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BOROUGH PRESIDENT

**Testimony of
Manhattan Borough President Scott M. Stringer**

Before the New York City Council Committee on Civil Service and Labor

Hearing on Intro.1059 – 2009: A Local Law to amend the administrative code of the city of New York, in relation to the provision of paid sick time earned by employees.

November 17, 2009

Good afternoon. I'd like to thank you, the Members of the City Council's Committee on Civil Service and Labor, for holding this hearing on the important matter of paid sick leave.

I'm here today to voice my support for this measure, because working New Yorkers should not be put in the position of having to choose between a paycheck, and putting their health at risk.

Never has the importance of dealing with this problem been clearer than it is today. City officials and health experts are doing everything they can to get parents to keep their sick children at home for fear of spreading the H1N1 virus. Yet for too many New Yorkers, caring for themselves or for their sick children is simply not an option. For a worker without paid sick leave, staying home means loss of pay and sometimes even loss of a job.

A long-term study by the Community Service Society determined that approximately 1.7 million workers in New York City receive no paid leave sick leave. Not surprisingly, the burden of balancing home and work without paid leave does not fall equally across the workforce. To take just one example, 72 percent of low-income Latino workers in our city make due without a paid sick day.

We have heard, and we will hear again today, from passionate opponents of this legislation who say that it imposes too large a burden on businesses.

Concerns from small and large businesses about government mandates must always be seriously weighed when a new program is being launched, especially during difficult economic times like the one we are living through. New York City's economy must keep growing and diversifying.

But it is equally important, in evaluating the legislation before this committee, that we accurately assess the costs it would impose.

According to the Institute for Women's Policy Research, for large businesses the per worker cost of providing paid sick leave will be \$7.94 a week, or 23 cents an hour. For small businesses, the per worker cost will be an average of \$5.37 a week, or about 15 cents per hour.

My office has explored ways in which our City and State can make paid sick leave and paid family leave an affordable option for workers, their families, and employers. We hosted focus groups on the need for this benefit, and the obstacles that prevent employers from offering it.

Our report, called "*A WORKING BALANCE*," found that paid sick leave provides real benefits to business owners of all sizes.

Employers providing paid sick leave acknowledged that it reduces turnover by creating a more loyal and stable workforce. That translates directly to a more profitable bottom line.

San Francisco and Washington D.C. each have enacted laws requiring paid sick leave for workers and their families. An initial examination of San Francisco's employment rate in the year following implementation showed that the city "maintained a competitive job growth rate."

For New York City to maintain the nation's best work force and a competitive economy, we must never lag behind the standards set by our competitors. If we fail, New York risks losing the working people who have built this City and continue to make it run.

Paid sick leave is an economic issue, one that affects the future and vitality of our great city. But more importantly, it is a human issue.

For 1.7 million people who come to work in New York City but cannot take a paid sick day, this is landmark legislation. We must not look working New Yorkers in the eye and tell them that their health and the health of their families are unaffordable luxuries. Let's pass this bill.

Testimony of the Drum Major Institute for Public Policy
Before The New York City Council Committee on Civil Service and Labor
Regarding Intro 1059: The Earned Paid Sick Time Act

November 17, 2009

Good Afternoon. My name is Amy Traub, I am the Research Director for the Drum Major Institute for Public Policy (DMI), a non-partisan, multi-issue think tank here in New York City.

Thank you to the Committee on Civil Service and Labor for this opportunity to speak about Intro 1059, the Earned Paid Sick Time Act. I see a lot of people here who can address the human side of this policy and its tremendous implications for public health. And so my message here today is that earned paid sick time is not a pie-in-the-sky idea – it’s a proven policy with a real track record in San Francisco. We don’t have to wonder: what will happen to happen to employment if we pass this? What will happen to small businesses? We can look at what happened when they implemented the same policy in San Francisco.

The results show that employment was not harmed. Businesses, including the smallest companies, report very few problems. The San Francisco Chamber of Commerce and the Golden Gate Restaurant Association raised the alarm about paid sick days before the policy was passed, but once it was in place and the implementation issues were worked out the San Francisco Chamber of Commerce said that they “really had not heard about it being a major issue for a lot of businesses.”¹ That’s a quote from the Wall Street Journal. The Urban Institute conducted a broad survey of San Francisco businesses and came to the same conclusion.²

San Francisco’s law was passed by ballot initiative in November 2006 and implemented in 2007. The city delayed implementation so that they could help businesses figure out how to track paid sick time and the hours accrued. It was a brand new policy in this country, and those technical issues had to be worked out. I think we can benefit from their experience.

In the year after paid sick days went into effect in San Francisco, job growth remained strong relative to the surrounding counties that lacked similar legislation.³ In fact, employment in the restaurant and hospitality industries -- those were the industries most affected by the law – grew even faster than it did the year before. This is consistent with international research, a comparative study done by the Center for Economic and Policy Research, indicating that paid sick days do not increase unemployment.⁴ It’s

¹ Kelly Spors. “Should Employers Be Required to Give Paid Sick Days?” Wall Street Journal Blogs. August 25, 2008.

² Shelley Waters Boots, Karin Martinson, and Anna Danziger, “Employers’ Perspectives on San Francisco’s Paid Sick Leave Policy,” Urban Institute, March 2009.

³ Vicky Lovell and Kevin Miller, “Job Growth Strong with Paid Sick Days,” Institute for Women’s Policy Research, October 2009. See also the underlying data from the State of California Employment Development Department.

⁴ John Schmitt, Hye Jin Rho, Alison Earle, and Jody Heymann, “Paid Sick Days Don’t Cause Unemployment,” Center for Economic and Policy Research, June 2009.

no surprise that the Golden Gate Restaurant Association, which had opposed the law, described it to USA Today as “successful.”⁵

The Institute for Women’s Policy Research has found that New York’s paid sick days law will cost employers just 21 cents per hour worked for each employee, and only 15 cents per hour for small businesses.⁶ These estimates include the benefits to companies in terms of improved employee retention, increased productivity from a healthier workforce, and reduced spread of disease on the job. When those benefits to business were quantified in San Francisco, researchers projected that companies would save more than \$41 million a year from reduced turnover, \$2.4 million from not paying sick workers for unproductive time on the job, and \$1 million from reducing the spread of infectious disease in the workplace. That’s before the H1N1 pandemic arose – now I imagine it is even more valuable to avoid workforce contagion.

Other business concerns have been extensively addressed in both the San Francisco and New York legislation. The bill includes provisions ensuring that employees don’t misuse their sick time, even though the best research indicates that employee abuse is rare. In fact, half of all workers who currently have paid sick time do not take any days off for illness in a given year.⁷ Under this bill, employers that already offer equivalent paid time off or vacation time don’t need to change their policies. In San Francisco, one common employer response was to begin offering paid time off that combined sick time and vacation time.⁸

One lesson from San Francisco is that this is a law that really levels the playing field.⁹ Companies want to provide paid sick days to their employees, but if their competitors aren’t providing that benefit, they find themselves at a disadvantage. This law enables employers to do the right thing.

The biggest challenge they’ve had in San Francisco was making employees aware of the right to paid sick days and enforcing the law so that employees are able to take the time off they have earned.¹⁰ We’ll have to think carefully about that in New York.

Earned Paid Sick Days should be a national policy. Nearly every country in the world already guarantees paid time off work for illness to employees, and the U.S. is a disappointing exception. It’s encouraging that the Obama Administration has signaled its support for the Healthy Families Act, a paid sick bill currently before Congress. But Congress moves very slowly, and in the meantime, this is a successful policy at the municipal level. New York City can help its own sick residents and help build momentum to move the entire country forward by passing this legislation.

⁵ Stephen Singer, “States push law to require paid sick days,” USA Today, August 20, 2008.

⁶ “New York City’s Proposed Paid Sick Days Law: Good Health for Less than 25 Cents per Hour,” Institute for Women’s Policy Research, September 2009.

⁷ Kevin Miller and Claudia Williams, “Valuing Good Health in New Hampshire: The Costs and Benefits of Paid Sick Days,” Institute for Women’s Policy Research, October 2009.

⁸ Urban Institute, 2009.

⁹ “Marketplace of Ideas: Sara Flocks on Guaranteeing Paid Sick Leave,” Drum Major Institute for Public Policy, May 28, 2008.

¹⁰ Alexa Delwiche, “Implementation Status of Paid Sick Leave Ordinance,” City and County of San Francisco Board of Supervisors, Office of the Legislative Assistant. Board of Supervisors File Number 018-09. August 2009.



Testimony to the New York City Council – New Yorkers Need Paid Sick Days

David R. Jones
President and Chief Executive Officer
Community Service Society

Good afternoon. Thank you for the opportunity to testify today. CSS fully supports Intro 1059, which would provide paid sick leave to New York City workers. We believe that this is an economic competitiveness issue, a public health issue, and a moral issue. We commend Council Member Brewer for her leadership, and we encourage the City Council to pass and the Mayor to sign this critical piece of legislation.

In collaboration with A Better Balance, The Community Service Society (CSS) recently released *“Sick in the City: What the Lack of Paid Sick Leave Means for Working New Yorkers.”* **We found that at least 1.3 million New Yorkers have neither paid sick leave nor paid vacation leave.** Nearly half (48 percent) of working New Yorkers in our survey report that they do not have paid sick leave. Our estimate is based on findings from CSS’s annual *The Unheard Third*, the only survey nationally to assess the political priorities and life experiences of low-income urban residents.

Income, Race, and Workforce Disparities to Paid Sick Leave

Among New Yorkers without paid sick leave, we found major disparities by income, race, employer size, and industry sector.

- Low-income workers (below 200% of the federal poverty level) are twice as likely as higher-income workers (above 400% of the federal poverty level) to report not having paid sick leave—two-thirds (66 percent) of low-income workers lack this benefit, versus 3 in 10 higher-income workers.
- Low-income Latinos fare the worst—more than 7 in 10 do not have paid sick leave. We believe this is in part because low-income Latinos are more likely than blacks and whites to be working in sectors where union density is low.
- Workers in smaller firms are less likely to have paid sick leave. For instance, nearly two thirds of workers in businesses with 10 or fewer employees *do not* receive paid sick leave—as compared to only 18 percent of workers in businesses with more than 500 employees. Businesses with

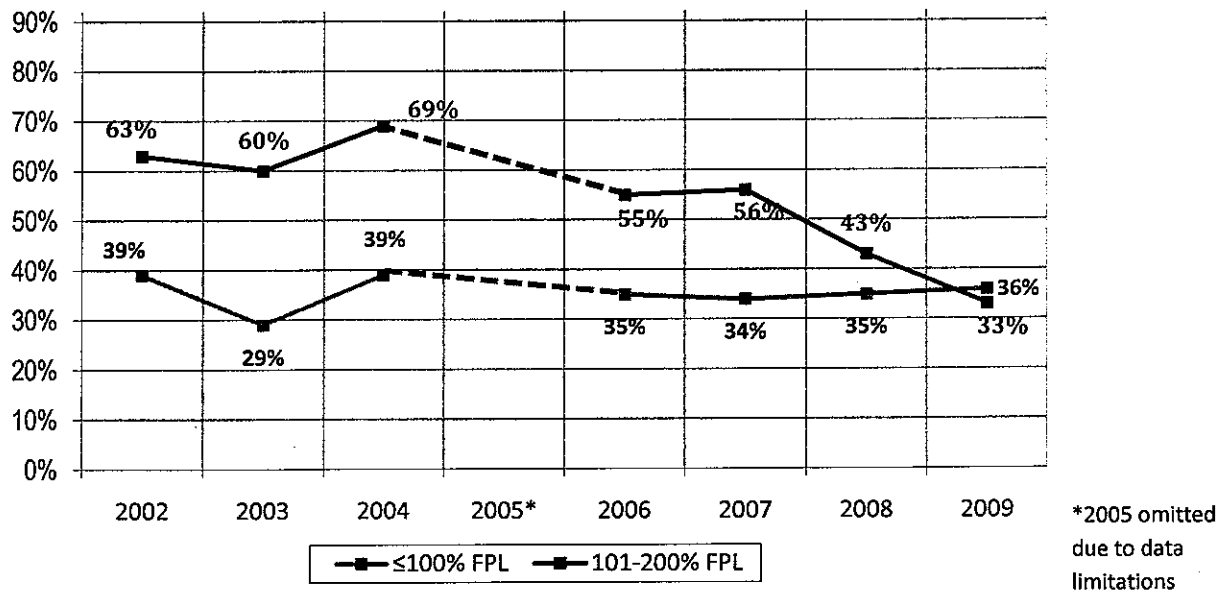
fewer than 50 employees include nearly half (49 percent) of working New Yorkers without paid sick leave.

