to testify on Intro. 97, the "Paid Sick Time Bill." I am Vicki Keenan, Vice President, Printing Industries Alliance (PIA). PIA represents the \$20 billion printing and graphic communications industry throughout New York State, northern New Jersey and northwestern Pennsylvania.

It is important to emphasize before commencing my remarks that PIA believes strongly that every employee is entitled to take legitimate sick leave without fear of losing his or her job or facing retribution of any kind. We have been supportive of that proposition from the onset of discussion about this measure, both independently and as a member of the 5 Boro Chamber Alliance. All of the companies which are members of PIA provide paid sick leave to their employees.

However, while we believe the bill is well-intended, we continue to strongly oppose its passage for the following reasons:

When Councilwoman Brewer introduced her initial measure, many organizations like mine expressed concerns about the cost and administrative burden it would place on an already-struggling business community. As a result of a significant outpouring of letters of opposition to the bill by business owners and employees alike, Councilwoman Brewer amended her bill, now dubbed Intro. 97 and under consideration today, after assuring us that our concerns would be taken into account.

However, we do not believe that this is the case. There are no changes to the original bill other than a new distinction between the number of days off for employees of "large firms" versus "small firms." A small

firm is now defined as one employing 19 or less employees, under city law, which is inconsistent with what defines a small business under city law elsewhere.

Intro. 97 portends to address “sick leave” but is a disguised “paid family leave” bill which allows time off for reasons other than illness and is duplicative of existing federal law. It permits more than just the employed worker to take paid time off for illness, rather it extends to family members who are ill: spouses, children, aunts, uncles and other individuals who are not in the employ of the company which is bearing the cost burden of paid sick leave for his or her employee. There is a federal “Family Medical Leave Act” that already may be used for this purpose.

In other words, while we do not argue against basic worker rights, this bill is not needed. Its protections are already covered and superceded by law in other places. However, Intro. 97 adds additional administrative burdens and paperwork not just for employers to maintain but for the City to oversee.

While we would like to believe that most workers are honest, we all know at a practical level that this is not reality. This bill is rife with the potential for abuse and there are no safeguards against misuse whatsoever in the measure.

We hear constantly from City Council and the Mayor’s Office that “New York City is open for business,” that government understands the economic challenges of both small and large businesses, here is yet but another example of duplicative law and additional layers of bureaucracy forced upon a business community that can hardly keep its head above the water, no matter what industry represented.

Rather than mandating additional laws, New York City should be doing EVERYTHING in its power to help businesses right now: it is in its very self-interest to do so. It is all well and good for city government to provide a business with tax or economic incentives on its left hand, but another to say we’ll put yet

another onerous burden on you with our right hand. Where is the level playing field? Where is the sustainability? How is the business to survive, no less grow?

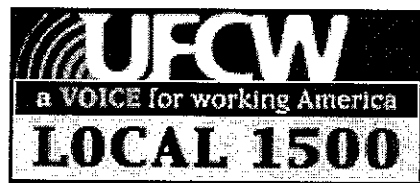
How are workers supposed to enjoy any benefits if there are no companies to employ them? Moreover, how is NYC to absorb the administrative cost of this law when federal and state monies are already being cut in its budget and ever deepening its ever-growing deficit? Layoffs continue to occur within the City's own workforce. How will this new law be administered and/or enforced without an additional burden to the taxpayer?

The majority of New York City businesses are responsible employers. A huge number of these responsible employers have told City Council repeatedly over the past few months that they think this is a bad bill and have voiced their opposition. For New York City to remain "open for business", we need its governing bodies to listen to us. No one wants to be forced to move to a new state, or to shut down their business completely because of the cost of government mandates.

Sick leave for workers is not the issue here. People should be able to take time off without worrying about losing their job. Again, however, that protection is already covered under existing law. Employers who fail to obey applicable law should be held responsible and be either fined or prosecuted. Thus, the issue really becomes one of economics and a new law being used for political gain at the private sector's expense.

If Council feels that it MUST pass this law, despite the misgivings of NYC's five Chambers of Commerces, 27 major business and community organizations, and the thousands of employees they represent, PIA would ask that you defer this bill to a later time when the economy hopefully has rebounded and both impacted companies and the City of New York can better absorb its costs.

Testimony
Of
Patrick Purcell, Jr.
Assistant to the President,
United Food and Commercial Workers Union Local 1500



Committee on Civil Service and Labor
Hearing on Paid Sick Days Legislation
May 11th, 2010 – 1:00PM
Council Chambers

Good Afternoon. My name is Patrick Purcell Jr. and I am the Assistant to the President of United Food & Commercial Workers Union Local 1500, Bruce W. Both. UFCW Local 1500 is New York State's largest local union representing grocery store workers. Local 1500 represents over 23,000 workers employed by Pathmark, Stop and Shop, Shop Rite, D'Agostinos, Fairway, and many other independent stores.

Today you will hear many arguments in favor of and in opposition to passing a bill mandating paid sick days. Our Union strongly supports this bill. While writing this testimony tried to think of some new reason you should pass this bill. Despite my best efforts, it always came back to the same one: It's your job!

It is your job to help protect the Citizens of this City. Every single day there are workers who go to work sick because they cannot afford to miss a pay day or fear they will lose their jobs. This happens in thousands of establishments that sell food such as grocery stores and restaurants. This is a health time bomb ready to explode.

It is also your job to develop smart economic policy that balances the need of workers, employers and the consumer. As usual, most employers want you to just focus on them. You recently passed a Supermarket initiative that provides millions of dollars to supermarkets in tax breaks. This bill would help supermarket operators, consumers and workers by opening stores in underserved communities. That was legislation that was strongly embraced from the supermarket industry.

Yet today, when you seek to pass a bill that may cost them a few dollars, yet supports their workers and protects their shoppers, they oppose it.

So I what they are saying is: Stay out of the free market and our business unless of course you are going to give me millions in tax payer funded incentives. That's the kind of "interference" they embrace.

Let us all be honest with each other. We could be standing here at any point in our history and an overwhelming majority of the business community would have been against the minimum wage. workers compensation, unemployment insurance, over time after 40 hours, the creation of OSHA, Family Medical Leave and so many other pieces of legislation that provide workers some basic rights and protections.

We should always negotiate and attempt to reach compromises on legislation to help ensure that when it passes, it does the most good for all affected parties.

However, at the end of the day, no matter what you do, no matter how much good faith you put into negotiations, a majority of businesses will simply be opposed to these types of legislative efforts.

When you reach that impasse, and I sense we are quickly moving towards that with this bill, it is time to simply put down your pen, thank all parties for their input and then go do your job.

UFCW Local 1500 strongly urges you to do your job and pass this bill now!



Hector Figueroa

Testimony on Paid Sick Leave Bill

New York City Council- Committee on Civil Service and Labor

11 May 2010

My name is Hector Figueroa and I am the Secretary-Treasurer of 32BJ, SEIU. Our union represents over 65,000 janitors, doormen, custodial workers, porters and security officers working here in New York City.

I am here to testify regarding the Paid Sick Leave bill currently sitting with this Council. This bill would take a leap forward in the ongoing fight to ensure basic rights for all workers by allowing them to take days off work to care for their health without fear of losing their job. SEIU 32BJ fully supports its passage.

We fight hard to win this basic workplace right for our members. However, nearly half of all New York City workers lack paid sick time. SEIU 32BJ represents 3,000 city-contracted security officers. These men and women provide the first line of defense in municipal buildings and other city facilities, and until May of last year they could not take days off when they or their families were sick. This is unacceptable. We believe paid sick leave is a basic workplace right—one that our members and all working New Yorkers should have.

The gap in paid sick leave in New York City provides yet another setback to already vulnerable workers. Disproportionately high numbers of low income workers, immigrants, and women lack sick leave. However, this is not just a workers' rights issue for the 48% of working New Yorkers, who lack paid sick time. This is a family issue for those unable to take time off work to care for sick children, and a public health issue for coworkers and customers endangered by people coming to work sick. This is an issue for all New Yorkers, and one we need to act on now.

We strongly encourage the Council to extend this basic right to all workers.



**NEW YORK CITY
CENTRAL LABOR COUNCIL
AFL-CIO**

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Hearing re: Intro. 97, Paid Sick Time Act

Testimony to the NYC Council Committee on Civil Service and Labor

**New York City Central Labor Council, AFL-CIO
May 11, 2010**

Good afternoon. Thank you Chairman Sanders and the other members on the committee for the opportunity to testify today on Intro. 97, the Paid Sick Time Act. My name is Sharada Polavarapu, Political Director of the NYC Central Labor Council (CLC), a federation of 300 affiliated local unions representing 1.3 million working men and women in New York City. I am here to testify on behalf of our President Jack Ahern, in support of Intro. 97.

The ability of a worker to earn a minimum amount of paid time off so that they can care for themselves or a family member when sick is an issue of fundamental fairness, and a basic right that should apply to all workers. Everyone gets sick – that's a fact. Yet nearly 2 million New Yorkers do not have a single day of paid sick leave where they work, including nearly two-thirds of low-wage workers.

Many workers are forced to go to work sick, or send a child to school sick, because they cannot afford to lose a day's pay or risk losing their jobs. Working mothers are disproportionately

impacted by a lack of paid sick days since they are often the primary caregivers and are responsible for taking care of a child when sick. They suffer the most stress in trying to balance the needs of their families and the demands of their job.

When workers go to work sick, or send a child to school sick, they risk increasing the spread of contagious illnesses to co-workers, classmates, and the general public. The public health risk is heightened in New York City by the several hundreds of thousands of workers who lack paid sick leave in industries that have high levels of interaction with the public, especially those employed in food service and retail.

From the employers' point of view, you don't want people to come into work sick. When someone comes in sick, they make other people sick. A minimum sick leave policy would allow employers to protect the workforce.

Providing workers with the benefit of paid sick days is also good for business. When workers are provided paid sick leave, they demonstrate increased job satisfaction, commitment, and morale, and their employers reap the benefits of high performance and productivity.

This bill makes complete economic and common sense. The Central Labor Council urges the City Council to pass the Paid Sick Time Act so that a minimum standard for paid sick days is established that guarantees protection for all workers.



We serve you

My name is Robert Bookman and I am NYC legal counsel to the New York State Restaurant Association and to its New York Nightlife Association chapter. On behalf of the thousands of eating and drinking establishments in NYC, establishments that provide over 200,000 jobs to New Yorkers, we urge the Council not to pass this legislation.

This is a well intentioned idea. But in the worst economy since the Great Depression, with double digit unemployment, with storefronts closed all over the 5 boroughs, with hours being cut back and thousands of businesses barely hanging on, you have just got to be kidding that you are seriously considering this massive increase in expenses now.

Our industry, after surveying our members, has estimated that it will cost us over \$100 million a year to provide this new across the board benefit.

We simply cannot pass this new cost of doing business to the consumer, and the money to pay for it has to come from somewhere. Business owners' profit margins are so thin right now that either the workers will have to pay for it with reduced hourly pay or benefits when possible...or we will go out of business.

Let's be clear. You cannot claim to be pro small business and pass this legislation. The two are not compatible. At a time when the Council is moving forward on a regulatory reform package to help small businesses, this would wipe out any gains NYC makes from that process. And this bill,

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unlike the Federal bills on family leave and health insurance, does not exempt the small businesses that cannot afford it. And they define small business as 50 employees, not 20.

This bill is being sold as a sick leave bill. It is not true. When the bill allows employees to take 1,2 or 3 days off at a time and makes it illegal to require any documentation to support the illness claim, it becomes a paid personal time off bill, having nothing to do with employee illness. A policy, I might add, that even you in the Council do not provide to your employees. And in the restaurant industry, we must inquire at to an employee's illness in that we have to make sure they do not have some communicable disease making them unable to be around your food.

The business community uniformly supports the right of all workers to stay home if they are sick without any fear of employer retribution. If the current laws are not strong enough to guarantee this, lets work together on that. But PAID time off is another matter.

If this really is the moral issue that the advocates claim it is, then this new government mandated social policy should be paid for like all others such as unemployment insurance, worker's compensation, disability...not with a 100% employer funded requirement, but with all parties paying its fair share...government, workers and employers. When an employee gets hurt and cannot work, the employer doesn't pay his salary, a government insurance program does, one in which everyone contributes to. This should be the same. And if the government doesn't have the money in this economy, clearly neither does the business community.

Unlike all other pieces of legislation that designates a city agency to enforce the law, this bill is somewhat unique in that it provides for a private cause of action for disgruntled employees to bring private lawsuits under the law claiming they were wronged. This will cause an explosion in lawsuits against employers, including class actions. That means huge legal fees just to fight them. This law, if passed, should be enforced just like any other law is enforced, by the government agency responsible for it, period.

The number of days off , 9 for most restaurants, should be reduced to a realistic across the board number of days, one that conforms to national data for sick days used, which is 4, or one that meets the City's current position with the Teachers Union, which is 5.

Any paid time off that employers currently provide...whether it be called vacation, holidays, personal or sick...should be credited to this law's requirements.

Finally, individuals that work for a combination of wages and tips (waiters, etc) should not be covered by this law, just as they were excluded in the Washington, DC law, as it makes no sense. These workers will likely make up the lost shift, so they do not need to be paid for that shift...it will not be lost. The same is true for part time workers.

We urge you to work with the business community on this issue and not against us.

Statement of Tony Juliano
Chairperson, Greenwich Village-Chelsea Chamber of Commerce
General Manager, XES Lounge

RE: INTRO 0097, Provision of Paid Sick Time Earned by Employees

TO: NYC Council Committee on Civil Service and Labor

DATE: May 11, 2010

Good afternoon Chairman Sanders and members of the committee. Thank you for giving me the opportunity to speak to you today. My name is Tony Juliano and I am the General Manager of a small bar in Chelsea called XES Lounge. I am also the Chairperson of the Greenwich Village-Chelsea Chamber of Commerce.

I am appearing before you today on behalf of XES and the Chamber, and will be addressing concerns with INTRO 0097, "Provision of Paid Sick Time Earned by Employees."

Let me begin by saying that INTRO 0097 has laudable goals. It attempts to provide job security and protect the income of workers when they cannot go to the job due to their own illness or the illness of a loved one. It is also true, however, that this bill would impose a new, local mandate of sweeping scope on businesses – including the very smallest business – at a time of economic distress, and in a place – New York City – where high rents, high taxes, high insurance, high fees, and complex regulatory

processes have made it difficult for a small, independent business to survive, much less thrive.

In Manhattan in particular and the communities served by the Greenwich Village-Chelsea Chamber of Commerce – that’s Canal Street to the South up to 34th Street, West to the Hudson and East to Broadway -- these small, independent businesses are vanishing.

The lead sponsor of this bill, Council Member Gale Brewer, and I sat on several panels exploring this phenomenon, and Manhattan Borough President Scott Stringer issued a report over a year ago on “How to Save the Mom & Pops.” The Speaker of the City Council Christine Quinn in her State of the City Address recognized the formidable challenges facing businesses in this city and introduced some important initiatives aimed, at least in part, at addressing this problem.

The very need for such attention by public officials -- and the concern we all share when another independent business closes its doors and a national chain opens in its place or a vacancy sign is posted -- should inform this committee of the need for support and relief for these struggling

entrepreneurs, not new and expensive mandates that might well be the tipping point in difficult economic times.

Let me speak for a moment about XES Lounge. XES employs 10 people. All but three are minimum wage, tipped employees. As such, the overwhelming majority of their income is derived from tips. Should this bill be enacted, we estimate the cost to XES to be about \$10,000 per year. However, this is an unnecessary expense because this bar, like most in this industry, allows its employees to swap shifts when illness strikes. Generally speaking, the employee loses no work time, and more importantly, no employee income is lost. And, no one works while they are sick. Our employees need the tips to survive economically, not the minimum wage. That is why this industry has adopted the practice...to support the needs of their employees. Should this bill become law, this industry's successful business model will change to no one's benefit.

Without an exemption for tipped employees -- like Washington DC's law -- the industry will be forced to change its policy and not allow its employees to swap shifts. Otherwise, an employee would be incented with double pay to stay home from work. That makes no sense. However, without the ability to swap a shift in lieu of sick pay, the law will likely have the opposite

effect of what is intended. Employees will likely not call in sick lest they lose the bulk of their income. We are talking bartenders and waiters, the very people we do not want coming into work sick.

Members of the Greenwich Village-Chelsea Chamber of Commerce have similar stories. Most are small businesses with fewer than 25 employees, which is reflective of the communities we serve. In an extensive study conducted in 2005 by NYU's Stern School of Business on our behalf, we learned that 63% of the businesses in our communities make less than \$1 million annually and 42% make less than \$500,000. In addition, 77% have fewer than 10 employees. While these numbers have likely changed somewhat during the intervening years, the area still consists primarily of very small businesses. And, many of those businesses are struggling.

