

# **Everyone Gets Sick. Not Everyone Has Time To Get Better.**

## **A Briefing Book on Establishing a National Paid Sick Days Standard**

Released: April 26, 2010



*In October, I got very sick with diverticulitis. My doctor put me on bedrest for two weeks. While I was out, my boss hounded me to come back, but I was way too sick. I told him I would be back as soon as I could. I was not receiving sick pay at all.*

*When I did go back to work early, he fired me and told me he needed someone he could count on. I worked for this man for two years. I was shocked. Sometimes things happen and you get sick. How are you to foresee these things?*

— Heather, Cedar Crest, New Mexico

## **Everyone Gets Sick. Not Everyone Has Time To Get Better.**

Nearly two in five private-sector workers (39 percent) don't have a single paid sick day to recover from common, short-term illnesses.

Our nation's failure to establish a basic paid sick days workplace standard has never been so apparent and it's costing workers, families and the overall public health.

When government officials advised us to stay home and keep our children at home during the 2009 H1N1 "swine" flu pandemic, millions of workers without paid sick days didn't have that option—they risked losing critical income and even their job. In this economy, those risks came at too high a cost. As a result, our health was jeopardized.

Whether it's the H1N1 flu, or a *norovirus* stomach-flu outbreak, working people shouldn't be forced to choose between being responsible employees and conscientious community members. **A national workplace standard of paid sick days would allow workers to be both.**

San Francisco, Washington, DC, and Milwaukee have already passed laws guaranteeing paid sick days to workers in their cities. However, illness—and especially pandemics like the H1N1 flu—doesn't have geographic boundaries. **We need a national paid sick days standard to protect all working people.**

The Healthy Families Act (H.R. 2460/S. 1152) would enable workers to earn up to seven paid sick days a year to recover from short-term illness, to care for a sick family member and to seek routine medical care.

**Join us in supporting a national paid sick days standard.**

*I had to work while having bouts of awful bronchitis and walking pneumonia. I got no time off at all even when I was in severe pain, coughing up phlegm or vomiting. Instead I had to act like I wasn't sick, and keep up the same standards and smiling face....*

*I couldn't take unpaid days off from work because I couldn't afford to do that. I needed the money to pay for things like rent and food. When my quality of work suffered substantially from having to go to work while so sick, I was fired from my job because according to my then-supervisor, I did not create a happy environment for the customers.*

— Noel, Bellingham, Washington

## Overview

### When Workers Don't Have Paid Sick Days, Contagious Illnesses Spread Through Our Workplaces, Schools and Communities.

#### *Example One: A Flu Pandemic*

- Almost 26 million employed people age 18 and older may have been infected with H1N1 flu virus during the peak months of the pandemic, September through November 2009.
- Government officials urged all workers to stay home from work if they had symptoms, and to keep sick children home from school. But this wasn't an option for millions of workers. Without job-protected paid sick days, heeding the government's advice cost these workers their paycheck and their job security.
- During the height of the H1N1 pandemic, workers with lower rates of access to paid sick days were far more likely than those with higher rates of access to paid sick days to go to work sick and, as a result, the pandemic lasted longer in their workplaces. Overall, 8 million workers went to work sick between September and November 2009 and may have infected up to 7 million of their co-workers.<sup>1</sup>
- Economic pressures and anxiety surely affected workers' decisions to go to work ill. When asked what problems they would encounter if they had to stay home for seven to 10 days (the standard course of the H1N1 virus), 44 percent of workers surveyed answered that they or a household member would "lose pay and have money problems."<sup>2</sup>

#### *Example Two: A Stomach Virus Outbreak*

- When a worker at a Chipotle restaurant in Kent, Ohio had no choice but to come to work sick with the *norovirus*, over 500 people became violently ill. The outbreak cost the Kent community between \$130,000 and \$300,000.<sup>3</sup>
- While the Kent Chipotle example is one of the most researched outbreaks in recent years, it is not an isolated incident. Each year, there are approximately 76 million cases of foodborne illness nationwide.<sup>4</sup>
- The Food and Drug Administration guidelines recommend that workers with *norovirus*-related illnesses work on a restricted basis until 24 hours after symptoms subside.<sup>5</sup> Since most food service establishments don't offer paid sick time, workers are forced to work sick or take unpaid leave.
- Workers who have jobs requiring frequent contact with the public and our food are the least likely to have job-protected paid time off. Three in four food service workers lack access to even a single paid sick day.<sup>6</sup>

<sup>1</sup> Institute for Women's Policy Research, *Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic*, Feb. 2010, [www.iwpr.org/pdf/B284sickatwork.pdf](http://www.iwpr.org/pdf/B284sickatwork.pdf).

<sup>2</sup> Joint Economic Committee of the U.S. Congress, *Expanding Access to Paid Sick Leave: The Impact of the Healthy Families Act on America's Workers*, March 2010, [http://jec.senate.gov/public/index.cfm?a=Files.Serve&File\\_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6](http://jec.senate.gov/public/index.cfm?a=Files.Serve&File_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6).

<sup>3</sup> Policy Matters Ohio, *Outbreak in Ohio: Cost of the 2008 Norovirus Incident in Kent*, [www.policymattersohio.org/outbreakinohio2008.htm](http://www.policymattersohio.org/outbreakinohio2008.htm).

<sup>4</sup> Centers for Disease Control and Prevention, *Foodborne Illness*, [www.cdc.gov/ncidod/dbmd/diseaseinfo/foodborneinfections\\_g.htm](http://www.cdc.gov/ncidod/dbmd/diseaseinfo/foodborneinfections_g.htm).

<sup>5</sup> Supplement to the 2009 FDA Food Code, [www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/FoodCode2009/ucm189171.htm](http://www.fda.gov/Food/FoodSafety/RetailFoodProtection/FoodCode/FoodCode2009/ucm189171.htm).

<sup>6</sup> Joint Economic Committee of the U.S. Congress, *Expanding Access to Paid Sick Leave: The Impact of the Healthy Families Act on America's Workers*, March 2010, [http://jec.senate.gov/public/index.cfm?a=Files.Serve&File\\_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6](http://jec.senate.gov/public/index.cfm?a=Files.Serve&File_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6).