- Disturbingly, sectors with the most contact with the public – food service, hospitality, and retail – have the lowest rates of paid sick leave.

Number of Workers without Paid Sick Leave is Increasing

The number of workers without paid sick leave has catapulted over this decade, during the last eight years we have conducted *The Unheard Third* survey. We know that the working poor – those in the lowest paid jobs – have historically had jobs with the least likelihood of offering employer sponsored benefits. Only approximately 1 in 3 workers below the poverty line has received paid sick leave throughout this decade, as the Chart below highlights. It is distressing to see that benefits for workers at the next rung up on the jobs ladder – those in households earning between 100 and 200 percent of the federal poverty level (approximately \$18,000 to \$36,000 annually for a family of three) – have declined substantially. For instance, 56 percent of these workers received paid sick leave in 2007 compared to 33 percent in 2009.

**Percent of Workers Receiving Paid Sick Leave
The Unheard Third 2002–2009**



Our Unheard Third 2009 shows that the drop in paid sick leave for the near poor is consistent with a drop in other employer-sponsored benefits for this population—health insurance for individuals, health insurance for families, and prescription drug coverage. **This drastic scaling back of employer-sponsored benefits for the near poor—who historically were more likely to receive benefits—signifies a trend of decreasing job quality for low-income New Yorkers at the same time that job loss is rampant.**

Public Health Consequences of Lack of Paid Sick Leave

As my colleagues here today will also explain, findings from *Sick in the City* provide some of the most compelling evidence to date supporting public health arguments for paid sick leave laws in New York City and around the nation. The study finds that low-income workers without paid sick leave are more likely to go to work sick, send sick children to school, be threatened by their employers, and use the emergency room for medical care than similar workers with paid sick days.

- More than 7 in 10 low-income workers without paid sick leave reported going to work sick in the last year.
- Thirty percent of low-income working parents without paid sick leave report that in the last year they sent a sick child to school or day care because they could not take time off from work.
- Low-income workers with no paid sick leave were nearly twice as likely to report that their employer threatened to fire, suspend, write up, or otherwise penalize them for wanting to take time off to recover from an illness or to care for a sick child (17 percent of workers without paid sick leave versus 9 percent of workers with paid sick leave).
- Nearly 1 in 4 low-wage workers without paid sick leave relied on high-cost hospital emergency rooms because they could not get time off from their jobs.

These data are consistent with a 2008 National Opinion Research Center, University of Chicago, study that found that 68 percent of workers without paid sick days went to work sick with a contagious illness like the flu, 13 percent were threatened with being fired or suspected if they missed work because they or a family member were sick, and 11 percent of workers lost a job for taking time off when they or a family member were sick.¹

Public Support for Paid Sick Leave

In New York City, there is strong public support across the political and income spectrum for paid sick leave. In the *Unheard Third 2007*, New Yorkers were asked which of the following two statements comes closer to their view:

- Some people say there should be a law that requires employers to give full-time workers at least seven days of paid sick leave annually so workers don't have to

¹ National Opinion Research Center, University of Chicago, "American Workers Overwhelmingly Support Paid Sick Leave, Labor Day Study Shows," available at http://news.uchicago.edu/news.php?asset_id=1433.

choose between losing their pay or going to work sick, sending sick children to school or leaving them alone.

- Other people say that in this economy, a law that requires employers to give full-time workers at least seven days of paid sick leave will open up the door for abuse by employees and will also be an unfair burden on some businesses, particularly small businesses, forcing them to cut jobs or increase prices.

Approximately three-quarters of all New Yorkers support requiring employers to give full-time workers at least seven days of paid sick leave annually. Support for paid sick leave is robust across income and political ideology. In addition, nearly 9 in 10 (88 percent) working moms support establishing a paid sick leave law. Regardless of their own personal situations, New Yorkers recognize the need for this common-sense policy.

We know that certain employer associations are opposed to this bill. However, employers in San Francisco who originally opposed their city's paid sick leave ordinance now realize that providing paid sick days helps them meet their bottom line, as workers do not come to work sick, exposing other workers (as well as customers) to illness. You will also hear today from some of the nation's top paid sick leave experts about San Francisco's experience.

In addition to economic competitiveness, we truly believe providing access to paid sick leave is a moral issue for New York City. No workers should be forced to make the terribly difficult choice between going to work sick and/or sending their children to school sick, or losing their jobs and livelihood. Unfortunately, the lowest income working New Yorkers – who are struggling to achieve and maintain self-sufficiency – are too often forced to make these choices. New York City now has a great opportunity to stand up as a national leader in providing paid sick leave, and we encourage the Council and the Mayor to do so now.

**Testimony of David Rivel
Executive Director of City Parks Foundation
Tuesday, November 17, 2009**

City Council Committee on Civil Service and Labor

Paid Sick Time Legislation

City Parks Foundation (CPF) is a non-profit organization devoted to improving neighborhood parks and providing free arts, sports, and education programs, especially in low- and moderate-income communities. We provide over 1,500 free programs in parks around the city during the summer. We are celebrating our 20th anniversary this year, and employ 75 full-time staff.

CPF currently provides 12 paid sick days per year to all full-time staff. We also offer 5 annual family/personal days, which may be used for the care of a sick relative. In addition, we provide 15 days of paid vacation (which increases to 20 days once employees enter their 5th year of service) and 12 paid holidays. Moreover, we are one of the few remaining organizations that pay 100% of the cost of health care premiums for all employees.

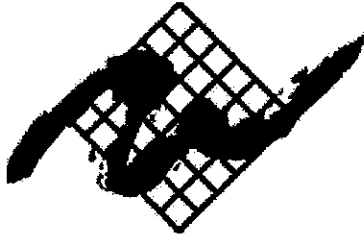
While we support the intention of Intro #1059 regarding Paid Sick Time for Employees, we have serious concerns with some of the details of the legislation.

In addition to our 75 full-time staff, we employ approximately 250 seasonal and part-time staff to implement our free programs. These seasonal and part-time workers help deliver free, regularly scheduled programs to parks. They include educators, tennis instructors, concert producers, and the myriad of other talented people required to carry out our programs.

While the absence of a full-time staff person due to a paid sick day can generally be accommodated, these seasonal and part-time staff carry out our scheduled programs and—by the very nature of their work—must always be replaced by a temporary worker. Parents, day camps, and other organizations rely on the consistent delivery of our free programs for youth and adults in their communities.

We estimate that implementing Intro #1059 as currently written will cost CPF approximately \$65,000 per year. This additional expense will inevitably result in the reduction of the free programming that we provide in parks every summer.

CPF requests that the City Council closely review the provisions of Intro #1059 as they relate to part-time and seasonal workers, especially for organizations that otherwise meet the goals set by the proposed legislation.



INSTITUTE FOR WOMEN'S POLICY RESEARCH
1707 L Street NW ♦ Suite 750 ♦ Washington, DC 20036

The Costs and Benefits of Paid Sick Days

**Testimony of Kevin Miller, Ph.D.,
Institute for Women's Policy Research**

**Before the Civil Service and Labor Committee
of the New York City Council regarding
Introduction 1059, the Paid Sick Time Act**

November 17, 2009

Chairman Nelson and members of the Committee,

Thank you for the opportunity to address the question of how a paid sick days policy would impact employers, workers, families, and the general public in New York City.

The Institute for Women's Policy Research (IWPR) has been conducting data and policy analysis and creating cost-benefit estimates regarding paid sick days for almost a decade, since the issue first drew the attention of policy makers. Our research has been presented to the U.S. Congress, state legislatures, and local governments. Our cost-benefit analyses have contributed to the adoption of paid sick days standards in San Francisco, the District of Columbia, and Milwaukee and continue to inform policy making across the country. I have been working extensively on the issue of paid sick leave since I joined the Institute full-time in July 2008 after completing my doctoral degree at Ohio State University.

The Institute has just released a report, authored by myself and IWPR analyst Claudia Williams, detailing our estimate of the costs and benefits of the paid sick days policy that the City Council of New York is currently considering. I submit our report along with my testimony. The report contains extensive detail regarding our estimate methodology and an executive summary that briefly states our findings; the report is available on the IWPR website.

Our analysis was conducted using publicly available data from the Bureau of Labor Statistics, the New York State Department of Labor, the National Health Interview Survey, and other sources detailed in our report. We estimate conservatively that 850,000 New Yorkers would receive new leave under the law, and that on average workers receiving sick days will use fewer than 3 days of sick leave per year. The average cost to New York employers of implementing the policy, per employee receiving new leave, would be about \$7.50 per week – or 21

cents per hour worked. Costs would be lower – about 15 cents per hour worked – at small businesses due to the provisions of the bill and lower average wages paid at small businesses. Citywide, this sums to about \$332 million annually due to lost productivity, additional wages and benefits, and administrative costs.

IWPR estimates that universal paid sick days will result in significant savings to employers, workers, families, and the general public. Employers are expected to see much of the cost of implementing paid sick days defrayed by a reduction in costs associated with employee turnover. Preventing workplace contagion of communicable diseases such as influenza will save employers additional millions. Contagion prevention will also save millions in health expenditures by families, insurers, and public agencies, while also improving quality of life for the residents of New York. Indirect and long-term health and economic benefits of paid sick leave policies have not been estimated by IWPR, but are likely to be substantial.

It is important to note that all of our estimates utilize and produce averages; costs and benefits experienced by individual employers may vary widely along with the individual characteristics and activities of employers.

Aside from cost, one concern about paid sick days laws is that they will motivate businesses to relocate. However, an IWPR analysis of employment in San Francisco before and after the implementation of their paid sick days ordinance found that San Francisco's job growth remained stronger than that in the surrounding counties, suggesting that the policy did not have any adverse effect on employment.