As we surveyed members in preparation for this testimony, we learned that 32% of respondents employed fewer than 10 full time employees, and an additional 36% employed fewer than 50. About 57% offer paid sick time to employees, most of whom provide between 2 and 5 days. And, almost 68% offer some paid vacation or personal time.

In the survey, we asked our members if they would consider cost cutting measures to offset the cost of this bill. 36% said they would cut jobs.

Although a few members expect the costs to be associated primarily with record keeping and legal fees, most expect the proposed law to add significantly to payroll and payroll taxes. Cost estimates for most of these businesses range between \$5,000 and \$20,000 annually. However, one of our members estimates the price tag to be "upwards of \$60,000," while another business, Magnolia Bakery, with 250 part time employees estimates the cost to be between \$250,000 and \$500,000, depending on the number of staff they go through.

Many of our members provide some number of vacation days for their employees but no set number of sick days. A growing concern is that this bill will compel them to change their policy and force employees to use these vacation days as sick days. Vacation serves a purpose. It is part of a comprehensive package of benefits and compensation. Vacation helps refresh an employee, keeps morale high, and improves productivity. Consider an employee who has a family vacation planned in August, but is forced to use 2 vacation days in January because they are sick. What impact might we expect on the business and on the employee's quality of

life? A possible unintended consequence of this bill: the employee might well decide to come to work sick rather than preempt the family vacation. And, if they do call in sick and cannot join their family on vacation, the cost to the business might be *very high*, although impossible to calculate.

In actuality, it is difficult to estimate the overall financial impact, although most of the survey respondents believe the impact to be significant. This contrasts sharply with many of the proponents of this bill who suggest the impact to businesses will be minor, citing San Francisco as the model. However, even in San Francisco, where a similar measure has been law for more than 2 years, an August 21, 2009 report from the Office of Labor Standards and Enforcement from the City and County of San Francisco states "A formal evaluation of the effectiveness of implementation has not yet been conducted," and "since the law's passage, there have been no further quantitative studies on the scale of impact." In truth, no one knows the actual impact on San Francisco's economy.

Our members – and small business owners in general -- understand the value of their employees and many offer a balanced suite of benefits to their workers including sick time, vacation, health care, and more. This bill, however, reaches down to the smallest business and mandates changes

and imposes regulation that might well kill some businesses, eliminate jobs, stifle entrepreneurship, suppress growth, and discourage new investment in our city.

I urge you to support Small Business in NYC and reject this bill in its current form.

**New York Staffing Association
Suggested Amendments to INT-0097, Paid Sick Leave**

The New York Staffing Association represents the interests of temporary staffing firms, which are responsible for over 40,000 employees throughout the City and an estimated \$1.6 billion in economic impact. Our employees range from CEOs to secretaries, laborers, and everyone in between, and each employee receives competitive salaries, vacation time, health care benefits, and job skills training. Our efforts provide a bridge between unemployment, and a full time job, thereby saving the City from the costs of additional unemployment benefits.

While we agree with the well-intentioned reasons behind INT-0464, we are concerned with some of the bill's language because of the potentially harmful and uniquely adverse impact upon our industry. Our industry historically operates with low profit margins, typically around 3%, due to the extensive training programs and competitive benefits we offer. Therefore, any additional cost per employee may cause our industry to freeze hiring, lower benefits, or close altogether. With unemployment at 10.2 percent in the City, this is not something we want to do. We estimate that the financial impact upon the industry will be approximately \$60 million.

Our suggested amendments to INT-0097 include:

- 1) **EXEMPT TEMPORARY STAFFING INDUSTRY** – The temporary staffing industry hires employees and places them in other organizations for specific work assignments of limited duration, such as a few days, to a couple of weeks. Tracking the accrual of paid sick time in such a start and stop fashion will be onerous. Additionally, providing paid time off for employees who are in between assignments, and therefore already have time off, does not make much sense. Therefore, we believe that temporary employees should be exempt. [See inserted §2 b (5)].
- 2) **TEMPORARY EMPLOYEES DEFINITION** – “Temporary employees” should be defined as “individuals who work for a firm whose business consists primarily of recruiting and hiring its own employees and assigning them to other organizations. These individuals support or supplement workforces by providing assistance in special work situations, such as employee absences, skill shortages, and seasonal workloads, or perform special assignments or projects. They are customarily reassigned to other organizations when they finish each assignment.” [See inserted §2 b (6)].
- 3) **EMPLOYMENT DEFINITION** – “Employment” should be defined as “the performance of work for financial compensation.” This will allow the temporary staffing industry to provide paid sick time to its employees while they are actively working, and not provide it while they are in between assignments and not working. Accordingly, the usage of paid sick time should be for absences from scheduled work so as to avoid paying for time off when employees are not on assignment and already have time off. [See inserted §2 b (7); d (1)].

- 4) **SEPARATION DEFINITION** – “Separation” should be defined as the cessation of work for financial compensation. For the purposes of this act, employees who are between assignments should not be considered as terminated from the staffing agency. This will allow the temporary staffing industry to provide paid sick time to its employees while they are actively working, keep them as employees of a temporary staffing company, and not provide paid sick leave while they are in between assignments and not working. [See inserted §2 b (8), and c (10), (11)].
- 5) **AVERAGE HOURLY RATE** – When the hourly rate of employees fluctuates during the year, the average hourly rate should be used for paid sick time compensation, not the time when the paid sick time is utilized. The alternative is that employees could receive paid sick time at either higher or lower rates if the rate that is paid is when the sick time is utilized. [See inserted §2 b (13)].
- 6) **USAGE** – Paid sick time should be used in eight hour blocks so as to avoid the possibility of using the time to be chronically late, and it should only be utilized for absences from scheduled work. The latter point is vitally important for the staffing industry, as temporary employees should not be allowed to use paid sick time in between their scheduled work assignments. Using paid sick time between scheduled assignments would pay temporary employees during a time period when they are not actually missing work. [See inserted §2 c (5); d (1)].
- 7) **ACCRUAL** – The San Francisco bill started accrual after an employee worked for 90 days. We believe this should be incorporated into the NYC bill. Additionally, we believe that employees should be able to use accrued paid sick time after 180 days. [See inserted §2 c (6), (7)].
- 8) **NOTICE** – Since the temporary staffing industry hires employees and places them at other organizations, it is difficult to ensure compliance with notice and posting requirements at other organizations. Therefore, we would like to require that the posters are placed in the employer’s place of business.

Additionally, the notice and posting requirement of asking employees about their “first languages spoken” is not only burdensome, but also very likely an illegal inquiry pertaining to national origin. Instead, we favor a simpler notice and posting requirement, which would place posters at the employer’s place of business in English, and make them available from the administering agency in every other language upon request. Alternatively, employers could comply by attesting that all paid time off policies and procedures are accessible through their Human Resources department via handbooks, manuals, or their own websites. Page 9. [See inserted §2 f (2), (3)].

TESTIMONY AS DELIVERED BY Kate Post, REPRESENTING THE NEW YORK STAFFING ASSOCIATION

- **Good afternoon. My name is Kate Post, and I am here on behalf of the New York Staffing Association.**
- **The New York Staffing Association represents the interests of temporary staffing firms, which are responsible for over 120,000 employees throughout the City on an annual basis and an estimated \$1.6 billion in economic impact.**
- **Our employees range from CEOs to secretaries to laborers and waitstaff, and everyone in between.**
- **Each individual is treated as our employee, and receives competitive salaries, vacation time, health care benefits, state and federal mandated benefits such as social security, disability, unemployment insurance, workers compensation coverage and job skills training.**
- **Our efforts provide a bridge between unemployment, and a full time job, thereby saving the City from the costs of additional unemployment benefits.**
- **Indeed, 70% of our employees ultimately receive permanent positions at employers in the city as a result of the exposure and experience they gain as temporary employees.**
- **Essentially, the temporary staffing industry hires employees and places them in other organizations for specific work assignments of limited and varying duration.**
- **The temporary staffing industry historically operates with low profit margins, typically around 3%, due to the competitive pay and benefits we offer and our extensive recruiting, screening and training costs.**
- **As such, we estimate this bill to have approximately a \$60 million dollar impact upon our industry.**
- **Because of our low margins, there are only two things that could happen were costs to increase:**

TESTIMONY AS DELIVERED BY Kate Post, REPRESENTING THE NEW YORK STAFFING ASSOCIATION

- **Therefore, we believe that paid sick time should only be utilized for absences from scheduled work.**
- **Additionally, when the hourly rate of employees fluctuates during the year, we believe the average hourly rate should be used for paid sick time compensation, not the time when the paid sick time is utilized.**
- **The alternative is that employees could receive paid sick time at either higher or lower rates if the rate that is paid is when the sick time is utilized.**
- **Since the temporary staffing industry hires employees and places them at other organizations, it is difficult to ensure compliance with notice and posting requirements at other organizations as is mandated in the bill.**
- **Therefore, we would request that the requirement for posting be at the employer's place of business which is where they would have registered to work and been oriented.**
- **Additionally, the notice and posting requirement of asking employees about their "first languages spoken" is not only burdensome, but also very likely an illegal inquiry pertaining to national origin.**
- **Therefore, we request a simpler notice and posting requirement, which could allow compliance by attesting that all paid time off policies and procedures are accessible through HR departments or websites.**
- **I am happy to answer any questions. Thank you for your time.**



salonspa • www.scottj.com

I have been in business in NYC for the last 20 years doing business at Scott J. salon and spas. My 3 locations employ 190 people. The proposed bill of 9 mandatory sick days per employee would paralyze my organization.

What I already pay:

- I pay sick time and personal time off for some employees but I do not pay sick time for my Service Providers/commissioned employees.
 - Service providers/commissioned employees receive two to three weeks vacation pay but this bill would make it impossible for me to continue offering vacation time as a benefit to these employees.
 - When a Service Provider/commissioned employees have an unplanned absence, my business loses the expected revenue for that day.
 - My Business is already losing revenue for the days Service Provider/commissioned are not in. If I had to also pay them a day rate for being out, this will hit my company double. It not only cuts my revenue but raises my expenses in one swoop which in turn hurts our ability to contribute to our employees existing benefits and the economic growth of the City.
- * See breakdown sheet **Annual Cost of 9 Sick Days, Per Employee**

Current benefits offered to non commissioned employees:

* Commissioned employees do not receive PTO, but do receive all other benefits listed.

- 6 months 3 paid holidays
- 1 year 10 PTO and 5 VTO
- 2 years 10 PTO and 10 VTO
- 5 years 10 PTO and 15 VTO
- 401K plan, Health Insurance, Transit, Dental, Vision and Life

Impact small businesses have had in the last 2 Years:

- Guest stretching out appointment times
- More money spent on marketing to get guests in
- These last 2 years have probably been the hardest on my business because of all the extra expenses due to the increases in
 1. property that have gone up this year
 2. water taxes
 3. new MTA taxes
 4. increased rent per square foot
 5. Health insurance 20% increase
 6. Business insurance 10-15% increase
 7. Electricity 30% increase

The proposed bill is not very supportive of small businesses like mine which are the core of the neighborhoods of NYC. I am looking for ways to grow my business so that I can continue to offer my services to the community, and contribute to the economy by keeping people employed and employing new people which will further contribute to the economic growth. This proposal presents obstacles to achieving this hopeful goal. I really hope the city find new ways to help small businesses flourish verses continuing to place more taxes and cost to doing business. I feel placing the entire burden of paid sick time on small businesses is very unfair and it may force some businesses to move out of New York City. Perhaps another solution to paid time off is treating it as we do disability where the city and small businesses share the cost.

Thank you for listening,

Scott Buchanan

Annual Cost Of 9 Sick Days, Per Employee

Shannon Marie

Stylists					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
30	\$ 10.00	12	9	\$ 32,400.00	
Assistants					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
19	\$ 8.00	8	9	\$ 10,944.00	
Retail					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
8	\$ 12.35	8	9	\$ 7,113.60	
Front Desk					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
10	\$ 13.44	8	9	\$ 9,676.80	
Salon Care					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
5	\$ 10.06	8	9	\$ 3,621.60	
Management					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
1	\$ 35.29	8	9	\$ 2,540.88	

Shannon Marie Total Cost Of 9 Sick Days \$ 66,296.88
 Cost Per Day of 9 Days \$ 7,366.32
 Average Hourly Salary 11.81

Shannon Marie Total Lost Revenue for 9 Sick Days \$114,955.80

- * Use \$10 as an hourly rate for Service Providers
- To find the total lost revenue for 9 sick days
- *Take an average of two payrolls
- *Divide average of two payrolls by 14 days to find the total average per day
- *Multiply total average per day by 9 days

Hudson Max

Stylists					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
14	\$ 10.00	10	9	\$ 12,600.00	
Assistants					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
5	\$ 10.00	10	9	\$ 4,500.00	
Esthetician					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
2	\$ 10.00	10	9	\$ 1,800.00	
Front Desk					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
4	\$ 11.13	8	9	\$ 3,205.44	
Salon Care					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
2	\$ 8.00	8	9	\$ 1,152.00	
Management					
# Employees	Hourly Avg	Hours Per Day	Sick Days	Dept Total	
1	\$ 26.90	8	9	\$ 1,936.80	

Hudson Max Total Cost Of 9 Sick Days \$ 25,194.24
 Cost Per Day of 9 Days \$ 2,799.36
 Average Hourly Salary 11.11

Hudson Max Total Lost Revenue for 9 Sick Days \$49,547.15

Annual Cost Of 9 Sick Days, Per Employee

Maximillian

Stylists	Hourly Avg	Hours Per Day	Sick Days	Dept Total
# Employees	\$ 10.00	12	9	\$18,360.00
Estheticians				
# Employees	Hourly Avg \$ 10.00	Hours Per Day 8	Sick Days 9	Dept Total \$ 2,160.00
Massage Therapists				
# Employees	Hourly Avg \$ 10.00	Hours Per Day 8	Sick Days 9	Dept Total \$ 2,880.00
Assistants				
# Employees	Hourly Avg \$ 8.00	Hours Per Day 8	Sick Days 9	Dept Total \$ 4,032.00
Retail				
# Employees	Hourly Avg \$ 12.30	Hours Per Day 8	Sick Days 9	Dept Total \$ 4,428.00
Front Desk				
# Employees	Hourly Avg \$ 13.67	Hours Per Day 8	Sick Days 9	Dept Total \$ 7,873.92
Salon Care				
# Employees	Hourly Avg \$ 8.50	Hours Per Day 8	Sick Days 9	Dept Total \$ 1,836.00
Management				
# Employees	Hourly Avg \$ 25.40	Hours Per Day 8	Sick Days 9	Dept Total \$ 1,828.80
Maximillian Total Cost Of 9 Sick Days				\$43,398.72
Cost Per Day of 9 Days				\$ 4,822.08
Average Hourly Salary				\$ 12.56

Maximillian Total Lost Revenue for 9 Sick Days \$101,308.05

*** Use \$10 as an hourly rate for Service Providers
To find the total lost revenue for 9 sick days**

*Take an average of two payrolls

*Divide average of two payrolls by 14 days to find the total average per day

*Multiply total average per day by 9 days

Corporate Staff

Guest Relations	Hourly Avg	Hours Per Day	Sick Days	Dept Total
# Employees	\$ 10.90	8	9	\$ 5,493.60
Corporate Staff				
# Employees	Hourly Avg \$ 32.93	Hours Per Day 8	Sick Days 9	Dept Total \$ 14,225.76
Corporate Staff Total Cost Of 9 Sick Days				\$ 19,719.36
Cost Per Day of 9 Days				\$ 2,191.04
Average Hours Per Day				8
				\$ 273.88

Corporate Staff Total Cost Of 9 Sick Days \$ 19,719.36
Cost Per Day of 9 Days \$ 2,191.04
Average Hourly Salary 21.07

Corporate Staff Total Cost Of 9 Sick Days	\$ 19,719.36
Shannon Marie Total Cost Of 9 Sick Days	\$ 66,296.88
Hudson Max Total Cost Of 9 Sick Days	\$ 25,194.24
Maximillian Total Cost Of 9 Sick Days	\$ 43,398.72
Grand Total Annual Cost of 9 Sick Days, Per Employee	\$154,609.20
Grand Total Lost Revenue for Commissioned Employees	\$265,811.00
Grand Total Lost to Business	\$420,420.20

FOR THE RECORD



Richard Windram
Director Government & External Affairs

140 West Street, Floor 30
New York, NY 10007
(212) 321-8110 (Office)
richard.windram@verizon.com

May 11, 2010

RE: New York City Council Committee on Civil Service and Labor Intro 97

Chairperson Sanders and committee members:

Verizon, an industry leader that has adopted many policies to empower employees to better manage their personal and family well being has concerns regarding Intro 97 and respectfully submits the following comments.

