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## 2021 New York State Work-Family Policy Agenda

Dear Governor Cuomo, Majority Leader Stewart-Cousins, and Speaker Heastie:

**New York is facing a care crisis.** The COVID-19 pandemic has exacerbated structural inequalities that force too many New Yorkers—especially New Yorkers of color and women—to choose between their jobs and their own health or the health of their loved ones.

Our state has been at the vanguard when it comes to protecting working families, from the Women’s Equality Agenda, to the landmark paid family leave law, to this year’s statewide paid sick time law. During the pandemic, New York again emerged as a national leader, passing emergency and permanent paid sick time laws to support workers who need to care for themselves or a sick loved one now and in the future. Yet as New Yorkers continue to struggle to balance protecting their health, caring for their families, and staying afloat economically, there is much more work to be done and New York must lead the way.

Child care providers across the state have closed, leaving child care workers and the parents who depend on them behind, while schools across the state remain partially or wholly virtual. Women, especially mothers, have been hit the hardest. Nationally, 865,000 women—disproportionately women of color—left the labor force in September;<sup>1</sup> women were twice as likely as men to report leaving work due to caregiving responsibilities.<sup>2</sup> New York’s unemployment rate hovers at nearly ten percent. Too many New Yorkers, especially low-wage workers, face discrimination or are denied the protections they need to manage work, health, and care. As the population of older adults rises, so does the need for caregiving and an improved system to provide home and community-based long-term care services and supports, but home care workers critical to the quality of care and life of our loved ones are drastically underpaid creating a crisis of care for seniors and people with disabilities and their families.

**Ending this care crisis is a crucial step towards gender equality and racial justice.** To end the care crisis, New York families need comprehensive, bold solutions. Outlined below are the key policies working families need in 2021. A Better Balance, along with the undersigned organizations, urge you to make these a priority this coming legislative session.

### Update and Enforce the Disability Benefits & Paid Family Leave Law to Work for All Workers

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<sup>1</sup> See Kate Bahn & Carmen Sanchez Cumming, *What the Coronavirus Recession Means for U.S. Public Sector Employment*, WASH. CTR. FOR EQUITABLE GROWTH (Oct. 2, 2020), <https://equitablegrowth.org/what-the-coronavirus-recession-means-for-u-s-public-sector-employment/>.

<sup>2</sup> See BIPARTISAN POLICY CENTER, NEW SURVEY: FACING CAREGIVING CHALLENGES, WOMEN LEAVING THE WORKFORCE AT UNPRECEDENTED RATES (Oct. 2020), <https://bipartisanpolicy.org/blog/facing-caregiving-challenges/>.

New York led the way in supporting workers who need time off to be there for their families by passing the state's groundbreaking paid family leave law in 2016. Especially with so many facing a long recovery from COVID-19, workers deserve the same powerful rights for their own serious health needs. Our temporary disability insurance law must be amended to provide New Yorkers with the job protection and other employment rights they need and monetary benefits they can afford to use—including raising the benefits cap that has not changed since 1989.

At the same time, with the landmark paid family leave law reaching full phase-in in 2021, it is crucial that the Department of Labor strongly enforce the law and engage in strong worker education and outreach, and that the Department has the funding needed to do so. It is also time to update the law to build on its existing strengths. New York must remove exceptions and ensure coverage for all private and public sector employees, including part-time domestic workers, and expand the definition of family to include all those whom workers consider family. We must also make benefits portable as workers move between jobs or face unemployment, especially as the crisis has left so many unable to access the benefits they have paid for, and provide meaningful access for the self-employed.

### **Strengthen the Human Rights Law to Protect Caregivers & Domestic Workers**

New York's Human Rights Law creates strong protections for workers, ensuring freedom from discrimination on the job, and New York's labor law has important protections for workers, yet crucial gaps remain leaving caregivers and domestic workers vulnerable and exploited on the job. The Human Rights Law should be updated to 1) expand the prohibition on familial status discrimination to encompass all forms of caregiver discrimination and guarantee accommodations for certain types of caregiving; 2) ensure domestic workers—who are predominantly women of color and immigrants—can benefit from all of the law's protections; and 3) explicitly prohibit disciplining workers for lawful absences.

### **Ensure New Paid Sick Time Protections Live Up to Their Promise**

In 2020, New York led the nation in enacting both emergency paid leave protections for COVID-19 and groundbreaking permanent paid sick time rights. As the pandemic enters its second year, the Department of Labor must build on these wins by enacting strong regulations, providing outreach and education to ensure all workers know and can use their rights, and robustly enforcing these laws.