IWPR's research has repeatedly found that the monetary benefits of implementing paid sick days policies substantially defray or even outweigh the costs of implementing such policies. Benefits for which a monetary value cannot be estimated are also likely to be substantial. For more details of our methodology and findings, I refer you to IWPR's report. I welcome questions regarding the monetary costs and benefits of implementing the proposed law in New York, as well as questions about paid sick leave policies generally.

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**Testimony Before the New York City Council Committee
on Civil Service and Labor in favor of the Paid Sick Time
Act, Intro 1059**

**Submitted by Sherry Leiwant,
Executive Director**

**A Better Balance: The Work and Family Legal Center
November 17, 2009**

Thank you for the opportunity to submit testimony on this important bill introduced by Council member Gale Brewer and endorsed by 39 council members.

**A Better Balance: The Work and Family Legal Center –
Statement of Interest.** I am Sherry Leiwant, Executive Director of A Better Balance: The Work and Family Legal Center. My organization is a legal advocacy organization whose mission is to promote equality and expand choices for men and women at all income levels so they may care for their families without sacrificing their economic

security. We employ a range of legal strategies to promote flexible workplace policies, end discrimination against caregivers and value the work of caring for families.

Integral to our mission is the need for women to have time off when they need it to care for their families without risking their economic security. For the first time in our nation's history, as recently laid out in the Shriver Report, women are half of all U.S. workers and mothers are the primary breadwinners or co-breadwinners in nearly two-thirds of American families. Indeed, the most significant demographic change in labor over the last 30 years has been the increase in the participation in the labor force of mothers. Since 1975, the labor force participation of mothers of children under 18 has increased from 47% of all such mothers working to 72%. And the biggest increase was among mothers with children under the age of 3, a tremendous increase from 34% to 61%. At the same time, the poverty rate of parents with children, particularly single parents with children, has become astronomical. Single parenthood is one of the major predictors of poverty: while 12.4% of all women live in poverty, 35.5% of all single mothers live in poverty; while 8.9% of men live in poverty, 19.1% of single men with children live in poverty.

As also highlighted in the recent Shriver report, the American workplace has failed to respond to the changes in the make-up of the workforce. Low-income workers, especially single parents, are particularly affected. They are often in jobs with no benefits and no vacation or sick leave. Nationwide, 46 million workers, most in the private sector, most with lower earnings, have no paid sick leave in their jobs. In New York City, 1.3 million workers have no paid time off at all. Low-income workers face not only loss of income if their children are ill or need them, but they also often face the most dramatic of all economic sanctions – loss of their job when they need to take leave to attend to the basic needs of their family. Hardest hit are single parents, already the poorest segment of our society. Recognizing the importance of paid time off for illness and to care for family members, A Better Balance has been at the center of the campaigns

for paid sick days around the country and at the Federal level since 2006, doing the legal work necessary to craft and defend the laws guaranteeing paid sick time for all workers.

B. The San Francisco Experience. In November, 2006, San Francisco voters approved a referendum that guaranteed paid sick time to all workers in the city. The San Francisco ordinance is almost identical to Intro 1059. Changes that have been made to our bill were made to address the few issues that arose in implementation of the San Francisco law.

All evidence examined since the law took effect shows that there have been no adverse effects on San Francisco business. In “Job Growth Strong with Paid Sick Days,” by Vicky Lovell and Kevin Miller published by the Institute for Women’s Policy Research in October, 2008 (Attachment 1), researchers looked at job growth in San Francisco and surrounding counties in the year following implementation of the paid sick days law. Despite an economic slowdown in the region, they found that San Francisco maintained a competitive job growth rate that exceeded the average growth rate of nearby counties. They found that in the 12-month period following the effective date of the new policy, employment in San Francisco expanded by 1.1 percent, the same rate as Marin and San Mateo counties and substantially above the rate of employment change in Alameda, Contra Costa, and Santa Clara counties (-0.5, -0.5, and 0.5 percent, respectively). Particularly notable was the strength of the labor market in the restaurant industry, which was heavily effected by the paid sick days law as most employers in that important industry in San Francisco had not previously provided paid sick days (as is the case here in New York City). In that sector, employment increased by 3.9 percent between the 4th quarter of 2006 and the 4th quarter of 2007—a higher growth rate than in the year before the new paid sick days policy was implemented, and stronger growth than any nearby Bay Area county except San Mateo.

There was also significant business growth in San Francisco in the year following implementation of the paid sick days law. According to the Office of the Tax Collector of San Francisco the number of businesses increased dramatically from 104,291 in 2006 to 118,030 in 2007. Furthermore, although California’s unemployment rate jumped from 4.8% to 6.1% between Dec. 2006 and Dec. 2008—a rate well above the national average—the San Francisco metropolitan area’s unemployment rate (4.2% in December)

has essentially remained the same.

With respect to implementation issues, a recent study was requested by the San Francisco Board of Supervisors (“Implementation Status of the Paid Sick Leave Ordinance” (BOS File No. 018- 09) (August 26, 2009)(Attachment 2). That report shows that implementation of the paid sick days law has been smooth with very few complaints from business and very few problems. The Office of Labor Standards Enforcement, responsible for implementing paid sick days in San Francisco reported very few complaints in the first two and a half years -- approximately 156 cases were opened due to complaints, most resolved quickly.

Surveys and interviews with leaders of the business community in San Francisco indicated that the paid sick days law had not been a major issue for employers. Kevin Westlye, Director of the Golden Gate Restaurant Association, stated, “Sick leave is one issue where people just looked at adjusting their policies and moved on. It hasn’t been a big issue.” Carol Piasente, Vice President, San Francisco Chamber of Commerce stated, “There was a lot of concern when it passed, and we’ve heard less about it since.” Donna Leavitt, Manager of the Office of Labor Standards Enforcement stated, “We haven’t heard of any rampant paid sick leave abuse. We also haven’t heard that the costs of paid sick leave have ended up being anything employers couldn’t manage.” (See Attachment 3.)

C. Paid sick time laws around the country. Following San Francisco’s lead, paid sick time laws have been introduced throughout the country. Two other cities have enacted paid sick days laws: Washington D.C. passed paid sick days legislation in March, 2008 and Milwaukee, Wisconsin passed a paid sick time law by referendum in November, 2008.

In addition, 14 other states and cities have introduced paid sick days laws that are pending and on which action is expected next year. The legislation introduced throughout the country is based on the same model legislation that was drafted by the

National Partnership for Women and Families and A Better Balance with extensive consultation with the Office of Labor Standards Enforcement in San Francisco (see discussion below). The following is a list of states and cities with pending paid sick days legislation which resembles Intro 1025:

- Alaska SB 86 (“An Act establishing requirements and limitations related to the payment of sick leave by certain employers; and provided for an effective date”);
- California AB 1000 (“Healthy Workplaces, Healthy Families Act”);
- Colorado HB 1210 (“Healthy Families and Workplaces Act”);
- Connecticut HB 6187 (“An Act Mandating Employers Provide Paid Sick Leave to Employees”);
- Illinois, HB 3665 (“The Healthy Workplace Act”);
- Maine, (“An Act to Aid in the Prevention of the Spread of H1N1 Influenza by Ensuring the Provision of Earned Paid Sick Time”);
- Massachusetts HD 1815 (“Paid Sick Days Act”);
- Minnesota HF 612 (“Minnesota Healthy Families, Healthy Workplace Act of 2009”);
- Montana HB 579;
- New Hampshire HB 662 (“Paid Sick Days for Employees”);
- North Carolina HB 177;
- Pennsylvania, HB 1830;
- Philadelphia;
- Vermont, H. 382

Further activity on paid sick days is expected in the coming year as the Progressive States Network has made paid sick days a priority issue and has widely distributed the model law on which Intro 1059 is based.

Legislation has also been introduced in the U.S. Congress. The Healthy Families Act, H.R. 2460 was introduced in Spring, 2009 in both the House of Representatives and the Senate. The Emergency Influenza Control Act was introduced in the House of Representatives on November 3, 2009. Senator Dodd introduced emergency legislation in the Senate late last week. As indicated in the letter written by Rep. Rosa De Lauro, principal sponsor of the Healthy Families Act in the House, despite the existence of Federal initiatives, it is essential that local legislation be enacted. Action on these issues by states and cities is an essential prerequisite for Congress to act. This has always been the case with respect to progressive legislation – e.g. minimum wage, family and medical leave – and is no less true with respect to guaranteeing workers paid sick time.

D. The Law. Following passage of the San Francisco paid sick days law, the National Partnership for Women and Families and my organization, A Better Balance, began work on a model paid sick days law based on the San Francisco law, but also with attention paid to issues that arose as San Francisco began implementation of their law. The model law was constructed with extensive consultation with the Office of Labor Standards Enforcement and circulated to labor lawyers, human resources executives and advocates around the country. The resulting model is the basis of the New York City law.

There are several key principals under the law:

- **Paid sick time is earned.** Workers earn paid sick time based on their hours worked. Under the New York City bill, every worker earns one hour of paid sick time for every 30 hours s/he works for an employer. This means that a full-time worker will accrue 9 days of paid sick time over the course of a year. A part-time worker will earn at a slower rate and will not accrue as many as 9 days of paid sick time for the year.
- **There is a limit on how much paid sick time can be used in a year.** Employees in larger businesses can earn up to 9 days of paid sick time. Although employers can offer more paid sick time, there is never a requirement under this law that any employer offer more than 9 paid sick days to any employee in a year. Employees in smaller businesses are limited to a maximum of 5 days of paid sick time. The bill defines small businesses as those that employ fewer than 10 employees.
- **There is a lower requirement of paid sick time for smaller employers.** The bill recognizes that smaller employers may not be as able to provide paid sick time as larger employers and therefore there is a lower limit on maximum number of days required for smaller businesses.
- **Purposes for which workers can use paid sick time are:** for their own or for a relative's illness or need for preventative care; for domestic violence, sexual assault or stalking related absences for court appearances and relocation; when a business or school is closed due to a health emergency.
- **ALL workers need paid sick time.** There are NO carve-outs in the bill for types of employers, size of employer or type of worker. All workers need paid sick time. The bill, however, applies only to employees and not to independent contractors.

- **Employers that currently have leave policies that provide the same amount of leave required under the statute that an employee can use for the same purposes required by the law is in compliance and do not have to change their practices.** The law is very clear that employers providing paid leave in the same amount as that required by the law comply with the law as long as that leave can be used for the same purposes as required under the bill. This means that employers who currently have paid time off policies or personal day policies that include as much time off as required under the bill (9 days in larger firms, 5 days in smaller) do not have to change their policies as long as the employee can use the time when s/he or a family member is ill, for preventative care or for domestic violence purposes. Similarly if businesses provide vacation time but not paid sick leave, they do not have to add days off as long as a worker can use that vacation time when s/he is sick. The pertinent language is in (c)(9) and reads as follows:

(9) Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid leave sufficient to meet the accrual requirements of this section that may be used for the same purposes and under the same conditions as paid sick time under this section is not required to provide additional paid sick leave or paid sick time.

