The purpose of the NAIC accreditation program is to ensure effective insurer financial solvency regulation across the United States. As of September 2020, 14 states have adopted the Model Law and two states have adopted the Model Regulation. See The NAIC Credit for Reinsurance Model Law, State Legislative Brief, NAIC (September 2020).

4. Costs: The proposed amendment will impose minimal compliance costs on E.U.-domiciled and U.K.-domiciled assuming insurers or other reciprocal jurisdiction assuming insurers because certain of these insurers will need to file prescribed documents with the Superintendent annually. However, the amendment will reduce their costs overall because it eliminates collateral and local presence requirements.

The Department of Financial Services ("Department") may incur costs to implement and continue this amendment because Department staff will need to review filings by assuming insurers evidencing their commitment to adhere to certain financial and other standards set forth in this amendment. However, any additional costs incurred should be minimal and the Department should be able to absorb such costs in its ordinary budget.

This rule does not impose compliance costs on local governments.

5. Local government mandates: This rule does not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork: This amendment requires certain assuming insurers to file prescribed documents annually with the Superintendent for a domestic ceding insurer to take credit for reinsurance provided by an assuming insurer that is not secured by collateral.

7. Duplication: This amendment does not conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: There are no significant alternatives for the Department to consider because the amendment must conform to the covered agreements for the Department to avoid being preempted by the federal government.

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: An assuming insurer must comply with the amendment upon publication of Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

1. Effect of rule: This proposed amendment conforms to the covered agreements entered into between the United States ("U.S.") and the European Union ("E.U.") and the U.S. and the United Kingdom ("U.K.") (the "covered agreements") by enabling domestic ceding insurers, including fraternal benefit societies, to take credit as an asset or a deduction from loss and unearned premium reserves for reinsurance recoverable from assuming insurers headquartered or domiciled in the E.U., U.K., or other reciprocal jurisdictions. As such, it should not affect local governments.

Assuming insurers are not small businesses as defined in State Administrative Procedure Act ("SAPA") Section 102(8) because they are not resident in New York State, are not independently owned and operated, and do not employ 100 or less individuals. However, there are fraternal benefit societies acting as ceding insurers that are small businesses as defined in State Administrative Procedure Act Section 102(8). In addition, industry asserts that co-operative insurers and mutual insurers, which are subject to the amendment as ceding insurers, are small businesses. However, a domestic ceding insurer that may be a small business subject to the amendment will not incur additional costs as a result of this rule.

2. Compliance requirements: A local government will not have to undertake any reporting, recordkeeping, or other affirmative acts to comply with the rule because it does not apply to a local government. The amendment does not impose any reporting, recordkeeping, or other requirements on a domestic ceding insurer that may be a small business.

3. Professional services: A local government will not need any professional services to comply with this rule because the rule does not apply to any local government. A domestic ceding insurer that may be a small business will not need any professional services to comply with the rule.

4. Compliance costs: A local government will not incur any costs to comply with this rule because the rule does not apply to any local government. A domestic ceding insurer that may be a small business will not incur any costs to comply with this rule.

5. Economic and technological feasibility: There should not be any issues pertaining to the economic and technological feasibility of complying with the rule with respect to a local government because the rule does not apply to any local government. There should not be any issues pertaining to the economic and technological feasibility of complying with the rule with respect to a domestic ceding insurer that may be a small business.

6. Minimizing adverse impact: There will not be any adverse impact on a local government because the rule does not apply to any local government. There will not be any adverse impact on a domestic ceding insurer that may be a small business.

The Department of Financial Services ("Department") considered the approaches suggested in SAPA Section 202-b(1) for minimizing adverse impacts, but none apply in the context of this rule because adoption of the amendment is required to conform to the covered agreements and to avoid preemption under federal law.

7. Small business and local government participation: The Department will comply with SAPA Section 202-b(6) by publishing the proposed amendment in the State Register and posting the proposed amendment on the Department's website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Domestic ceding insurers, including fraternal benefit societies, and assuming insurers headquartered or domiciled in the European Union, United Kingdom, or other reciprocal jurisdictions do business in every county in this state, including rural areas as defined in State Administrative Procedure Act Section 102(13).

2. Reporting, recordkeeping and other compliance requirements; and professional services: This proposed amendment imposes reporting, recordkeeping, and other compliance requirements on certain assuming insurers by requiring them to file prescribed documents annually with the Superintendent of Financial Services ("Superintendent"). The proposed amendment does not impose reporting, recordkeeping, or other compliance requirements on ceding insurers.