## Without a Basic Workplace Standard of Paid Sick Days, Our Nation's Workers Can't Afford To Stay Home Sick.

- In this economic climate, no one should face the awful choice between caring for their health or keeping their paychecks or jobs. But millions of working people must decide between the two every time they are faced with even the most common illness or when a family member gets sick.
- Only one in three low-wage workers has paid sick days, which means that they are particularly vulnerable to facing economic hardship when illness strikes.<sup>7</sup>
- One in six workers report that they or a family member have been fired, disciplined, written up or threatened with being fired for taking time off due to illness or to care for a sick relative.<sup>8</sup>
- The Family and Medical Leave Act (FMLA) does not guarantee workers paid sick days—and neither do any state laws. A national standard guaranteeing workers the ability to earn paid, job-protected sick days would help ensure that workers don't have to choose between their health and their economic security.

## Without a Paid Sick Days Standard, Public Policies Fail to Account for the Responsibilities of Millions of Working Caregivers.

- Children get well faster when a parent cares for them, but in today's world, two-thirds of children live in homes where both parents or single parents work.<sup>9</sup>
- Yet 53 percent of working mothers and 48 percent of working fathers don't have paid sick days to care for an ill child.<sup>10</sup> As a result, children are forced to go to school sick.
- Millions of working people provide care for ill and aging family members and need time away from work to do so. A third of workers, both women and men, report they have cared for an older relative in the past year.<sup>11</sup> And 44 million adults over age 18 provide support to older people and adults with disabilities who live in their communities.<sup>12</sup>
- A paid sick days standard would allow caregivers to be responsible on the job—and at home.

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<sup>7</sup> Joint Economic Committee of the U.S. Congress, *Expanding Access to Paid Sick Leave: The Impact of the Healthy Families Act on America's Workers*, March 2010, [http://jec.senate.gov/public/index.cfm?a=Files.Serve&File\\_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6](http://jec.senate.gov/public/index.cfm?a=Files.Serve&File_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6) (data reported is among workers in the lowest wage quartile – those earning \$10.50 per hour or less).

<sup>8</sup> National Opinion Research Center at the University of Chicago for the Public Welfare Foundation, *Paid Sick Days: A basic labor standard for the 21<sup>st</sup> century* August 2009, [www.norc.org/NR/rdonlyres/D1391669-A1EA-4CF4-9B36-5FB1C1B595AA/0/PaidSickDaysReport.pdf](http://www.norc.org/NR/rdonlyres/D1391669-A1EA-4CF4-9B36-5FB1C1B595AA/0/PaidSickDaysReport.pdf).

<sup>9</sup> Bureau of Labor Statistics Current Population Survey Estimate, Table 4. Families with own children: Employment status of parents by age of youngest child and family type, 2007-08 annual averages (2008 data), [www.bls.gov/news.release/famee.t04.htm](http://www.bls.gov/news.release/famee.t04.htm) (NPWF calculation).

<sup>10</sup> Institute for Women's Policy Research, *Women and Paid Sick Days: Crucial for Family Well-Being*, Feb. 2007, [www.iwpr.org/pdf/B254\\_paid sick days FS.pdf](http://www.iwpr.org/pdf/B254_paid sick days FS.pdf).

<sup>11</sup> Families and Work Institute, *Highlights of the 2002 National Study of the Changing Workforce*, 2002.

<sup>12</sup> Family Caregiver's Alliance, *Caregiving and Retirement: What Happens to Family Caregivers Who Leave the Workforce*, 2003.

# Making the Case for Passing A Paid Sick Days Standard Now

## The 2009 H1N1 “Swine” Flu Pandemic Taught Us a Valuable Lesson.

- **President Obama and other high-ranking government officials asked sick workers to stay home and keep sick children home from school to prevent the spread of the H1N1 virus.**
  - Commerce Secretary Gary Locke: “If an employee stays home sick, it's not only the best thing for that employee's health, but also his co-workers and the productivity of the company.”<sup>13</sup>
  - Health and Human Services Secretary Kathleen Sebelius: “One of the most important things that employers can do is to make sure their human resources and leave policies are flexible and follow public health guidance.”<sup>14</sup>
  - The CDC (Centers for Disease Control and Prevention) recommendations: “People with influenza-like illness [must] remain at home until at least 24 hours after they are free of fever...without the use of fever-reducing medications.”<sup>15</sup>
  - CDC Director Dr. Thomas Frieden: Schools will need to rely on parents to keep children at home if they are feverish.<sup>16</sup>
- **This was excellent advice, but for a large share of the 40 million people who lack paid sick days, this advice was too hard to swallow.** Particularly in the middle of the Great Recession, workers were simply unwilling to risk their paychecks and their jobs despite concerns about their own health and the public's health.
- **As a result, between September and November 2009—the peak of the H1N1 pandemic—approximately eight million workers did not take any time off from work while infected.** Workers who were on the job while infected with the H1N1 virus are estimated to have infected as many as seven million co-workers.<sup>17</sup>

## Paid Sick Days Are Vital To Families' Economic Security in Hard Times

- **Millions of working families in the U.S. are under tremendous financial pressures as a result of this recession.** Nearly 10 percent of the workforce is unemployed, and many more workers are facing underemployment. The unemployment rate is even higher for Hispanic and African-American workers.<sup>18</sup> And, in this poor job market—where employers may not hesitate to fire a “problem” worker and unemployment may mean months of searching for new work—workers can't afford to risk the jobs they do have.

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<sup>13</sup> Associated Press, “Government enlists employers' help to contain flu,” Aug. 19, 2009.

<sup>14</sup> HHS News Release, Aug. 19, 2009, [www.hhs.gov/news/press/2009pres/08/20090819a.html](http://www.hhs.gov/news/press/2009pres/08/20090819a.html).

<sup>15</sup> CDC, *Amount of Time Persons with Influenza-Like Illness Should be Away*, [www.cdc.gov/h1n1flu/guidance/exclusion.htm](http://www.cdc.gov/h1n1flu/guidance/exclusion.htm).

<sup>16</sup> Maryn McKenna, “CDC Advises Against School Closings During H1N1 Outbreaks,” CIDRAP News, Aug. 7, 2009 (citing CDC Director Dr. Thomas Frieden), [www.cidrap.umn.edu/cidrap/content/influenza/swineflu/news/aug0709schools3.html](http://www.cidrap.umn.edu/cidrap/content/influenza/swineflu/news/aug0709schools3.html).

<sup>17</sup> Institute for Women's Policy Research, *Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic*, Feb. 2010, [www.iwpr.org/pdf/B284sickatwork.pdf](http://www.iwpr.org/pdf/B284sickatwork.pdf).