This language is the same language used in the San Francisco ordinance and has been implemented so that businesses which provide at least the same amount of time off that can be used for sick time purposes do not need to change their practices in any way. It is also the language in the Healthy Families Act which was changed this year to include that language in order to assure that employers with generous time off policies would not have to make major changes. The intent is that such businesses will also not need to change their bookkeeping practices even if their method of accounting for paid leave is different from that specified in the law. This is the way the language has been interpreted in San Francisco and has been specifically stated in regulations; we would expect the provision to be interpreted in the same way in New York City through regulations. We have drafted additional specific language that could be used to insure bookkeeping policies need not be changed and, if further protections are required, this language could easily be added to the bill.

- **Employers are never required to provide more than 9 days of paid sick time in a**

York City but has employees within New York City, those employees are covered by the paid sick time act but employees who do not work in New York City are not; by the same token, if a company is headquartered in New York City, employees working outside the confines of New York City are not covered by the paid sick time act.

- **Collective bargaining agreements can provide for an “opt out” to this law if something equivalent is provided in the agreement and the agreement clearly provides for the opt out.** The equivalency could be in the form of other kinds of leave or additional money or benefits.
- **The question of whether a worker is an “employee” and thus subject to the law or a “contractor” and thus not so subject is a matter of state law and will be interpreted in the same way the question is determined for other labor standards such as minimum wage.** The law applies to “employees” of “employers.” It does not apply to “independent contractors.” Whether a worker is an employee depends on things like whether the worker is paid a salary, whether the employer pays payroll taxes, whether the employer controls work hours. Some workers on commission will be covered and some will not.
- **Whether an employer is “large” or “small” is determined by the number of employees who work for the employer.** In most cases, franchise stores that contract with larger businesses to use the name of that business but pay their employees directly and in all other respects run their business will have only the employees working for them counted. However, chains which are managed by a central headquarters will have all employees working for that chain counted.
- **Enforcement will be by a combination of administrative agency acceptance and investigation of complaints and possible court action by the worker.** The bill provides for the administrative agency to have the power to investigate complaints and assess fines if non-compliance is found. It also provides that a worker may maintain a court action to obtain back pay.

We believe this bill provides a clear solution to the problem of over a million workers in New York City lacking paid sick days. It has worked in San Francisco. It is the model for 14 states and the Healthy Families Act and is the model being distributed to the

year if they are larger employers, or 5 days of paid sick time if smaller, regardless of how many paid sick days an employee earns. Employees don't lose their earned sick time so that they never have to be without any hours to draw on, but the employer is never required to allow more than 9 or 5 days of use in the year, depending on the size of the business. Here's how it works: Employees don't lose their paid sick time (so there will be no incentive to use up remaining days at year-end) BUT an employer is only required to provide 72 hours (large business) or 40 hours (small business) in a year.

- **Employers never have to pay employees for unused days either at the end of a year or when they leave their job.** There is no cash out for unused paid sick days under this law.
- **There is a waiting period of 90 days before an employee can begin to use paid sick time.** There must be a clear attachment to the employer in order for the employee to be able to use paid sick time so there is a 90 day waiting period before paid time off can be taken. This means that most seasonal workers will not be able to use paid sick time, but if the same worker is hired again by the same employer within a year, a new waiting period would not have to be met.
- **Employers are free under the bill to discipline employees who abuse paid sick time (or any other) policies, require reasonable advance notice of foreseeable need for time off under the bill, and require verification when an employee is out for more than 3 days.** Many businesses in New York City already provide paid sick days and do not experience problems. Rather, provision of paid sick days creates a more positive work environment, improves morale and increases employee loyalty. Furthermore, studies show that most people do not use all their available sick days when paid sick time is offered. In any event, employers can discipline workers who abuse sick leave (or other leave policies) and the bill provides specifically that an employer can require reasonable advance notice of foreseeable leave and can require verification of absences longer than 3 days.
- **All workers who work within the geographic boundaries of New York City are covered by the law.** In order to be covered by the law, a worker must work in New York City. The law provides that a worker must work at least 80 hours in the geographic confines of New York City. Therefore, if a business is headquartered outside of New

York City but has employees within New York City, those employees are covered by the paid sick time act but employees who do not work in New York City are not; by the same token, if a company is headquartered in New York City, employees working outside the confines of New York City are not covered by the paid sick time act.

- **Collective bargaining agreements can provide for an “opt out” to this law if something equivalent is provided in the agreement and the agreement clearly provides for the opt out.** The equivalency could be in the form of other kinds of leave or additional money or benefits.
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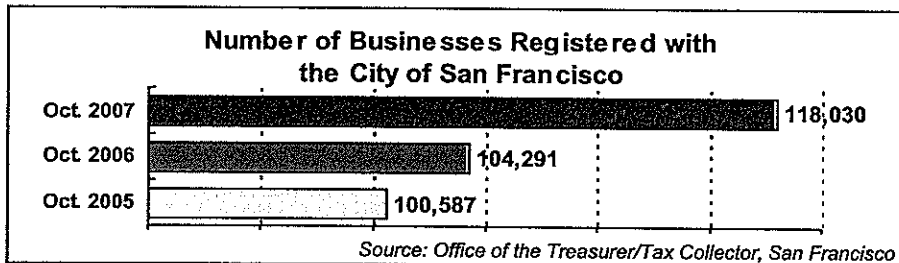
Progressive States Network for use in numerous other states in the coming year. It considers the rights of workers but also the needs of employers. It is broad in the sense of providing coverage for all employees, but there are a large variety of ways an employer can meet the obligations under this law to provide paid sick time for all workers. We hope the bill will be enacted as quickly as possible to protect the health of all New Yorkers and their families.

Paid Sick Days Implementation in San Francisco

San Francisco voters overwhelmingly approved a ballot measure guaranteeing paid sick days for all workers in the city in Nov. 2006. The new law went into effect on Feb. 5, 2007. Since then, evidence and data have shown that the ordinance has not had a negative impact on local business or employment.

➤ No Effect on Business Viability

The number of businesses in San Francisco has *increased* since the paid sick days ordinance went into effect.



➤ No Effect on Unemployment

The paid sick days ordinance has not had a harmful impact on unemployment levels in San Francisco, despite rising unemployment across the state.

- ◆ Although California's unemployment rate jumped from 4.8% to 6.1% between Dec. 2006 and Dec. 2008—a rate well above the national average of 5%—the San Francisco metropolitan area's unemployment rate (4.2% in December) has essentially held steady. (*San Francisco Chronicle*, 1/19/08)

➤ No Compliance Burdens

Implementing the law has not been difficult for the City of San Francisco, and complying with the law has not been burdensome for businesses.

- ◆ San Francisco's law is enforced when the Office of Labor Standards Enforcement (OLSE) receives complaints, typically from workers who believe they were unfairly prohibited from taking a paid sick day. In its first year of implementation, the OLSE heard only 75 complaints. The OLSE was able to resolve most of the complaints quickly, and none have advanced to the formal hearing process.
- ◆ According to Greg Asay, Policy Analyst for San Francisco's Office of Labor Standards Enforcement: **"I have not found that employers are reworking their business operations to comply with the sick leave law, because I don't think they're finding it overly onerous."** (*Washington Business Journal*, 3/7/08)

"I think my company has worked it out pretty well. Nobody has taken advantage of it here. People are using it as it was meant to be used. You're sick or you have the flu, you take time off, and you get paid."

— Jean Eddy, President of the People Connection, a temporary agency (*San Francisco Chronicle*, 2/6/08)

"There was a lot of concern when it passed, and we've heard less about it since."

— Carol Piasente, Vice President, San Francisco Chamber of Commerce (*Washington Business Journal*, 3/7/08)

"Sick leave is one issue where people just looked at adjusting their policies and moved on. It hasn't been a big issue."

— Kevin Westlye, Director, Golden Gate Restaurant Association (*San Francisco Chronicle*, 2/6/08)

"We haven't heard of any rampant paid sick leave abuse. We also haven't heard that the costs of paid sick leave have ended up being anything employers couldn't manage."

— Donna Levitt, Manager, San Francisco OLSE (*National Public Radio*, 2/25/08)



LEGISLATIVE ANALYST MEMORANDUM

From: Alexa Delwiche, Office of the Legislative Analyst
Date: August 24, 2009
Re: **Implementation Status of the Paid Sick Leave Ordinance** (BOS File No. 018-09).

SUMMARY OF REQUESTED ACTION

Prepare a report including the following information on the Paid Sick Leave Ordinance (PSLO). Since June 6, 2007:

- Estimated number of employees receiving benefit;
- Estimated number of complaints;
- Estimated number of complaints resolved;
- Estimated number of complaints unresolved;
- Estimated number of employers not in compliance with paid sick days; and
- Estimated monetary amount for fees and penalties paid to the City.

EXECUTIVE SUMMARY

San Francisco's Paid Sick Leave Ordinance (PSLO) requires employers to provide all employees (including temporary and part-time) working in San Francisco with a set amount of paid sick days. Subsequently, San Francisco's law has become a national model for expanding important benefits to all working families, while at the same time protecting public health. Overall, the Office of Labor Standards Enforcement (OLSE) reports implementation of the law has been relatively smooth, with generally positive feedback from the business community. Worker advocates however report issues with employer non-compliance.

A formal evaluation of the effectiveness of implementation has not yet been conducted, thus it is difficult to accurately determine how many employees have received the benefit and how many employers are not in compliance with the law. Prior to implementation of the PSLO, nearly 116,000 employees in San Francisco lacked access to paid sick days. Post implementation, all of these employees are now eligible to receive paid sick days; however it is unknown how many of these individuals are now aware of or allowed by employers to use the benefit. Since implementation in February 2007, OLSE has opened 156 PSLO investigations. Of those cases, 130 have been resolved. OLSE has recovered approximately \$53,000 in sick leave wages for 119 workers and approximately \$4,600 in penalties to the City.

Due to limited resources, the OLSE must rely on a complaint based process to enforce the PSLO. Such an enforcement process places the reporting burden on workers that are often in vulnerable employment situations with little incentive to file a complaint. OLSE has confronted some obstacles associated with complaint driven enforcement procedures through the following innovative mechanisms:

- Individual complaints are used as a trigger for investigating entire workplaces.
- Educational outreach was conducted through an advertising campaign and contracting with community based organizations to raise awareness of the law.

Despite these innovations, OLSE remains limited in its ability to enforce its mandate. With minimal investment in funding to increase capacity, OLSE could conduct more strategic and proactive investigations of employer compliance with the PSLO. Additional funding could also allow OLSE to expand educational outreach for employers and employees regarding the PSLO.

CURRENT LAW AND PRACTICE

Background

Proposition F, the San Francisco Paid Sick Leave Ordinance (PSLO), was approved by voters on November 7, 2006 with 61 percent support from voters.¹ As codified in Chapter 12W of the San Francisco Administrative Code, the PSLO requires that all employers must provide paid sick leave to each employee (including part-time and temporary employees) who performs work in San Francisco. Paid sick leave began to accrue on February 5, 2007 for employees working for an employer on or before that date. For those employed after February 5, 2007, paid sick leave begins to accrue 90 calendar days after the beginning of employment.