A ceding insurer and an assuming insurer, including those doing business in a rural area, will not need to retain professional services to comply with this proposed amendment.

3. Costs: The proposed amendment will impose minimal compliance costs on assuming insurers because certain of these insurers will need to file prescribed documents with the Superintendent annually. However, the amendment will reduce their costs overall because it eliminates collateral and local presence requirements. The proposed amendment imposes no additional compliance costs on domestic ceding insurers, including those in rural areas.

4. Minimizing adverse impact: This proposed amendment uniformly affects ceding insurers and assuming insurers that are doing business in both rural and non-rural areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: The Department of Financial Services ("Department") contacted insurers, trade groups, and other interested parties, including those doing business in rural areas. Ceding and assuming insurers also will have an opportunity to participate in the rule making process when the proposed amendment is published in the State Register and posted on the Department's website.

Job Impact Statement

The proposed amendment should not adversely impact jobs or employment opportunities in New York State. The amendment conforms to the covered agreements entered into between the United States ("U.S.") and the European Union ("E.U.") and the U.S. and the United Kingdom ("U.K.") by eliminating reinsurance collateral requirements and local presence requirements for certain E.U.-domiciled and U.K.-domiciled assuming insurers. The amendment also provides reciprocal jurisdiction status for accredited U.S. jurisdictions and qualified jurisdictions if they meet certain requirements. Thus, the proposed amendment should not adversely impact jobs or employment opportunities in New York State.

Department of Labor

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Sick Leave Requirements

I.D. No. LAB-49-20-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 196 to Title 12 NYCRR.

Statutory authority: Labor Law, sections 21(11), 196-b(13), and 199

Subject: Sick Leave Requirements.

Purpose: To provide definitions and standards for the sick leave requirements contained in section 196-b of the Labor Law.

Text of proposed rule: A New Part 196 is added to read as follows:

Part 196
Sick Leave
Section 196-1.1 Purpose

This part establishes rules and regulations for Sick Leave as set forth by Section 196-b of the Labor Law.

Section 196-1.2 Definitions

The following terms shall have the following meanings for the purposes of Labor Law 196-b and this Part:

(a) Confidential Information means individually identifiable health or mental health information, including but not limited to, diagnosis and treatment records from emergency services, health providers, or drug and alcohol abuse prevention or rehabilitation centers. Confidential information also means information that is treated as confidential or for which disclosure is prohibited under another applicable law, rule, or regulation.

(b) Domestic Partner shall have the same meaning as Domestic Partner, as set forth in section 2961(6-a) of the New York Public Health Law.

(c) Family Offense includes any offense enumerated in section 812(1) of the New York Family Court Act, where such acts are between current and former members of the same family or household, as defined therein.

(d) Human Trafficking means an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the Penal Law, or labor trafficking, as defined in section 135.35 and 135.36 of the Penal Law.

(e) Mental Illness shall have the same meaning as mental illness, as set forth in section 1.03(20) of the New York Mental Hygiene law.

(f) Net Income shall have the same meaning as entire net income, as set forth in section 208(9) of the New York Tax Law.

(g) Preventative Medical Care means routine health care including but not limited to screenings, checkups, and patient counseling to prevent illnesses, disease, or other health problems.

(h) Sexual Offense means any act, or threat of an act, specified within Article 130 of the New York State Penal Law.

(i) Stalking means any act, or threat of an act, that constitutes the crime of stalking as defined by Article 120 of the New York State Penal Law.

Section 196-1.3 Documentation

(a) An employer may not require medical or other verification in connection with sick leave that lasts less than three consecutive previously scheduled workdays or shifts.

(b) No employer shall require an employee to pay any costs or fees associated with obtaining medical or other verification of eligibility for use of sick leave.

(c) No employer shall require an employee to provide confidential information, including the nature of an illness, its prognosis, treatment, or other related information, nor shall any employer require any details or information regarding leave taken pursuant to Section 196-b(4)(a)(iii) of the Labor Law (otherwise known as safe leave). An employer may not require that the attestation explain the nature of the illness or details related to domestic violence, sexual offense, family offense, human trafficking, or stalking that necessitates the use of safe leave.

(d) Except where prohibited by law, an employer may request documentation from an employee confirming their eligibility to take sick leave under Section 196-b of the Labor Law where the employee uses leave for three or more consecutive and previously scheduled workdays or shifts. An employer cannot require an employee or the person providing documentation, including medical professionals, to disclose the reason for leave, except as required by law. Requests for documentation shall be limited to the following:

(1) An attestation from a licensed medical provider supporting the existence of a need for sick leave, the amount of leave needed, and a date that the employee may return to work, or

(2) An attestation from an employee of their eligibility to leave.

