



NY Governor Aims To Expand Workplace Laws In 2020

Insights

1.13.20

After a busy 2019 of expanding workplace protections in New York, Governor Cuomo just issued his 2020 State of the State to lay out his priorities for the coming year. And it should come as no surprise that several of the policy proposals announced on January 8 indicated an intent to continue New York State's expansion of workplace laws into 2020 and beyond. Among the highlights to look for in the new year: paid sick leave, gig economy reforms, pay equity, and more.

Guaranteed Sick Leave

Although some jurisdictions such as New York City and, most recently, Westchester County, have enacted laws requiring paid sick leave, there are no similar protections throughout the rest of the state. The governor proposed that businesses with 100 employees or more provide at least seven days of paid sick leave per year, businesses with five to 99 employees provide at least five days of paid sick leave per year, and businesses with fewer than five employees provide at least five days of job-protected, unpaid sick leave per year. For large employers with 100 or more employees, the governor's proposal would go beyond New York City and Westchester's requirement, which only requires 40 hours of sick leave per year.

The Gig Economy

As we have written about extensively over the latter half of 2019, new laws to govern gig economy workers in the state are certain to be introduced in 2020. Governor Cuomo reiterated that position in the State of the State. However, he did not provide any detail as to what his proposed legislation might look like (whether something as onerous as California's ABC test, or something more measured).

Sexual Harassment Data Disclosure By State Contractors

In 2018 and again in 2019, the state passed laws strengthening New York's anti-harassment and anti-discrimination laws with a particular focus on combatting sexual harassment. Further to the state's efforts in this regard, and keeping in mind that New York has an interest in ensuring that employers who are given state funds are complying with anti-harassment and anti-discrimination laws, the governor has proposed requirements similar to the federal "blacklisting" rule that was shelved in 2017.

If adopted, his proposal would require potential state contractors to report the number of adverse judgments, adverse administrative rulings, and settlements relating to sexual harassment within

the past year. This information would be available to any state agency seeking to contract with that business.

Continued Focus On Pay Equity

As [we've previously written about](#), New York has some of the most stringent pay equity laws, and the governor touted New York has having the narrowest gender wage gap in the country. Going forward, the New York State Authorities Budget Office will collect data from all state authorities to determine whether there are gaps or imbalances in pay scales relating to gender.

Although this requirement does not apply to private-sector employees, it demonstrates that, despite the recent strengthening of New York's pay equity laws, achieving pay equity is still a focus of the governor. Employers should be on the lookout for potential new laws in this area that could affect them.

Stronger Wage Lien Laws

The governor said he intends to introduce legislation to allow liens to be placed on a business to ensure victims of wage theft can recover a judgment.

What's In Store For 2020

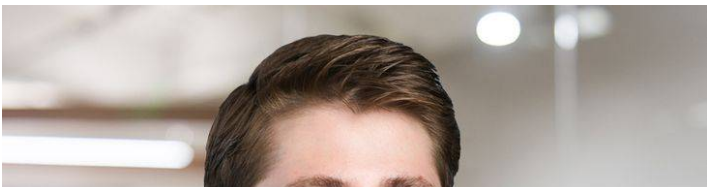
Ultimately, many of the governor's proposals will require the legislature to weigh in and pass legislation. However, given the current progressive makeup of the state legislature, it is unlikely that anything that passes will be substantially less progressive than the proposals outlined in the State of the State.

The new legislative session kicked off on January 8, and we will continue to monitor any legislative proposals under deliberation or that are passed in the coming months and year. Make sure you are subscribed to [Fisher Phillips' alert system](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney, or any attorney in our [New York City office](#).

This Legal Alert provides an overview of specific state law proposals. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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