San Francisco was the first city and county in the nation to pass a law requiring employers to provide employees with paid sick leave. San Francisco's ordinance has subsequently become a national model for paid sick leave legislation on the local, state and federal levels. Both Washington D.C. and Milwaukee adopted similar sick leave initiatives in 2008, although Milwaukee's ordinance is currently in litigation. In August 2009, the New York City Council introduced paid sick leave legislation. Several states, including California, have introduced paid sick leave legislation. And on the federal level, Senator Kennedy (D-MA) and Representative DeLauro (D-CT) introduced legislation entitled the "Healthy Families Act" in 2007.

Current Law

An employee gains one hour of paid sick leave for every 30 hours worked. Employees working for an employer with less than 10 employees receive a maximum of five paid sick days (or 40 hours), while employees working for an employer with more than 10 employees accrue a maximum balance of nine paid sick days (or 72 hours) at any point in time. An employee's paid sick leave carries over from year to year and employees are not entitled to carry a balance in excess of the maximum allowance. Employees are entitled to paid sick days for their own medical care and also to take care of a family member or designated person. An employer is not required to provide additional sick days if there is already a paid leave policy with an adequate number of days in place.

Enforcement

The Office of Labor Standards Enforcement (OLSE) enforces the PSLO. Employers are required to post a multi-lingual notice provided by OLSE detailing the PSLO in every workplace. Employers must also retain records documenting the hours worked by employees and the hours

¹ Memo from Donna Levitt, Manager of Office of Labor Standards Enforcement, August 21, 2009. See Appendix A.

of sick leave taken for at least four years. Employees who are denied the right to paid sick leave may file a complaint with OLSE. If OLSE determines that wages were unlawfully withheld from an employee, OLSE may recover from the employer those unpaid wages to the employee plus an administrative penalty multiplied by 3 or \$250 (whichever is greater). Additionally, OLSE may levy a \$50 per day fine on employers if the violation imposed any other harm on the employee. Employees who assert their right to paid sick leave are protected from employer retaliation.

FINDINGS

Overall Implementation Status

Stakeholders interviewed voiced general support for the law; however reports on the implementation status of San Francisco's PSLO vary by stakeholder group. A formal evaluation of the effectiveness of implementation has not yet been conducted, thus it cannot be accurately determined how many employees have received the benefit and how many employers are not in compliance with the law.

The Institute for Women's Policy Research (IWPR), in collaboration with the California Budget Project (CBP), is currently conducting a three part evaluation of the implementation status of the PSLO and the effect of the PSLO on employers and employees in San Francisco.² The first part of the study will survey employers on their perceptions of implementation and impact on business, the second part of the study will survey workers, and the third part will analyze whether firms have relocated due to the PSLO. A full report from the first part of their evaluation should be released by the end of 2009. The results from this evaluation should provide a greater level of understanding regarding implementation.

Beneficiaries

In 2006, the Institute for Women's Policy Research calculated that prior to adoption of the PSLO, 115,791 San Francisco employees lacked paid sick leave. The study found that nearly 1 in 4 (or 23.3 percent) of all private-sector employees in San Francisco lacked paid sick days.³

Post implementation of the PSLO, 115,791 employees previously without access to paid sick days became eligible to receive paid sick days. However, Vicky Lovell, the primary author of the IWPR study, cautioned against assuming that nearly 116,000 additional employees now benefit from paid sick days.⁴ Employees may not be aware of or able to assert their rights to paid sick days and employers may not be in compliance with the law. Since the law's passage, there have been no further quantitative studies on the scale of impact.

Implementation, Enforcement, & Compliance

Implementation: According to OLSE, implementation of the PSLO has been relatively smooth.⁵ Initial employer confusion about the ordinance led the Board of Supervisors to delay employer payment of sick leave taken during the first four months of the law's implementation until June

² Vicky Lovell, Lead Researcher of IWPR/CBP evaluation, phone interview, August 18, 2009.

³ Vicky Lovell, Valuing Good Health in San Francisco: The Costs and Benefits of a Proposed Paid Sick Days Policy, Institute for Women's Policy Research, July 2006. Available online at: <http://www.iwpr.org/pdf/B252.pdf>

⁴ Vicky Lovell, Lead Researcher of IWPR/CBP evaluation, phone interview, August 18, 2009.

⁵ Memo from Donna Levitt, Manager of Office of Labor Standards Enforcement, August 21, 2009.

5, 2007. The moratorium provided city officials, employers, and worker advocates an opportunity to participate in a public rulemaking process and to address implementation concerns. Since the rulemaking process, the OLSE has received generally positive feedback on the ordinance.⁶

OLSE integrated enforcement of the PSLO into existing enforcement of the Minimum Wage Ordinance (MWO). Following the adoption of the PSLO, no new inspectors were hired. Currently, five OLSE staff and two supervisors enforce the PSLO and MWO.⁷

In order to increase employer and employee awareness of the new ordinance, the Board of Supervisors allocated \$150,000 in one-time funding through the Mayor's Office of Economic and Workforce Development (MOEWD) for educational outreach in FY 2008-2009.⁸ This funding enabled OLSE and MOEWD to produce and distribute multi-lingual employer brochures and employee fact sheets; to place advertisements in local and ethnic newspapers; and, to run bus shelter advertisements throughout San Francisco. In addition, OLSE collaborated with the Department of Public Health to mail the employer brochure to 3,400 San Francisco restaurants and to distribute 55,000 multilingual PSLO fliers throughout the San Francisco Unified School District for students to bring home to parents.⁹ The PSLO fliers reminded parents and guardians of their right to use paid sick leave to stay home from work to care for their sick children.

Additionally, OLSE maintains ongoing contracts for approximately \$200,000 with a few multi-lingual community based organizations, such as La Raza Centro Legal, to conduct community outreach regarding labor laws.¹⁰

The OLA also gathered a summary of business and labor perceptions of the PSLO implementation status, as follows:

The business community reports that implementation has been relatively smooth with employers experiencing only minor impacts on their bottom line. An analysis by the Institute for Women's Policy and Research concluded that job growth in San Francisco was unaffected in 2008; one year after implementation.¹¹ Both the Chamber of Commerce and the Golden Gate Restaurant Association reported receiving very few employer complaints or concerns regarding the ordinance and overall, implementation has been fine.¹² Initially, the ordinance created confusion for employers.¹³ However, the four month phase-in of the ordinance allowed employers the opportunity to resolve any misunderstandings and to update their company policies.

⁶ Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009.

⁷ Memo from Donna Levitt, Manager of Office of Labor Standards Enforcement, August 21, 2009.

⁸ Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009.

⁹ Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009.

¹⁰ Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009 and Ilana DeBare, "S.F. Sick Leave Law Celebrates 1 Year", *San Francisco Chronicle*, February 6, 2008. Available online at: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/02/06/BUA1UO9OU.DTL>

¹¹ Vicky Lovell and Kevin Miller, "Job Growth Strong with Paid Sick Days", Institute for Women's Policy Research, October 2008. Available online at http://www.iwpr.org/pdf/B264_JobGrowth.pdf

¹² Jim Lazarus, Director of San Francisco Chamber of Commerce, phone interview, August 21, 2009 and Kevin Westlye, Director of Golden Gate Restaurant Association, phone interview, August 24, 2009.

¹³ Kevin Westlye, Director of Golden Gate Restaurant Association, phone interview, August 24, 2009

The Urban Institute conducted a qualitative study on employer perceptions of the Paid Sick Leave Ordinance. The study found that most of the 26 employers interviewed were able to implement the PSLO with only minor effects on their business's bottom line.¹⁴ The employers interviewed implemented the ordinance through one of several strategies. Employers either:

- Expanded paid sick leave policies to cover all employees;
- Established paid time off policies that combine paid sick leave with vacation time;
- Replaced other benefits such as vacation or pay raises with paid sick leave; or
- Changed accrual rates or probationary periods to meet the PSLO mandate.

Importantly, the study found that because the PSLO was implemented at the same as the Health Care Security Ordinance and a minimum wage increase, it was difficult to determine the isolated effects that the PSLO has had on any changes in employer practices. However, the Chamber of Commerce, Golden Gate Restaurant Association and the Urban Institute study all reported that the PSLO seemed to be the least burdensome of the three mandates on employers.

Finally, a few employers interviewed for the Urban Institute study reported feeling unfairly burdened by other employers' lack of compliance.¹⁵ One employer interviewed stated, "we keep passing more laws and there's no enforcement. For the bad employers, employees will keep working quietly and not complain if they want to keep their jobs, and there's not an effort to go find the sweatshops in the city—the city doesn't have enough people to enforce labor laws in those places—this law won't be enforced either."¹⁶ Furthermore, employers recognized that placing the reporting burden on employees did not go far enough to ensure employer compliance. This concern was also shared by worker advocates.

As primary sponsors of the PSLO, worker advocates remain supportive of the spirit of the ordinance, but question the effectiveness of implementation. While a comprehensive employee evaluation has not been conducted, anecdotal evidence suggests that some employees are not being offered paid sick day benefits. Employee awareness and employer intimidation are among the largest concerns raised regarding the law's implementation.

Based on preliminary findings from a survey of 86 workers in the restaurant industry, Young Workers United reported that 43 percent of employees surveyed actually received paid sick day benefits.¹⁷ Employees cited a few reasons for not being offered the benefit. They were either unaware that paid sick days were a legal right, they had never needed to use the benefit, or because employers did not allow employees to exercise their right to paid sick days.

¹⁴ Shelley Waters Boots, Karin Martinson, and Anna Danziger, "Employers' Perspectives on San Francisco's Paid Sick Leave Policy", Urban Institute, March 2009. Available online at http://www.google.com/search?rlz=1C1GGLS_enUS326US327&sourceid=chrome&ie=UTF-8&q=Perspectives+on+San+Francisco's+Paid+Sick+Leave+Policy

¹⁵ Shelley Waters Boots, Senior Researcher, Urban Institute, phone interview, August 25, 2009.

¹⁶ Shelley Waters Boots, Karin Martinson, and Anna Danziger, "Employers' Perspectives on San Francisco's Paid Sick Leave Policy", Urban Institute, March 2009, pp 11. Available online at http://www.google.com/search?rlz=1C1GGLS_enUS326US327&sourceid=chrome&ie=UTF-8&q=Perspectives+on+San+Francisco's+Paid+Sick+Leave+Policy

¹⁷ Sasha Hammad, Young Workers United, phone interview, August 18, 2009.

Two small focus groups led by the San Francisco Department of Public Health and Human Impact Partners reported similar implementation difficulties.¹⁸ In April and June of 2008, a total of thirteen participants employed in low-wage industries were asked about the PSLO as part of a larger study assessing the impact of paid sick day legislation in California. At the time of the focus groups, none of the thirteen participants reported receiving paid sick day benefits.¹⁹

While the participants did not receive **paid** sick days, most of them reported that they and their co-workers took **unpaid** sick days. Many of the participants reported that they were subsequently penalized for taking time off of work. Such penalties included the threat of being fired, loss of wages, being reprimanded or written up, and receiving bad shifts or reduced work hours.

Enforcement: With only seven staff dedicated to enforcement of the PSLO and MWO, OLSE only has the capacity to investigate employee complaints. However, a complaint based reporting system may lead to significant underreporting for several reasons, as follows:²⁰

- **Workers may not want to disclose their identities for fear of employer retaliation.**²¹ A complaint based enforcement system places the reporting burden on employees who are often in vulnerable employment situations with little incentive to risk possible employer retaliation such as illegal firing or threats from employers of calling immigration authorities.

