

One Minute Memo[®]



Mandatory Paid Leave in NYC: Two New Developments

By Robert S. Whitman and John T. DiNapoli

Two noteworthy developments for New York City employers on the issue of paid leave.

First, at least five NYC companies will be receiving hearing notices from the City's Department of Consumer Affairs accusing them of not paying their workers for sick leave, *according to Crain's New York Business*.

Under City law, companies with 5 or more employees must provide up to 40 hours of paid sick leave per year. *Crain's* reports that since the law took effect last April, the DCA has received 245 complaints over which it had jurisdiction to act. Most of the complaints alleged that a covered employer failed to provide the required notice of the law. The DCA has been able to resolve some of the complaints without a formal hearing, but a few complaints remain unresolved and numerous others remain under investigation.

The *Crain's* report notes that the most frequent alleged offenders are companies in the professional services and retail sectors, which account for more than half of all complaints the DCA received. Only 9% of all DCA complaints came from the restaurant and food services industry, which was vocal in its opposition to the law.

Enforcement of the law is still in its early stages, but these numbers tend to support the DCA's earlier claim that its primary efforts will be focused on compliance, not punishment. It remains to be seen whether its enforcement efforts will be successful and whether the DCA will take more aggressive steps once the law has been on the books longer.

Second, Mayor Bill de Blasio and Governor Andrew Cuomo announced their intention to create a program to provide financial incentives and employment protections to health care professionals travelling to West Africa to help Ebola patients. The program will be modeled on laws that apply to military reservists, which generally require private employers to allow reservists to return to their pre-deployment jobs and prohibit discrimination on the basis of military service. New York State would also reimburse health care workers (and their employers) if they are quarantined upon their return to New York. It remains an open question whether this program will be established by state law, city law, or some combination of the two.

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