Section 196-1.4 Employee Counts

(a) For the purposes of Section 196-b, the number of employees employed by an employer during a calendar year shall be determined by counting the highest total number of employees concurrently employed at any point during the calendar year to date.

(1) For employers that increase the number of employees during a calendar year above any threshold contained in Section 196-b(1):

(i) The accrual of additional required leave up to the entitlement amount in Section 196-b(1) shall be prospective from the date of such increase and shall not entitle employees to reimbursement for previously used unpaid leave or to use more than the maximum amount of leave set by the employer in accordance with Section 196-b(6).

(ii) Prior accruals of used and unused paid leave and used unpaid leave in a calendar year may be credited by an employer toward any increased paid leave obligations under Section 196-b. Employers may not credit any prior accrual of unused unpaid leave toward any paid leave obligations.

(iii) Employees shall retain all existing accruals of paid and unpaid leave notwithstanding an increase in the number of employees during a calendar year.

(2) Reductions in the number of employees working for an employer shall not reduce employee leave entitlements under Section 196-b until the following calendar year.

(b) Employees on paid or unpaid leave, including sick leave, leaves of absence, disciplinary suspension, or any other type of temporary absence, are counted as long as the employer has a reasonable expectation that the employee will later return to active employment. If there is no employment relationship (as when an employee is laid off or terminated, whether temporarily or permanently), such individual is not counted.

(c) Part-time employees are considered to be employed each working day of the calendar week.

(d) Employees jointly employed by more than one employer must be counted by each employer, whether or not they are on the employer's payroll records, for the purposes of determining each employer's leave obligation under Section 196-b.

Section 196-1.5 Accruals

(a) Employee accruals of leave must account for all time worked, regardless of whether time worked is less than a 30-hour increment.

(b) For the purposes of calculating accruals for time worked in increments of less than 30 hours, employers may round accrued leave to the nearest 5 minutes, or to the nearest one-tenth or quarter of an hour, provided that it will not result, over a period of time, in a failure to provide the proper accrual of leave to employees for all the time they have actually worked.

Text of proposed rule and any required statements and analyses may be obtained from: Michael Paglialonga, NYS Department of Labor, State Office Campus Building 12, Room 509, Albany, NY 12240, (518) 485-2191, email: comments@labor.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 60 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory Authority: The statutory authority for the promulgation of this rule is based on the Commissioner's general rulemaking authority under Labor Law § 21(11), the rulemaking authority granted by Labor Law § 199, and the explicit authority granted to the Commissioner to adopt regulations and issue guidance for sick leave by Labor Law 196-b(13).

2. Legislative Objectives: The Legislature, in adopting Section 196-b, sought to establish sick leave requirements protecting private sector workers in New York State. These protections are essential to maintain healthy workplaces throughout the State by empowering workers to take paid or unpaid leave time when they are sick or to obtain services in connection with domestic violence, a sexual offense, stalking, or human trafficking. By doing so, the Legislature made it clear that the health of New York's workers and workplaces is critical to the wellbeing of the State during both calm and turbulent times. The Legislature sought to provide clarity as to the requirements of Section 196-b by empowering the Department of Labor to adopt regulations and to issue guidance, and requiring the Department to engage in a public awareness outreach campaign.

3. Needs and Benefits: As part of the Fiscal Year 2021 Budget (Laws of 2020, Ch. 56, Part J), Section 196-b was adopted providing sick leave for employees in New York State. Employees will receive an amount of sick leave depending on the size of their employer: Employers with 100 or more employees must provide up to 56 hours of paid sick leave per calendar year; employers with 5 to 99 employees must provide up to 40 hours of paid sick leave per calendar year; employers with 4 or fewer employees and net income of greater than $1 million in the previous tax year are required to provide up to 40 hours of paid sick leave per calendar year; and employers with 4 or fewer employees and net income of $1 million or less in the previous tax year are required to provide up to 40 hours of unpaid sick leave per calendar year. This rule is required to implement the public policy objectives that the Legislature sought to advance by enacting a statutory scheme that empowers the Commissioner to administratively promulgate regulations to carry out the Article 6 and Section 196-b.

