



the work and family legal center

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New Yorkers Living with HIV/AIDS Need Paid Sick Time!

The Paid Sick Time Act, a bill that would require employers to provide a minimum amount of paid sick time, is pending in the New York City Council. Although paid sick time is crucial for all New Yorkers, passage of the bill is especially important for people living with HIV/AIDS.

- **Approximately half of all working New Yorkers—more than 1 million people—do not get a single paid sick day for themselves or their family members, and many of these workers are people living with HIV/AIDS.**¹ Low-income New Yorkers are significantly less likely to have paid sick time than other members of the workforce; nearly two-thirds of all low-wage workers in New York City have no paid sick time.² Based on these figures, many workers in New York City’s HIV/AIDS community—especially those who work in lower-wage and service sector jobs—cannot take a sick day without losing pay or risking job loss.
- **In New York City, the communities most affected by HIV/AIDS also have low rates of access to paid sick time.** Low-income communities and people of color in New York City are disproportionately impacted by HIV/AIDS.³ More than 45% of New Yorkers living with HIV/AIDS are black, and more than 32% are Latino/a.⁴ These communities also have low rates of access to paid sick time. Approximately 76% of low-income Latinos and 52% of low-income blacks in New York City lack paid sick time.⁵
- **Access to paid sick time is a crucial health and economic issue for New Yorkers living with HIV/AIDS.** If workers living with HIV/AIDS are unable to take paid time off to attend medical appointments and recover from illness, their health and economic security are jeopardized. Furthermore, when sick workers are unable to stay home, they increase the spread of illness in workplaces and public spaces throughout the community. The unnecessary spread of contagions in the community creates a health risk to people living with HIV/AIDS, who face a higher risk of serious complications from influenza and other communicable illnesses. The Paid Sick Time Act would provide crucial health and economic security to New Yorkers living with HIV/AIDS.
- **Paid sick time also helps working New Yorkers provide care for aging family members, which has significant consequences for the HIV/AIDS community.** Among New York City residents with HIV, approximately 75% are 40 years of age or older and 37% are 50 years of age or older.⁶ As the population of New Yorkers living with HIV/AIDS continues to age, their working family members will face increased caregiving demands. The Paid Sick Time Act would allow more workers to support the health needs of loved ones aging with HIV/AIDS.
- **San Francisco’s paid sick time law has been a success.** San Francisco implemented a similar paid sick time law in 2007, and its success has been clear. Recent research confirms the policy’s public health benefits and the lack of negative economic consequences.⁷ Moreover, two-thirds of San Francisco employers now support the law.⁸



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How would the Paid Sick Time Act work? Does the bill respond to business concerns?

The Paid Sick Time Act would establish a modest minimum floor of paid sick time for private sector workers employed in New York City. In response to business concerns and to ensure that small businesses are not burdened, supporters made numerous business-friendly amendments to the Paid Sick Time Act in 2012. Under the current bill, workers in businesses with 5 or more employees would earn up to 5 days of paid sick time a year. Businesses with fewer than 5 employees would be prohibited from retaliating against workers who use up to 5 *unpaid* sick days a year; these “mom and pop” shops are encouraged, but not required, to pay workers for this time. New businesses with fewer than 20 employees will have a one-year grace period before being covered by the bill. Employers will not have to change their policies if they already provide an equivalent amount of paid time off or vacation that can be used for the purposes covered in the Paid Sick Time Act.

How does the Paid Sick Time Act define “family member”?

The Paid Sick Time Act allows employees to use sick time to care for spouses, domestic partners, parents, parents of spouses or domestic partners, children, foster children, adopted children, step-children, legal wards, and children of employees who stand “in loco parentis” (this phrase covers LGBT parents who do not have a legal or biological relationship to their children).

What’s the status of the Paid Sick Time Act?

Despite widespread public support and a veto-proof majority of 37 City Council Members signed on as co-sponsors, New York City Council Speaker Christine Quinn announced in October 2010 that she would not allow a vote on the Paid Sick Time Act. Speaker Quinn promised to review her decision on paid sick time every two months. Advocates have redoubled efforts to pass the Paid Sick Time Act in coming months, and urge the Speaker to bring the bill to a vote.

Do you agree that all workers have a right to paid sick time? *Join us!*
To get involved, please contact us at 212-430-5982 or jmake@abetterbalance.org.

¹ Nancy Rankin, *Still Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers*, Community Service Society of New York (Jan. 2012), p. 3.

² *Ibid.*

³ New York City Department of Health and Mental Hygiene (DOHMH), *Health Disparities in New York City: Report Describes Health Status for City’s Five Counties*, Press Release #008-11 (March 30, 2011).

⁴ New York State Department Of Health, *New York State HIV/AIDS Surveillance Annual Report For Cases Diagnosed Through December 2008*, (June 2010), Table 3A.

⁵ Rankin, *Still Sick in the City*, p. 7.

⁶ New York City DOHMH, *Health Department Reports 75% of New Yorkers Living with HIV/AIDS Are 40 or Older and More than a Third Are over 50*, Press Release #033-10 (July 15, 2010).

⁷ Robert Drago and Vicky Lovell, *San Francisco’s Paid Sick Leave Ordinance: Outcomes for Employers and Employees*, Institute for Women’s Policy Research (Feb. 2011).

⁸ *Ibid.*