<sup>18</sup> Bureau of Labor Statistics, *Employment Situation Summary*, March 2010, [www.bls.gov/news.release/archives/empsit\\_04022010.pdf](http://www.bls.gov/news.release/archives/empsit_04022010.pdf). As of March 2010, the unemployment rate was 12.6 percent for Hispanic workers and 16.5 percent for African-American workers.

- Family budgets are stretched so thin that just having to take one day—or even half a day—away from work without pay to recover from the flu or to take a sick child to the doctor can lead to financial disaster. Workers without paid sick days risk losing their jobs whenever they take time off to address medical needs. A minimum standard of paid sick days would prevent working families from falling further down an economic rabbit hole.

## **A Paid Sick Days Standard Would Level the Playing Field for Employers Who Choose To Do the Right Thing for Their Workers and the Public.**

- Research confirms what responsible employers already know: when businesses take care of their workers, they are better able to retain them—and reap the benefits of a committed, productive workforce.
- Establishing a federal minimum standard of seven paid sick days would level the playing field for businesses that are already doing the right thing and offering paid sick days to their workers by eliminating the perceived economic disadvantage of providing paid sick days.
- Employers would be free to go above the standard to address particular needs of their workers. Indeed, many employers already offer more than seven paid sick days to their employees: private-sector employees whose employers already offer paid sick days have access to an average of eight days per year after one year on the job; workers in larger companies have an average of 11 paid sick days per year.<sup>19</sup>

### **Human Resource Professionals Agree: Paid Sick Days are Important**

According to the Society for Human Resource Management (SHRM), which represents human resource professionals at America's largest companies:

"HR people are all about having an active and productive workforce. Our members are very clear that providing paid time off ... is an important part of an employee's total compensation." (SHRM chief operating officer, China Miner Gorman at a Congressional hearing, 6/11/09)

According to SHRM's 2008 Employee Benefits Survey, 74 percent of their members offer paid sick leave and 60 percent of SHRM members report offering a paid time off plan in 2008, combining sick, vacation and personal days.

(Source: *Workforce Management*, June 11, 2009,  
[www.workforce.com/section/00/article/26/48/55hp](http://www.workforce.com/section/00/article/26/48/55hp).)

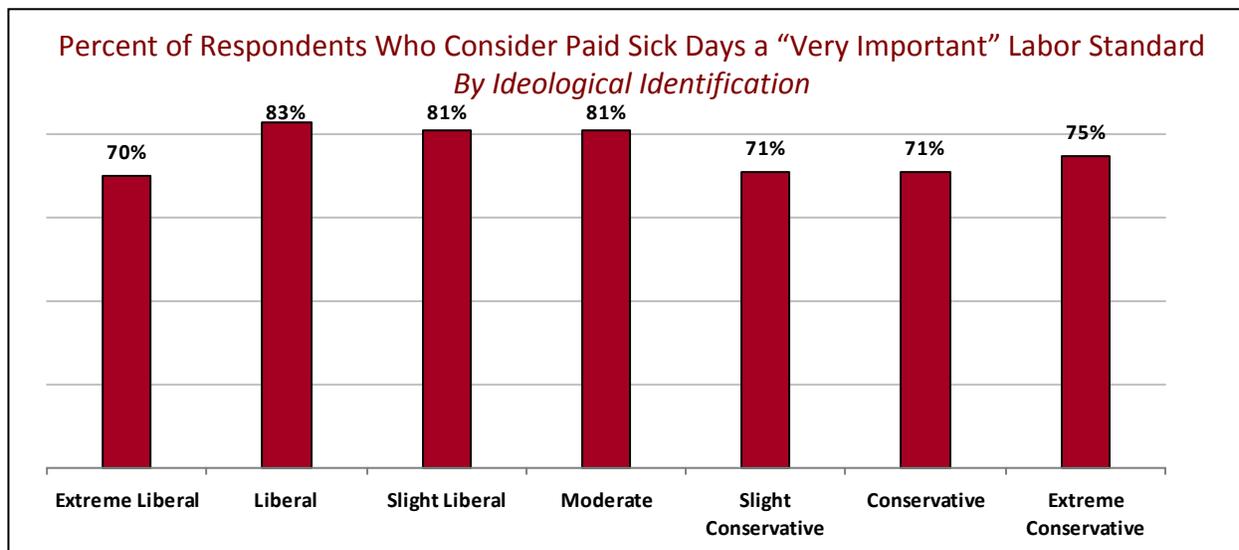
<sup>19</sup> Bureau of Labor Statistics, *Program Perspectives on Paid Sick Leave: Paid Sick Leave in the United States*, March 2010, [www.bls.gov/opub/perspectives/program\\_perspectives\\_vol2\\_issue2.pdf](http://www.bls.gov/opub/perspectives/program_perspectives_vol2_issue2.pdf) (reporting 2009 National Compensation Survey data).

# The Public Strongly Supports Paid Sick Days

More than three-quarters of workers polled said having paid sick days was “very important,” according to a 2008 survey conducted by the National Opinion Research Center at the University of Chicago.<sup>20</sup>

- **Workers support a law ensuring paid sick days.** Having paid sick days was seen as “very important” by 77 percent of those surveyed and 86 percent thought that employers should be required by law to provide them.
- **A standard of paid sick days is comparable to other basic labor standards.** Respondents ranked paid sick days on par with a minimum wage, overtime pay, and family and medical leave as standards to protect workers’ rights. At least 80 percent rated paid sick days highly as a basic worker’s right and a basic workplace standard.
- **Workers face discipline on the job when they need time off due to illness.** One in six respondents said that they or a family member had been fired, suspended, punished or threatened with being fired for taking time off due to personal illness or to care for a sick child or relative.
- **Workers without paid sick days are significantly more likely to go to work contagious.** Two in three workers (68 percent) without paid sick days reported going to work with the flu or other contagious illness, compared to 53 percent of workers with paid sick days.
- **Workers favor elected officials who support a basic standard of paid sick days.** Forty-six percent of respondents said they are *more* likely to vote for a candidate who supports paid sick days, while only 10 percent would be *less* likely to do so.