- Verizon provides its employees with a generous and flexible array of paid time-off benefits to help them meet the responsibilities of work and their personal lives, and we are continually recognized for our workplace excellence (see attached). However, this bill will mandate that Verizon enact procedures that would undermine our ability to manage our time off policies, adversely impact our ability to adequately staff our workforce, and jeopardize our ability to continue to offer hundreds of thousands of employees across our footprint quality, affordable benefits while trying to remain competitive in a global environment.
- As a multi-state employer that provides critical and emergency services, Verizon needs to ensure the consistency of plan administration and offerings in all jurisdictions where the company operates in order to continue to adhere to multiple state and federal regulations pertaining to customer service and network operations.
- Intro 97 must provide certainty for companies that provide critical services, such as phone, gas, and electric that their staffing levels are adequate to meet emergency situations and adhere to regulatory requirements.
- Intro 97 should allow Verizon to administer its policies in a fashion that will allow them to efficiently run their business, adhere to regulatory requirements, recognize current collective bargaining agreements, monitor for policy misuse/abuse, and stay competitive in the marketplace.

Verizon welcomes the opportunity to meet with you and the bill's sponsor to discuss these issues in more detail.

Yours truly,

Richard Windram

AWARDS & HONORS



Diversity and Workplace Excellence

› For the ninth consecutive year, *DiversityInc* named Verizon one of the top companies on its list of Top 50 Companies for Diversity. Our 2009 rank: No. 12. Verizon is the only company to be named No. 1 twice (2006 and 2008).

› For the eighth consecutive year, *Working Mother* magazine named Verizon one of the 100 Best Companies for Working Mothers. Verizon was also named to the magazine's list of Best Companies for Multicultural Women for the third consecutive year.



› For the third consecutive year, *BusinessWeek* named Verizon to its list of Best Places to Launch a Career, ranked No. 22.

› DiversityBusiness.com named Verizon one of America's Top Organizations for Multicultural Business Opportunities for 2008, based on the volume, consistency and quality of business opportunities a company grants to women- and minority-owned suppliers.



› Verizon Wireless placed fourth on *Training* magazine's 2008 list of Top 125 Training Organizations in America. This is the seventh consecutive year that Verizon Wireless was named to *Training* magazine's list.

› For the third time, *Black Enterprise* magazine has named Verizon to its 40 Best Companies for Diversity list. Verizon was cited for spending \$3.1 billion with women and minority suppliers in 2007, and for spending the highest percentage on advertising in diverse markets.

› For the sixth consecutive year, *LatinaStyle* magazine named Verizon to its list of the 50 Best Companies for Latinas to Work For in the U.S., ranking No. 13.

› For the fourth consecutive year, *Hispanic Business* magazine has named Verizon to the Top 15 of the publication's Diversity Elite 60 list, based on evaluations of hiring, promotion, marketing, philanthropy and supplier diversity.

Corporate Citizenship

› For the second consecutive year, Verizon was named one of the 100 Best Corporate Citizens by *CRO* magazine, based on company efforts in climate change, employee relations, the environment, financial performance, governance, human rights, lobbying disclosure and philanthropy.

› The Ponemon Institute and TRUSTe, the online privacy evaluator, ranked Verizon among the top 20 U.S. companies in the fifth annual survey of Most Trusted Companies for Privacy.

› The *Big Money* Web site ranks Verizon's overall corporate responsibility performance 40th out of nearly 500 of the nation's largest companies. The ranking is managed by IW Financial (www.thebigmoney.com/tools/socially-responsible-investing).

› We are included in the following socially responsible investment funds: FTSE4Good Index, KLD Domini 400, Ethibel Sustainability Index and in 2008 were included in the Calvert Group's Large Cap Value Fund.

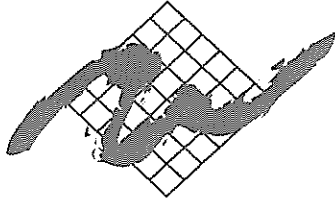
Environment

› Verizon has earned the federal government's Energy Star Award for operating the nation's largest fuel cell site of its kind, an environmentally friendly call-switching center and office building in Garden City, New York.

› Verizon's environmental policies and customer-facing initiatives have earned Frost & Sullivan's 2008 Green Excellence of the Year Award in the Corporate Leadership category for the telecom services industry.

› Verizon Wireless was named one of *InfoWorld's* Green 15 for 2008 for IT initiatives that result in higher energy efficiency, less waste and a reduced environmental impact to meet sustainability goals.





INSTITUTE FOR WOMEN'S POLICY RESEARCH
1707 L Street NW, Suite 750 ♦ Washington, DC 20036

November 30, 2009

The Honorable Christine Quinn
Speaker of the City Council

The Honorable Linda Gibbs
Deputy Mayor for Health and Human Services

The Honorable Gale Brewer

City Hall
New York, NY 10007

Dear Speaker Quinn, Deputy Mayor Gibbs, Ms. Brewer, and Members of the City Council:

As you know, advocates and many on the City Council in New York City have been supporting the passage of Introduction 1059, known informally as the Paid Sick Time Act, though others have opposed passage. The law would require businesses to provide workers with 1 hour of sick time per 30 hours worked, up to a maximum accrual of nine days, or 5 days for businesses with fewer than 10 employees. Media outlets have cited widely varying estimates of the cost of implementing the policy: the estimate released by the Institute for Women's Policy Research and that released by the Five Borough Chamber Alliance, an organization formed by the Brooklyn, Bronx, Manhattan, Queens and Staten Island Chambers of Commerce.

The Institute for Women's Policy Research has been conducting policy analysis and cost-benefit estimates regarding the implementation of paid sick days laws for almost a decade. The Institute has published estimates and analyses relevant to proposed laws in a dozen states and four cities, and has provided analysis of the proposed federal paid sick days law, the Healthy Families Act. Our estimates utilize publicly available data from the Bureau of Labor Statistics, the National Health Interview Survey, local and state labor departments, and other sources, and our methods are detailed in our reports.

In New York City, IWPR estimates that the proposed paid sick days law will cost employers, on average, \$7.50 per week for each employee receiving new leave, or a cost of about 21 cents per hour. Summed over the entire workforce, this amounts to \$332 million annually. These findings and our methodology have been published in a report available on the IWPR website (www.iwpr.org). The report was submitted with IWPR testimony to the New York City Council.

The Five Borough Chamber Alliance has publicized its own estimate of the cost of implementing the bill—\$8.8 billion, 26 times larger than the estimate produced by IWPR. There are several ways in which the Chambers' estimate utilizes erroneous assumptions to reach a vastly inflated

cost figure. **These errors are multiplicative, not additive;** the impact of each mistaken assumption is multiplied by the impacts of the others, resulting in the massive difference between the two estimates.

Issue #1: The Chambers Are Counting Workers That Don't Exist

IWPR's estimate uses employment numbers by industry from the New York State Department of Labor. The Chambers did not use any data regarding the number of employees in New York City. Instead, they used data on the number of businesses in each size category (e.g. businesses with 1-4 employees, 4-9 employees, etc.), and then multiplied the number of businesses by the upper bound of each category. For example, for businesses with 1-4 employees, the Chambers' estimate assumes that each has 4 employees. As a result, the Chambers' estimate assumes that 4.4 million people work in the private sector in New York City. The most recent count from the Department of Labor indicates that there were 3.1 million employed persons in New York City in September 2009. **The Chambers counted over a million nonexistent workers in New York City.**

Issue #2: The Chambers Are Counting Workers Who Already Receive Leave

Though at least 850,000 New York workers lack paid sick leave, most workers in New York already have paid sick days, and others have other leave they can use when ill. However, **the Chambers' \$8.8 billion estimate is an estimate of the cost of the policy applied to the entire private sector in New York, including all those workers whose employers already voluntarily provide paid sick leave.** Its own documents say—in small print, below the \$8.8 billion number—that the new cost is much smaller. Its estimate of the new cost to employers (\$2-3 billion) is also based on a likely overestimate of the number of affected workers, as it is based on the highest available estimate of workers without paid sick leave and ignores the probability that some workers without paid sick days have other leave (such as PTO or, in some cases, vacation) that can be used when ill, a factor taken into account by IWPR in its estimate.

Issue #3: Most People Do Not Use All of Their Sick Leave

A problem plaguing the perception of paid sick days laws and their costs is the idea that the cost to businesses will be equivalent to the maximum number of days an employee can accrue. **The Chambers assume that workers who earn nine sick days per year will use all nine, but on average people use no more than a few days per year, because using their leave capriciously would leave them vulnerable in the event of illness or injury, would be contrary to their work ethic, or would be viewed negatively by employers.** IWPR calculates that New York workers receiving new sick days under the proposed law would use fewer than 3 days per year on average, including use to care for family members and for doctor's visits. Analysis of data from the National Health Interview Survey, from which the IWPR calculations were derived, show that fully 48% of workers with paid sick days don't use any sick days in a given year.

Issue #4: Workers without Sick Days Earn Lower Wages

IWPR estimates the cost of providing leave based on an average wage that is weighted by prevalence of paid sick days in each industry. For example, workers in food service are particularly unlikely to have paid sick days; these workers make less on average than workers in sectors with good paid sick days coverage (e.g. the financial sector), and IWPR's estimate takes this into account. **The Chambers' estimate of average wages and benefits does not adjust their estimated average wage to reflect the reality that workers without sick days are likely to be in low-wage jobs** and thus overestimates the cost of guaranteeing new paid sick days to workers who lack them.

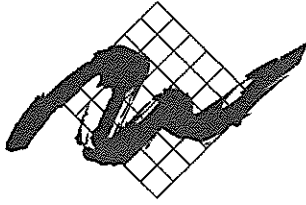
Issue #5: Part-Time Workers Will Accrue Less Leave than Full Time Workers

Another area of confusion surrounding the proposed New York law is part time work. Many part-time workers are currently ineligible to earn leave under employer policies and would earn new leave. However, the accrual method detailed in the bill—accruing one hour of sick leave per 30 hours worked—means that part-time workers will gain only a proportionate fraction of the leave gained by full-time workers. The business horror story of a worker with two part-time jobs receiving (and, of course, using all of) 18 days of sick leave per year is simply impossible. Someone working two jobs for 20 hours each per week would earn about nine days of leave per year, a little over four for each job. **The Chambers' estimate treats all workers in New York as though they are full-time workers** who will earn (and use) the maximum amount of leave per year. IWPR's estimate uses statistics on work hours to adjust for how much employees actually work.

The enormous difference between the IWPR estimate and the Five Borough Chamber Alliance estimate is a result of very different methodologies. Estimates of the cost of a proposed law can never be perfect predictions, of course. Researchers are not infallible and cost estimates are not prophecies. However, I hope it is clear that the Alliance methodology is rife with erroneous assumptions that result in a misleading, wildly inflated estimate of the cost of implementing Introduction 1059 in New York City.

Regards,

Kevin Miller, Ph.D.
Senior Research Associate



INSTITUTE FOR WOMEN'S POLICY RESEARCH
1200 18TH STREET NW, SUITE 301 ♦ WASHINGTON, DC 20036

The Costs and Benefits of Paid Sick Days

**Testimony of Kevin Miller, Ph.D.,
Institute for Women's Policy Research**

**Before the Civil Service and Labor Committee
of the New York City Council regarding
Introduction 0097, the Paid Sick Time Act**

May 11, 2010

Chairman Sanders and members of the Committee,

Thank you for the opportunity to address once again the question of how a paid sick days policy would impact employers, workers, families, and the general public in New York City.

The Institute for Women's Policy Research (IWPR) has been conducting data and policy analysis and creating cost-benefit estimates regarding paid sick days for almost a decade, since the issue first drew the attention of policy makers. Our research has been presented to the U.S. Congress, state legislatures, and local governments. Our cost-benefit analyses and other research have contributed to the passage of paid sick days standards in San Francisco, the District of Columbia, and Milwaukee and continue to inform policy making across the country.

The Institute released a report in October of last year detailing our estimate of the costs and benefits of the paid sick days policy that the City Council of New York is currently considering. I submit our report along with my testimony. The report contains extensive detail regarding our estimate methodology, as well as an executive summary that briefly states our findings.

Our analysis was conducted using publicly available data from the Bureau of Labor Statistics, the New York State Department of Labor, and other sources detailed in our report. We estimate that 1.2 million New Yorkers lack paid sick leave. We estimate conservatively that 850,000 New Yorkers who lack paid leave of any kind would receive new leave under the law. The average cost to New York employers of implementing the policy as written, per employee receiving new leave, would be about \$7.50 per week—or 21 cents per hour worked. Costs would be lower—

about 15 cents per hour worked—at small businesses due to the provisions of the bill and lower average wages paid at small businesses. Citywide, this sums to about \$332 million annually due to lost productivity, additional wages and benefits, and administrative costs.

In March, the Bureau of Labor Statistics for the first time released their own estimate of the employer costs of providing paid sick leave to employees. They estimated that on average providing paid sick days to private-sector employees costs 23 cents per hour, but that costs are even lower in some occupational categories—18 cents among sales and office staff and 8 cents per hour in the service industry. These BLS numbers are therefore very much in agreement with IWPR's estimate of 21 cents per hour among workers who currently lack sick days.

IWPR's estimate—and that of the Bureau of Labor Statistics—stand in stark contrast with the estimate produced by the Five Borough Chamber Alliance last year. I've attached to my testimony an open letter I wrote last year rebutting their estimate. Their estimate of the cost of the law—\$8.8 billion, 26 times greater than IWPR's estimate—is greatly inflated by several mistaken assumptions. Chief among these are:

- Rather than directly utilizing statistics on employment itself, their estimate assumes that every business with between 1 and 9 employees has 9 employees, that every business with between 10 and 19 employees has 19 employees, and so forth. As a result, their calculations include over a million nonexistent workers.
- The Chamber Alliance estimate includes the cost of providing leave to the workers whose employers already voluntarily provide paid sick days, tripling the size of their estimate.
- The Chamber Alliance estimate assumes that every employee will take every single sick day available to them. Data from the National Health Interview Survey, utilized in IWPR's estimate, suggest that average use of sick days will be less than 3 days per year.

The monetary benefits of paid sick days policies are less straightforward to quantify—neither the BLS nor the Chamber Alliance attempts to do so—but IWPR estimates that universal paid sick days will result in significant net savings to employers, workers, families, and the general public. Employers are projected to see the cost of implementing paid sick days defrayed by a reduction in costs associated with employee turnover. Preventing workplace contagion of communicable diseases such as influenza will save employers millions of additional dollars. Contagion prevention will also save millions in health expenditures by families, insurers, and public agencies, while also improving quality of life for the residents of New York.

For more details of our methodology and findings and those of the Five Borough Chamber Alliance, I refer you to IWPR's report and my open letter of last year. I welcome questions regarding the monetary costs and benefits of implementing the proposed law in New York, as well as questions about paid sick leave policies generally.



Valuing Good Health in New York City: The Costs and Benefits of Paid Sick Days

By Kevin Miller, Ph.D. and Claudia Williams

Executive Summary

Policymakers across the country are increasingly interested in ensuring that workers have paid sick days. In addition to concerns about workers' ability to respond to their own health needs, there is growing recognition that, with so many dual-earner and single-parent families, family members' health needs can be addressed only by workers taking time from their scheduled hours on the job. Paid sick days policies allow workers with contagious illnesses to avoid unnecessary contact with co-workers and customers and, thus, are a fundamental public health measure. Paid sick days protect workers from being fired when they are too sick to work and offer substantial savings to employers by reducing turnover and minimizing absenteeism.

New York City lawmakers are now considering a law that would require employers provide all workers with paid sick days. The Institute for Women's Policy Research (IWPR) has estimated the costs and benefits of the proposed law, using government-collected data, peer-reviewed research literature, and a thoroughly vetted methodology. Below are key findings from IWPR's analysis.

KEY FINDINGS

Over one million New York City workers lack paid sick days

- 1,203,000 New York City workers lack paid sick days—42 percent of the workforce.
- 850,000 New York City workers have no paid leave or vacation whatsoever and will receive new paid sick days under the bill—30 percent of the workforce.¹

Paid sick days will cost less than 25 cents per hour worked to provide

- The law will cost New York City employers \$332 million annually in lost productivity and for wages, payroll taxes and payroll-based employment benefits, and administrative expenses (Table 1).
- The weekly cost of the policy for newly covered workers will be \$7.52 per week, or about 21 cents per hour.
- Costs for larger businesses are expected to equal \$7.94 per week—or 23 cents an hour—due to the higher number of required sick days under the new law and wages that are higher than those at small businesses. Providing sick days in compliance with the law will cost small businesses an average of \$5.37 per worker per week, or about 15 cents per hour worked.

Paid sick days produce citywide economic and health benefits

- Reduced employee turnover will prevent millions of dollars in costs for employers.
- Paid sick days reduce the spread of contagious diseases like the flu and improve access to timely medical care.

