

State Employment Law Tracker, ¶20,134D, FY 2021 Enacted Budget provides paid sick leave, prevailing wage protections — NEW YORK — State law, (Apr. 8, 2020)

By Pamela Wolf, J.D.

On April 3, New York Governor Andrew M. Cuomo signed the FY 2021 Enacted Budget, which includes what is billed as the “strongest Paid Sick Leave program in the nation,” as well as new prevailing wage requirements, among other things. The budget is balanced, includes no new taxes, continues to phase in tax cuts for the middle class, and advances other progressive priorities including the legalization of gestational surrogacy, according to the Governor’s Office.

Paid sick leave. The FY 2021 Enacted Budget enacts a paid sick leave program for workers in the state under which businesses with five to 99 employees will provide employees with at least five days of job-protected paid sick leave per year, and businesses with 100 employees or more will provide at least seven days of paid sick leave per year.

Assembly Speaker Carl E. Heastie further detailed the leave provisions, noting that employees of medium employers, which are classified as employers with four or fewer employees that have a net income of greater than \$1 million, or those that have between five and 99 employees, would receive 40 hours of paid sick leave per calendar year.

Those working for employers with more than 100 employees would receive up to 56 hours of paid sick leave per calendar year.

Unpaid leave. Smaller businesses, with four or fewer employees, will guarantee five days (40 hours) of job-protected unpaid sick leave to their employees every year. Small businesses already providing paid sick leave will be able to so.

Leave purposes. The sick leave will be available for mental or physical illness, injury, or health condition of a family member, as well as for those seeking services related to domestic violence, a sexual offense, stalking, or human trafficking.

Legislative deal announced earlier. Presumably the paid sick leave comes as a result of the legislative deal that Governor Cuomo announced last month, on March 17 (see *Legislative deal would provide paid sick leave to workers affected by Coronavirus and beyond*, March 18, 2020).

Prevailing wages. The FY 2021 Enacted Budget also requires that workers on private projects receiving a significant public subsidy will be paid a prevailing wage. Private projects greater than \$5 million, in which at least 30 percent of construction expenses are supported by public grants, tax credits, or certain other incentives, will be required to pay prevailing wage. This provision extends important worker protections to even more components of what the Governor’s Office called New York’s “largest-in-the-nation” building program.

Source: State of New York, Office of the Governor, News Release, April 3, 2020.