## Support for paid sick days crosses demographic and ideological lines



<sup>20</sup> National Opinion Research Center at the University of Chicago for the Public Welfare Foundation, *Paid Sick Days: A basic labor standard for the 21<sup>st</sup> century* August 2008, [www.norc.org/NR/rdonlyres/D1391669-A1EA-4CF4-9B36-5FB1C1B595AA/0/PaidSickDaysReport.pdf](http://www.norc.org/NR/rdonlyres/D1391669-A1EA-4CF4-9B36-5FB1C1B595AA/0/PaidSickDaysReport.pdf). The study is a telephone sample of 1,493 adults living in U.S. households, conducted in English and Spanish from June 27 – July 27, 2008.

# Busting the Myths About Paid Sick Days

***Myth #1: A basic workplace standard of paid sick days isn't needed. Workers can rely on voluntary employer policies that address their needs.***

Currently, no federal law guarantees paid sick days, and working families must rely on voluntary workplace policies. Consequently, nearly 40 percent of private-sector workers lack even a single paid sick day.<sup>21</sup> And the disparity between the lowest and highest wage workers is striking: While 84 percent of workers in the highest tenth of private sector wage earners have access to paid sick days, only 21 percent of workers in the lowest tenth of wage earners do.<sup>22</sup>

Two in five low-income working parents (41 percent), with household incomes below twice the poverty level, do not have any paid time off at all: no paid sick time, no paid vacation and no paid personal days.<sup>23</sup> As a result, working people are forced to choose between taking care of their own health or a sick child or family member, and losing their pay—or even losing their job. An ordinary illness like the flu can have devastating economic consequences for a struggling family. Clearly, reliance on voluntary benefits is not enough.

***Myth #2: A paid sick days standard is a "job killer"—it would force employers to cut wages or workers.***

A paid sick days policy can be implemented without negative impacts for businesses or workers. While a paid sick days law would impose modest costs, it is also likely to help business by reducing turnover and improving worker productivity.

The success of San Francisco's law proves that a paid sick days policy is not a "job killer." Employment remains stronger in San Francisco, the first city in the country to implement a paid sick days law in 2007, than in neighboring counties without such a law. Total employment in the five neighboring counties fell by 5.2 percent between December 2006, immediately before the paid sick leave law went into effect, and December 2009. Total employment in San Francisco fell by only 3 percent during that period, even in the midst of the recession. In addition, San Francisco experienced stronger employment growth than neighboring counties in the industries that are most affected by a paid sick days law: leisure and hospitality, and accommodation and food services.<sup>24</sup>

Responsible employers already know that offering paid sick days makes business sense: when companies respond to the needs of working families, workers are committed and productive, and workplaces stay healthy. According to Jennifer Owens of Working Mother Media, an expert on best workplace practices, nearly nine in ten employers on *Working Mother* magazine's 100 Best Companies

**SAS, the largest privately-held software company in the world,** with roughly \$2 billion in revenues and approximately 5,000 employees in the U.S., offers *unlimited paid sick days to their workforce.*

**The company believes that employee satisfaction drives their profitability.** SAS's employee turnover rate is a low four percent, compared to a national average of around 20 percent. The "savings in reduced employee turnover, recruitment, and retention costs has been estimated to be on the magnitude of \$60 to \$80 million annually."

(Source: Testimony of Laura Kellison Wallace, Manager of the SAS Work/Life and EAP Programs, before the Joint Economic Committee, 6/14/2007)

<sup>21</sup> Joint Economic Committee of the U.S. Congress, *Expanding Access to Paid Sick Leave: The Impact of the Healthy Families Act on America's Workers*, March 2010, [http://jec.senate.gov/public/index.cfm?a=Files.Serve&File\\_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6](http://jec.senate.gov/public/index.cfm?a=Files.Serve&File_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6).

<sup>22</sup> Bureau of Labor Statistics, Current Population Survey, News Release: Employee Benefits in the United States, Table 6: Selected Paid Leave Benefits: Access, March 2009, [www.bls.gov/news.release/pdf/eps2.pdf](http://www.bls.gov/news.release/pdf/eps2.pdf).

<sup>23</sup> Urban Institute, *Getting Time Off: Access to Leave among Working Parents*, April 2004, [www.urban.org/url.cfm?ID=310977](http://www.urban.org/url.cfm?ID=310977).

<sup>24</sup> Drum Major Institute for Public Policy, *Paid Sick Leave Does Not Harm Employment*, March 2010, [www.drummajorinstitute.org/pdfs/Paid%20Sick%20Leave%20Does%20Not%20Harm%20Employment.pdf](http://www.drummajorinstitute.org/pdfs/Paid%20Sick%20Leave%20Does%20Not%20Harm%20Employment.pdf).

list offer paid sick time to their employees. Furthermore, Working Mother Media supports the Healthy Families Act as an employer with its own staff. According to Ms. Owens, Working Mother Media advocates for the legislation “because it fits snugly with our mission to celebrate the companies that support working families, both at work and home.”<sup>25</sup>

***Myth #3: Setting a standard of paid sick days make businesses less flexible. In other words, a “one-size-fits-all policy” is bad for business.***

It’s clear that workers need paid sick days—and the public overwhelmingly supports workers having access to paid sick days. But businesses aren’t addressing this need. A paid sick days standard will simply create a floor—a minimum number of paid sick days that workers may earn. Employers are free to go beyond this floor to create policies that further meet the needs of their workforce. A minimum labor standard of paid sick days would ensure businesses are addressing workers’ basic needs. A labor standard of paid sick days would also level the playing field for businesses that already offer paid sick days to their workers.

According to Donna Levitt, Manager of San Francisco’s Office of Labor Standards Enforcement:

**“I am not aware of any employers in San Francisco who have reduced staff or made any other significant changes in their business as a result of the sick leave ordinance.**

**While San Francisco, like every community, has suffered in the current recession, to my knowledge no employers have cited the sick leave requirement as a reason for closing or reducing their business operations in the city.”**

(Source: Statement by Donna Levitt to the House Subcommittee on Workforce Protections, 6/25/2009.)