Employees must provide their identity in order for OLSE to investigate a complaint because employee testimony is an important component of OLSE investigations.²² Currently, anonymous complaints are not pursued because sick leave investigations rely on worker testimony; rather an anonymous complaint results in a follow up letter to an employer and the addition of the employer's name to OLSE's tracking database. While OLSE has the legal authority to protect workers from illegal firings related to filing a PSLO complaint, OLSE cannot guarantee that employers will not retaliate against employees by reporting them to Immigration and Customs Enforcement, an agency over which OLSE has no jurisdiction. Subsequently, many workers choose not to complain.

Additionally, even though OLSE has the authority to penalize illegal employer retaliation, retaliation still occurs. A recently released study investigating labor law violations in Chicago, Los Angeles, and New York City conducted by the Center for Urban Economic Development, the National Employment Law Project, and the U.C.L.A. Institute for Research on Labor and Employment, found that 43 percent of workers who complained about any violation to their employers experienced at least one form of illegal

¹⁸ Lili Farhang, San Francisco Department of Public Health, phone interview, August 19, 2009.

¹⁹ Bhatia R, Farhang L, Heller J, Capozza K, Melendez J, Gilhuly K, Firestein N. A Health Impact, Assessment of the California Healthy Families, Healthy Workplaces Act of 2008. Oakland, California: Human Impact Partners and San Francisco Department of Public Health. July 2008. Available online at: http://www.humanimpact.org/PSD/PaidSickDaysHIA_report.pdf

²⁰ Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009.

²¹ Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009.

²² Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009.

retaliation.²³ This finding was substantiated by several stakeholders interviewed for this report.

- **Low penalties against violators provide little incentive for employees to risk their jobs to complain.** The potential back pay workers may receive after filing a complaint is generally too low to risk penalties such as job loss or the threat of deportation.²⁴ Whereas an employee reporting a minimum wage violation may receive several years in back pay totaling thousands of dollars, employees filing a PSLO complaint typically receive only several hundred dollars in back pay.²⁵
- **Finally, many workers remain unaware of their rights to paid sick days.**²⁶ Because the law is relatively new, employers and employees may still not fully understand the PSLO.

Underreporting of PSLO violations was an issue raised by OLSE and worker advocates. Both Young Workers United and Unite Here Local 2 reported that while many workers have reported employer non-compliance to their organizations, of those workers, very few ultimately file PSLO related complaints with OLSE.²⁷ Additionally, the recently released UCLA study investigating labor law violations found that of the 4,387 workers surveyed in Chicago, Los Angeles, and New York City, only a small fraction of workers who experienced labor violations ultimately filed complaints.²⁸

OLSE is limited in their ability enforce their mandate due to their small staff and insufficient resources. Even by limiting enforcement to a complaint based process, the staff cannot keep pace with the level of complaints they currently receive. Yet despite their limited capacity to proactively investigate employer compliance, OLSE has instituted some innovative enforcement strategies to maximize the agency's effectiveness. These strategies include:²⁹

- **Workplace Investigations based on individual complaints:** In contrast to other enforcement agencies, if OLSE receives an individual employee complaint regarding a PSLO violation affecting an entire workplace, OLSE will audit the entire workplace for non-compliance.

²³ Annette Bernhardt, Ruth Milkman, Nik Theodore, Douglas Heckathorn, Mirabai Auer, James DeFilippis, Ana Luz González, Victor Narro, Jason Perelshteyn, Diana Polson, and Michael Spiller, "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities", Center for Urban Economic Development, the National Employment Law Project, and the U.C.L.A. Institute for Research on Labor and Employment, September 2008. Available online at: http://nelp.3cdn.net/1797b93dd1ccdf9e7d_sdm6bc50n.pdf

²⁴ Shelley Waters Boots, Senior Researcher, Urban Institute, phone interview, August 25, 2009.

²⁵ Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009.

²⁶ Sara Flocks, California Federation of Labor and former executive director of Young Workers United, phone interview, August 19, 2009.

²⁷ Ian Lewis, Unite Here Local 2, e-mail correspondence, August 5, 2009 and Sasha Hammad, Young Workers United, phone interview, August 18, 2009.

²⁸ Annette Bernhardt, Ruth Milkman, Nik Theodore, Douglas Heckathorn, Mirabai Auer, James DeFilippis, Ana Luz González, Victor Narro, Jason Perelshteyn, Diana Polson, and Michael Spiller, "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities", Center for Urban Economic Development, the National Employment Law Project, and the U.C.L.A. Institute for Research on Labor and Employment, September 2008. Available online at: http://nelp.3cdn.net/1797b93dd1ccdf9e7d_sdm6bc50n.pdf

²⁹ Greg Asay, Office of Labor Standards Enforcement, in-person interview, August 24, 2009.

- **Educational Outreach:** Effective implementation and enforcement of the ordinance relies on robust employer and employee awareness of the law. As discussed earlier in this report, OLSE spent over \$300,000 in advertising, coordination with community based organizations, and educational outreach in FY 2008-2009. The \$150,000 in funding for advertising and general public outreach was not included in the FY 2009-2010 budget.

Compliance: Because OLSE investigates employer non-compliance based on the complaints of workers, they are unable to estimate the total number of employers not in compliance with the ordinance.

Since implementation of the ordinance, OLSE has opened 156 PSLO investigations. Of the 156 cases, 130 cases have been resolved while 26 cases are still open. Since implementation, OLSE has recovered approximately \$53,000 in sick leave wages for 119 workers and approximately \$4,600 in penalties to the City.³⁰

CONCLUSION

General support for the PSLO was voiced by all stakeholders interviewed; however perceptions of implementation status vary by stakeholder group. A formal evaluation of the law is necessary to determine the scale of impact and employer compliance. Increasing enforcement capacity and strengthening employer and employee education of the PSLO were identified as two areas where improvements could be made.

Recommendations:

1. Increase funding for OLSE to increase staff capacity to investigate non-compliance.
2. Increase strategic and proactive investigations. Increased capacity would allow inspectors to proactively investigate high violation industries. OLSE already maintains a database that could be used to target non-compliant industries.

Such industries could also be identified through increased coordination with DPH workplace health and safety inspections, as experts report a close correlation between health and safety violations and labor law violations. Identifying workplaces and industries marked by high health and safety violations could be a strategic and relatively cost-effective way to pursue proactive investigations.

Also, industries and workplaces suffering from high rates of non-compliance could be identified through increased coordination with community based organizations, labor unions, and worker advocacy organizations.

3. Increase funding for educational outreach to employers and employees regarding the PSLO, as implementation depends on employer and employee awareness of the law.
4. Consider adjusting penalty and fee structure. Increased penalties may deter currently non-compliant employers. At the same time, the potential to receive a greater monetary reward

³⁰ Memo from Donna Levitt, Manager of Office of Labor Standards Enforcement, August 21, 2009.

may encourage employees to report violations. Additional fees collected by the City could be used to increase OLSE staffing levels.

5. Establish a more effective strategy for using anonymous complaints to investigate cases of non-compliance. Anonymous complaints could be used to pursue proactive workplace investigations.
6. Consider posting an informational form on OLSE's website and requiring employers to sign and return the form acknowledging their compliance with the law. Alternatively, employers could acknowledge their compliance with the PSLO on the same form they are required to submit to OLSE for the Health Care Security Ordinance. Failure to submit the form would result in the addition of the employer's name into the tracking database and potential targeting for a proactive investigation.

OFFICE OF LABOR STANDARDS ENFORCEMENT
DONNA LEVITT, MANAGER

GENERAL SERVICES AGENCY



APPENDIX A: MEMO FROM DONNA LEVITT, MANAGER OF OLSE

August 21, 2009

Ms. Alexa Delwiche
Office of the Legislative Analyst
City Hall Room 270
San Francisco, CA 94102

Dear Ms. Delwiche:

This letter is in response to your request for information on the implementation of the Paid Sick Leave Ordinance (PSLO).

The PSLO was adopted by San Francisco voters on November 7, 2006, with support from 61% of the voters. The PSLO findings note that a large number of workers in San Francisco, particularly part-time employees and workers toward the lower end of the economic spectrum, do not have paid sick leave – or have an inadequate level of paid sick leave – available to them. The absence or inadequacy of paid sick leave among workers in San Francisco poses serious problems not only for affected workers but also their families, their employers, the health care system, and the community as a whole.

While paid sick leave may have been a new concept to some employers and employees in San Francisco, the implementation of the law has been relatively smooth. The Office of Labor Standards Enforcement (OLSE) conducted an extensive rulemaking process to provide guidelines on implementation of the PSLO, produced multilingual resources to explain the law to employers and employees, and conducted a robust public outreach campaign. These materials are available for your review at www.sfgov.org/olse/pslo.

It should also be noted that the PSLO – and OLSE's implementation of the law – has been a national model. Following San Francisco's passage of the PSLO, both Washington, D.C. and Milwaukee adopted sick days legislation (Milwaukee's law is currently in litigation) based in large part on the PSLO and OLSE's rules implementing the law. In addition, OLSE staff presented at a Congressional briefing on paid sick days and helped draft model sick days legislation. This model legislation is being used by sick days advocates and legislators across the country, including by proponents of state legislation in California.

In terms of the PSLO's impacts, an October 2008 study by the Institute for Women's Policy Research found that the law did not adversely affect job growth³¹. On the other hand, because of the PSLO, San Francisco is uniquely positioned to address public health crises such as the H1N1 flu pandemic. To that end, in partnership with the City's Department of Public Health, OLSE provided 55,000 multilingual PSLO fliers to the San Francisco Unified School District to send home with students. The fliers reminded parents and guardians that San Francisco workers have the legal right to stay home with sick children.

In response to your specific questions:

1. *How many employees are benefitting from the PSLO?*

Prior to the adoption of the PSLO, a report published by the Institute for Women's Policy Research estimated that 115,000 San Francisco workers would benefit from passage of the law, or approximately 1 in 4 private-sector San Francisco workers.³² Since the law's passage, there have been no further studies of the number of workers benefitting from the ordinance.

2. *How many PSLO complaints have been resolved? How many remain unresolved?*

³¹ Lovell, Vicky, and Kevin Miller, *Job Growth Strong with Paid Sick Days*, October 2008.

³² Lovell, Vicky, *Valuing Good Health in San Francisco: The Costs and Benefits of a Proposed Paid Sick Days Policy*, July 2006.

To date, OLSE has opened 156 PSLO cases in response to complaints. Of those, 130 have been resolved while 26 cases are open.

3. *How many employers are not in compliance?*

The office's PSLO compliance activities are based on the complaints of workers. As such, we cannot ascertain the number of employers out of compliance. We follow up on all complaints received.

4. *What is the amount of fees/penalties paid to the City?*

To date, OLSE has recovered approximately \$53,000 in sick leave wages for 119 workers, and approximately \$4,600 in penalties to the City.

5. *Is there any indication that employers shifted vacation time to paid sick leave?*

There have been no academic studies to date on changes to employee benefits in response to the PSLO. Based upon the thousands of phone calls and emails received since the PSLO effective date, OLSE believes that there are employers shifting to a Paid Time Off (PTO) benefit in which the paid leave may be used either for vacation or sick leave.

