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July 13, 2015

Department of Consumer Affairs
Commissioner Julie Menin
42 Broadway, 11th Floor
New York, New York 10004

Dear Commissioner Menin:

I am writing in regards to your interpretation of the Earned Sick Time Act. Since it took effect last year, the Act has made great strides in ensuring that New Yorkers no longer have to choose between their health and their employment. It has done so without negatively impacting small businesses, labor force participation, or prices for locally-produced goods and services. That's no small feat, and I commend the Department for its leadership in showing how we can create a balance between the needs of workers and the needs of employers.

We face, however, a public health crisis - one which most people, unless they are directly affected, are simply not aware of. New York ranks 50th out of 50 states nationwide in percent of residents who are registered organ donors. Only 24% of New Yorkers are registered organ donors compared to 50% of residents nationwide. Ten thousand people statewide are awaiting organ transplants, and some transplant recipients are forced to endure waits of up to five years for an organ. Every 18 hours, someone in New York State dies waiting for an organ. It is evident that more needs to be done to remove any barriers that might be in place that prevent people from becoming living organ donors.

One way to mitigate this public health crisis is to encourage more people to become living organ donors by ensuring that anyone can do so without the possibility of losing pay. I have a bill currently before the City Council, Intro. 797, that would amend the Earned Sick Time Act to provide workers with job protection if they chose to become living organ donors. Under this amendment, the Department of Consumer Affairs would implement this policy.

While drafting this legislation, however, it came to my attention that the Department may already interpret the Act to include organ donation as a covered activity even if it is not explicitly stated in the statute. If that were the case, I will gladly defer to the Department's interpretation of the statute as written. What is the Department's opinion about whether organ donation is covered under the Earned Sick Time Act? Your input on my legislation would be greatly appreciated. I hope to work with you to find a solution to this critical public health issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Costa Constantinides', with a long horizontal flourish extending to the right.

Costa Constantinides
Council Member, 22nd District

CC/ss, nw