***Myth #4: Small businesses will go out of business with a paid sick days law.***

When businesses do not offer sick employees the ability to stay home, businesses face higher turnover, and must spend more on hiring and training new workers. They also risk spreading illness to other workers and the public. Without paid sick days, workers have no choice but to go to work sick, risking widespread infection among coworkers and customers, which could have disastrous consequences on a business. The total employer savings from the reduced spread of contagion and reduced turnover for all wage and salary workers is \$4.21 per week.<sup>26</sup>

***Myth #5: Restaurants have small profit margins and large labor forces. They can’t afford to offer paid sick days.***

While there are some costs to employers offering paid sick days, the *costs of not doing so* are even greater. Without paid sick days, one worker with no choice but to come in to work sick could have disastrous consequences. A single foodborne outbreak could cost a

restaurant up to \$75,000 in direct costs, including clean-up, re-staffing, restocking, settlements and regulatory sanctions. The cost of an outbreak rises dramatically if it involves death or serious illness. The indirect costs of a foodborne illness outbreak for a chain restaurant—including negative public opinion, which affects other operations in a metropolitan area—can be up to \$7 million.<sup>27</sup> And, of course, the costs to the American public of such an outbreak—including lost work costs and medical and hospitalization bills—are tremendous.

<sup>25</sup> Remarks by Jennifer Owens, Senior Director, Editorial Research and Initiatives, Working Mother Media, at the Congressional Briefing on Paid Sick Days and Healthy Families Act, Mar. 2, 2010.

<sup>26</sup>Institute for Women’s Policy Research, *Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act*, April 2005, [www.iwpr.org/pdf/B248.pdf](http://www.iwpr.org/pdf/B248.pdf).

<sup>27</sup> Norman G. Marriott, *Principles of Food Sanitation*, 1999.

**Myth #6: Jobs will be outsourced if a paid sick days law is passed.**

The majority of workers who would benefit most from paid sick days are in jobs that are the *least likely* to be outsourced because they involve direct contact with customers. For example, three in four food service and hotel workers (73 percent) don't have a single paid sick day to use when they are ill. Majorities of child care and personal care workers also lack paid sick days.<sup>28</sup>

**Myth #7: Workers with access to paid sick days will abuse the policy.**

The evidence shows that workers with paid sick days take only one additional day off per year on average compared to workers without paid sick days. Workers with access to paid sick days take 3.9 days per year for their own illnesses and 1.3 days to care for other family members. Workers without access to paid sick days take on average 3.0 days off for sickness per year.<sup>29</sup> Among workers covered by a paid sick days policy already, half do not use any of their paid sick days.<sup>30</sup>

**Myth #8: Workers don't need paid sick days. They can just use paid vacation days or flex-time.**

Most workers who lack paid sick days also lack paid vacation days. In fact, many workers who don't have paid sick days don't have any paid time off at all—no paid sick vacation or personal days.<sup>31</sup> Two in five working parents (41 percent) with household incomes below twice the federal poverty level do not have paid time off of *any* kind.<sup>32</sup> In addition, many vacation policies require requesting time off in advance, on a schedule that works for the employer. But medical needs don't arise on a predictable schedule.

Flexible scheduling does not meet the same needs as paid sick days. Many workers who would benefit from a paid sick days standard work on strict schedules with set hours that may be determined solely by their employers and on short notice. These workers are very unlikely to be given the option of flexible working schedules. In most cases, flex-time does not give workers the option to choose their work hours. When workers' schedules are at the discretion of their employers, they don't have the guarantee that they will have time off when they need it most—when they are sick or when they must care for an ill family member.

**Cargo Coffee and Ground Zero coffee shops in Madison, Wisc. offer paid sick days to all their 24 employees.** Since these small establishments began offering paid sick days, productivity has increased among staff, while the spread of illness among employees has decreased. Containing the spread of disease is critical in the restaurant industry.

Lindsey Lee, the owner of the coffee shops, believes that his "business would benefit from a national standard of paid sick days because it would level the playing field among competitors who don't currently offer paid sick days to their employees."

<sup>28</sup> Joint Economic Committee of the U.S. Congress, *Expanding Access to Paid Sick Leave: The Impact of the Healthy Families Act on America's Workers*, March 2010, [http://jec.senate.gov/public/index.cfm?a=Files.Serve&File\\_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6](http://jec.senate.gov/public/index.cfm?a=Files.Serve&File_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6).

<sup>29</sup> Institute for Women's Policy Research analysis of the 2004 National Health Interview Survey.

<sup>30</sup> Heidi Hartmann, Institute for Women's Policy Research, Testimony before the Senate Health, Education, Labor and Pensions Committee, Feb. 13, 2007.

<sup>31</sup> Institute for Women's Policy Research, *No Time to be Sick*, 2004, [www.iwpr.org/pdf/B242.pdf](http://www.iwpr.org/pdf/B242.pdf).

<sup>32</sup> Urban Institute, *Getting Time Off: Access to Leave among Working Parents*, April 2004, [www.urban.org/url.cfm?ID=310977](http://www.urban.org/url.cfm?ID=310977).

# About the Healthy Families Act (HR 2460/S 1152)

The Healthy Families Act establishes a basic workplace standard of paid sick days so that workers aren't forced to risk their jobs or paychecks to care for their health.

## The Goals of the Healthy Families Act

- ✓ Establishes a minimum labor standard that allows workers to earn up to seven days per year of paid, job-protected time off to recover from illness, to care for a sick family member, or to seek preventative health care.
- ✓ Ensures that working families don't have to risk their financial security to do what is right for their own health and the wellbeing of their workplaces, schools and communities.
- ✓ Protects the public health by allowing ill people an alternative to going to work or school sick, and avoiding the further spread of illness.
- ✓ Enables victims of domestic violence, stalking and sexual assault to take paid, job-protected time off to recover from incidents and seek assistance from the police or court.
- ✓ Allows people to take time off to care for ill parents and elderly relatives, or to attend diagnostic or routine medical appointments, without risking their paychecks or jobs.

“Every worker should have paid sick days—it is a matter of right and wrong. Being a working parent should not mean choosing between your job, taking care of yourself, and taking care of your family.”

— *Congresswoman Rosa L. DeLauro*

## The Impact of the Healthy Families Act on America's Working Families

- ✓ An additional 30 million workers would have access to paid sick time.
- ✓ Ninety percent of all workers would have the right to earn paid sick days—a significant increase from the 61 percent that currently have access to paid sick time.
- ✓ The most vulnerable workers would gain access to paid sick time, including:
  - 15 million additional low-wage workers;
  - 13 million additional women workers;
  - 4 million additional African American workers;
  - 6 million additional food-service workers; and
  - 6 million additional Latino workers.<sup>33</sup>

<sup>33</sup> Joint Economic Committee of the U.S. Congress, *Expanding Access to Paid Sick Leave: The Impact of the Healthy Families Act on America's Workers*, March 2010, [http://jec.senate.gov/public/index.cfm?a=Files.Serve&File\\_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6](http://jec.senate.gov/public/index.cfm?a=Files.Serve&File_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6).