### **Save Child Care & Enact Long Term Care Solutions**

Before the pandemic, 61% of New Yorkers lived in a child care desert. From mid-March, when New York went on “pause” through late September 2020, nearly all center-based child care providers in New York City closed as did over a third of licensed child care providers throughout the state.<sup>3</sup> Those providers that stayed open, and those that have begun to reopen in recent months, are operating at significantly reduced capacity to keep children and educators safe.<sup>4</sup> These challenges have left working families without options and child care workers, many of them women of color, struggling to support their own families. New York must guarantee that child care providers, pre-K programs, and K-12

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<sup>3</sup> See Rasheed Malik & Katie Hamm, *Mapping America's Child Care Deserts*, CTR. FOR AM. PROGRESS (Aug. 30, 2017), <https://www.americanprogress.org/issues/early-childhood/reports/2017/08/30/437988/mapping-americas-child-care-deserts/>; RAISING NEW YORK, SUPPORTING FAMILIES AND POWERING NEW YORK'S ECONOMIC RECOVERY 4 (May 2020), <https://scaany.org/wp-content/uploads/2020/05/Reopening-Child-Care.pdf>; SCHUYLER CENTER, BACK TO SCHOOL CHECKLIST FOR FALL 2020: CHILD CARE, AFTERSCHOOL CARE, AND PAID FAMILY LEAVE 2 (Sept. 2020), <https://scaany.org/wp-content/uploads/2020/09/Back-to-School-Checklist-for-Fall-2020-9-10-20.pdf>.

<sup>4</sup> See SCHUYLER CENTER, BACK TO SCHOOL CHECKLIST FOR FALL 2020: CHILD CARE, AFTERSCHOOL CARE, AND PAID FAMILY LEAVE 2 (Sept. 2020), <https://scaany.org/wp-content/uploads/2020/09/Back-to-School-Checklist-for-Fall-2020-9-10-20.pdf>.

schools have the support—and funding—they need and working parents have access to high-quality, affordable child care and educational opportunities for their children in the long run and the emergency protections they need now.

This moment also presents an opportunity to finally recognize the essential nature of the home care workforce, both during the crisis and beyond it. Investing in improved pay and better conditions for home care workers will support the recruitment and retention of a qualified home care workforce, including family and friends filling positions as paid caregivers, and would alleviate the workforce crisis.<sup>5</sup> We must invest in jobs that will lift up women and people of color while also improving the quality of life for older adults and people with disabilities.

### **Enact Fair Scheduling Practices & Other Labor Law Protections**

Now more than ever, New York must lead the way and ensure workers have meaningful access to alternative work arrangements, including telecommuting and part-time work, without fear of retaliation for the request. Workers, especially in low-wage industries, should also have a fair say in, and advance notice of, their schedules. Worker-protective legislation on misclassification and fair pay for all New Yorkers is also urgently needed.

### **Ensure Economic Stability for Immigrant Workers**

Immigrant workers, including undocumented immigrant workers, are a vital part of New York's economy and community. Immigrant workers make up 33% of the state's essential workers—and 54% of New York City's essential workers—upon whom the state has relied, and continues to rely on, during this pandemic.<sup>6</sup> At the same time, foreign-born workers lost their jobs at disproportionate rates, and undocumented workers lost their jobs at twice the overall rate, during the pandemic.<sup>7</sup> And yet, these workers have been left out of federal economic relief efforts. New York must create a fund for workers who are excluded from unemployment benefits and other pandemic-related benefits to ensure economic stability during this crisis for all of New York's workers.

### **Prioritize Funding for Enforcement of Existing Worker Protections**

New York's Labor, Human Rights, and Workers' Compensation laws contain many crucial provisions protecting workers from discrimination and exploitation. Strong enforcement of these laws is urgently needed to ensure that workers are truly able to access and benefit from these important protections. The Department of Labor, Department of Human Rights, and Workers' Compensation Board must be robustly funded, so that they have the resources they need to strongly enforce these laws. In addition, both departments must prioritize proactive enforcement that responds to workers' needs during the pandemic and beyond—for instance, the Department of Labor must prioritize wage theft enforcement, and the Department of Human Rights should fast-track pregnancy and disability accommodations complaints as well as familial status discrimination complaints.

We thank you for considering these critical policies and look forward to working with you to build a stronger, more equal New York for working families.

Sincerely,

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<sup>5</sup> The average annual pay of home care workers in New York State is \$18,602 according to the NY Department of Labor.

<sup>6</sup> MAKE THE ROAD NEW YORK, EXCLUDED IN THE EPICENTER (May 2020), [https://maketheroadny.org/wp-content/uploads/2020/05/MRNY\\_SurveyReport\\_small.pdf](https://maketheroadny.org/wp-content/uploads/2020/05/MRNY_SurveyReport_small.pdf).

<sup>7</sup> *Id.*

A Better Balance  
Catholic Migration Services  
Center for Children's Initiatives  
Community Service Society  
Gender Equality Law Center  
Her Justice  
Hollaback!  
Hope's Door  
Jews for Racial and Economic Justice  
Jump for Success Corp  
League of Women Voters of NYS  
League of Women Voters of St. Lawrence County  
March of Dimes  
Move Forward Staten Island  
National Center for Law and Economic Justice  
National Domestic Workers Alliance  
National Employment Law Project  
New York State Coalition Against Sexual Assault  
NY NOW  
Nurse Practitioners of New York (NPNY)  
NYCD16 Indivisible  
One Fair Wage  
Schuyler Center for Analysis and Advocacy  
The Children's Agenda  
The YMCA of Greater Rochester  
WHARR (Womxn's Health and Reproductive Rights)  
Worker Justice Center of New York  
YWCA's of NYS