



## Committee on Labor & Housing

~MINUTES~

Monday, February 26, 2018

10:01 AM

Committee Chair: Damon Maher

**DRAFT**

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	Absent	
Catherine Parker	D7 Legislator (Majority Leader)	Present	
Alfreda Williams	D8 Legislator (Vice Chair)	Absent	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: LAW: John Nonna, Stacey Dolgin-Kmetz, Linda Trentacosta, Fred Sullivan DEF: Robert Giglio, Mike Coley CE: Peter McCartt Finance: Anne Marie Berg Budget: Larry Soule Guests: James Menkins, Joe Mayhew, Dennis Hanratty, Diane Torstrup, Jennifer Puja, Andrew Falk, Sherry Leiwant, Albert Annunziata, Daniel Finger, Jason Schiciano, Greg Conner, Jane Curtis, Margaret Collins, Diana Virrill, Jeff Hanley, Anthony Magiaracina, Vivian Guzman

### MINUTES APPROVAL

1. Monday, February 05, 2018 at 10:01 AM

**On motion of Legislator Parker, seconded by Legislator Borgia the minutes were approved 5-0.**

### I. ITEMS FOR DISCUSSION

Joint with Budget & Appropriations, Environment, Health & Energy and Legislation.

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."

Invited Guest:

County Attorney Nonna & Law Department, Budget Director Soule and Finance Commissioner Berg

Steven T. Kelly, Associate Commissioner, Office of Labor Policy and Standards, New York City Department of Consumer Affairs

Sherry Leiwant, Co-President and Co-founder, A Better Balance: The Work & Family Legal Center

Eric Williams, Campaign Director, New York Paid Leave Coalition

Dennis Hanratty, Mt Vernon United Tenants

Joseph Mayhew, Community Labor Coalition

2 Representatives from McLean Avenue Merchants Association

The Committee met jointly with the Committees on Labor & Housing, Environment, Health and Energy and Legislation to discuss the proposed Local Law amending the Laws of Westchester County by adopting a new Article III Chapter 700 providing paid sick leave for certain employees.

The Local Law states that the Committees are aware that 36% of workers in Westchester County are without paid sick time, specifically low-income and part-time workers. Research shows that access to paid sick time promotes safe and healthy work environments by reducing the spread of illness, health care costs and work-family conflict.

Steven T. Kelly, Associate Commissioner, Office of Labor Policy and Standards, New York City Department of Consumer Affairs joined the discussion by phone.

The Committee was joined by County Attorney Nonna, Deputy County Attorney Dolgin-Kmetz. Linda Trentacosta and Fred Sullivan from the Law Department to give a legal analysis of the Local Law 10623- Paid sick leave for Certain Employees. Chair Borgia noted that this was an informational meeting, and County Attorney Nonna stated he wanted to go over some areas that were of concern to the Law department.

He discussed that he felt there was a might be a pre-emption issue, specifically with the Municipal Home Rule Law. Under that Law, we cannot authorize to adopt a Local Law that supersedes the NYS Labor Law. They want to look at the NYS Labor Law to make sure we are not affecting it in anyway. In January 2018 NYS passed the Paid Family Leave Act. They want to review that Law to make sure there is no pre-emption issue there as well. The section on enforcement, needs to be looked at more closely, specifically to who will enforce the Law. Some municipalities place it in Human Rights Commission others in Consumer Affairs or Labor Department. Since we do not have a Labor Department we need to research who and where would be able to enforce this local law.

Budget and Financial Departments has some concerns with including Westchester County in the Law specifically with the seasonal employee issue. County Attorney Nonna stated that NYC has excluded itself from the Law.

He stated that their need to be clarity in the Labor/ Collective Bargaining section. Will this Law affect the Collective bargaining agreements? Mr. Sullivan discussed that with the Labor issue and the Unions, we cannot impose legislatively without approval from the Union. Chair Borgia asked Mr. Sullivan to investigate the language that made this Law acceptable in other Municipalities.

County Attorney Nonna mentioned that there should be a separation of the Sick Time and Safe Leave. NYC separated out Sick and Safe Leave. Safe Leave being defined as leave for employee or family members dealing with issues of domestic violence. The Department discussed that clarity needs to be made to the section. Chair Borgia and County Attorney Nonna discussed that we will revisit this local Law in a few weeks and suggested smaller working groups should go over the language.

Sherry Leiwant, Co-President and Co-founder, A Better Balance: The Work & Family Legal Center presented the presentation prepared for the members. Better Balance is a legal advocacy organization whose mission is "to insure that all men and women can care for their families without risking their economic security." The presentation explained the

research that went into developing the Law and why it's important in Westchester and how it was successfully passed in other states. She discussed some of the concerns that the Law Department discussed earlier. She mentioned that in most of the other states and municipalities the Local Law was placed in the Human rights Commissions. The presentation gave an overview of the Local Law. Eric Williams, Campaign Director, New York Paid Leave Coalition joined the discussion and presentation. He helped get the Paid Family Sick Leave passed in NYS as well as the Paid Sick Leave Local Law passed in other municipalities and states. He discussed the Public Health implications of this law. Most of the employees that are affected by this law are the low wage service workers, such as food service workers. He said that there are economic savings on the health level in Westchester. Mr. Williams discussed the benefits for small businesses and that there would be a cost savings for them.

Dennis Hanratty, from the Mt Vernon United Tenants, Joseph Mayhew, from Community Labor Coalition and Jenn Puja Director of the Westchester Putnam AFL/CIO joined the discussion to give labors point of view how important paid sick leave is for Westchester residents. They all expressed how some workers cannot afford to take a day off even when they are sick. It becomes a health issue especially for the food service industry. Food service workers are the lowest paid group and have the most contact with the public. If they come to work sick they put a majority of the public at risk for getting sick.

Lastly we heard from Anthony Mangiaracina, owner and operator of Merck Pharmacy in Yonkers and a member of the McLean Avenue Merchants Association. He describes how this law would have a huge financial impact on his business. He describes the amount of workers he employs and what would happen financially if all of them were to call out sick.

As stated this was an informational meeting and more work needs to be done to address the concerns all around. No action was taken at this time

<b>RESULT:</b>	<b>POSTPONED</b>
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2. **(ID # 10721) Resolution – PH- Paid sick leave for Certain Employees:**

A RESOLUTION setting a Public Hearing on a "LOCAL LAW amending the Laws of Westchester County by adding a new Article III Chapter 700 providing paid sick leave for certain employees." [Public Hearing set for \_\_\_\_\_;2018 at \_\_\_\_\_ .m.]

<b>RESULT:</b>	<b>POSTPONED</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 Parker seconded by Legislator Borgia the Committee adjourned at 12:00 PM.