



Committee on Labor & Housing

~AGENDA~

Wednesday, January 23, 2019

1:02 PM

Committee Chair: Damon Maher

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

www.westchesterlegislators.com

CALL TO ORDER

Meeting jointly with the Committees on Budget & Appropriations, Social Services and Legislation.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Guests: Linda Trentacoste, Deputy County Attorney, Jen Puja, Labor Council Director, WPCLB, Rich McSpedon IBEW 3, Maria Kercado, 1199 SEIU, CarlLa Horton, Executive Director, Hope's Door, Tasha Young, My Sister's Place, Marcella Kocolatos, A Better Balance, Sarah Leberstein, Make the Road NY

1. **(ID # 11245) Resolution – LEGISLATORS BORGIA, PARKER, A. WILLIAMS, SHIMSKY, BARR, COVILL, CLEMENTS, CUNZIO, MAHER AND BOYKIN: PH - Safe Leave:**

A RESOLUTION to set a Public Hearing on a "Local Law amending the Laws of Westchester County to add a new Chapter 586 which will provide safe time leave for victims of domestic violence." [Public Hearing set for _____, 2018 at _____ .m.].

2. **(ID # 11246) Local Law – LEGISLATORS BORGIA, PARKER, A. WILLIAMS, SHIMSKY, BARR, COVILL, CLEMENTS, CUNZIO, MAHER AND BOYKIN- Safe Leave:**

A LOCAL LAW amending the Laws of Westchester County to add a new Chapter 586 which will provide safe time leave for victims of domestic violence.

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT

Catherine BorgiaLegislator, 9th District

Chair, Budget & Appropriations Committee



Committee Assignments:
 Appointments
 Environment, Health & Energy
 Intergovernmental Services
 Legislation
 Labor & Housing

DATE: September 12, 2018

TITLE: Safe Leave

SPONSORS: Legislators Borgia, Parker, A. Williams, Shimsky, Barr, Covill, Clements,
 Cunzio, Maher

PURPOSE OR GENERAL IDEA OF BILL: To provide paid time off from work for victims of domestic violence in order to move to a safe environment, meet with attorneys, attend court, or other matters relating to their personal safety.

INTENT: At the recommendation of the County Attorney, safe leave was removed from the Earned Sick Leave bill and recommended that it be a separate law. The intention is to provide job and wage security for people when they are at a most vulnerable moment in their lives.

JUSTIFICATION: Victims of domestic violence find themselves in a fragile situation of uncertainty, with fear for the safety of themselves and often children, through no fault of their own. During these moments victims need time to obtain a safe place to live, resources to help them, and most often attend court to ensure their safety. This will provide them the peace of mind of knowing that they will not lose their jobs and maintain their income to begin their independence.

PRESENT LAW: None

FISCAL IMPACT: Unknown.

Attachment: PH - Safe Leave - DRAFT (11245 : PH - Safe Leave)

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed "A LOCAL LAW amending the Laws of Westchester County to add a new Chapter 586 which will provide safe time leave for victims of domestic violence."

Your Committee has considered the issue of sick time to provide for employees with the right to take time off from work to address and care for, among other things, their own physical and mental well-being as well as that of their families. Said law address the delicate balance between maintaining an employee's privacy issues with respect to medical conditions while ensuring that the employee is not abusing sick leave.

Your Committee reaffirms that the physical and emotional injuries suffered by all employees, including victims of domestic violence, are provided for in the Earned Sick Leave Law. However, there is some matters which are not directly related to the physical or mental health of victims of domestic violence that can be addressed under the Earned Sick Leave Law. For example, multiple court appearances are sometimes necessary for victims of domestic violence to attain the requisite orders of protection for the victim and other family members affected by the domestic violence. Other victims need to testify in criminal proceedings and, if they fail to do so, the criminal matters against the perpetrator may be dismissed, thereby releasing the individual without any negative consequence for their behavior which can lead to further harassment of the victim. Some victims of domestic violence need to relocate themselves at times that the aggressor would not suspect so that the aggressor may remain unaware of the victim's new residence. Your Committee recognizes that victims of domestic violence consequently are placed in a quandary between their attempts to remove themselves from the dangerous relationship so as to become independent of their abuser and yet fear the loss of employment for taking time off from work above and beyond that which is necessary to take care of the physical and mental well-being and thereby thrusting

them back into a situation where they become dependent upon their abuser once again.

