

ACS CAN SUPPORTS

A4053A/S2821A: Improving NY's Paid Family and Medical Leave Programs

Battling cancer is hard. Continuing to work full or even part time while undergoing cancer treatment is almost impossible. **Nearly 3 out of 4 cancer patients and survivors say they missed work due to their illness and 2 out of 3 missed more than a month of work.** Making matters worse, more than a third of those who missed work did not receive any pay for the time missed.

Studies show that cancer patients who have paid leave have higher rates of job retention and lower rates of financial burden. Yet not all cancer patients, survivors and caregivers who work have access to paid leave, and without it they risk losing employment or not getting the care they need.

New York made history when it enacted the Paid Family Leave program in 2016. The program was built on the state's decades-old temporary disability leave program. Together, paid family leave (PFL) and temporary disability insurance (TDI) constitute New York's paid family and medical leave program. While PFL is used to bond with a new child, care for a seriously ill loved one, or address the impact of military deployment, TDI is the program New Yorkers rely on when they need to take care of their own serious health needs.

When **PFL** was passed in 2016, it guaranteed New Yorkers 12 weeks of paid, job-protected leave at 67% of their wages -- up to **\$1,151.16 per week** in 2024. But **TDI** remained untouched, languishing at a benefit level unchanged since 1989 -- a maximum of just **\$170 per week**.

New York's paid leave program is woefully inadequate for those workers who need time off to care for themselves, not just their loved ones.

Making matters worse, is the inability for workers to take time off intermittently to care for themselves or a loved one. While New York's Paid Family Leave (PFL) and Temporary Disability Insurance (TDI) programs ensure that a patient can take time for theirs or a loved one's treatment, the shortest duration that a patient may take time under PFL is one day at a time, and **TDI does not cover any intermittent leave**.

For many cancer patients this is problematic. Conditions like cancer (or treatment of cancer) are often sporadic or intermittent lasting weeks or months. That's why it is so important to give employees the right to take a few hours or days of leave at a time, if necessary, for their own serious health conditions or to care for family members with serious health conditions.

A nationwide survey of cancer patients showed that of those cancer patients who had to take unpaid leave from work during their treatment **37% took either hours or days at a time, which is considered intermittent**, and 11% had a mix of increments of time taken. For those who benefitted from paid medical leave, 30% took time in increments of hours or days.

All working cancer patients, survivors, and caregivers should have access to paid family and medical leave that allows them to take time off work, including intermittently, to attend to their own or a loved one's care without losing their job or income.

ACS CAN Supports A4053A/S2821A

Senate Bill S2821A, sponsored by Senator Jessica Ramos, and its counterpart Assembly Bill A4053A, sponsored by Assembly member Michaelle Solages, will modernize the paid family and medical leave program to meet the needs of today's New Yorkers.

What is included in A4053A/S2821A?

- Include job protection and protection against retaliation
- Include continuation of health insurance
- Raise the TDI benefit to match the Paid Family Leave benefit including progressive wage replacement - % of an employee's wages replaced by the benefit is 90% for all wages up to 50% of New York's state average weekly wage and 67% of the wages above that level with an overall cap of 67% of the statewide average weekly wage (purpose is to ensure that the benefit will be sufficient for all workers to be able to meet their needs)
- Maintains proposed benefit level increase for all 26 weeks of TDI
- Permits intermittent leave (leave that can be taken in increments of an hour rather than having to take all leave at once in a year).
- Inclusive family definition that includes chosen family as well as blood relationships
- Eligibility for benefits after 4 weeks of work for an employer for both tdi/pfl (currently 4 weeks for TDI but is 6 months for PFL)
- Eligible employees can take TDI beginning the first day of their disability (currently cannot take benefits until the eighth consecutive day of disability)
- Freelancers/self-employed opt-in without a 2 year waiting period as currently required (need to have worked for 4 weeks and stay in program for at least a year)
- Automatic conversion of a PFL application/benefit to a TDI application in the case of pregnancy or neonatal loss
- Insurance transparency – requirement that employer give employee name of insurance carrier and fill out necessary paperwork

¹ American Cancer Society, <https://www.cancer.org/cancer/risk-prevention/hpv/hpv-and-cancer-info.html> ²

New York State Cancer Registry. *Cancer Incidence and Mortality in New York State, 1976-2020*.

<http://www.health.ny.gov/statistics/cancer/registry/>. Accessed Date.

³ American Cancer Society. *Cancer Facts & Figures 2019*. Atlanta: American Cancer Society; 2019.

⁴ Serrano B, de Sanjose S, Tous S, et al. Human papillomavirus genotype attribution for HPVs 6, 11, 16, 18, 31, 33, 45, 52 and 58 in female anogenital lesions. *Eur J Cancer*. 2015;51: 1732-1741.

⁵ Walker TY, Elam-Evans LD, Yankey D, et al. National, Regional, State, and Selected Local Area Vaccination Coverage Among Adolescents Aged 13–17 Years — United States, 2018. *MMWR Morb Mortal Wkly Rep* 2019;68:718–723. DOI:

<http://dx.doi.org/10.15585/mmwr.mm6833a2>

⁶ IBID

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