Key provisions of the proposed New York City paid sick days law

- Workers (both full- and part-time) earn paid sick time at the rate of 1 hour of paid sick time for every 30 hours worked up to the maximum of 9 paid sick days in a year, or 5 days for workers at businesses with 10 or fewer employees.
- Paid sick time may be used for diagnosis or treatment of a worker's or family member's health condition or to address the psychological, physical, or legal effects of domestic violence, sexual assault, or stalking.
- Sick days may be used in the event of a school or workplace closure due to public health emergency.
- Employers may require medical certification for any absence that exceeds three consecutive days, and employers that already provide paid time off meeting the requirements of the law are not required to provide additional days.

Table 1. Summary of Costs of the Proposed Law

	Total	Per worker with new sick days	
		Per week	Per hour
Costs – All businesses			
Wages, wage-based benefits, payroll taxes, and administrative expenses	\$291,000,000		
Use of PSD to address domestic violence, sexual assault, and stalking	\$1,700,000		
Use of PSD by new parents	\$23,000,000		
Replacement workers for 15% of absences	\$47,000,000		
Adjustments – All businesses			
Productivity lost now - ill workers on the job	\$19,000,000		
Reduced spread of the flu at work	\$11,000,000		
Net Cost – All businesses	\$332,000,000	\$7.52	\$0.21
Net Cost – Small businesses	\$39,000,000	\$5.37	\$0.15
Net Cost – Large businesses	\$294,000,000	\$7.94	\$0.23

Source: Institute for Women's Policy Research. Values may not sum due to rounding.

¹ Some New York City workers who currently lack paid sick days are covered by paid vacation or other paid leave policies, which are likely to be modified to reflect the requirements of the proposed law should it be enacted. These workers will receive important protections against dismissal or other penalties under the proposed policy. Some workers who already have paid sick days may receive additional days of leave under the law, but this is unlikely to have a significant cost impact; IWPR analysis predicts that on average workers will take less than three days of sick leave per year.

Funding for this study was provided by the Ford Foundation and the Annie E. Casey Foundation.

For more information on IWPR reports or membership, please call (202) 785-5100, email iwpr@iwpr.org, or visit www.iwpr.org.

The Institute for Women's Policy Research (IWPR) conducts rigorous research and disseminates its findings to address the needs of women, promote public dialogue, and strengthen families, communities, and societies. The Institute works with policy makers, scholars, and public interest groups to design, execute, and disseminate research that illuminates economic and social policy issues affecting women and their families, and to build a network of individuals and organizations that conduct and use women-oriented policy research. IWPR's work is supported by foundation grants, government grants and contracts, donations from individuals, and contributions from organizations and corporations. IWPR is a 501 (c) (3) tax-exempt organization that also works in affiliation with the women's studies and public policy programs at The George Washington University.

Valuing Good Health in New York City: The Costs and Benefits of Paid Sick Days

Policymakers across the country are increasingly interested in ensuring the adequacy of paid sick days policies. In addition to concerns about workers' ability to respond to their own health needs, there is growing recognition that, with so many dual-earner and single-parent families, family members' health needs can only be addressed by workers taking a break from their scheduled time on the job. Allowing workers with contagious diseases to avoid unnecessary contact with co-workers and customers is a fundamental public health measure. Paid sick days protect workers from being fired when they are too sick to work, offer substantial savings to employers by reducing turnover and minimizing absenteeism.

This report uses data collected by the U.S. Bureau of Labor Statistics, the U.S. Department of Health and Human Services, the New York State Department of Labor, and the U.S. Census Bureau to evaluate the likely impact of the Paid Sick Time Act. The study is one of a series of such analyses conducted by the Institute for Women's Policy Research (IWPR) in the last several years that examine public policy development related to paid sick days. It presents an estimate of how much time off workers would use in New York City under the proposed policy and what the costs would be for employers for that sick time. It also examines findings from peer-reviewed research literature to review how this leave policy would save money, by reducing turnover, reducing the spread of disease at work, helping employers avoid paying for low productivity, reducing nursing-home stays, and reducing norovirus outbreaks in nursing homes.

While this report reviews significant benefits from the sick time proposal, there are likely to be many other meaningful benefits that cannot be estimated with existing data. When workers can take needed time off without fear of being fired, they and their families should be able to get health care more promptly when it is needed, leading to improved overall health outcomes, speedier recoveries, and reduced total health care spending. Fewer workers will be fired, suspended, or otherwise penalized for having to stay home when they are ill or have sick family members to care for; this will improve workers' economic security. The public health impact is also likely to be considerable, as workers with contagious diseases will be better able to avoid infecting others, and parents will not have to send sick children to school or child care centers.

Key provisions of the proposed Paid Sick Time Act

- Workers (both full and part-time) earn paid sick time at the rate of 1 hour of paid sick time for every 30 hours worked up to the maximum of 5 days for employees of businesses with 9 or fewer employees and a maximum of 9 days for employees of larger businesses.
- Paid sick time may be used diagnosis, treatment, or preventative care for a worker's or family member's physical or mental health condition, to address the effects of domestic violence, sexual assault, or stalking, or in the event of the closure of an employee's workplace or an employee's child's school due to a public health emergency.
- Employers may require medical certification for any absence that exceeds three consecutive days, and employers that already provide paid time off meeting the requirements of the Act are not required to provide additional leave.

Summary of likely impact of the Paid Sick Time Act

This estimate assumes that all workers eligible for leave under the new policy would know about their new paid sick days. On the contrary, during the early years of the program, it is very likely that many workers will be unaware of their new leave benefits and thus not take any time off under the new law.¹ In particular, workers may not be aware of the multiple uses allowed by the law (see text box, above). Thus, both costs and benefits in the early years of a new program may be considerably lower than these estimates.

Main research findings regarding the likely impact of the Paid Sick Time Act

- An estimated 1,203,000 New York City workers lack paid sick days – 42 percent of the workforce. 850,000 New York City workers – 30 percent of the workforce – have no paid leave whatsoever and would receive new sick days under the proposed law.²
- Workers covered by the Paid Sick Time Act will use an average of 1.7 days of paid sick days annually for their own medical needs.
- On average, workers will use one day for family care and doctor visits.
- Half of all workers with paid sick days do not take *any* days off for illness in a given year.
- New York City employers will pay \$291 million annually for lost productivity, wages, payroll taxes, employment benefits, and administrative expenses (Table 1).
 - Workers utilizing leave under the proposed law to address the effects of domestic violence, sexual assault, or stalking will utilize leave costing employers an additional \$1.7 million.
 - Workers and their spouses utilizing leave during pregnancy or after childbirth will utilize leave costing employers an additional \$23 million.
 - Employers are estimated to need replacement workers for workers who are out sick approximately 15% of the time at an additional cost of \$47 million.
- New York City employers currently lose \$19 million in productivity each year as a result of low productivity of employees who work while sick.
- Workplace seasonal flu contagion of the sort experienced in most years is likely to be decreased as a result of the law, resulting in a savings of \$11 million in prevented productivity loss and sick leave.
- The total annual cost of the proposed law, adjusted for productivity currently lost and savings resulting from prevented flu contagion, is \$332 million. The cost per for the

850,000 workers expected to receive new coverage will be \$7.52 per week, or about 21 cents per hour worked on average.*

- Costs for larger businesses are expected to equal \$7.94 per week—or 23 cents an hour—due to the higher number of required sick days under the new law and wages that are higher than those at small businesses. Providing sick days in compliance with the law will cost small businesses an average of \$5.37 per worker per week, or about 15 cents per hour worked.*

Likely benefits: In addition to the costs and adjustments discussed above, universal paid sick days will likely create many significant benefits for employers, workers, families, and the broader community. While the data needed to calculate the dollar value of these benefits is not available in all cases it is reasonable to anticipate savings from:

Health Benefits and Savings

1. Improved health outcomes and speedier recoveries for workers and their families.
2. Reduced use of hospital emergency departments.
3. Easier access to routine and preventative care for workers and their families.
4. Reduced norovirus and other outbreaks in restaurants, nursing homes, and other institutions as a result of food handlers and other workers being more likely to remain home when ill.
5. Reduced spread of illness at schools and in child care facilities when parents can take leave to care for sick children.

Benefits for Businesses

6. Reduced voluntary employee turnover among employees seeking jobs with better benefits, resulting in a reduction of the costs of turnover to businesses.
7. Increased scheduling certainty for employers when workers can be open about upcoming medical appointments for themselves and their families.
8. Improved workplace morale when all workers feel their employers offer the support they need.

Economic Benefits to Families and Taxpayers

9. Greater family economic stability from more consistent employment tenure and fewer days off without pay.
10. Reduced short-term nursing home stays as a result of the ability of workers with new sick days to take time off work to care for parents or other elderly relatives.
11. Fewer workers being fired or suspended for taking needed but unauthorized time off.
12. Reduced expenditures on public assistance and unemployment benefits for workers who lose their job due to having inadequate paid sick days.

* Correction: per-worker costs previously released in an IWPR press release overestimated the number of employed women who would use paid sick days for parental leave. The previously released number used an estimate for the state of New York, rather than the city of New York, resulting in an overestimation of costs.

Table 1. Summary of costs of the proposed New York City Paid Sick Time Act

	Per worker with new sick days^a		
	Total	Per week	Per hour
Costs – All businesses			
Wages, wage-based benefits, payroll taxes, and administrative expenses	\$291,000,000		
Use of PSD to address domestic violence, sexual assault, and stalking	\$1,700,000		
Use of PSD by new parents	\$23,000,000		
Replacement workers for 15% of absences	\$47,000,000		
Adjustments – All businesses			
Productivity lost - ill workers on the job	\$19,000,000		
Reduced spread of the flu at work	\$11,000,000		
Net Cost – All businesses	\$332,000,000	\$7.52	\$0.21
Net Cost – Small businesses	\$39,000,000	\$5.37	\$0.15
Net Cost – Large businesses	\$294,000,000	\$7.94	\$0.23

Note: Columns may not sum to total due to rounding. In 2008 dollars.

^a In addition to these workers, some New Yorkers who currently have paid sick days will receive additional days under the Paid Sick Time Act. This is not likely to have a significant cost impact, because (1) workers with one year of job tenure who have paid sick days are granted an average of eight days (IWPR analysis of the March 2006 National Compensation Survey), so the majority with paid sick days already meet the standard of the Paid Sick Time Act; and (2) most workers will not use their full allotment of paid sick days. (Excluding use for domestic violence, sexual assault, stalking, and parental leave, workers are estimated to take an average of 2.6 days of leave.) For some number of workers, though, these additional days will be very important in addressing health needs.

Source: Institute for Women's Policy Research.

Methodology for Estimating the Cost of the Paid Sick Time Act

The number of New York City workers who will benefit from the proposed policy and the cost of the proposal are estimated using the following methodology.

1. How many workers will be affected?³

There are approximately 2,832,000 private-sector workers in New York City (New York Department of Labor). The share that currently has paid sick days is calculated by industry by the Institute for Women's Policy Research using March 2006 National Compensation Survey microdata for the Middle Atlantic region and data on the number of workers in New York City by industry from the New York City Department of Employment Security. About 1,200,000 New York City workers—43 percent of the New York City workforce—currently do not have paid sick days.

Some workers who lack paid sick days do have paid vacation leave or general paid time off. This estimate assumes that employers with this kind of leave program will convert their current policy to one that conforms to the Paid Sick Time Act without offering more total days off than they do now.⁴ The share of workers covered by vacation and/or paid sick days is calculated by industry by the Institute for Women's Policy Research from March 2006 National Compensation Survey microdata for the Middle Atlantic region and data on the number of workers in New York City by industry from the New York City Department of Employment Security. About 850,000 New York City workers currently have no paid leave benefits.⁵

Workers would accrue paid sick days from their date of hire under the Paid Sick Time Act.

2. How many paid sick days will workers take?

a. For their own medical needs:

The average number of days of work that are missed for health reasons is calculated for the U.S. workforce by industry and firm size from the 2007 National Health Interview Survey (NHIS).⁶ When workers are limited to a maximum of seven days of work loss workers with paid sick days miss an average of 1.7 days annually for illness and injury, excluding maternity leave (IWPR analysis of the 2007 NHIS).⁷ (Those without paid sick days miss an average of 1.4 days annually.) **More than half (54 percent) of all workers who are covered by paid sick days plans do not take any days off for illness or injury in a given year.**⁸

b. For family care:

According to the U.S. Department of Labor's 2000 Family and Medical Leave Act Survey of Employees, **workers take 0.33 days of FMLA-type leave to care for ill children, spouses, and parents for every 1.0 days of own-health leave** (Rutgers University Center for Women and Work 2005).

c. **For doctor visits:**

Workers with paid sick days visit the doctor an average of 3.2 times per year (IWPR analysis of the 2007 NHIS). These visits may be during or outside of work hours or may already be included in time off due to illness or injury in 2(a) above. For this analysis, the average number of doctor visits is calculated by industry from the 2007 NHIS. Each visit is assumed to take 1.0 hours of work-time.⁹

For these three leave circumstances, workers are estimated to use an average of 2.6 days annually.

d. **For maternity leave:**

i. There are an estimated 24,287 births each year to women employed in the private sector in New York City who currently lack paid vacation and sick leave (IWPR analysis of national data from the 2005-2008 Annual Social and Economic Supplement to the Current Population Survey (ASEC)).

ii. Each of these workers is expected to take the maximum number of paid sick days, using the additional days (beyond those accounted for in paragraphs 2(a) – 2(c), above) for prenatal care or maternity recovery. This report estimates that employed women who give birth would use an additional 2.8 days for workers at small businesses (to bring their total usage to 5 days) and 5.9 additional days for workers at large businesses (to bring their total usage to 9 days).

iii. Half of these pregnant workers are assumed to have an employed spouse or partner who would also use all their paid sick days to accompany the woman to doctor visits or provide care during her pregnancy.

e. **To address needs resulting from domestic violence, sexual assault, or stalking:**

i. There are many available sources of data on the incidence of domestic violence and sexual assault in New York City, including the New York City Police Department (recorded criminal convictions for rape, recorded number of domestic disturbances), the New York City Department of Health (reported emergency room visits resulting from domestic violence), the New York State Department of Justice, the New York City Mayor's Office to Combat Domestic Violence (calls to domestic violence hotlines, number of applicants for public assistance who report experiencing domestic violence), and the federal Department of Justice Bureau of Justice Statistics (incidence of stalking).

ii. Estimates of the incidence of these crimes range between 0.02% (criminal convictions for rape in New York City in 2008) and 2.81% (domestic disturbance calls to the NYPD). There is no way to determine whether the victims in these reported cases represent unique cases (rather than repeat victims); in addition, there is no way to determine whether these reports might result in an inability to go to work or the need to address the effects of violence. IWPR selected 0.5% as an estimated incidence requiring the use of paid sick days to address physical, mental, or legal

needs resulting from domestic violence, sexual assault, or stalking, or about 4,250 employees per year.

iii. It is assumed that workers utilizing sick days to address needs arising from domestic violence, sexual assault, or stalking will utilize days in addition to the average use for other needs. This amounts to 2.8 additional days for workers at small businesses (to bring their total usage to 5 days) and 5.9 additional days for workers at large businesses (to bring their total usage to 9 days).

3. How much do workers earn?

Average hourly wages and average daily work-hours are calculated by industry for the private-sector workforce using findings for the Middle Atlantic Census region from the 2005-2008 ASEC.

4. What other costs will employers incur?

a. Employers pay certain benefits and taxes as a percent of their payroll: retirement contributions and legally mandated payroll taxes (the employer's share of Social Security and Medicare taxes, plus federal and state unemployment insurance taxes and workers' compensation).¹⁰ These costs are calculated for the Middle Atlantic Census Region by industry from the 2007 Employer Costs for Employee Compensation survey (U.S. Bureau of Labor Statistics 2008).

b. Administrative expenses are estimated at 1.8 percent of wages. This is one-third the average ratio of administrative costs to benefit payments for state Temporary Disability Insurance programs (TDI) in California, New Jersey, and Rhode Island (U.S. Social Security Administration 2007). TDI is similar to paid sick days in that both relate to workers' illness-related work absence, but TDI is more complex, involving collection of payroll taxes, evaluation of medical disability, tracking of health status, and long-term benefit periods. It is likely that administration of a state-wide TDI program is more expensive than an employer's costs for adding a paid sick days policy to an existing payroll system.

5. How much productivity is already lost to sick employees on the job?

Employers pay substantial wages to employees who are unproductive because of health issues. Goetzel et al. (2004) estimate the average total annual productivity loss, per employee, for the top 10 most costly health conditions at between \$217.07, using low productivity loss estimates, and \$1,566.63, using average productivity loss estimates (in 2001 dollars).

