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MEMORANDUM OF OPPOSITION

BILL: S.7994 (Murphy) / A.10680 (Harris)

SUBJECT: Extends Paid Family Leave Benefits to Employees Who Perform Construction

DATE: June 14, 2016

The Associated General Contractors of New York State, (AGC NYS) the leading statewide trade association representing union and non-union construction companies strongly opposes S.7994 (Murphy) / S.10680 (Harris) which would extend paid family leave benefits to workers who are employed by more than one employer, in the field of construction, excavation, rehabilitation, repairs, reconstruction, renovations, alterations, and improvements to become and remain eligible for paid family leave benefits, as long as they are employed for twenty six of the last thirty nine weeks with one or more covered employers.

Currently, construction workers employed for twenty-six consecutive weeks qualify for twelve weeks of paid family leave benefits. This bill would considerably expand paid family leave benefits by arbitrarily establishing eligibility criteria for unionized construction workers that were employed for at least twenty-six of the last thirty-nine weeks. This bill would open the door to other classes of seasonal or temporary employees that transition between multiple employers or do not have twenty-six consecutive weeks of employment.

Due to the transitional and seasonal nature of some construction employees, this bill would impose a significant administrative burden on contractors by mandating that construction companies track all unionized employees when they return to work with the same or different covered employer, and when they return to work with the same or a different employer after a lay-off. This bill would establish a troubling mandate of guaranteeing a returning worker a job, but it does not specify which employer would be responsible for the employee. AGC NYS believes that the current law properly addresses the transitional and seasonal nature of construction employment.

Furthermore, employees currently covered by the paid family leave act are required to contribute an average of one-dollar per week to fund the program. As described by paid family leave advocates, New York will have the most generous benefits in the nation and provide significant job protections which will result in higher utilization rates than in other states. Thus, as more employees utilize paid family leave benefits, the one-dollar per week contribution will not cover the true costs of the paid family leave act.

Therefore, AGC NYS strongly opposes S.7994 (Murphy) / A.10680 (Harris) and urges the Legislature to reject this bill.