Also, please note that Section 12W.3 of the PSLO and FAQ #28 in our *Frequently Asked Questions* allow for employers to meet their sick days requirements through the provision of other paid leave benefits, including vacation, as long as (1) the number of hours provided is at least equal to what the law requires and (2) the hours can be used consistent with how sick leave can be used under the PSLO. As such, many San Francisco workers did not realize additional paid days off after the law's passage -- although they did gain legal protections for those hours because of the law's passage.

6. *What has been the impact on OLSE?*

OLSE integrated enforcement of the PSLO into ongoing enforcement of the City's Minimum Wage Ordinance (MWO). No new OLSE staff were added with passage of the PSLO. Currently five OLSE investigators, including bilingual Cantonese, Mandarin, and Spanish-speaking investigators, and two supervisors enforce both the City's MWO and the PSLO.

I hope this information is helpful. Should you have any further questions, please let me know.

Sincerely,

Donna Levitt
Manager

Fact Sheet



IWPR No. B264

October 2008

Job Growth Strong with Paid Sick Days

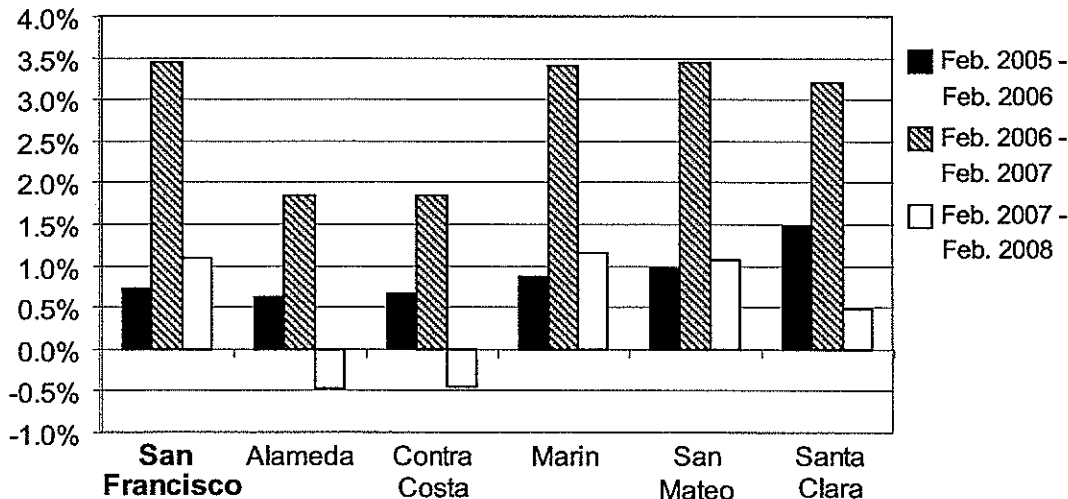
By Vicky Lovell, Ph.D., and Kevin Miller, Ph.D.

Job growth has been strong in San Francisco compared with other Bay Area counties following implementation of a new paid sick days standard in San Francisco on February 5, 2007, according to data from the California Employment Development Department.¹

San Francisco's paid sick days ordinance took effect on February 5, 2007. The law mandates that employees earn paid sick time at the rate of one hour of paid sick time for every 30 hours worked. Employees in small businesses (those with fewer than 10 employees) may accrue a maximum of 40 hours of paid sick time; those in larger firms may accrue a maximum of 72 hours. Paid sick days may be used for employees' own health care and to care for family members. More information is available on the SFGov web site, http://www.sfgov.org/site/olse_index.asp?id=49389.

Despite an economic slowdown affecting employment in all counties in the Bay Area in 2007,² San Francisco maintained a competitive job growth rate that exceeds the average growth rate of nearby counties (Figure 1). In the 12-month period following the effective date of the new policy, employment in San Francisco expanded by 1.1 percent, the same rate as Marin and San Mateo counties and substantially above the rate of employment change in Alameda, Contra Costa, and Santa Clara counties (-0.5, -0.5, and 0.5 percent, respectively).

Figure 1. Percent Change in Employment Before and After Implementation of the San Francisco Paid Sick Days Ordinance



Source: Institute for Women's Policy Research analysis of data from the California Employment Development Department.

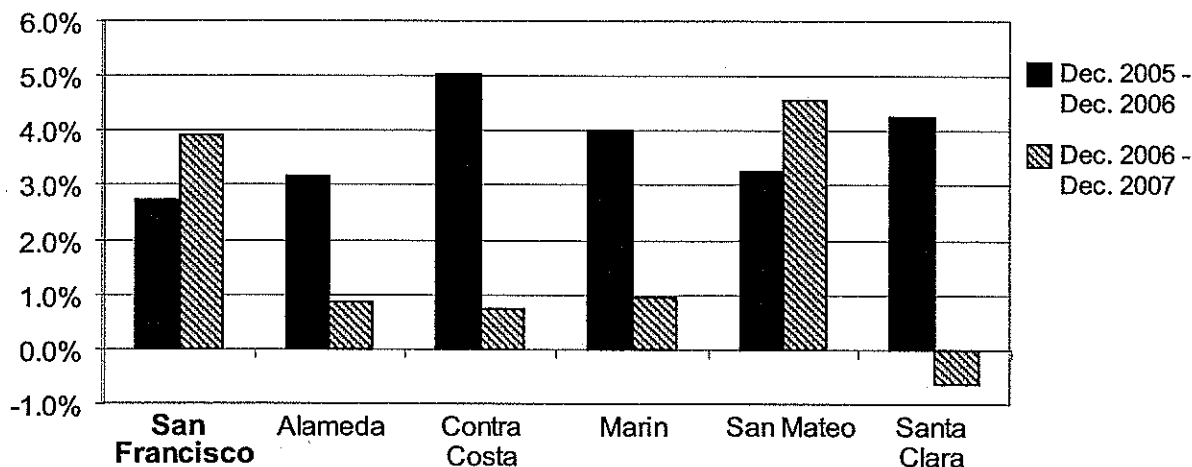
¹ The city and county of San Francisco are the same entity.

² Nationally, GDP growth fell from 2.8 percent in 2006 to 2.0 percent in 2007 (U.S. Bureau of Economic Analysis 2008).

Assessments of San Francisco's new paid sick days policy by business organizations underscore its minor impact on employers. The director of the Golden Gate Restaurant Association told the *San Francisco Chronicle* that "it hasn't been a big issue" for the companies he represents (quoted in DeBare 2008) and characterized the policy as "successful" (Singer 2008). The San Francisco Chamber of Commerce agreed, noting that "we really have not heard much about it being a major issue" (quoted in the *Wall Street Journal*; Spors 2008).

The strength of San Francisco's labor market is notable in the restaurant industry, where most workers currently lack paid sick days (78 percent; Hartmann 2007). Employment increased by 3.9 percent between the 4th quarter of 2006 and the 4th quarter of 2007—a higher growth rate than in the year before the new paid sick days policy was implemented, and stronger growth than any nearby Bay Area county except San Mateo (Figure 2).

Figure 2: Percent Change in Restaurant and Hospitality Employment Before and After Implementation of the San Francisco Paid Sick Days Ordinance



Source: Institute for Women's Policy Research analysis of data from the California Employment Development Department.

The strength of San Francisco's job market since implementation of the paid sick days policy suggests that, like minimum and living wages, adoption of this minimum labor standard does not adversely affect job growth (Dube, Naidu and Reich 2007, Brenner 2005, Potter 2006).

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Valuing Good Health in New York City: The Costs and Benefits of Paid Sick Days

By Kevin Miller, Ph.D. and Claudia Williams

Executive Summary

Policymakers across the country are increasingly interested in ensuring that workers have paid sick days. In addition to concerns about workers' ability to respond to their own health needs, there is growing recognition that, with so many dual-earner and single-parent families, family members' health needs can be addressed only by workers taking time from their scheduled hours on the job. Paid sick days policies allow workers with contagious illnesses to avoid unnecessary contact with co-workers and customers and, thus, are a fundamental public health measure. Paid sick days protect workers from being fired when they are too sick to work and offer substantial savings to employers by reducing turnover and minimizing absenteeism.

New York City lawmakers are now considering a law that would require employers provide all workers with paid sick days. The Institute for Women's Policy Research (IWPR) has estimated the costs and benefits of the proposed law, using government-collected data, peer-reviewed research literature, and a thoroughly vetted methodology. Below are key findings from IWPR's analysis.

KEY FINDINGS

Over one million New York City workers lack paid sick days

- 1,203,000 New York City workers lack paid sick days—42 percent of the workforce.
- 850,000 New York City workers have no paid leave or vacation whatsoever and will receive new paid sick days under the bill—30 percent of the workforce.¹

Paid sick days will cost less than 25 cents per hour worked to provide

- The law will cost New York City employers \$332 million annually in lost productivity and for wages, payroll taxes and payroll-based employment benefits, and administrative expenses (Table 1).
- The weekly cost of the policy for newly covered workers will be \$7.52 per week, or about 21 cents per hour.
- Costs for larger businesses are expected to equal \$7.94 per week—or 23 cents an hour—due to the higher number of required sick days under the new law and wages that are higher than those at small businesses. Providing sick days in compliance with the law will cost small businesses an average of \$5.37 per worker per week, or about 15 cents per hour worked.

Paid sick days produce citywide economic and health benefits

- Reduced employee turnover will prevent millions of dollars in costs for employers.
- Paid sick days reduce the spread of contagious diseases like the flu and improve access to timely medical care.

Key provisions of the proposed New York City paid sick days law

- Workers (both full- and part-time) earn paid sick time at the rate of 1 hour of paid sick time for every 30 hours worked up to the maximum of 9 paid sick days in a year, or 5 days for workers at businesses with 10 or fewer employees.
- Paid sick time may be used for diagnosis or treatment of a worker's or family member's health condition or to address the psychological, physical, or legal effects of domestic violence, sexual assault, or stalking.
- Sick days may be used in the event of a school or workplace closure due to public health emergency.
- Employers may require medical certification for any absence that exceeds three consecutive days, and employers that already provide paid time off meeting the requirements of the law are not required to provide additional days.

Table 1. Summary of Costs of the Proposed Law

	Total	Per worker with new sick days	
		Per week	Per hour
Costs – All businesses			
Wages, wage-based benefits, payroll taxes, and administrative expenses	\$291,000,000		
Use of PSD to address domestic violence, sexual assault, and stalking	\$1,700,000		
Use of PSD by new parents	\$23,000,000		
Replacement workers for 15% of absences	\$47,000,000		
Adjustments – All businesses			
Productivity lost now - ill workers on the job	\$19,000,000		
Reduced spread of the flu at work	\$11,000,000		
Net Cost – All businesses	\$332,000,000	\$7.52	\$0.21
Net Cost – Small businesses	\$39,000,000	\$5.37	\$0.15
Net Cost – Large businesses	\$294,000,000	\$7.94	\$0.23

Source: Institute for Women's Policy Research. Values may not sum due to rounding.

¹ Some New York City workers who currently lack paid sick days are covered by paid vacation or other paid leave policies, which are likely to be modified to reflect the requirements of the proposed law should it be enacted. These workers will receive important protections against dismissal or other penalties under the proposed policy. Some workers who already have paid sick days may receive additional days of leave under the law, but this is unlikely to have a significant cost impact; IWPR analysis predicts that on average workers will take less than three days of sick leave per year.