## Healthy Families Act Details

- **Number of sick days:** Up to seven job-protected paid sick days each year.
- **Simplified method by which paid sick days are accrued for both employers and employees.** Workers will earn a minimum of one hour of paid sick time for every 30 hours worked, up to 56 working hours (seven days) per year, although the employer could elect to set a higher limit.
- **Usage:** Can be used to recover from a worker's own illness, to seek preventive care or to care for a sick family member. **Domestic violence provision** allows workers to use paid sick time to recover from or seek assistance related to an incident of domestic violence, stalking or sexual assault.
- **Employer coverage:** Employers with fewer than 15 workers are *exempt*.
- **Employer certification:** Employer may require certification if the employee uses more than three paid sick days in a row. For victims of domestic violence, the certification may be from a law enforcement officer or victims' advocate.
- **Existing employer policies:** Employers with existing paid sick days policies that meet the minimums set in the Healthy Families Act (for time, types of use and method of use) are not affected.

## Recent Legislative Action

- Introduced in the House by Rep. Rosa DeLauro and in the Senate by Senators Edward Kennedy and Chris Dodd in May 2009.
- House Education and Labor Committee's Workforce Protections Subcommittee hearing on the Healthy Families Act on June 11, 2009.<sup>34</sup>
- Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Children and Families, hearing, "The Cost of Being Sick: H1N1 and Paid Sick Days," on Nov. 10, 2009.<sup>35</sup>
- House Education and Labor Committee hearing, "Protecting Employees, Employers and the Public: H1N1 and Sick Leave Policies," on Nov. 17, 2009.<sup>36</sup>

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<sup>34</sup> Workforce Protections Subcommittee Hearing, June 11, 2009. Video at <http://edlabor.house.gov/hearings/workforce-protections/>; Chairwoman Woolsey Statement at Subcommittee Hearing on H.R. 2339, the Family Income to Respond to Significant Transitions Act, and H.R. 2460, the Healthy Families Act <http://edlabor.house.gov/documents/111/pdf/statements/20090611WoolseyHearingStatement.pdf>.

<sup>35</sup> Senate Health, Education, Labor and Pensions Committee, Subcommittee on Children and Families, <http://help.senate.gov/hearings/hearing/?id=1f121bab-cb54-30f1-261b-8d8a35de9ddc>.

<sup>36</sup> House Education and Labor Committee, <http://edlabor.house.gov/hearings/full-committee/>.

## Commonly-Asked Questions about the Healthy Families Act

### ***Why does the Healthy Families Act only cover businesses with 15 or more employees?***

We hope that creating a new labor standard will encourage businesses of all sizes to offer paid sick days and that states and cities will still continue to pass laws that cover smaller businesses. At a minimum, however, the 15-worker threshold would cover 90 percent of private sector workers while respecting the special needs of smaller “mom and pop” shops.

Research shows that as the smallest of businesses grow and reach a 15-worker threshold, they begin to seek assistance from human resource managers or employment lawyers. At this size, businesses must understand and comply with the requirements of the ADA and Title VII. They are also required to display state and federal posters that inform workers about workplace discrimination. By adopting this 15-worker threshold, the Healthy Families Act ensures that its compliance standards are in line with other federal laws.

Of course, the Healthy Families Act is only intended to set a federal floor. States and localities are free to enact laws with lower or higher size thresholds.

### ***Why does the Healthy Families Act set seven paid sick days as the floor?***

The Healthy Families Act establishes a standard of seven days—significantly lower than what employers are already offering to half the workforce in the private sector and what the federal government offers to its full-time workforce—to set a minimum standard for paid sick days. Much like the minimum wage, the Healthy Families Act is intended to set a floor for the number of paid sick days.

Many employers already offer more than seven paid sick days to their employees: private-sector employees whose employers already offer paid sick days have access to an average of eight days per year after one year on the job; workers in larger companies have an average of 11 paid sick days per year.<sup>37</sup> Organizations with policies that provided a set number of paid sick days offered employees an average of 10 days of sick time per year, according to a survey of human resource professionals by the Society for Human Resource Management.<sup>38</sup> Many federal agency employees can earn up to 13 paid sick days a year.<sup>39</sup>

### ***Wouldn't a paid sick days law would be too complex and place an unfair burden on employers, especially those who would have to rewrite their Paid Time Off (PTO) policies?***

Employers who offer PTO plans that allow employees to use PTO days in the same method and for the same purposes as the paid time off offered by the Healthy Families Act will not be required to change their policies. The Healthy Families Act is aimed to address the needs of workers who have no paid sick days.

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<sup>37</sup> Bureau of Labor Statistics, *Program Perspectives on Paid Sick Leave: Paid Sick Leave in the United States* (reporting 2009 National Compensation Survey data), March 2010, [www.bls.gov/opub/perspectives/program\\_perspectives\\_vol2\\_issue2.pdf](http://www.bls.gov/opub/perspectives/program_perspectives_vol2_issue2.pdf).

<sup>38</sup> Society for Human Resource Management, *Examining Paid Leave in the Workplace*, Oct. 2008, [www.shrm.org/Research/SurveyFindings/Articles/Documents/09-0228\\_Paid\\_Leave\\_SR\\_FNL.pdf](http://www.shrm.org/Research/SurveyFindings/Articles/Documents/09-0228_Paid_Leave_SR_FNL.pdf).

<sup>39</sup> United States Federal Government, USA Jobs website, [www.usajobs.gov/ei61.asp](http://www.usajobs.gov/ei61.asp).

### ***How does the Healthy Families Act's paid sick days standard compare with other countries?***

The U.S. lags behind other countries in paid sick day standards. Globally, 145 countries provide paid time off for short- or long-term illnesses, with 127 providing a week or more annually. More than 79 countries provide time off for illness for at least 26 weeks or until recovery. Additionally, 37 nations provide some type of paid time off for working parents when their child is ill.<sup>40</sup>

### ***How much would a paid sick days standard cost an employer under the Healthy Families Act?***

Studies have shown that both employers and workers would benefit significantly from the savings associated with the Healthy Families Act. That said, there are modest costs associated with offering paid sick days to workers. According to a cost-benefit analysis of the Healthy Families Act by the Institute for Women's Policy Research, it would cost employers \$3.04 per worker per week for all wage and salary workers. This is far outweighed by the benefits. The total savings for employers alone for all wage and salary workers is \$4.21 per week. The costs and benefits to employers are higher if calculated for only workers covered by the HFA: the per-worker per week cost of \$5.98 is significantly less than the savings of \$8.38 per worker per week.<sup>41</sup>

In addition, providing paid sick days to workers could result in health care cost savings for employers. Health care costs will decline because workers will be able to use the paid sick days to take care of their own health and the health of family members without being penalized by a cut in pay. Workers would be more likely to access preventive care for themselves and family members, including regular physicals, vaccinations and screenings for diseases such as cancer, diabetes and heart disease. This could lead to reduced health care costs in the long run, and even a reduction in employer-paid insurance premiums.