Empirical studies document that workers with influenza have worse performance on a variety of tasks than healthy workers. A study that used random assignment of experimentally induced colds and influenza found that "minor illnesses . . . have significant effects on performance efficiency" during both incubation and symptomatic periods (Smith 1989, 68). A follow-up study discovered that performance impairment continues even after clinical symptoms have ended (Smith 1990). The National

Federation of Independent Business, a small-business association, reminds employers that “working when you’re sick and not up to your best stifles and muddles creativity and depletes energy and stamina” (Townes 2006).

Workers without paid sick days miss an average of 0.5 fewer days due to illness and injury than workers with paid sick days, when constrained to the maximum provided for by the New York City Paid Sick Time Act (IWPR analysis of the 2007 NHIS). Other research suggests that productivity during this extra time at work is only 50 percent of normal (Nichol 2001). The total cost to employers of this unproductive time, in terms of wages and associated payroll taxes, is \$19 million per year (see Table 2).

6. Will employers need to replace workers taking paid sick days?

Though some positions require temporary replacement of a sick worker due to scheduling constraints or legal restrictions (e.g. airline pilot, bus driver, or child care worker), hiring of temporary workers is likely to be relatively uncommon for the short leaves possible under the Paid Sick Time Act. For longer absences under the federal Family and Medical Leave Act, where leaves may total 12 weeks in a year, an average of 15 percent of leave-takers report that a replacement worker was hired to fill in for them during their leave (Cantor et al. 2001, Table A2-6.7). For long leaves under the FMLA, it is much more common for work to be covered by other employees or held for the absent worker to address when back on the job. As there is no available data on the frequency with which employers must replace workers utilizing short-term sick leave, this estimate uses 15 percent as its estimated frequency of the need for replacement workers.

Table 2. Productivity currently lost to ill workers on the job

Cost factor	Value	Notes / Source
Number of New York City workers who currently lack paid leave	850,101	IWPR analysis of 2008 Current Employment Statistics data from the New York City Department of Employment Security and of the March 2006 National Compensation Survey.
Lost productivity currently paid	0.4 days at 50 percent effectiveness	IWPR analysis of the 2006 NHIS; Nichol (2001).
Average hourly wage, workers who lack paid sick days	\$16.16	IWPR analysis of the 2005-2008 ASEC.
Average daily work-hours, workers who lack paid sick days	7.1	Same as above.
Cost of benefits and payroll taxes as share of hourly wage	Varies by industry, from 16 percent to 26 percent	U.S. Bureau of Labor Statistics (2008).
Total	\$19 million	

Note: Columns may not sum to total due to rounding. Monetary amounts are in 2008 dollars.

Source: Institute for Women's Policy Research.

Table 3. Cost of the Paid Sick Time Act

Cost factor	Value	Notes / Source
Number of New York City workers who currently lack paid leave	850,101	IWPR analysis of 2008 Current Employment Statistics data from the New York City Department of Employment Security and of the March 2006 National Compensation Survey.
Average number of days of paid sick days workers will take	Varies by industry Small firms: 2.2 days Large firms: 3.1 days	IWPR analysis of the 2007 National Health Interview Survey (NHIS).
Additional days taken by pregnant employed women and their partners, to bring their use to the maximum provided for in the proposal	Small firms: 2.8 days Large firms: 5.9 days	IWPR analysis of the 2005-2008 ASEC.
Additional days taken by victims of domestic violence, sexual assault, and stalking, to bring their use to the maximum provided for in the proposal	Small firms: 2.8 days Large firms: 5.9 days	IWPR analysis of domestic violence and crime statistics (various sources; see above).
Average hourly wage	Varies by industry from \$11.30 to \$28.30	IWPR analysis of the 2005-2008 ASEC.
Cost of benefits and payroll taxes as share of hourly wage	Varies by industry, from 17 percent to 27 percent	U.S. Bureau of Labor Statistics (2008).
Administrative expenses	1.8 percent of wages	U.S. Social Security Administration (2007).
Estimated cost to staff replacement workers	15% of absences	FMLA survey data from 1995 and 2000 (Cantor et al. 2001)
Subtotal:	\$362 million	
Adjustment: productivity currently lost to sick employees	\$19 million	See Table 2.
Total:	\$343 million	Before savings; see below.

Note: Columns may not sum to total due to rounding. Monetary amounts are in 2008 dollars.

Source: Institute for Women's Policy Research.

BENEFITS OF THE PROPOSED PAID SICK DAYS POLICY

Ensuring that workers have paid time off work when needed to take care of their own health needs or those of members of their families is likely to lead to improved health outcomes for workers and their families (Lovell 2004). Better health outcomes will reduce health care expenditures and increase quality of life.

While there is solid theoretical work suggesting the nature of these benefits, in some cases there are no specific empirical data for valuing a benefit. This report presents an estimate of three benefits of paid sick days and discusses other likely benefits. Future research may provide measures of these benefits that can be added to those analyzed here.

Cost savings #1: Reduced spread of the flu within workplaces; reduced overall absence and lowered productivity

Employers are increasingly aware of the cost of the spread of disease within workplaces that occurs when sick employees go to work, a practice known as presenteeism. Two of every five employers identify presenteeism as a problem for their organization (CCH Incorporated 2004a). As Dr. Richard Chaifetz notes, presenteeism can lead to “the spread of illness for an even greater reduction in productivity” than would be caused by an individual worker’s absence (ComPsych 2004). Firms with low employee morale are more likely to experience presenteeism than those with better morale (CCH Incorporated 2004b).

Empirical research has documented the widely suspected link between presenteeism and contagion within workplaces. Li, Birkhead, Strogatz, and Coles (1996) find lower rates of respiratory and gastrointestinal infection among nursing home residents when nurses have paid sick days, demonstrating that the spread of disease is diminished (at least in workplaces involving intimate physical contact) when ill workers can stay home. Potter et al. (1997) report reduced disease and mortality among patients in long-term care hospitals when health care workers are vaccinated against influenza.

Because influenza (the flu) is highly contagious and accounts for 10 to 12 percent of all illness-related employment absences—about the same portion as musculoskeletal disorders (Keech, Scott, and Ryan 1998)—the impact of paid sick days on transmission of the flu virus is likely to be the largest consequence of increased paid leave on the spread of disease in the workplace. Longini, Koopman, Haber, and Cotsonis (1988) estimate the probability of an individual contracting influenza from community contacts at 16.4 percent and from an infected household member at 26.0 percent. Islam, O’Shaughnessy, and Smith (1996) calculate the probability of an individual catching an infection from community contacts during a flu epidemic at 0.168;¹¹ intra-household disease transmission probabilities per cohabitant are a bit higher (mean of 0.177). These transmission rates suggest that a sick worker who is in the workplace while contagious is likely to infect 1.8 of every 10 co-workers.

By a low estimate, 5 percent of healthy working adults will get the flu in a given flu season (Nichol 2001). Studies find that workers with the flu miss one to five days of work (Nichol 2001). Half of employees out sick with the flu are attended by a caregiver, with an average work-loss of 0.4 days per caregiver (Keech, Scott, and Ryan 1998).

Workers with the flu also incur costs for doctor visits (45 percent seek medical care; Nichol 2001), hospitalizations (four hospitalizations per 10,000 flu cases; Nichol 2001), and purchase of prescription and non-prescription medications and other treatments (Kavet 1977). In addition, the flu kills one in every 100,000 infected individuals (Nichol 2001).

These factors are combined with workforce data to estimate savings under New York City Paid Sick Time Act from reduced spread of the flu in workplaces (Table 6). Detailed data are not available to estimate savings from other contagious diseases (see text box), although they would without doubt be significant.

The Cost of Other Contagious Diseases

The flu is the only contagious disease for which accurate data could be located on transmission rates, work absence, and treatment costs. A comprehensive accounting for the spread of all relatively common contagious diseases—including, e.g., colds, stomach flu (norovirus), mononucleosis, hepatitis, strep, and pink-eye—would certainly be much higher. In addition, costs related to work absence and health care use that result from the spread of disease in child-care settings and schools when parents cannot keep their sick children home are not calculated here.

Table 4. Cost savings from reduced spread of the flu within workplaces

Cost factor	Value	Source
Employers' wage costs		
Number of New York City workers who currently lack paid leave	850,101	IWPR analysis of 2008 Current Employment Statistics data from the New York City Department of Employment Security and of the March 2006 National Compensation Survey.
Influenza illness rate	5 percent	Nichol (2001), Table 6.
Contagion rate (i.e., each co-worker's chance of contracting the flu)	18 percent	Islam, O'Shaughnessy, and Smith (1996).
Assumed number of close daily work contacts	5 co-workers	Same as above.
Number of missed workdays per infected co-worker	2	Nichol (2001).
Number of missed workdays for employed caregivers of ill workers	50 percent of flu-stricken workers receive care; average of 0.4 lost workdays per caregiver	Keech, Scott, and Ryan (1998).
Lost productivity for infected co-workers on return to work	0.5 days at 50 percent productivity	Nichol (2001).
Average hourly wage, workers who lack paid sick days	\$16.16	IWPR analysis of the 2005-2008 ASEC.
Average daily work-hours, workers who lack paid sick days	7.1	IWPR analysis of the 2005-2008 ASEC.
Cost of benefits and payroll taxes as share of hourly wage	Varies by industry, from 17 percent to 27 percent	U.S. Bureau of Labor Statistics (2008).
Subtotal	\$11 million	

Cost savings #2: Reduced voluntary job turnover

What we can estimate: Having paid sick days reduces voluntary job mobility by three to six percentage points (the effect varies by sex and marital status; Cooper and Monheit 1993). Because workers value paid sick days, when they have that benefit, they are less likely to look for a different job. Workers who experience a health care crisis are also more likely to return to their employer if they have a paid leave policy – more than twice as likely, in the case of women with heart disease (Earle, Ayanian, and Heymann 2006).

If all New York City employers provide paid sick days, this effect on voluntary turnover may be reduced, since workers considering a job change may be more likely to have paid sick days both

at their current job and at their potential new job. However, employers in New York City will still compete for both employees and customers with businesses in surrounding cities that lack paid sick days laws. In addition, having paid sick days in a current job may increase worker loyalty to the current employer or reduce work/life conflict, even if the same benefit would be offered by any other employer. Since changing jobs is somewhat costly and risky for workers, even a universal paid sick days policy is likely to strengthen the attachment between workers and their current employers.

Other impacts that cannot be measured: Having paid sick days also affects involuntary turnover, by protecting workers from being fired for unauthorized work absences when they are sick or must care for sick family members (Heymann 2000, Earle and Heymann 2002). Seven percent of women's job separations are responses to health issues, and another 15 percent concern other family or personal reasons (Emsellem, Allen, and Shaw 1999). We lack data for accurately estimating the savings related to lowered involuntary turnover that would flow from the paid sick days proposal, although a recent national survey found that 11 percent of workers have lost a job for missing work when sick or to care for an ill family member (Smith 2008). Any overestimation in savings from voluntary turnover in this analysis will most likely be more than offset by savings in employer expenses from reduced involuntary turnover.

Why turnover is expensive for employers: Turnover entails a variety of costs for employers, of which actual outlays to recruit a new worker are only a small portion. Low productivity of new hires, drains on the productivity of the new worker's colleagues and supervisors, human resources processing time for exit and entry, training, and lost productivity during vacancies are also real costs to employers (Phillips 1990). A newly hired low-paid retail worker may lose sales—and customers—during the period the employee is learning about the employer's products, and may mistakenly undercharge for products (Johnson and Tratensek 2001).

Careful analyses of the range of impacts associated with turnover provide guidance on the true costs to employers. Phillips (1990) reports that replacing a mid-level manager costs 1.5 times the worker's annual salary. An estimate by Johnson and Tratensek (2001) pegs the cost of turnover of retail workers earning \$7 an hour at \$6,241, or 43 percent of their annual pay. A study of the costs of replacing front-desk associates at two hotels in New York found total turnover costs of 28 percent and 31 percent of annual compensation (Hinkin and Tracey 2000).

A widely cited rubric for calculating turnover costs places them at 25 percent of total annual compensation (Employment Policy Foundation 2002). This figure is used in this analysis to estimate employers' savings under the Paid Sick Time Act from reduced turnover.

For each percentage point reduction in turnover experienced by employers newly implementing paid sick days in New York City, a savings of \$96 million in prevented turnover costs is expected. The estimated percentage point reduction in turnover observed in the 1993 Cooper and Monheit study was 5.3 percentage points, suggesting that businesses could save as much as \$481 million by preventing voluntary turnover with paid sick days.

Table 5. Cost savings from reduced turnover

Cost factor	Value	Notes / Source
Number of New York City workers who currently lack paid leave	850,101	IWPR analysis of 2008 Current Employment Statistics data from the New York City Department of Employment Security and of the March 2006 National Compensation Survey.
Cost of turnover	25 percent of total compensation	Employment Policy Foundation (2002).
Average hourly wage, workers who lack paid sick days	\$16.16	IWPR analysis of the 2005-2008 ASEC.
Wages as percent of total compensation	20 percent	U.S. Bureau of Labor Statistics 2008.
Subtotal:	\$91 million	For each percentage point reduction in turnover
Percentage point reduction in voluntary turnover when paid sick days are provided	5.3	IWPR calculation of weighted average from Cooper and Monheit (1993), based on Lovell (2005).
Total:	\$481 million	Potential savings

Note: Columns may not sum to total due to rounding. Monetary amounts are in 2008 dollars.
Source: Institute for Women's Policy Research.

Benefits to workers and other benefits to measure when needed data become available

While data are currently lacking to calculate the economic impact of all the consequences of workers not having adequate paid sick days, it is certain that there are many other effects of lacking paid sick days, in addition to those discussed above, that do impose costs on workers, their families, employers, taxpayers, and society as a whole. Eliminating these costs thus confers benefit on society. They include the following:

1. Additional impacts of presenteeism on employers and workers

a. Health care expenditures for workers who are sick longer because they are unable to recuperate at home: extra expenditures for workers and firms.

Without adequate time to regain health, minor medical problems may be exacerbated (Grinyer and Singleton 2000), eventually requiring longer work absence and/or increased treatment costs.

b. Cost to employers of scheduling uncertainties

For example from workers who call at the start of their shifts to say they're ill, when they knew the previous day they would have to stay home with a sick child.

c. Improved morale and resultant productivity; impacts on co-workers and customers.

Enhanced worker loyalty and job satisfaction related to having adequate paid time off may translate into gains for employers through improved customer relations. In addition, “if ill health results in more accidents or increased errors, all who explicitly or even implicitly interact with unhealthy employees can become less productive” (Greenberg, Finkelstein, and Berndt 1995, 36).

2. Health and health care utilization impacts on family members when workers cannot provide care

Keeping children at home when they have contagious diseases like the flu can prevent illness and work absence among their schoolmates’ parents. Because “children are more susceptible to influenza, carry and spread the influenza virus over a longer period of time than adults, and are often the first to get the infection in the community” (King 2004), preventing children from being disease vectors in school and child-care settings can significantly reduce workplace absence and productivity effects among adults.

Children have better short- and long-term health outcomes when they are cared for by their parents (Palmer 1993); hospital stays are shorter when parents are involved in care (Kristensson-Hallstrom, Elander, and Malmfors 1997). With increased flexibility in attending to sick children, paid sick days are likely to reduce treatment costs and overall length of illness.

Heart attack survivors who perceive that they receive adequate tangible social support have decreased mortality rates and better overall health outcomes than those perceiving inadequate levels of tangible social support (Woloshin et al. 1997). Being married or having children (even if not living nearby) reduces the length of hospital stays for elderly patients in acute care wards (McClaran, Berglas, and Franco 1996). Stroke victims have better functional and social outcomes when they receive high levels of family social support, and are more likely to receive nursing home care if they have low levels of support (Tsouna-Hadjis et al. 2000). Workers with the flexibility provided by paid sick days may be able to positively affect the health status of their relatives with coronary disease and other chronic medical conditions by being more able to provide timely care.

3. Other impacts on families when workers cannot take time needed to provide care

When parents cannot stay home to care for sick children, older siblings may be kept out of school to care for their younger siblings (Dodson and Dickert 2004). These school absences may affect school performance and have long-range impacts on the older children’s education and work productivity.

Informal caregivers whose work schedules are incompatible with the care needs of their relatives may decrease their work hours or even leave the labor force completely (Stone and Short 1990). Paid sick days may provide sufficient leave to many caregivers to allow them to maintain their desired level of employment while continuing to perform their caregiving work as well.

4. Reduced expenditures for treating victims of outbreaks of norovirus and other disease vectors in nursing homes and other institutional settings

Paid sick days that allows ill workers to stay home can have very important public health impacts, by limiting the spread of contagious diseases. Data are not yet available to measure or calculate the benefits that might result from preventing the spread of all contagious diseases, but the impact of reducing the spread of highly contagious diseases in institutional settings such as nursing homes and busy, public locations such as restaurants is likely to be significant (Li et al. 1996).

5. Lost wages

Workers would not be suspended or fired for missing work without authorization when they are sick or a family member needs care (Browne and Kennelly 1999; Dodson, Manuel, and Bravo 2002).

