



## Committee on Labor & Housing

~MINUTES~

Monday, August 6, 2018

1:02 PM

Committee Chair: Damon Maher

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

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### CALL TO ORDER

| Attendee Name       | Title                           | Status  | Arrived |
|---------------------|---------------------------------|---------|---------|
| Damon Maher         | Chair                           | Present |         |
| Catherine Borgia    | D9 Legislator                   | Present |         |
| Margaret A Cunzio   | D3 Legislator                   | Present |         |
| Christopher Johnson | D16 Legislator                  | Present |         |
| Catherine Parker    | D7 Legislator (Majority Leader) | Present |         |
| Alfreda Williams    | D8 Legislator (Vice Chair)      | Present |         |
| Benjamin Boykin     | D5 Legislator (Chairman)        | Present |         |

Others In Attendance: BOL: Lyndon Williams, Kitley Covill, Gordon Burrows, Nanacy Barr, John Testa, Virginia Perez, Terry Clements, MaryJane Shimsky, David Tubiolo LAW: John Nonna, Stacey Dolgin-Kmetz, Linda Trentacosta CE: Steve Bass Guests: Sarah Leberstein, Donna Dolan, Vivanan Guzman, Joe Mahew, Sierra Mahew, Julia Solow,

### MINUTES APPROVAL

1. Monday, July 30, 2018 at 9:02 AM

**On motion of Legislator Cunzio, seconded by Legislator Johnson the minutes were approved 7-0.**

### I. ITEMS FOR DISCUSSION

Meeting jointly with the Committees on Legislation, Budget & Appropriations and Environment, Health and Energy.

Guests:

Law Department: John Nonna, County Attorney, Stacey Dolgin-Kmetz, Deputy County Attorney and Linda Trentacosta

1. **(ID # 10623) Local Law – LEGISLATORS BORGIA, BARR, BOYKIN, COVILL, JOHNSON, KAPLOWITZ, MAHER, PARKER, PEREZ, SHIMSKY, A. WILLIAMS, L. WILLIAMS: Paid sick leave for Certain Employees:**

A proposed "LOCAL LAW amending the Laws of Westchester County by adding a new Article III Chapter 700 providing paid sick leave for certain employees."

Legislator Borgia opened the meeting and discussed the numerous changes made to the Legislation as a result of multiple meetings with various stakeholders, the Westchester

County Law Department, business groups and the Sick Leave Coalition. There were also several community forums held that gave the public an opportunity express their concerns and or support of the proposed legislation.

County Attorney John Nonna, and Chief Deputy County Attorney Stacey Dolgin-Kmetz and Deputy County Attorney Linda Trentacosta came before the Committee to discuss the changes made to the language of the Earned Sick Leave Local Law. County Attorney John Nonna noted there were also changes made to the Committee report to reflect the citations mentioned throughout the legislation. In Sec. 585.03 sub-section 3 was added. "3. *Nothing in this Chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous paid sick time to an employee than required herein. Nothing in this Chapter shall be construed as diminishing the rights of public employees regarding paid sick time or use of paid sick time as provided in the laws of New York State or Westchester County pertaining to public employees.*"

*"a. The provisions of this chapter shall not apply to any employee covered by a valid collective bargaining agreement if:*

*(i) such provisions are expressly waived in such collective bargaining agreement; and  
(ii) such agreement provides for a comparable benefit for the employees covered by such agreement in the form of paid days off; such paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, sick time, and holiday and Sunday time pay at premium rates.*

*b. Notwithstanding subdivision a of this section, the provisions of this chapter shall not apply to any employee in the construction or grocery industry covered by a valid collective bargaining agreement if such provisions are expressly waived in such collective bargaining agreement."* Legislator Tubiolo asked about the number of employees necessary for exemption. He asked if the number could be increased to approximately 15-20 employees or more, citing the law passed in Connecticut has an exemption number of 50.

Legislator Borgia stated that although Connecticut's law exempts companies with less than 50 employees, it was one of the earlier States to pass the law and the States that have recently passed a similar law have included no exemption for any number of employees. Legislator Cunzio asked why Westchester County Government was not excluding itself from the law even though New York City excluded itself from its law.

Legislator Borgia responded that after much discussion it was decided not to exempt Westchester County from this local law. She felt that it would not be morally correct to ask local businesses to follow a law that the County was exempt from. The issue with exemption was due to part-time and seasonal employees that are hired throughout the Department of Parks and Recreation. The approximate 1,000 seasonal employees that would be impacted by the proposed law usually work in the summer and would not meet the requirements of accruing sick time. In the title of Sec 585.11 the word "*Enforcement*" was added. Also added was sub-section 1 of Sec 585.11

*1. The County shall determine an appropriate administrative remedy prior to the effective date.*

The Committee had a lengthy discussion on the administrative remedy. They agreed to several changes but did not vote the item out at this time. The changes are; *On page 2 section 585.02- Definition, under #6 the addition of letter "d"- it should read "work performed by independent contractors as defined by New York State Law."* *on page 3 section 585.03- Accrual of earned Sick Time, under section 2, first sentence delete "...unless the employer selects a higher limit" the sentence should read "Employees of an employer with 5 or more*

employees shall be entitled to earn and uses up to 40 hours of paid sick time in a year." On page 4 section 585.03 under #3 delete "...unless the employer selects a higher limit" the sentence should read "All domestic workers employed by any employer, regardless of the number of domestic workers employed, shall be entitled to earn and use up to 40 hours of earned paid sick time in a year." Same section under #4 delete the word "year" and add "...pursuant to this legislation" the sentence should read "Forty (40) hours is the maximum amount of sick leave to be accrued pursuant to this legislation. On page 9 section 585.17- Public Education and Outreach, last sentence delete "schools" and replace with "libraries" .With a motion by Legislator Johnson and seconded by Legislator Maher the changes were approved with a vote of 7-0. There was discussion regarding the Collective Bargaining Agreement in reference to section 585.04- Employer's Options: Collective Bargaining Agreements , #3, letter "b". Legislator Borgia asked to table this section until she had follow-up conversation with the Law Department. The members decided to hold off on this item for further discussion with the Law department. If you wish to watch the Earned Sick Leave discussion please refer to the link below:

<http://westchestercountyny.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=5083&Format=Agenda>

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| <b>RESULT:</b> <b>PENDING</b> |
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## II. OTHER BUSINESS

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

## III. RECEIVE & FILE

## ADJOURNMENT

Moved by Legislator Cunzio seconded by Legislator Johnson the Committee adjourned at 2:55 PM.