### ***What type of certification is required from workers who need to take paid sick or safe days?***

An employer may ask for, but is not required to collect, certification from workers who take paid sick and safe time for more than three consecutive work days. For workers taking sick time, the certification must come from a health care provider. For workers needing paid safe time, certification may be a police report, court order or evidence from the court or prosecuting attorney, or other documentation signed by a victim services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor or a member of the clergy.

This provision is reasonable for employers because it balances the need for certification, which would alleviate employer concerns of abuse, against the desire to not overburden human resource professionals with unnecessary paperwork or accounting tasks, which may occur with a more frequent certification provision. The provision is also reasonable for workers; for low-wage workers, a more frequent certification requirement would create a barrier to taking a paid sick day because, for many, the cost of a doctor's visit would present a financial hardship.

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<sup>40</sup> Jody Heymann, The Institute for Health and Social Policy at McGill University, *The Work, Family, and Equity Index, How Does the United States Measure Up?*, 2007, [www.mcgill.ca/files/ihsp/WFEI2007FEB.pdf](http://www.mcgill.ca/files/ihsp/WFEI2007FEB.pdf).

<sup>41</sup> Institute for Women's Policy Research, *Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act*, April 2005, [www.iwpr.org/pdf/B248.pdf](http://www.iwpr.org/pdf/B248.pdf).

## Who Supports a National Paid Sick Days Standard?

A broad-based coalition of women's, civil rights, health, children's, faith-based and labor organizations supports the Healthy Families Act.

9to5, National Association of Working Women	Disciples Justice Action Network
A Better Balance	Drum Major Institute for Public Policy
AFL-CIO	Evangelical Lutheran Church in America
American Association of University Women (AAUW)	Families USA
American Civil Liberties Union	Family Values @ Work: A Multi-State Consortium
American Federation of Government Employees	Friends Committee on National Legislation
American Federation of State, County, and Municipal Employees (AFSCME)	Half in Ten: The Campaign to Cut Poverty in Half in Ten Years
American Federation of Teachers	Human Impact Partners
American Friends Service Committee	Human Rights Watch
American Public Health Association	Idaho Women's Network
American Rights at Work	Interfaith Worker Justice
Americans for Democratic Action, Inc.	International Association of Machinists and Aerospace Workers (IAMAW)
Apostolic Catholic Church	International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW)
Asian American Justice Center	Jewish Labor Committee
Association of Community Organizations for Reform Now (ACORN)	Jewish Women International
Association of Flight Attendants—CWA	Labor Council for Latin American Advancement (LCLAA)
Bazon Center for Mental Health Law	Labor Project for Working Families
Business and Professional Women's Foundation	Leadership Conference on Civil Rights
Center for American Progress	Legal Momentum
Center for Community Change	NAACP
Center for Law and Social Policy (CLASP)	National Association of Child Care Resource and Referral Agencies (NACCRRA)
Church Women United	National Association of Social Workers
Coalition of Labor Union Women (CLUW)	National Center on Caregiving, Family Caregiver Alliance
Coalition on Human Needs	National Partnership for Women & Families
Communication Workers of America (CWA)	Maternity Care Coalition
Community of Christ, Ecumenical and Interfaith Ministries	
Demos: A Network for Ideas & Action	

Mennonite Central Committee U.S. Washington Office	Pride At Work, AFL-CIO
MomsRising	Progressive States Network
Ms. Foundation for Women	Restaurant Opportunities Centers United
Muslim American Society Freedom	Sargent Shriver National Center on Poverty Law
National Association of Commissions for Women	Service Employees International Union
National Association of Mothers' Centers (NAMC)	The National Advocacy Center of the Sisters of the Good Shepherd
National Association of School Nurses	The National Council of the Churches of Christ in the USA
National Council of Jewish Women	Trust for America's Health
National Council of Women's Organizations (NCWO)	United Church of Christ, Justice and Witness Ministries
National Education Association	United for a Fair Economy
National Employment Law Project	United Food and Commercial Workers International Union
National Latina Institute for Reproductive Health	United Methodist Church – General Board of Church and Society
National Organization for Women (NOW)	United Steelworkers (USW)
National Women's Law Center	Uri L'Tzedek: Orthodox Social Justice
NETWORK: A National Catholic Social Justice Lobby	Voices for America's Children
Office and Professional Employees International Union (OPEIU)	We Are Family
OWL - The Voice of Midlife and Older Women	Women Employed
Presbyterian Church (U.S.A.) Washington Office	Wider Opportunities for Women
	Women's Research & Education Institute (WREI)

## **Newspapers that Have Endorsed Paid Sick Days Policies**

Boston Globe  
 Brattleboro Reformer  
 El Diario La Prensa New York  
 New York Times  
 Philadelphia Daily News  
 Portland Press Herald

## Local Successes

**It's clear that a national paid sick days movement has emerged—there are now two dozen state and local paid sick days bills or campaigns across the country. And three communities have led the way by signing paid sick days into law.**

### San Francisco

In November 2006, the voters of San Francisco passed a ballot initiative which made their city the first jurisdiction in the country to guarantee paid sick days to all workers. The measure received overwhelming support, winning 61 percent of the vote.<sup>42</sup> Under San Francisco's law, workers earn one hour of paid sick time for every 30 hours worked. Workers in businesses with 10 or fewer employees may earn up to five days per year, while workers at larger businesses earn up to nine days per year. Workers may use paid sick time to recover from illness, attend doctor visits, or care for a sick child, partner or designated loved one.<sup>43</sup>

### Washington, DC

In March 2008, the Washington, DC City Council unanimously passed legislation guaranteeing workers paid sick time. Under the Accrued Sick and Safe Leave Act, workers in businesses with 100 or more workers earn up to seven days of paid sick leave each year; workers in businesses with 25 – 99 workers earn five days; and workers in businesses with 24 or fewer workers earn three days. This paid time off can be used to recover from illnesses, care for sick family members, seek routine or preventive medical care, or obtain assistance related to domestic violence or sexual assault. Amendments—including exemptions for some restaurant workers, as well as workers in the first year of their jobs—reduced some of the bill's intended effect, but more than 100,000 workers who did not previously have paid sick time now have it, including many low-wage workers.<sup>44</sup> The DC law is also the first in the U.S. to include paid "safe" days for victims of domestic violence, sexual assault or stalking.