6. Reduced expenditures on public assistance

Workers who lose their jobs due to having inadequate paid sick days would be less reliant on public assistance. For instance, 8.7 percent of workers who take an FMLA-type leave and do not receive their full wages during the leave turn to public assistance for support (Cantor et al. 2001, Table A1-4.8).

7. Increased financial stability and economic well-being of families

When incomes are not interrupted by unpaid leave, families experience greater financial stability and economic well-being.

8. The value of workers and their family members feeling better

Better health improves quality of life for workers and their families.

References

- American Association of Pediatrics. 2008. *Medicaid Reimbursement Survey: New York City*. <<http://www.aap.org/research/medreimpdf0708/il.pdf>> (October 23, 2008).
- American Health Care Association. N.d. *Nursing Facility Patients by Payor*. <http://www.ahca.org/research/oscar/pt_payer_200412.pdf> (March 16, 2005).
- Appelbaum, Eileen, and Ruth Milkman. 2004. *Paid Family Leave in California: New Research Findings*. University of California Institute for Labor and Employment Paper 02. <<http://repositories.cdlib.org/ile/scl2004/02/>> (July 24, 2006).
- Blue Cross and Blue Shield of Texas. N.d. *Health Care Fact Sheet: Doctor's Office vs. E.R.* <http://www.bcbstx.com/employer/hccc/8710_685_503.doc/> (April 18, 2005).
- Browne, Irene, and Ivy Kennelly. 1999. "Stereotypes and Realities: Images of Black Women in the Labor Market." In *Latinas and African American Women at Work: Race, Gender, and Economic Inequality*, Irene Browne, ed., pp. 302-326. New York: Russell Sage Foundation.
- Cantor, David, Jane Waldfogel, Jeffrey Kerwin, Mareena McKinley Wright, Kerry Levin, John Rauch, Tracey Hagerty, and Martha Stapleton Kudela. 2001. *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys*. Washington, DC: U.S. Department of Labor. <<http://www.dol.gov/asp/fnlm/main2000.htm>> (January 20, 2001).
- Case, Brady, David Himmelstein, and Steffie Woolhandler. 2002. "No Care for the Caregivers: Declining Health Insurance Coverage for Health Care Personnel and Their Children, 1988-1998." *American Journal of Public Health* 92(3): 404-8.
- CCH Incorporated. 2004a. "Unscheduled Absenteeism Rises to Five-Year High." *HR Management: Ideas and Trends Newsletter* (592): 145-148.
- , 2004b. "Flu Vaccination Shortage Means Employers Should Take Special Steps to Combat 'Presenteeism'." *HR Management: Ideas and Trends Newsletter* (593).
- Centers for Disease Control and Prevention. 2005. "Live Births by Race and Hispanic Origin of Mother, and Birth and Fertility Rates: United States, Each State and Territory, and Birth and Fertility Rates, Preliminary 2004." *National Vital Statistics Reports* 54 (December 29): 12.
- , 2004. *U.S. National Nursing Home Survey*. <<http://www.cdc.gov/nchs/nrhs.htm>> (March 31, 2008).
- , 2006. *U.S. Norovirus Technical Fact Sheet*. <<http://www.cdc.gov/ncidod/dvrd/revb/gastro/downloads/noro-factsheet.pdf>> (August 14, 2008).
- , 2007. "Norovirus Activity—United States, 2006-2007." *Morbidity and Mortality Weekly Report*. <<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5633a2.htm>> (April 14, 2008).

ComPsych. 2004. *Vast Majority of Employees Work While Sick, According to ComPsych Survey*. Press Release. Chicago: ComPsych. March 8. <<http://www.compsych.com>> (March 17, 2005).

Cooper, Philip F., and Alan C. Monheit. 1993. "Does Employment-Related Health Insurance Inhibit Job Mobility?" *Inquiry* 30 (Winter): 400-416.

Dobson, Allen, Joan DaVanzo, and Namrata Sen. 2006. "The Cost-Shift Payment 'Hydraulic': Foundation, History, and Implications." *Health Affairs* 25(1): 22-33.

Dodson, Lisa, and Jillian Dickert. 2004. "Girls' Family Labor in Low-Income Households: A Decade of Qualitative Research." *Journal of Marriage and Family* 66 (5): 318 – 332.

Dodson, Lisa, Tiffany Manuel, and Ellen Bravo. 2002. *Keeping Jobs and Raising Families in Low-Income America: It Just Doesn't Work*. Cambridge, MA: Radcliffe Institute for Advanced Study.

Earle, Alison, and S. Jody Heymann. 2002. "What Causes Job Loss among Former Welfare Recipients: The Role of Family Health Problems." *Journal of the American Medical Women's Association* 57 (Winter): 5 – 10.

Earle, Alison, John Z. Ayanian, and Jody Heymann. 2006. "Work Resumption after Newly Diagnosed Coronary Heart Disease: Findings on the Importance of Paid Leave." *Journal of Women's Health* 15(4): 430-441.

Employment Policy Foundation. 2002. "Employee Turnover – A Critical Human Resource Benchmark." *HR Benchmarks* 3 (December): 1-5 <www.epf.org> (January 3, 2005).

Emsellem, Maurice, Katherine Allen, and Lois Shaw. 1999. *The Texas Unemployment Insurance System: Barriers to Access for Low-Wage, Part-Time & Women Workers*. New York, NY: National Employment Law Project.

ERC. 2006. *New Hire Turnover and Outsourcing Recruiting*. <<http://www.ercnet.org/research/studies/06%20New%20Hire%20Turnover%20and%20Outsourcing%20Survey%20Results.pdf>> (March 25, 2008).

Expedia.com. 2007. *2007 International Vacation Deprivation Survey Results*. <http://media.expedia.com/.../promos/vacations/Expedia_International_Vacation_Deprivation_Survey_Results_2007.pdf> (March 28, 2008).

Goetzel, Ron Z., Stacey R. Long, Ronald J. Ozminkowski, Kevin Hawkins, Shaohung Wang, and Wendy Lynch. 2004. "Health, Absence, Disability, and Presenteeism Cost Estimates of Certain Physical and Mental Health Conditions Affecting U.S. Employers." *Journal of Occupational and Environmental Medicine* 46 (4): 398-412.

Greenberg, Paul E., Stan N. Finkelstein, and Ernst R. Berndt. 1995. "Economic Consequences of Illness in the Workplace." *Sloan Management Review* 36 (Summer): 26-38.

Grinyer, Anne, and Vicky Singleton. 2000. "Sickness Absence as Risk-Taking Behavior: A Study of Organizational Culture Factors in the Public Sector." *Health, Risk and Society* 2 (3): 7 – 21.

Harris-Kojetin, Lauren, Debra Lipson, Jean Fielding, Kristen Kiefer and Robyn Stone. 2004. *Recent Findings on Frontline Long-Term Care Workers: A Research Synthesis 1999-2003*. Washington, DC. Institute for the Future of Aging Services.

Heymann, Jody. 2000. *The Widening Gap: Why America's Working Families Are in Jeopardy and What Can Be Done About It*. New York: Basic Books.

Hinkin, Timothy R., and J. Bruce Tracey. 2000. "The Cost of Turnover: Putting a Price on the Learning Curve." *Cornell Hotel and Restaurant Administration Quarterly* 41(3): 14-21.

New York State Department of Labor. 2009. Current Employment by Industry (CES). <http://www.labor.state.ny.us/workforceindustrydata/lscsmaj.shtm>

Islam, M. N., C. Dennis O'Shaughnessy, and Bruce Smith. 1996. "A Random Graph Model for the Final-Size Distribution of Household Infections." *Statistics in Medicine* 15 (4): 837-843.

Johnson, Walter E. and Dan M. Tratensek. 2001. "Employee Turnover." *Do-It-Yourself Retailing* 180 (6).

Johnston, Cecilia, Haoming Qui, Jhon R. Ticehurst, Conan Dickson, Patricia Rosenbaum, Patricia Lawson, Amy B. Strokes, Charles J. Lowenstein, Michael Kaminsky, Sara E. Cosgrove, Kim Y. Green and Trish M. Perl. 2007. "Outbreak Management and Implications of a Nosocomial Norovirus Outbreak." *Clinical Infectious Diseases* 45(5): 534-40.

Kaiser Family Foundation. 2005. *Average Price of Retail Prescriptions Filled, 2003*. <<http://www.statehealthfacts.org>> (July 15, 2008).

Kavet, Joel. 1977. "A Perspective on the Significance of Pandemic Influenza." *American Journal of Public Health* 67 (11): 1063 – 1070.

Keech, M., A. J. Scott, and P. J. J. Ryan. 1998. "The Impact of Influenza and Influenza-Like Illness on Productivity and Healthcare Resource Utilization in a Working Population." *Occupational Medicine* 48 (2): 85 – 90.

King, James C. 2004. Quoted in *Study Shows School-Based Nasal Influenza Vaccinations Significantly Reduce Flu-Related Costs in Families*. Press Release. University of Maryland Medical Center, May 25. <http://www.umm.edu/news/releases/flumist_study.htm > (Accessed March 10, 2009).

Kinsman, Michael. 2006. "Paid Leave a Relative Success. State Program Catching on with Men." *The San Diego Union-Tribune*, <http://www.signonsandiego.com/uniontrib/20060618/news_1n18leave.html> (June 18 2006).

- Kristensson-Hallstrom, Inger, Gunnel Elander, and Gerhard Malmfors. 1997. "Increased Parental Participation in a Pediatric Surgical Day-Care Unit." *Journal of Clinical Nursing* 6 (7): 297 – 302.
- Li, Jiehui, Guthrie S. Birkhead, David S. Strogatz, and F. Bruce Coles. 1996. "Impact of Institution Size, Staffing Patterns, and Infection Control Practices on Communicable Disease Outbreaks in New York State Nursing Homes." *American Journal of Epidemiology* 143 (10): 1042 – 1049.
- Longini, Ira M., Jr., James S. Koopman, Michael Haber, and George A. Cotsonis. 1988. "Statistical Inference for Infectious Diseases: Risk-Specific Household and Community Transmission Parameters." *American Journal of Epidemiology* 128 (10): 845 – 859.
- Lovell, Vicky. 2004. *No Time to be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave*. IWPR Publication No. B242. Washington, DC: Institute for Women's Policy Research.
- . 2005. *Valuing Good Health in Massachusetts: An Estimate of Costs and Savings for the Paid Sick Days Act*. IWPR Publication No. B249. Washington, DC: Institute for Women's Policy Research.
- Milkman, Ruth. 2008. *New Data on Paid Family Leave*. Los Angeles, CA: UCLA Institute for Research on Labor and Employment. <<http://www.familyleave.ucla.edu/pdf/NewData08.pdf>> (February 29, 2008).
- Nichol, Kristin L. 2001. "Cost-Benefit Analysis of a Strategy to Vaccinate Healthy Working Adults Against Influenza." *Archives of Internal Medicine* 161 (3): 749 – 759.
- Palmer, Sarah J. 1993. "Care of Sick Children by Parents: A Meaningful Role." *Journal of Advanced Nursing* 18 (2): 185 – 191.
- Phillips, Douglas J. 1990. "The Price Tag on Turnover." *Personnel Journal* 2162(12): 58-61.
- Potter, Jan, David J. Stott, Margaret A. Roberts, Alexander G. Elder, B. O'Donnell, Paul V. Knight, and William F. Carman. 1997. "Influenza Vaccination of Health Care Workers in Long-Term-Care Hospitals Reduces the Mortality of Elderly Patients." *Journal of Infectious Diseases* 175 (1): 1-6.
- Prospective Payment Assessment Commission. 1992. *Optional Hospital Payment Rates*. Congressional Report no. C-92-03 (Washington: ProPAC).
- Rutgers University Center for Women and Work analysis of data from U.S. Department of Labor, *Family and Medical Leave Surveys, 2000 Update*. April 12, 2005.
- Smith, Andrew. 1989. "A Review of the Effects of Colds and Influenza on Human Performance." *Journal of the Society of Occupational Medicine* 39: 65-68.

-----, 1990. "Respiratory Virus Infections and Performance." *Philosophical Transactions of the Royal Society of London, Series B, Biological Sciences* 327 (4): 519 – 528.

Smith, Tom W. 2008. *Paid Sick Days: A Basic Labor Standard for the 21st Century*. <<http://www.publicwelfare.org/AboutUs/documents/PolIReportFINALa.pdf>> (August 20, 2008).

Stone, Robyn I., and Pamela Farley Short. 1990. "The Competing Demands of Employment and Informal Caregiving to Disabled Elders." *Medical Care* 28 (6): 513 – 526.

The 1987 Nursing Reform Act Federal Regulations: 42 CFR 483.25., reintroduced as the Patient Safety and Abuse Prevention Act, senate bill 1577. http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s1577rs.txt.pdf (November 20, 2008)

Tsouna-Hadjis, Evie, Kostas N. Vemmos, Nikolaos Zakopoulos, and Stamatis Stamatelopoulos. 2000. "First-Stroke Recovery Process: The Role of Family Support." *Archives of Physical Medicine and Rehabilitation* 81(7): 881-887.

Townes, Glenn. 2006. "Your Health and Your Business: Is There a Connection?" National Federation of Independent Business. <http://www.nfib.com/object/IO_27823.html> (July 17, 2008).

U.S. Bureau of Labor Statistics. 2008. *Employer Costs for Employee Compensation—December 2007*. USDL 08-0331. Washington, DC.: U.S. Bureau of Labor Statistics. <<http://www.bls.gov/news.release/pdf/ecec.pdf>> (March 12, 2008).

U.S. Census Bureau. 2006. *American FactFinder Annual Population Estimates*. <<http://factfinder.census.gov>> (October 30, 2008).

U.S. Social Security Administration. 2007. *Annual Statistical Supplement, 2006*. Washington, DC: U.S. Social Security Administration. <<http://www.ssa.gov/policy/docs/statcomps/supplement/2006/9c.pdf>> (March 17, 2008).

Woloshin, Steven, Lisa Schwartz, Anna Tosteson, Chiang-Hua Chang, Brock Wright, Joy Plohman, and Elliott Fisher. 1997. "Perceived Adequacy of Tangible Social Support and Health Outcomes in Patients with Coronary Artery Disease." *Journal of General Internal Medicine*. 12(10): 613–618.

Zingg, Walter, Carlo Colombo, Thomas Jucker, Walter Bossart, and Christian Ruef. 2005. "Impact of an Outbreak of Norovirus Infection on Hospital Resources." *Infection Control and Hospital Epidemiology* 26(3): 263.

¹ It can be very difficult to inform workers of changes in their employment benefits. For instance, three years after California's new paid family leave program went into effect, only a quarter of workers know about their new right to take paid leave (Milkman 2008), despite the requirement that employers notify their employees of their right to paid family leave.

² Based on data from 2008. Estimates based upon other sources of data—such as analyses drawing on the "Unheard Third" survey conducted by the Community Service Society—differ from this estimate as a result of varying methodologies and samples, but nonetheless are similar in magnitude to the findings presented here.

³ Information on average hourly wages and average daily work hours are calculated from 2005-2008 Annual Social and Economic Supplement to the Current Population Survey for all businesses in the Middle Atlantic census region. Sample sizes are not sufficient to limit these analyses to New York City.

⁴ While it is the clear intent of the proposed New York City Paid Sick Time Act that workers have a separate benefit of paid sick days, in addition to any other paid leave they have, as drafted the proposal would accept a paid time off leave program that could be used for illness as meeting the requirements of the proposal. This estimate assumes that employers that currently offer paid vacation leave, but no paid sick days, would convert their vacation leave into a general paid time off program covering both vacation and sick leave and, thus, workers in such firms would not receive additional paid time off under the law. They would, however, receive important protections against dismissal or other penalties for using their statutorily mandated paid sick days.

⁵ In addition to these workers, some New Yorkers who do have paid sick days will receive additional days under the Paid Sick Time Act. This is not likely to have a significant cost impact, because (1) workers with one year of job tenure who have paid sick days are granted an average of eight days (IWPR analysis of the March 2006 National Compensation Survey), and (2) most workers will not use their full allotment of paid sick days. For some number of workers, though, these additional days will be very important in addressing health needs.

⁶ State-level data are not available from the National Health Interview Survey.

⁷ This assumes that work-loss reported in the 2007 NHIS includes own medical needs only, excluding doctor visits. However, due to respondent discretion in interpreting the survey's questions, reported work-loss "because of illness or injury" may include time off work to care for others and for doctor visits, in addition to time for workers' recuperation. To the extent that this occurs, the estimates presented here of days taken under the paid sick days proposal may overestimate actual leave-taking.

⁸ This is consistent with online survey research finding that a substantial share of workers with paid vacation leave does not use their full allotment (35 percent; Expedia.com 2007).

