



NEW YORK STATE SENATOR

Malcolm Smith

Senate Democrats Hold Hearing Urging Passage Of Paid Family Leave Law

MALCOLM A. SMITH September 19, 2007

Members of the New York State Senate Democratic Conference today held a hearing on legislation that would allow workers up to 12 weeks of paid leave from employment in the event of a family health emergency. The legislation would also allow for paid time off to care for a newborn child.

Family members directly affected by New York's lack of a family leave compensation law testified during today's hearing as did representatives of the Paid Family Leave Coalition, the Working Families Party, the National Organization For Women (NOW), the Fiscal Policy Institute and 1199 SEIU.

Senate Democrats have repeatedly urged Republican colleagues in the Senate to act immediately on a bill the Assembly passed in June to include paid family leave within the existing structure of the workers' compensation law. Senate Democratic Leader Malcolm A. Smith (D-St. Albans) called Paid Family Leave a high priority of Senate Democrats' "9-to-5 Agenda" for hardworking families.

"Paid Family Leave shouldn't be a one-house bill," Smith said. "The Assembly has already passed it and there have been no substantive objections by any senator, including Joe Bruno. So what is the hold up?"

"Imagine having to choose between caring for an ailing relative on the one hand and paying for groceries, rent, childcare and other financial obligations on the other hand," Smith said.

"Such is the reality for many workers in New York State who are entitled under federal law to take family medical leave but do so at great risk of financial hardship," he added.

Smith referred to the 1993 Federal Family Medical Leave Act, which requires that employers allow workers up to 12 weeks of unpaid leave for the purpose of caring for a newborn child or an immediate relative suffering from a serious illness. However, a recent study found that 77 percent of those who declined the federal benefit when it was needed did so because they could not risk the loss of income incurred from a short-term leave from work.

Senator Diane Savino (D-Staten Island/Brooklyn), Deputy Minority Leader For Conference Operations, said: "Paid family leave is designed for low-income workers whose household budgets are hardest hit by even a few days of lost earnings. This is especially important for working mothers who need to take the time to care for a sick or newborn child."

The bill adopted by the Assembly, and awaiting Senate approval, would complement the Federal Family Medical Leave Act by requiring that New York employers provide a 12-week paid family leave benefit, with the option to pass a share of the cost to employees through a modest payroll deduction, like disability insurance.

The legislation would allow for a deduction in employee pay of up to 45 cents per week for the purpose of the paid family leave benefit during the first year of implementation, with rates in later years to be determined by the state's Superintendent of Insurance.

Senator Andrea Stewart-Cousins (D-Yonkers) said the paid family leave legislation is good for small businesses struggling with continuity of employment, as those who leave work to take care of a sick relative do not always return, thus creating workforce gaps.

"While the Federal Family Medical Leave Act was an important start, we need to provide further protections, ensuring that workers in New York who take leave from employment are in a financial position to do so," Stewart-Cousins said.

Senator Neil Breslin (D-Albany), Ranking Democrat on the Senate Insurance Committee, said: "We need to do everything necessary to make sure that paid family leave benefits get to the workers who need them most without posing an added financial strain for companies wanting to do business in New York."

"Putting Paid Family Leave within the design of our workers' compensation program, while also building a mechanism for employers and beneficiaries to share cost, is a sensible means to that end," he added.