The purpose of this rule is to provide clarity to the sick leave requirements set forth in Section 196-b by providing definitions for terms contained in Section 196-b, setting forth rules for what documentation employers may require of employees in relation to such leave, providing parameters for employers to 'count' their employees for the purposes of determining leave accrual entitlements, and clarifying how time is accrued where work is performed in intervals other than precise 30 hour units. By defining these terms and setting forth clear rules for employers to follow, the regulated community will be better situated to comply.

Definitions: The Legislature, in adopting Section 196-b, used a number of terms that are not defined for the purposes. The present rule proposes relevant and appropriate definitions used in other areas of New York Law to provide consistency with such laws and best effectuate the purposes Section 196-b as follows: the terms "Human Trafficking," "Sexual Offense," and "Stalking" are defined by references to the New York Penal Law; the term "Net Income" is defined by reference to the definition of

"Entire Net Income" Section 208(9) of the New York Tax Law; the term "Mental Illness" is defined by reference to the definition of "Mental Illness" in the New York Mental Hygiene Law; the term "Family Offense" is defined by reference to the offenses listed in Section 812(1) of the New York Family Court Act; the term "Domestic Partner" is based upon Section 2961(6-a) of the New York Public Health Law; and the terms "confidential information," "preventative medical care," and "workdays" are defined by the rule in a manner consistent with the plain meaning of such terms.

Documentation: While Section 196-b prohibits employers from requiring that employees disclose confidential information or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of providing leave under that Section, it is otherwise silent on what documentation, if any, employers can require for using such leave. In order to protect employees' ability to use such leave and employers' legitimate needs for information to support granting leave requests, the proposed rule prohibits unduly burdensome documentation requests (for leave lasting less than three consecutive workdays), documentation requests that require the payment of fees for medical exams in violation of Section 201-b, and requests for confidential information as explicitly prohibited by Section 196-b(5)(a), while permitting employers to require attestations from employees or a licensed medical providers as to an employees' eligibility for sick leave. Employers are thus permitted to request attestations confirming eligibility for leave uses of three or more consecutive scheduled workdays or to investigate a pattern of suspected abuse of sick leave. Requests for documentation are limited to employers' legitimate purposes while seeking to prevent documentation requests being used as a mechanism to discourage the use of leave.

Employee Counts: Section 196-b sets forth leave entitlements for employees based upon the number of employees employed in each calendar year, but does not specify what an employer's count is based on. The proposed rule provides that employee counts will be based upon the highest number of employees that an employer employs at any one point in a calendar year. Under this construct, businesses are not penalized for high employee turnover or encouraged to separate employees during certain times of the year to avoid compliance with Section 196-b. Consistent with existing interpretations of provisions in Article 6, employees who are on a leave of absence while maintaining an employment relationship, part-time employees, and employees jointly employed with one or more other employer are included in such counts.

Accruals: Section 196-b provides that employees accrue sick leave at a rate of one hour for every thirty hours worked. The proposed rule clarifies that leave is accrued for all time worked, regardless of the increment, because work is rarely performed in exact thirty-hour increments. To further effectuate this, the proposed rule permits employers to round up and/or down time worked, so long as such rounding does not result in a failure to provide employees with the proper amount of accrued leave earned for all time actually worked. By requiring fairness in rounding practices, the proposed rule requires that leave be rounded both up and down in a fair way that does not result in the diminishment of an employee's leave accruals.

4. Costs: (a) Costs to regulated parties for the implementation of and continuing compliance with the rule: The proposed rule does not impose any new costs on the regulated community since, as described above, the rule provides definitions and clarity as to the existing requirements of Section 196-b. The proposed rule works to implement the statute while avoiding any costs above what the law already requires and provides clarity to the regulated community as to the requirements of the Labor Law. The proposed rule will be be beneficial to employers as it will reduce uncertainty and potential violations by providing a clear framework for compliance.

(b) Costs to agency, the state and local governments for the implementation and continuation of the rule: None.

(c) The information, including the sources of such information and the methodology upon which the cost analysis is based: The present rule does not impose any new mandate or costs; rather, it provides clarity to Section 196-b, including relevant definitions and guidance for documentation and leave accruals.

5. Local Government Mandates: None. Governmental agencies are excluded from coverage under Article 6 by Labor Law § 190(3).

6. Paperwork: There are no changes in the reporting or record-keeping requirements proposed by this rule. This rule does not impact any reporting requirements currently required in either statute or regulation. It should be noted that Section 195(4) requires that employers keep a record of the amount of sick leave provided to each employee, but this paperwork requirement is outside of the scope of this proposed rule.