Your Committee notes that according to the National Domestic Violence Hotline, 24 people per minute, on average, are victims of rape, physical violence or stalking by an intimate partner in the United States—more than 12 million women and men over the course of a year. One survey of American employees found that 44% of full-time employed adults personally experienced domestic violence’s effect in their workplace. Notwithstanding, more than 70% of United States workplaces do not have a formal program or policy that addresses such violence.

Your Committee believes that victims of domestic violence are in need of additional support to help them overcome the dominance of their abuser. Your Committee believes that by providing victims with some relief of work related tensions will incentivize victims to take control of their lives sooner.

This proposed local law provides that victims of domestic violence are entitled to take up to 40 hours of paid leave which can be utilized in full days and or increments in order to: attend/testify in criminal and/or civil court proceedings relating to the issue of domestic violence and/or to move away from the abuser’s residence to a location where the victim is no longer under the control of the abuser. The proposed local law further reaffirms fact that the safe time leave provided herein is not the same as, but in addition to, the time provided under the Earned Sick Leave Law which victims of domestic violence may need to utilize to address their physical and emotional well-being.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). Your Committee is advised that the Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that since this proposed local law will not “change the use, appearance or condition of any natural resource or structure,” or otherwise affect the environment, with respect to the State Environmental Quality

Review (SEQR) Act, this does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required. Your Committee concurs with that conclusion.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of this Local Law.

In light of the aforementioned, your Committee, after careful consideration, recommends the adoption of this local law.

Dated: _____, 2018
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ - 2018

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2018, entitled "A LOCAL LAW amending the Laws of Westchester County to add a new Chapter 586 which will provide safe time leave for victims of domestic violence." The public hearing will be held at __.m. on the ____ day of _____, 2018 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Attachment: PH - Safe Leave - DRAFT (11245 : PH - Safe Leave)

LOCAL LAW INTRO. NO. - 2018

A LOCAL LAW amending the Laws of Westchester County to add a new Chapter 586 which will provide safe time leave for victims of domestic violence.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. A new Chapter 585 is hereby added to the Laws of Westchester County to read as follows:

Chapter 586 – SAFE TIME LEAVE FOR VICTIMS OF DOMESTIC VIOLENCE

Sec. 586.01. Purpose.

Sec. 586.02. Definitions.

Sec. 586.03. Safe Time Leave for Victims of Domestic Violence.

Sec. 585.14. Public Education and Outreach.

Sec. 585.15. Reverse Preemption.

Sec. 585.16. Severability.

Sec. 586.01. Purpose.

The purpose of this legislation is to provide victims of domestic violence which safe time leave in order to attend criminal and civil court proceedings and/or to relocate from residence with the perpetrator of the domestic violence to a safe location.

Sec. 586.02. Definitions.

For Purposes of this Chapter:

1. “Calendar year” shall mean from January 1 to December 31 in any given year.
2. “Domestic violence” shall mean a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner. Abusive behavior includes, but is not limited to, family offense matters.
3. “Family offense matter” shall mean acts or threats of disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand

larceny in the third degree or coercion in the second degree as set forth in subdivisions 1, 2 and 3 of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household.

4. “Members of the same family or household” shall mean (i) persons related by consanguinity or affinity; (ii) persons legally married to or in a domestic partnership with one another; (iii) persons formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household; (iv) persons who have a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time; and (v) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.
5. “Year”, other than “calendar year” means a regular and consecutive 12-month period as determined by the employer.

Sec. 586.03. Safe Time Leave Time for Victims of Domestic Violence.

1. Employees who are victims of domestic violence are entitled to take up to 40 hours of paid leave, in any year or calendar year, which can be utilized in full days and or increments in order to: attend/testify in criminal and/or civil court proceedings relating to domestic violence and/or to move away from the abuser’s residence to a safe location.
2. The safe time leave provided for in section 1 above, shall be in addition to, any leave necessary to address the physical and mental injuries suffered by employees who are victims of domestic violence, including but not limited to, sick leave provided for under Westchester County’s Earned Sick Leave Law.

Sec. 586.04. Reverse Preemption.

This local law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administrative agency issues and promulgates regulations preempting such action by the County of Westchester. The County Board of Legislators may determine via resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Sec. 586.05. Severability.

If any provision of this Chapter or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable.

§2. This Local Law shall take effect 180 days after its adoption.