



the work and family legal center

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December 12, 2023

Dear Governor Hochul,

We the undersigned coalition – including immigration rights groups; maternal and infant health advocates; LGBTQ rights groups; mental health organizations; organizations supporting women, young people, and families; civil rights groups; and unions – urge you to modernize New York’s paid medical leave system, known as temporary disability insurance (TDI), in the New York State FY2025 budget to ensure that all New Yorkers have access to the paid medical leave they deserve.

The benefits available to New Yorkers who need time off from work to address their own health needs have been capped at a me \$170/week since 1989. What is more, medical leave in this state does not include job-protection. The lack of a decent paid medical leave program has serious consequences for all New York workers, requiring workers to make impossible choices between their health and their own and their families’ economic security. To build the paid medical leave program New Yorkers need, it is crucial that the program be updated to:

- Remove the \$170/week cap on benefits for one’s own serious health condition and move both benefits for one’s own health condition and benefits for paid family leave to a progressive wage replacement system;
- Protect workers’ jobs and health insurance during medical leave;
- Meet the needs of today’s workforce by creating portable paid family leave benefits and removing the onerous waiting period for self-employed workers; and
- Adopt an inclusive family definition that includes chosen family.

All of these updates are reflected in the text of S.2821-A/A.4053-A.

The Current Benefit Level Deprives New Yorkers of the Ability to Take Leave for Their Own Medical Needs

In inflation-adjusted dollars, the benefit amount for medical leave benefits (TDI) has significantly decreased in the last three decades—\$170 in 2023 dollars would only have been worth approximately \$69 in 1989, less than half the benefits cap the legislature agreed on then.



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\$170 could [cover the median rent and beyond in 1989¹](#) in [New York State²](#). In 2017-2021 the median cost of rent in New York State [was \\$1,390³](#). Four payments of temporary disability insurance in 2023 amount to \$680 a month, which does not even cover *half* of a month's rent.

In addition, if a worker takes time off for their own medical need, that leave is not job protected, meaning that workers cannot be certain they will still have a job waiting for them when they have recovered. New York is lagging behind our neighboring states paid leave programs, including New Jersey and Connecticut in both benefit level and job protection.

Modernizing Medical Leave Would Improve the Health and Well-being of All New Yorkers and Have an Outsized Impact on Vulnerable Communities

As explained in A Better Balance's report, [The Time Is Now: Building the Paid Family and Medical Leave New Yorkers Need⁴](#)

- A stronger paid medical leave program will help reduce maternal mortality and morbidity, an epidemic nationwide and in New York that disproportionately impacts Black women.
- A stronger paid family and medical leave program will ensure that those who experience pregnancy loss can take the time they need to recover. It will remedy the absurdity in the current system where someone caring for their partner who has had a stillbirth can access job-protected leave and better benefits while the person who experienced pregnancy loss would be without job protection and able to receive only \$170/week.
- A stronger medical leave program will support New Yorkers dealing with a serious illness or injury, like cancer or injuries following a car crash.
- A stronger paid medical leave program will also be a crucial support to those who are dealing with symptoms of long COVID.

¹ Lueck, Thomas "Market for Top Apartments Is Cooling." *New York Times*, July 9, 1989.

<https://www.nytimes.com/1989/07/09/realestate/market-for-top-apartments-is-cooling.html>

² U.S. Census Bureau, "Historical Census of Housing Tables 2000." *U.S. Census Bureau*, accessed August 23, 2023

<https://www2.census.gov/programs-surveys/decennial/tables/time-series/census-housing-tables/grossrents.pdf>

³ U.S. Census Bureau, "New York Housing Table 2018-2022." *Quick Facts*, accessed August 23, 2023

<https://www.census.gov/quickfacts/fact/table/NY/HSG860221>

⁴ Meghan Racklin & Molly Weston Williamson with contribution from Sherry Leiwant, Dina Bakst, and Cassandra Gomez. *The Time is Now: Building the Paid Family and Medical Leave New Yorkers Need* (New York: A Better Balance, 2023) <https://www.abetterbalance.org/the-time-is-now/>



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- A stronger paid medical leave program will allow New Yorkers who are experiencing a mental health crisis or substance use disorder to receive treatment.
- A stronger paid family and medical leave program will support transgender, gender-nonconforming, and nonbinary New Yorkers who seek gender affirming care, as well as those caring for their chosen family, especially older LGBTQ+ adults and those living with HIV.

Modernizing Medical Leave is Affordable

The costs associated with this proposal are extremely modest. TDI premiums are a shared employer/employee cost, with employee contributions capped at \$0.60 per week. The significantly improved, urgently needed benefits will be funded by employees' \$0.60 per week contributions with employers covering the remaining cost, at a rate of approximately \$0.80 per employee per week, or just over \$40 per employee per year.⁵ The modest but crucial improvements to paid family leave can be funded *without* increasing the current payroll tax rate.

Modernizing TDI is crucial to ensure that all New Yorkers, including pregnant workers, workers recovering from serious illness, workers with disabilities, and LGBTQ+ workers, have a paid medical leave program that meets their needs. These critical updates also stand to greatly impact many others, including those struggling with substance abuse, those impacted by COVID-19, and veterans and military families, many of whom are managing service-related disabilities.

New York has been a leader in supporting workers since 2016 when it enacted paid family leave (PFL), a groundbreaking program that gives parents paid time off to bond with a new child and offers all workers paid time off to care for seriously ill family members. This program has been a resounding success in New York, and many other states have followed New York's lead in enacting paid family and medical leave programs. It is time for New York to reclaim its leadership status by modernizing medical leave to ensure that workers can also take the paid, job-protected time they need to care for their own serious illness or injury.

New Yorkers deserve a paid medical leave program that works for them. **We urge you to prioritize modernizing paid medical leave in the FY2025 budget.**

⁵ Although TDI is funded through insurance premiums, the state pays for administrative costs to support the program, a budgetary impact that justifies this proposal's inclusion in the budget.



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Sincerely,
1199SEIU
American Cancer Society
American Heart Association
Ancient Song
Bronx Breastfeeding Coalition
Community Service Society
Equality New York
Family Equality
Freelancers Union
Her Justice
Gender Equality Law Center
Laundry Workers Center
The Legal Aid Society
Legal Momentum, The Women's Legal Defense and Education Fund
League of Women Voters of St. Lawrence County
Long COVID Justice
Long COVID Justice NYC
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NYC Breastfeeding Leadership Council, Inc.
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