### Milwaukee

In November 2008, voters in Milwaukee, Wisconsin, passed a measure with 69 percent of the vote, guaranteeing paid sick and "safe" days for all workers in the city. The ordinance has been challenged in the state courts and has not yet gone into effect. If court challenges are resolved in the measure's favor, the ordinance will allow workers to earn one hour of paid sick time for every 30 hours worked, up to nine days a year. Workers in businesses with fewer than 10 employees would accrue time off at a rate of one hour for every 50 hours worked, up to five days a year. Workers will be able to use the time for their own illness, family illness, medical appointments or any absence necessary due to domestic violence, sexual assault or stalking.<sup>45</sup>

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<sup>42</sup> Steven Greenhouse, "With the Democratic Congress, Groups Gear Up for Fight Over Paid Sick Days," *New York Times*, Dec. 5, 2006, [www.nytimes.com/2006/12/05/washington/05labor.html?fta=y](http://www.nytimes.com/2006/12/05/washington/05labor.html?fta=y).

<sup>43</sup> San Francisco Office of Labor Standards Enforcement, Announcement, [www.sfgov.org/site/olse\\_index.asp?id=49389](http://www.sfgov.org/site/olse_index.asp?id=49389).

<sup>44</sup> Nikita Stewart, "Council Approves Sick Leave In District: Bill Will Mandate Paid Job Absences," *Washington Post*, Mar. 5, 2008, [www.washingtonpost.com/wp-dyn/content/article/2008/03/04/AR2008030402873.html](http://www.washingtonpost.com/wp-dyn/content/article/2008/03/04/AR2008030402873.html).

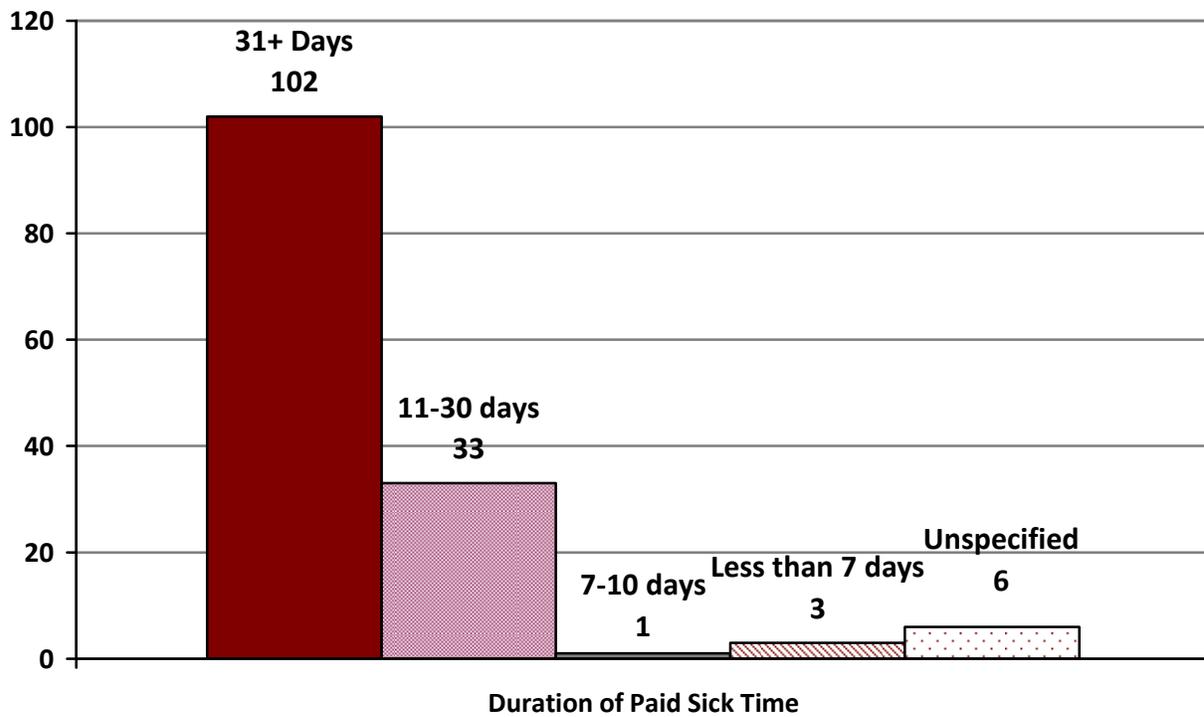
<sup>45</sup> 9to5, National Association of Working Women, Milwaukee website, [www.9to5.org/local/mwk](http://www.9to5.org/local/mwk).

# How the U.S. Compares Globally

At least 145 countries provide paid sick days for short- or long-term illnesses, with 127 providing one week or more annually. One hundred and two countries guarantee one month or more of paid sick days.

Many high-income economies require employers to provide upwards of ten paid sick days, including Japan, Germany, the Netherlands, Switzerland, Sweden, Denmark, Finland and Singapore.<sup>46</sup>

## Number of Countries Offering Paid Sick Time



<sup>46</sup> Jody Heymann, The Institute for Health and Social Policy at McGill University, *The Work, Family, and Equity Index, How Does the United States Measure Up?*, 2007, [www.mcgill.ca/files/ihsp/WFEI2007FEB.pdf](http://www.mcgill.ca/files/ihsp/WFEI2007FEB.pdf).



*I work hard, both because I love my job and have a responsibility to support my family. Without paid sick days, I would lose my needed income for my family. Everyone gets sick—sometimes I do and sometimes my daughter does.*

*Everyone deserves the time to get better and take care of their families. Plus, my coworkers don't need to be exposed to my sick germs! Would you?*

*Members of Congress get paid sick days—and they should enable all of us to get paid sick days too!*

— Becky, Washington, DC