⁹ This estimate of the time involved in visiting the doctor is very conservative, in order to allow for some workers who may seek treatment at times when they are not scheduled to work. With travel and waiting time, a doctor visit could easily take two to four hours.

¹⁰ Other employer-provided benefits such as health insurance and paid holidays are typically costed as a monthly premium or annual allotment. A worker who is granted leave with pay would not cost an employer any more for these benefits than would a worker taking time off without pay.

¹¹ This is the mean of six rates derived from data on three disease outbreaks.

Funding for this study was provided by the Ford Foundation and the Annie E. Casey Foundation. For further information please contact Dr. Kevin Miller at miller@iwpr.org. This report was written by Dr. Kevin Miller and Claudia Williams.

The Institute for Women's Policy Research conducts rigorous research and disseminates its findings to address the needs of women, promote public dialogue, and strengthen families, communities, and societies. The Institute works with policymakers, scholars, and public interest groups around the country to design, execute, and disseminate research that illuminates economics and social policy issues affecting women and families, and to build a network of individuals and organizations that conduct and use women-oriented policy research. IWPR, an independent, non-profit, research organization also works in affiliation with the graduate programs in public policy and women's studies at The George Washington University.



LEGAL
SERVICES

INCORPORATED

TESTIMONY

ON

THE NEW YORK CITY PAID SICK TIME ACT

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL SERVICE AND LABOR

PRESENTED BY:

RACHEL SPECTOR
MFY LEGAL SERVICES, INC.

May 11, 2010

Thank you for the opportunity to testify today. My name is Rachel Spector. I am a staff attorney at MFY Legal Services' Lower Manhattan Justice Project. I am pleased to be here today to speak in support of the Paid Sick Time Act.

Our office provides legal assistance to lower-income workers throughout the city on a range of employment matters in our Workplace Justice Project and Lower Manhattan Justice Project. Our clients, many of whom are immigrants, work in a wide variety of industries at a variety of skill levels – from retail sales in high-end stores to waiting tables at small restaurants to skilled health care positions. People usually don't come to MFY Legal Services until things have gotten really bad – in most cases, they come to us when they have lost their jobs. A surprising number of people who come to our office have lost their jobs in circumstances relating to absence from work for medical reasons either for themselves or their families. Because of the stories we've heard, our office believes this bill would provide much-needed protection for workers, especially low-wage workers, who are extremely vulnerable at work.

One group of people who we often see with this problem is immigrants who work in small, family-owned businesses within their community. The terms of their jobs are often informal; they are often paid in cash and have no benefits such as health insurance or paid sick days. In fact, they are often not allowed to take any sick days at all. One man who came to our office for assistance had been fired from his restaurant job after he asked for several days off for much-needed dental surgery. The employer said he could take off one day, but if he needed more days off than that he would be fired. The man was forced to choose between fixing an extremely painful dental problem, which required more than one day for recovery from surgery, and his job. Another man was fired after

he was in a car accident on his way to work at a small grocery store. He was not seriously injured, but he was taken to the hospital and stayed through the day. When he called work to explain what had happened, he was told he no longer had a job. I am sure there are many small businesses where, even though employees aren't formally allowed sick days, the employer is flexible and understanding. But where the employer is not so generous, employees currently have zero protection in the law. We must tell the people who come to us after being fired for missing work due to illness that though it is not fair, their employer can fire them for having missed work, even when they can fully document that they were sick.

We have also seen that even at larger businesses where there are existing sick leave policies, employees can have trouble negotiating these policies. Sometimes employees can find themselves without a job after taking leave to which they thought they had a right. For example, one client was fired from a large chain grocery store for going home early because he had the flu. Two days earlier, he had taken a day off and gone to the emergency room, where a doctor diagnosed him with the flu. The next day he was not scheduled to work. The following day, he didn't want to take another day off, since how many absences he was allowed was completely at the discretion of his supervisor. So he went to work, but as the day progressed he began feeling dizzy and nauseous. He told his supervisor he had to leave early because he hadn't recovered from the flu and he felt really ill. When he came to work the next day, he was told his position was terminated because of the time he had taken off.

Another client was on an approved vacation leave from her job at a major hospital, visiting her family in West Africa, when her daughter contracted malaria. She

was unable to travel until her daughter had recovered from the illness, so she contacted her employer from overseas to request an emergency extension of her leave, explaining the reason. The hospital required her to complete some paperwork, which she did to the best of her ability and sent back to the United States. When her daughter was feeling better, the mother returned home – only to learn that she had been terminated in her absence. Again, there is little recourse for these employees to contest their termination. In many cases the law does not currently protect against retaliation for use of sick leave, even if that sick leave is a term of employment.

Low- and middle-income workers in New York already must maintain a fine balance to keep their jobs and make ends meet. An unexpected illness or accident – even a terrible toothache – can upset that balance and throw lives into disarray. Both aspects of this bill will have great impact for our clients: the guarantee of a minimal amount of paid sick leave, and protection against retaliation for use of that leave. On behalf of MFY Legal Services and our clients, I urge you to enact this important legislation. Thank you once again for the opportunity to testify.

Testimony before City Council in Support of Paid Sick Days Bill

My name is Charo Bourdier. I was born in the Dominican Republic and raised here in Soho by my grandmother. I have a bachelor's degree in sociology and most of my work experience is as an administrative assistant. I am here to talk about my experience not being able to take time off from work for important medical appointments.

I was working as an administrative assistant at the Garment Industry Development Corporation, a non-profit organization for fashion designers, but got laid off from that job last year. I went on unemployment and two months later I got pregnant. I was actively looking for work from the moment I got laid off, and finally around August of last year I was hired by a temp agency called Jennifer Temps. The job with Jennifer Temps was as a customer service representative at the New York City Department of Education dealing with school buses. I was 4 – 5 months pregnant at the time, just starting to show, but I didn't feel comfortable revealing that I was pregnant to employers because I was afraid they wouldn't hire me.

Around the same time I started work at the Department of Education my baby was diagnosed with having a swollen left kidney. The doctors explained that I would have to get a sonogram every week so they could monitor the condition of the baby's kidney. I would need time to attend these weekly appointments. Taking time off for my appointments would be difficult because the temp agency stressed two things: you must not be late, and absence was not acceptable. Both of these conditions were stressed before I took the assignment. I tried to schedule my sonogram appointments in the evening outside of work hours, but I was told that the doctors' office couldn't do the sonograms in the evening. At my job I had no benefits and no sick days, so any time I took off during the day to go to my appointments I would not be paid

for. Plus I thought that if I had to take a lot of time off they would just fire me and find someone else, since it was only a temp job. I knew that going to the sonogram appointments would take a lot of time during the day between the travel time and the hours waiting in the waiting room. It was time consuming but I was pregnant and my main concern is my child.

I missed a sonogram appointment after a couple of weeks on the job, because I did not feel like I could ask for time off – or that I could afford it. I was really nervous and freaking out because I was torn between doing a good job on this assignment and protecting the health of my unborn baby. Being a mom is my top priority, and in the end I felt like I had to leave the job. I knew that the agency was not going to be flexible about my regular sonogram appointments when they were so adamant about not being absent. I called the temp agency and asked if they could offer me another assignment that was more flexible or even part time, but they said no.

Because of the conflict between my work schedule and my baby's health, I had to leave the job. I was found ineligible for unemployment benefits – because the Department of Labor said I had left my job voluntarily. I had to go on public assistance to support myself and my baby, who is now 3 months old. I feel like if this law had been in effect when I was working I would have been able to take the time off I needed to go to my prenatal appointments. I would have been able to keep my job and take care of my health and my baby's health, rather than having to depend on unemployment or public assistance. I feel really strongly that I do not want to be an economic burden to anyone, and certainly not to the government. But in order for people like me – single mothers especially, but also young people and adults who are struggling economically in jobs that don't pay a lot – to be able to support ourselves, we need employers to offer better conditions and flexibility. We need measures like this law to give employees basic rights like sick time that is paid! Thank you for listening to me today.

National Association of Theatre Owners of New York State (NATO)

Suggested Amendments to Paid Sick Leave Legislation (INT 0097)

The National Association of Theatre Owners of New York State (NATO) is a not-for-profit trade association. In New York City we represent 48 *movie* theatres, 312 screens, and 1,750 employees across the 5 boroughs. Despite the best intentions behind INT-0097, NATO cannot support it in its present form.

The movie theatre business model is based on ensuring that our employees are healthy and happy, because healthy and happy employees are good for business. They remain employees, and do not require the expense of new training. Our employees are mostly comprised of part-time students, or retirees, because our flexible working schedule fits their needs.

Approximately 80% of these employees are seasonal, as they work the summer blockbuster season or the winter holiday season. Roughly 10% of these employees are in unions. If an employee is sick, they call their manager, and they stay home without fear of losing their job.

Our NYC theatres vary widely in size, as there are some with as few as 10 employees and others with as many as 150 employees. Although we support the good intentions of this bill, we estimate it to cost over \$5,000 for our smaller theatres, and over \$50,000 for our larger theatres. Higher costs ultimately get passed on to the public in one of two ways: higher ticket prices, or hiring freezes. We do not want to pursue either – especially during a recession.

Being in the movie business, we think that this script deserves a re-write. Below are some of the suggested changes we have for INT-0097 (page references refer to the red-line version):

- 1) **ACCRUAL - 90 days of continuous employment to accrue – § 2 c (6)** – Like the San Francisco bill, paid sick time should accrue only after 90 days of continuous employment. This will help with the administrative burden of tracking every employee's accrued time, especially for the seasonal nature and frequent turnover of movie theatre employees. (*See also § 2 b (5)*). *Page 6*.
- 2) **USAGE – After 180 days of continuous employment to use - § 2 c (7)** - An employee can utilize paid sick leave after six months of continuous employment. The movie theatres' flexible schedules and industry practice of not firing employees for illnesses, allows employees to take time off when sick and later make up that time when they are well. For those employees working longer than seasonal schedules, a more equitable time frame for the usage of paid sick leave would be six months of continuous employment. *Page 6*.
- 3) **WHEN – When paid sick time may be used - §2 d (1)** – The use of paid sick time should be for the absences described in section (d), but only from scheduled work, so as to avoid paying employees for time off during time periods when they will not be working. This is especially important to the seasonal and flexible schedules provided by the movie theatre industry. *Page 7*.
- 4) **SEPARATION - § 2 c (11)** - When there is a separation of three months or longer from employment, and the employee is subsequently rehired, the accrued but unused paid sick time shall not be reinstated. For separation periods of less than three months, previously

National Association of Theatre Owners of New York State (NATO)

accrued paid sick time shall be reinstated. Administratively, such a change will be much more manageable than the current bill provides, and also comports with the accrual time frame in San Francisco. *Page 7.*

- 5) **NOTICE - § 2 f (2)(3)** – The notice and posting requirement of asking employees about their “first languages spoken” is not only burdensome, but also very likely an illegal inquiry pertaining to national origin. Instead, we favor a simpler notice and posting requirement, which would place posters at the employer’s place of business in English, and make them available from the administering agency in every other language upon request. Alternatively, employers could comply by attesting that all paid time off policies and procedures are accessible through their Human Resources department via handbooks, manuals, or their own websites. *Page 9.*

- 6) Definition **“CONTINUOUS” - § 2 b (16)** – A period of compensated employment that is marked by an uninterrupted duration. If an employee is on the payroll for an uninterrupted specific period of time, they are working continuously for that employer for that time. If an employee works for a three month period in the summer, returns to college, and then later comes back to work for two months for the same employer in the winter, their return to college would interrupt their continuity with the employer. This temporal element is an important distinction for the seasonal nature of the movie theatre industry, which increases hiring during the summer and winter months. *Page 5.*

- 7) Definition **“EMPLOYEE” – § 2 b (5)** – This is the same standard for NYC municipal employees, and includes a list of exemptions that passed in the Washington, DC bill. A worker who works for one employer in the City for more than twelve continuous months and who performs work for that employer for more than 32 hours per week and 1,250 hours during the previous twelve months. We are advocating for exemptions for students, seasonal employees, and temporary employees. Also, the DC bill exempted certain independent contractors, certain health care workers, employees who work for a combination of wages and tips, and employees who are paid by commission. *Page 3.*

- 8) Definition **“EMPLOYER”– §2 b (6)** - Individual geographic unit, not City wide chain. This provides clarity for whether theatres are small or large businesses, and the subsequent number of paid sick leave days that employees would receive, as most movie theatres in the City are owned by large and national theatre chains, but operated as individual small businesses. *Page 4.*

- 9) Definition **“STUDENT” – § 2 b (18)** – Defining a student as a full time student at an accredited institution, and who works less than 32 hours per week. *Page 6.*

- 10) Definition **“SEASONAL” – § 2 b (17)** – Defining seasonal as those employees who work only set continuous months per calendar year. *Page 5.*

Testimony Of Robert Sunshine, Executive Director Of NATO Of New York State

- **Good afternoon. My name is Robert Sunshine, and I am the Executive Director of NATO of New York State.**
- **We are not the military folks protecting Europe, but rather the National Association of Theatre Owners, which is a not-for-profit trade association representing movie theatres.**
- **In New York City we represent 48 movie theatres, 312 screens, and 1,750 employees across the 5 boroughs.**
- **Our members, AMC, Regal, and Clearview, annually contribute millions of dollars to charities, and our local theatres are active in our communities across the five boroughs.**
- **The movie theatre business model is based on ensuring that our employees are healthy and happy, because healthy and happy employees are good for business.**
- **They remain employees, and do not require the expense of new training.**
- **If an employee is sick, they call their manager, and they stay home without fear of losing their job.**
- **Our standard industry practice is that we do not fire an employee for being sick.**
- **Our employees can always make up a shift that they miss, so they do not lose out on missed wages if they are ill.**
- **Our employees are mostly comprised of part-time students, or retirees, because our flexible working schedule fits their needs.**
- **Roughly 10% of these employees are in unions.**
- **Approximately 80% of these employees are seasonal, as they work the summer blockbuster season or the winter holiday season.**

Testimony Of Robert Sunshine, Executive Director Of NATO Of New York State

- Under this bill, we would have to track every one of these short term employees to see if they accrue the right amount of time to qualify for paid time off.
- Additionally, we would have to be able to absorb the additional cost in likely one of three ways: higher ticket prices, hiring freezes, or cutting the salaries or benefits we already provide.
- We do not want to pursue any of these options – especially during a recession.
- Despite the best intentions behind INT-0097, NATO cannot support it in its present form.
- Being in the movie business, we think that this script deserves a re-write, and we respectfully suggest the following:
- **EMPLOYER** - Each individual movie theatre location should count as an employer, rather than the City-wide or national parent company.
- This provides clarity for whether theatres are small or large businesses, and the subsequent number of paid sick leave days that employees would receive, as most movie theatres in the City are owned by large and national theatre chains, but operated as individual small businesses.
- The **ACCRUAL** section should follow San Francisco's lead by allowing paid sick leave to accrue only after 90 days of employment. This will help with the administrative burden of tracking every employee's accrued time, especially for the seasonal nature and frequent turnover of movie theatre employees.
- The **USAGE** section should provide paid sick leave usage 90 days after accrual begins, or after 180 total days of employment to use.
- Additionally, paid sick time should be for absences from **SCHEDULED** work, so as to avoid paying employees for time off during time periods when they will not be working. This is especially important to the

Testimony Of Robert Sunshine, Executive Director Of NATO Of New York State

seasonal and flexible schedules provided by the movie theatre industry. If someone is working Monday, Wednesday and Friday, why should we pay them to take time off on Tuesday and Thursday?

- **SEPARATION - Moreover, when there is a separation of three months or longer from employment, and the employee is subsequently rehired, the accrued but unused paid sick time should not be reinstated.**
- **Administratively, such a change will be much more manageable than the current bill provides, and also comports with the accrual time frame in San Francisco.**
- **Accordingly, short of an exemption for seasonal employees, we recommend these aforementioned changes so that our theatres can focus on entertaining New Yorkers with movies, instead of entertaining how to factor in the additional costs this bill would impose on our industry.**
- **Thank you. I am happy to answer any questions.**



NYSAR

New York State Association of REALTORS[®], Inc.

MEMORANDUM IN OPPOSITION

Int. No. 97 (Brewer, M.S.)

Status: Committee on Civil Service and Labor

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Secretary/Treasurer

Duncan R. MacKenzie
Chief Executive Officer

May 2010

Contact: Michael Kelly

The New York State Association of REALTORS[®] opposes Int. No. 97 (Brewer) in relation to the provision of paid sick time earned by employees.

The New York State Association of REALTORS[®] is a not-for-profit trade organization representing more than 56,000 of New York State's real estate professionals. The vast majority of our membership is comprised of small business owners with well under twenty employees. While NYSAR appreciates the intent of this legislation, the timing of this proposal could not be worse for our Realtor[®] members.