7. Duplication: No relevant rules or other legal requirements of the State and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Department of Labor considered the issuance of additional guidance in lieu of the present rule, but decided that the regulated community needed the clarity provided by the proposed rule.

Definitions: The Department considered other definitional references but decided that existing definitions from New York Law would provide the most clarity and stability to the regulated community. Consideration was given to referencing and providing such definitions through guidance, only, but it was decided that the present rulemaking would provide the most clarity to the regulated community.

Documentation: Alternatives were considered which allowed employers to obtain information from employees that served the employers' legitimate purposes, without discouraging or otherwise chilling employee efforts to use leave under the Law. Such alternatives including different minimum time periods of leave ranging from 1 to 5 days. The Department decided that permitting requests for leave of 3 or more days was appropriate as it preserved employers' ability to confirm eligibility for leave.

Employee Counts: The Department considered including all employees who worked for an employer at any point in the year. Such alternative was found to inflate the number of employees an employer employs based simply on turnover, not the size of the business, and was not proposed since it conflicted with the Legislature's intention to base applicability of Section 196-b on the size of the employer.

Accruals: The Department considered addressing rounding through guidance but determined that the clarify of a regulation was preferable. No significant alternatives were considered to this part of the rule set forth in the present rulemaking, as it is based on rounding rules used by both the State and federal Departments of Labor in enforcing wage and hour standards making compliance consistent with other areas of the Labor Law.

9. Federal Standards: There are no minimum standards of the federal government for this or a similar subject area.

10. Compliance Schedule: The regulated community will be required to comply with this regulation on and after January 1, 2021, when Section 196-b takes full effect.

Regulatory Flexibility Analysis

1. Effect of rule:

The proposed rule provides definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law. The proposed rule defines terms used by the Legislature in Section 196-b, sets forth rules for what documentation employers may require of employees in relation to such leave, provides parameters for employers to 'count' their employees for the purposes of determining leave accrual entitlements, and clarifies how leave time is accrued. In enacting Section 196-b of the Labor Law, the Legislature took into consideration small businesses and exempted businesses with 4 or fewer employees and less than one million dollars in net annual income from providing paid sick leave, permitting required sick leave to be unpaid. In so doing, the Legislature limited the effect on small businesses and the present proposed rule does not change those thresholds. By defining these terms and setting forth rules for employers to follow, the regulated community, including small businesses, will be better situated to comply.

Local governments, as they are not covered by Section 196-b, will not be directly impacted by the proposed rule.

2. Compliance requirements:

There are no changes in the reporting or record-keeping requirements proposed by this rule. This rule does not impact any reporting requirements currently required in either statute or regulation. It should be noted that Section 195(4) of the Labor Law requires that employers keep a record of the amount of sick leave provided to each employee, but this paperwork requirement is outside of the scope of this proposed rule.

3. Professional services:

No professional services would be required to comply with this rule.

4. Compliance costs:

This proposed rule does not impose any additional compliance costs separate and apart from the costs already associated with Section 196-b of the Labor Law. The proposed rule works to implement the statute while avoiding any costs above what the law requires, and merely provides clarity to the regulated community as to the requirements of Section 196-b of the Labor Law. In so doing, the proposed rule will be beneficial to employers as it will reduce uncertainty and potential violations by providing a clear framework for compliance.

5. Economic and technological feasibility:

Compliance with this proposed rule will be economically and technologically feasible because this proposed rule simply provides clarity to the regulated community as to the requirements of Section 196-b of the Labor Law.

6. Minimizing adverse impact:

The proposed rule was written to provide a framework and clarity to implement Section 196-b of the Labor Law, as well as to avoid adverse impact on employers (including small businesses) and employees. The Legislature sought to reduce the impact on small businesses by adopting

increasing leave requirements for employees in Section 196-b based upon the number of employees and, with small businesses, the income of the employer.

7. Small business and local government participation:

Small businesses and local governments may submit public comments during the public comment period. The Department, as part of its implementation of Section 196-b of the Labor Law, will conduct a public awareness outreach campaign that will include information disseminated to the regulated community, including small businesses. The Department will seek to leverage relationships with associations and groups that represent employers, including groups which focus on small employers, in carrying out its public awareness outreach campaign.