Currently there is a tremendous amount of uncertainty in the economy and real estate market. The Federal Home Buyer Tax Credit is coming to an end and experts are predicting that interest rates will continue to rise. Foreclosure rates are up across New York and banks have dramatically tightened their lending practices for both residential and commercial borrowers. Given these economic realities and the struggling real estate market, our members simply cannot afford another mandated expense.

New York City is already one of the costliest places in the nation to live and do business. Adding to this burden, a City mandate that prescribes specific employee benefits will only further limit the ability of employers to thrive and expand. Vacation days, time-off and sick leave should be negotiated between an employer and employee and not through government intervention. Employers must have the flexibility to offer wages and benefits that they can afford. Forcing small business owners to incur the expense of paid sick leave will have a lasting and detrimental effect on New York's economic viability.

We respectfully encourage the New York City Council to consider legislation that encourages the purchase of real property, stabilizes the housing market, and promotes economic development, not legislation which penalizes small business owners.

For the above stated reasons, the New York State Association of Realtors opposes Int. No. 97(Brewer).

The New York State Association of REALTORS[®] is a not-for-profit trade organization representing more than 56,000 of New York State's real estate professionals. The term REALTOR[®] is a registered trademark, which identifies real estate professionals who subscribe to a strict code of ethics as members of the National Association of REALTORS[®]. These REALTORS[®] are also members of the New York State Association of REALTORS[®] as well as their local board or association of REALTORS[®].

**TESTIMONY OF LAWRENCE A. MANDELKER on behalf of the
NEW YORK METROPOLITAN RETAIL ASSOCIATION (NYMRA) before the
COMMITTEE ON CIVIL SERVICE AND LABOR**

Chair: Hon. James Sanders, Jr.
Tuesday, May 11, 2010, 2:00 p.m.
Council Chambers – City Hall

**NYC COUNCIL INTRO. NO. 97 (2010)
PAID SICK TIME EARNED BY EMPLOYEES**

Chairman Sanders and Members of the Committee, I am pleased to be among you once more. I am testifying on behalf of the New York Metropolitan Retail Association known as NYMRA. Our members are national chain retailers operating in the City of New York. They appreciate the hard work that you've put into this bill, and how closely you have listened to the comments that they and others have made. Intro. No. 97 of 2010 is a substantial improvement over its predecessor. Nevertheless, we still have several concerns that we hope you will be able to address.

Blackout Periods: There are two periods of time when retailers require that all employees be present: (a) when inventory is taken and (b) the make or break Christmas season Nov 1-Dec 31¹. During those periods of time, no leave is permitted, except in case of dire emergency, at the employer's discretion. We propose that the bill recognize such blackout periods as follows:

The employer would post the dates and purpose of any reasonable and customary blackout period(s). During such period(s), the employee would not be entitled to paid sick time even if she was out for a reason that would otherwise qualify for paid sick time. However, upon the employee's return to work, the employer could retroactively agree to allow the employee to take paid sick time. The fact that an employee took time off during a blackout period for which paid sick time was not allowed would not, in and of itself, be grounds for adverse employment action.

Reduce Carry-Over Period: § 1 (c) (11) of the bill would allow an employee to carry over any accrued unused paid sick time from employment to employment provided that the worker is rehired within six months. Although this is down from the one year in Intro No. 1059, it should go down further. Whatever is in this bill will be a floor at which collective bargaining will begin. The period between termination and rehiring under § 1 (c) (11) should be reduced to 60 days.

Seasonal Workers: Retailers often hire seasonal workers for a limited period of employment. Although paid sick time accrues from the commencement of employment, it is not usable until 91 calendar days after the commencement of employment. Assuming the start of a period of seasonal employment fell within six months after the end of an earlier period of seasonal employment, the number of calendar days during which the employee was seasonally employed should not be carried over to the next

¹ The classic Christmas season used to run from the day after Thanksgiving to Christmas Eve. In response to recent economic difficulties, retailers have expanded the season to run from the day after Halloween until New Year's Eve.

period of seasonal employment for purpose of calculating the 90 day period before paid sick time could be used. Here's why.

Seasonal employment for two months ends approximately 60 calendar days after commencement of employment. If within six months, a succeeding period of seasonal employment for two months commenced, and if a seasonal employee's earlier 60 calendar-day period could be carried over, by the end of the first month of the succeeding period, it will have been 90 calendar days since the seasonal worker's employment first commenced. She will have accrued 12 hours of sick time² from the earlier period and an additional 5.3 hours of paid sick leave³ for a total of 17.3 hours (rounded up to two days) of paid sick time. This would undermine the whole purpose of hiring seasonal workers to fill in when full time workers are on vacation or during make or break busy shopping seasons. We therefore recommend either that for purpose of calculating the 90 calendar days since commencement of employment, the period between the termination of one period of employment and the start of a succeeding period of employment be reduced to 60 days, or alternatively, the number of calendar days since commencement of prior seasonal employment not be carried over to a succeeding period of seasonal employment.

Documentation: We'd like to revisit the documentation requirement. We think it is not unreasonable for an employer to require documentation after the second consecutive day of absence, or after an aggregate of three days of absence within any two-week period.

Counsel Fees: The bill provides at several places that an employee who prevails in an administrative or judicial proceeding is entitled to an award of counsel fees. The United States Civil Rights Act permits whoever prevails in a Section 1983 case, be it the plaintiff or the defendant, and the Real Property Actions and Proceedings Law permits whoever prevails in a Landlord-Tenant proceeding, be it a landlord or a tenant, to collect reasonable counsel fees and disbursements. We therefore believe that under this bill, the prevailing party – regardless of whether it is the employee or the employer – should be entitled to collect reasonable counsel fees and disbursements.

² 9 weeks multiplied by 40hrs/wk divided by 30 = 12

³ 4 weeks multiplied by 40hrs/wk divided by 30 = 5.3

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

305

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: May 11 '10

(PLEASE PRINT)

Name: CAROL PITTMAN

Address: _____

I represent: NYS Nurses Assoc.

Address: 120 Wall St., NY, NY 10005

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: May 11, 10

(PLEASE PRINT)

Name: CAROL PITTMAN

Address: 31-16 HUNTERD POINT AVE

I represent: NY STATE NURSES Association

Address: 31-16 HUNTERD POINT AVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dr. Victor Sidel

Address: _____

I represent: Public Health Assn. of NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Shira Gans ON BEHALF

Address: OF MANHATTAN BOROUGH

I represent: PRES. SCOTT STRINGER

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

224

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JACK FRIEDMAN

Address: 25-20 ASTORIA BLVD JACKSON H, NY

I represent: 5 BOROUGH CHAMBER ALLIANCE

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

225

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: EDWARD P. O'KEILY

Address: 118 E. 28TH ST NYC, NY 10016

I represent: PRESIDENT CYBER SEARCH GLOBAL

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

25

I intend to appear and speak on Int. No. 97 Res. No. _____
 in favor in opposition

Date: _____

Name: Sharda K. Tavarapu (PLEASE PRINT)

Address: 275 7th Ave. 18th Fl.

I represent: CLC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

2:04 pm

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: May 11 10

Name: K. Y. Chow (PLEASE PRINT)

Address: 31-16 HUNTERD POINT AVE

I represent: GM PAINTING

Address: 31-16 HUNTERD POINT AVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 97 Res. No. _____
 in favor in opposition

Date: _____

Name: Felice Farber (PLEASE PRINT)

Address: _____

I represent: General Contractors Assoc. of NY

Address: 60 E 42nd NY NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:40 pm

I intend to appear and speak on Int. No. 0097 Res. No. _____

in favor in opposition

Date: _____

Name: Robert SUNSHINE (PLEASE PRINT)

Address: 770 Broadway

I represent: NATO of New York State

Address: 770 Broadway, NYC 10003

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:41 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Scott Buchanan (PLEASE PRINT)

Address: _____

I represent: Scott J Salun Spr

Address: 257 Columbus Ave NY.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:42

I intend to appear and speak on Int. No. 0097 Res. No. _____

in favor in opposition

Date: _____

Name: NANCY ABER GOSHON (PLEASE PRINT)

Address: GOSHON ARCHITECTS

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:43

I intend to appear and speak on Int. No. 0097 Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Robert Bookman

Address: 325 Broadway

I represent: N.Y.S. RESTAURANT & N.Y. NIGHT LIFE ASSOC'S.

Address: Same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:44

I intend to appear and speak on Int. No. 0097 Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Mitch Klein

Address: 65 W Red Oak Lane White Plains NY 10604

I represent: Krasdale Foods

Address: Above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:44

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: May 11, 2010

(PLEASE PRINT)

Name: Patricia Brodhagen

Address: 130 Washington Ave. Albany, NY

I represent: Food Industry Alliance of NYS, Inc.

Address: Same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:45

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DANIEL LATHAM

Address: 949 REMSEN AVE

I represent: LATHAMS COMM COOP

Address: SAME

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:46

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Carl Hum

Address: 25 Elm Pl

I represent: Brooklyn Chamber of Commerce

Address: 7

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:47

I intend to appear and speak on Int. No. 0097 Res. No. _____

in favor in opposition

Date: 5/11/2010

(PLEASE PRINT)

Name: ANTHONY JULIANO

Address: 157 W 24 ST NYC 10011

I represent: YES LOUNGE & Greenwich Village - Chelsea Chamber of

Address: 154 Christopher Street NYC Commerce

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:48

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Thomas E. Minnick

Address: Albany, NY

I represent: THE BUSINESS COUNCIL OF NYS, INC

Address: Albany, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:48

I intend to appear and speak on Int. No. 0097 Res. No. _____

in favor in opposition

Date: 05/11/10

(PLEASE PRINT)

Name: DAVID J. LOUIS

Address: 202 CONEY STREET NY NY 10013

I represent: CHINESE CHAMBER OF COMMERCE OF NY

Address: 33 BOWERY NY NY 10002

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:49

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: NANCY PLOEGER

Address: 1375 BROADWAY

I represent: Manhattan Chamber of Commerce

Address: FOR (PRINTING INDUSTRY ALLIANCE)

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:49

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: CARMEN Lee Shue

Address: 304 E. 41st, NYC 10017

I represent: my company

Address: 304 E 41st, NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:30 pm

I intend to appear and speak on Int. No. 2097 Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Abe Markman

Address: 675 W 14th St # 5-C

I represent: NY Society for Ethical Culture

Address: 2 West 64th St, NYC 10022

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:51 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: EMILY SANDER

Address: 372 W. 125th St NY NY

I represent: ROC-NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:51 pm

I intend to appear and speak on Int. No. 0097 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Linda Baron - SE Chamber of Comm.

Address: 130 Bay St. STATEN Island, NY

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:52 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 05-11-2010

(PLEASE PRINT)

Name: Ramula Faria Garitanes

Address: 32-32-88 St

I represent: ROC NY

Address: 275 ~~St~~ 7 AV. Suite 1703

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:52 pm

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Annamarie G. Gentile

Address: 60 BAY ST. SI, NY 10301 - PH Floor

I represent: Angiuli, Katkin & Gentile, LLP

Address: SAME AS ABOVE

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:52pm

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Thomas Ferrugia

Address: 226 W 47, 10036

I represent: The Broadway League

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:53pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: John Petro

Address: _____

I represent: Drum Major Institute

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:53pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Samira Rajan

Address: 216 Park Place Bklyn NY 11238

I represent: Brooklyn Cooperative FCU

Address: 1174 Myrtle Ave Bklyn NY 11237

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:54 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: NORA NEALIS (PLEASE PRINT)

Address: _____

I represent: NATIONAL CLEANERS ASSC.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:54 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: DEBRA KRAVET (PLEASE PRINT)

Address: _____

I represent: APTHORA CLEANERS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:54 pm

I intend to appear and speak on Int. No. 0097 Res. No. _____

in favor in opposition

Date: _____

Name: KATE POST (PLEASE PRINT)

Address: 10 EAST 40TH ST

I represent: NEW YORK STAFFING ASSN.

Address: 10 EAST 40TH ST

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:54 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: RICHARD AVILES (PLEASE PRINT)

Address: _____

I represent: BRIDGE CLEANERS + TAILORS

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:35 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: LOURDES ESPINOSA (PLEASE PRINT)

Address: 301 Grove St BK

I represent: MAKE THE ROAD NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:55 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: MAXIMINO SANTOS (PLEASE PRINT)

Address: 301 Grove St, BK

I represent: MAKE THE ROAD NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:55pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/11/10

Name: Donna Dolan (PLEASE PRINT)

Address: _____

I represent: NYS Paid Family Leave

Address: Coalition

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:55pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Joseph Spinnato, President (PLEASE PRINT)

Address: _____

I represent: HOTEL ASSOC. OF NYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:56pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Kevin Miller (PLEASE PRINT)

Address: _____

I represent: Institute for Women's Policy Research

Address: Washington, DC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:56

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 05/11/10

(PLEASE PRINT)

Name: Deloris Wright

Address: 1199 Eastern Parkway #15.

I represent: Domestic workers united

Address: 1201 Broadway Suite 907

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:57 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/11/10

(PLEASE PRINT)

Name: Andrea Doe

Address: 743 Macdonough St 3R

I represent: A Better Balance

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:57 pm

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: HENRY KITA

Address: 1430 BROADWAY/11TH FL. / NY 10018

I represent: BUILDING TRADES EMPLOYERS' ASSOC.

Address: SAME

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:57 PM

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/5/2010

Name: Hazel Alexander (PLEASE PRINT)

Address: 203 W 113 STREET MAN NY 10026

I represent: ROCK NEW YORK

Address: 1275 7 Ave New York NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:57 PM

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5-11-10

Name: Antoinette Delgado (PLEASE PRINT)

Address: 181 Prospect Park West

I represent: R.O.C. NY

Address: 275 7th Ave NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:58 PM

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Angelica Saavedra (PLEASE PRINT)

Address: 15 E 199 ST

I represent: ROC NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:58pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Guadalupe Pérez X

Address: 1869 Carter Ave #3 Bx N.Y.

I represent: Roc N.Y.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:58pm

I intend to appear and speak on Int. No. _____ Res. No. _____

X in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Shailesh Shrestha

Address: Roc-NY

I represent: Roc-NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:58pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Leslie Escobosa

Address: 275 7th Ave NY NY 10001

I represent: ROCNY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:58 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: John J Cronan

Address: 204 E 7th St New York, NY 10009

I represent: ROC-NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:59 pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5.11.2010

(PLEASE PRINT)

Name: ERIC BROWN

Address: _____

I represent: ROC-NY

Address: 275 7th Avenue Suite 1703

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:59

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/11/2010

(PLEASE PRINT)

Name: Jacob Dorfman

Address: _____

I represent: ROC NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:59

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/11/2010

(PLEASE PRINT)

Name: MARION J BARRERA
Address: 11 Broadway Terrace / Apt 1B
I represent: ROC - NY
Address: 275 Seventh Ave / Suite 1703

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:59

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Steve HASTY
Address: 7 Gouverneur Slip East
I represent: ROC NY
Address: 275 7 Ave 25th NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1:59

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jon Fuhrer
Address: ROC - NY
I represent: _____
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1139

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/11/10

(PLEASE PRINT)

Name: Denlik

Address: 1188 Grand Concourse 36A Bx NY

I represent: Rock NY

Address: 275 7th Ave NY, NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

2:00

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: May 11 2010

(PLEASE PRINT)

Name: Joseph Peters

Address: 275 Blake Avenue BKLYN NY

I represent: ROC NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

2:00pm

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5-11-10

(PLEASE PRINT)

Name: Mahava J. J. J.

Address: 5906 (near) Meadowview AVE

I represent: Rock NY

Address: New York

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

2:00 PM

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: 5/11/2010

Name: Quenia Abreu (PLEASE PRINT)

Address: 177 West 83rd Street

I represent: NY Women's Chamber of Commerce

Address: 1724 Amst. Ave, NY, NY 10031

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

2:00 PM

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Andres Renceros (PLEASE PRINT)

Address: 1020 45th St - 3-C Brooklyn, NY 11298

I represent: ROC - NY 275 7th Ave

Address: Suite 1703 New York, NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

2:01 PM

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

Name: Sherry Leiwant (PLEASE PRINT)

Address: 375 Riverside Drive, NY, NY

I represent: A Better Balance

Address: 80 Madison Ave, NY, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Pat Purkettson (PLEASE PRINT)

Address: _____

I represent: UFCW - Local 1500

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Sarah Johnson (PLEASE PRINT)

Address: _____

I represent: BECAJ - Local 1500

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 797 Res. No. _____

in favor in opposition

Date: _____

Name: Rachel John Rodriguez (PLEASE PRINT)

Address: _____

I represent: NY State Police Services

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rachel Specter

Address: 1011 1st Ave. 4th Fl. New York, NY 10017

I represent: MFY Legal Services

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 97 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ~~Michelle Specter~~ Charo Bourdier

Address: _____

I represent: (worker)

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