8. For rules that either establish or modify a violation or penalties associated with a violation:

Not applicable.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

Not applicable.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed rule provides definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law. The proposed rule defines terms used by the Legislature in Section 196-b, sets forth rules for what documentation employers may require of employees in relation to such leave, provides parameters for employers to 'count' their employees for the purposes of determining leave accrual entitlements, and clarifies how leave time is accrued. Like Section 196-b of the Labor Law, the proposed rule applies uniformly across the entirety of New York State, including all rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services:

There are no changes in the reporting or record-keeping requirements proposed by this rule. This rule does not impact any reporting requirements currently required in either statute or regulation. It should be noted that Section 195(4) of the Labor Law requires that employers keep a record of the amount of sick leave provided to each employee, but this paperwork requirement is outside of the scope of this proposed rule.

3. Costs:

This proposed rule does not impose any additional compliance costs separate and apart from the costs already associated with Section 196-b of the Labor Law. The proposed rule works to implement the statute while avoiding any costs above what the law requires, and merely provides clarity to the regulated community as to the requirements of Section 196-b of the Labor Law. In so doing, the proposed rule will be beneficial to employers as it will reduce uncertainty and potential violations by providing a clear framework for compliance.

4. Minimizing adverse impact:

The proposed rule was written to provide clarity to implement Section 196-b of the Labor Law, as well as to avoid adverse impact on employers (including small businesses) and employees. The Legislature sought to reduce the impact on small businesses by adopting increasing leave requirements for employees in Section 196-b based upon the number of employees and, with small businesses, the income of the employer.

5. Rural area participation:

Rural areas may submit public comments during the public comment period. The Department, as part of its implementation of Section 196-b of the Labor Law, will conduct a public awareness outreach campaign that will include information disseminated on a Statewide basis, including to rural areas.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

Not applicable.

Job Impact Statement

1. Nature of impact:

The proposed rule is not expected to have a negative impact on jobs in New York State and will provide for smooth implementation of Section 196-b of the Labor Law. The proposed rule provides definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law. The proposed rule defines terms used by the Legislature in Section 196-b, sets forth rules for what documentation employers may require of employees in relation to such leave, provides parameters for employers to 'count' their employees for the purposes of determining leave accrual entitlements, and clarifies how leave time is accrued. In enacting Section 196-b of the Labor Law, the Legislature took into consideration small businesses and exempted businesses with 4 or fewer employees and less than one million dollars in net annual income from providing paid sick leave, permitting sick leave required under that Section to be unpaid. In so doing, the Legislature limited the effect on small businesses and the present proposed rule does not change those thresholds. By defining these terms and setting forth rules for employers to follow, the regulated community, including small businesses, will be better situated to comply.

2. Categories and numbers affected:

All New York State private employers will be affected by Section 196-b of the Labor Law, and the proposed rule is adopted to provide clarity as part of the implementation of that Section. The proposed rule does not change or increase any impact from Section 196-b, and employers will benefit from this proposed rule as it promotes a healthy and productive workplace by allowing employees to take leave when they are sick.

3. Regions of adverse impact:

These regulations are not anticipated to have a disproportionate impact upon any area of the State.

4. Minimizing adverse impact:

The proposed rule is not expected to have a substantial impact on jobs or on employment opportunities. The proposed rule was written to provide clarity to implement Section 196-b of the Labor Law, as well as to avoid adverse impact on employers (including small businesses) and employees. The Legislature sought to reduce the impact on small businesses by adopting increasing leave requirements for employees in Section 196-b based upon the number of employees and, with small businesses, the income of the employer.

5. Self-employment opportunities:

Not applicable.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

Not applicable.

Office of Mental Health

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Office of Mental Health publishes a new notice of proposed rule making in the NYS *Register.*

Limits on Executive Compensation

I.D. No.	Proposed	Expiration Date
OMH-47-19-00001-P	November 20, 2019	November 19, 2020

Office of Parks, Recreation and Historic Preservation

NOTICE OF ADOPTION

Listing of State Parks, Parkways, Recreation Facilities and Historic Sites (Facilities) New York City

I.D. No. PKR-29-20-00001-A

Filing No. 756

Filing Date: 2020-11-18

Effective Date: 2020-12-09

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 384.11(a) of Title 9 NYCRR.

Statutory authority: Parks, Recreation and Historic Preservation Law, sections 3.09(8) and 13.03

Subject: Listing of state parks, parkways, recreation facilities and historic sites (facilities) New York City.

Purpose: Name change to Marsha P. Johnson State Park.

Text or summary was published in the July 22, 2020 issue of the Register, I.D. No. PKR-29-20-00001-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kathleen L. Martens, Office of Parks, Recreation and Historic Preservation, 625 Broadway, Albany, NY 12238, (518) 486-2921, email: Kathleen.Martens@parks.ny.gov

Assessment of Public Comment

The agency received no public comment.