Funding for this study was provided by the Ford Foundation and the Annie E. Casey Foundation.

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The Institute for Women's Policy Research (IWPR) conducts rigorous research and disseminates its findings to address the needs of women, promote public dialogue, and strengthen families, communities, and societies. The Institute works with policy makers, scholars, and public interest groups to design, execute, and disseminate research that illuminates economic and social policy issues affecting women and their families, and to build a network of individuals and organizations that conduct and use women-oriented policy research. IWPR's work is supported by foundation grants, government grants and contracts, donations from individuals, and contributions from organizations and corporations. IWPR is a 501 (c) (3) tax-exempt organization that also works in affiliation with the women's studies and public policy programs at The George Washington University.

Valuing Good Health in New York City: The Costs and Benefits of Paid Sick Days

Policymakers across the country are increasingly interested in ensuring the adequacy of paid sick days policies. In addition to concerns about workers' ability to respond to their own health needs, there is growing recognition that, with so many dual-earner and single-parent families, family members' health needs can only be addressed by workers taking a break from their scheduled time on the job. Allowing workers with contagious diseases to avoid unnecessary contact with co-workers and customers is a fundamental public health measure. Paid sick days protect workers from being fired when they are too sick to work, offer substantial savings to employers by reducing turnover and minimizing absenteeism.

This report uses data collected by the U.S. Bureau of Labor Statistics, the U.S. Department of Health and Human Services, the New York State Department of Labor, and the U.S. Census Bureau to evaluate the likely impact of the Paid Sick Time Act. The study is one of a series of such analyses conducted by the Institute for Women's Policy Research (IWPR) in the last several years that examine public policy development related to paid sick days. It presents an estimate of how much time off workers would use in New York City under the proposed policy and what the costs would be for employers for that sick time. It also examines findings from peer-reviewed research literature to review how this leave policy would save money, by reducing turnover, reducing the spread of disease at work, helping employers avoid paying for low productivity, reducing nursing-home stays, and reducing norovirus outbreaks in nursing homes.

While this report reviews significant benefits from the sick time proposal, there are likely to be many other meaningful benefits that cannot be estimated with existing data. When workers can take needed time off without fear of being fired, they and their families should be able to get health care more promptly when it is needed, leading to improved overall health outcomes, speedier recoveries, and reduced total health care spending. Fewer workers will be fired, suspended, or otherwise penalized for having to stay home when they are ill or have sick family members to care for; this will improve workers' economic security. The public health impact is also likely to be considerable, as workers with contagious diseases will be better able to avoid infecting others, and parents will not have to send sick children to school or child care centers.

Key provisions of the proposed Paid Sick Time Act

- Workers (both full and part-time) earn paid sick time at the rate of 1 hour of paid sick time for every 30 hours worked up to the maximum of 5 days for employees of businesses with 9 or fewer employees and a maximum of 9 days for employees of larger businesses.
- Paid sick time may be used diagnosis, treatment, or preventative care for a worker's or family member's physical or mental health condition, to address the effects of domestic violence, sexual assault, or stalking, or in the event of the closure of an employee's workplace or an employee's child's school due to a public health emergency.
- Employers may require medical certification for any absence that exceeds three consecutive days, and employers that already provide paid time off meeting the requirements of the Act are not required to provide additional leave.

Summary of likely impact of the Paid Sick Time Act

This estimate assumes that all workers eligible for leave under the new policy would know about their new paid sick days. On the contrary, during the early years of the program, it is very likely that many workers will be unaware of their new leave benefits and thus not take any time off under the new law.¹ In particular, workers may not be aware of the multiple uses allowed by the law (see text box, above). Thus, both costs and benefits in the early years of a new program may be considerably lower than these estimates.

Main research findings regarding the likely impact of the Paid Sick Time Act

- An estimated 1,203,000 New York City workers lack paid sick days – 42 percent of the workforce. 850,000 New York City workers – 30 percent of the workforce – have no paid leave whatsoever and would receive new sick days under the proposed law.²
- Workers covered by the Paid Sick Time Act will use an average of 1.7 days of paid sick days annually for their own medical needs.
- On average, workers will use one day for family care and doctor visits.
- Half of all workers with paid sick days do not take *any* days off for illness in a given year.
- New York City employers will pay \$291 million annually for lost productivity, wages, payroll taxes, employment benefits, and administrative expenses (Table 1).
 - Workers utilizing leave under the proposed law to address the effects of domestic violence, sexual assault, or stalking will utilize leave costing employers an additional \$1.7 million.
 - Workers and their spouses utilizing leave during pregnancy or after childbirth will utilize leave costing employers an additional \$23 million.
 - Employers are estimated to need replacement workers for workers who are out sick approximately 15% of the time at an additional cost of \$47 million.
- New York City employers currently lose \$19 million in productivity each year as a result of low productivity of employees who work while sick.
- Workplace seasonal flu contagion of the sort experienced in most years is likely to be decreased as a result of the law, resulting in a savings of \$11 million in prevented productivity loss and sick leave.
- The total annual cost of the proposed law, adjusted for productivity currently lost and savings resulting from prevented flu contagion, is \$332 million. The cost per for the

850,000 workers expected to receive new coverage will be \$7.52 per week, or about 21 cents per hour worked on average.*

- Costs for larger businesses are expected to equal \$7.94 per week—or 23 cents an hour—due to the higher number of required sick days under the new law and wages that are higher than those at small businesses. Providing sick days in compliance with the law will cost small businesses an average of \$5.37 per worker per week, or about 15 cents per hour worked.*

Likely benefits: In addition to the costs and adjustments discussed above, universal paid sick days will likely create many significant benefits for employers, workers, families, and the broader community. While the data needed to calculate the dollar value of these benefits is not available in all cases it is reasonable to anticipate savings from:

Health Benefits and Savings

1. Improved health outcomes and speedier recoveries for workers and their families.
2. Reduced use of hospital emergency departments.
3. Easier access to routine and preventative care for workers and their families.
4. Reduced norovirus and other outbreaks in restaurants, nursing homes, and other institutions as a result of food handlers and other workers being more likely to remain home when ill.
5. Reduced spread of illness at schools and in child care facilities when parents can take leave to care for sick children.

Benefits for Businesses

6. Reduced voluntary employee turnover among employees seeking jobs with better benefits, resulting in a reduction of the costs of turnover to businesses.
7. Increased scheduling certainty for employers when workers can be open about upcoming medical appointments for themselves and their families.
8. Improved workplace morale when all workers feel their employers offer the support they need.

Economic Benefits to Families and Taxpayers

9. Greater family economic stability from more consistent employment tenure and fewer days off without pay.
10. Reduced short-term nursing home stays as a result of the ability of workers with new sick days to take time off work to care for parents or other elderly relatives.
11. Fewer workers being fired or suspended for taking needed but unauthorized time off.
12. Reduced expenditures on public assistance and unemployment benefits for workers who lose their job due to having inadequate paid sick days.

* Correction: per-worker costs previously released in an IWPR press release overestimated the number of employed women who would use paid sick days for parental leave. The previously released number used an estimate for the state of New York, rather than the city of New York, resulting in an overestimation of costs.

Table 1. Summary of costs of the proposed New York City Paid Sick Time Act

	Per worker with new sick days^a		
	Total	Per week	Per hour
Costs – All businesses			
Wages, wage-based benefits, payroll taxes, and administrative expenses	\$291,000,000		
Use of PSD to address domestic violence, sexual assault, and stalking	\$1,700,000		
Use of PSD by new parents	\$23,000,000		
Replacement workers for 15% of absences	\$47,000,000		
Adjustments – All businesses			
Productivity lost - ill workers on the job	\$19,000,000		
Reduced spread of the flu at work	\$11,000,000		
Net Cost – All businesses	\$332,000,000	\$7.52	\$0.21
Net Cost – Small businesses	\$39,000,000	\$5.37	\$0.15
Net Cost – Large businesses	\$294,000,000	\$7.94	\$0.23

Note: Columns may not sum to total due to rounding. In 2008 dollars.

^a In addition to these workers, some New Yorkers who currently have paid sick days will receive additional days under the Paid Sick Time Act. This is not likely to have a significant cost impact, because (1) workers with one year of job tenure who have paid sick days are granted an average of eight days (IWPR analysis of the March 2006 National Compensation Survey), so the majority with paid sick days already meet the standard of the Paid Sick Time Act; and (2) most workers will not use their full allotment of paid sick days. (Excluding use for domestic violence, sexual assault, stalking, and parental leave, workers are estimated to take an average of 2.6 days of leave.) For some number of workers, though, these additional days will be very important in addressing health needs.

Source: Institute for Women's Policy Research.

Methodology for Estimating the Cost of the Paid Sick Time Act

The number of New York City workers who will benefit from the proposed policy and the cost of the proposal are estimated using the following methodology.

1. How many workers will be affected?³

There are approximately 2,832,000 private-sector workers in New York City (New York Department of Labor). The share that currently has paid sick days is calculated by industry by the Institute for Women's Policy Research using March 2006 National Compensation Survey microdata for the Middle Atlantic region and data on the number of workers in New York City by industry from the New York City Department of Employment Security. About 1,200,000 New York City workers—43 percent of the New York City workforce—currently do not have paid sick days.

Some workers who lack paid sick days do have paid vacation leave or general paid time off. This estimate assumes that employers with this kind of leave program will convert their current policy to one that conforms to the Paid Sick Time Act without offering more total days off than they do now.⁴ The share of workers covered by vacation and/or paid sick days is calculated by industry by the Institute for Women's Policy Research from March 2006 National Compensation Survey microdata for the Middle Atlantic region and data on the number of workers in New York City by industry from the New York City Department of Employment Security. About 850,000 New York City workers currently have no paid leave benefits.⁵

Workers would accrue paid sick days from their date of hire under the Paid Sick Time Act.

2. How many paid sick days will workers take?

a. For their own medical needs:

The average number of days of work that are missed for health reasons is calculated for the U.S. workforce by industry and firm size from the 2007 National Health Interview Survey (NHIS).⁶ When workers are limited to a maximum of seven days of work loss workers with paid sick days miss an average of 1.7 days annually for illness and injury, excluding maternity leave (IWPR analysis of the 2007 NHIS).⁷ (Those without paid sick days miss an average of 1.4 days annually.) **More than half (54 percent) of all workers who are covered by paid sick days plans do not take any days off for illness or injury in a given year.**⁸

b. For family care:

According to the U.S. Department of Labor's 2000 Family and Medical Leave Act Survey of Employees, **workers take 0.33 days of FMLA-type leave to care for ill children, spouses, and parents for every 1.0 days of own-health leave** (Rutgers University Center for Women and Work 2005).

c. **For doctor visits:**

Workers with paid sick days visit the doctor an average of 3.2 times per year (IWPR analysis of the 2007 NHIS). These visits may be during or outside of work hours or may already be included in time off due to illness or injury in 2(a) above. For this analysis, the average number of doctor visits is calculated by industry from the 2007 NHIS. Each visit is assumed to take 1.0 hours of work-time.⁹

For these three leave circumstances, workers are estimated to use an average of 2.6 days annually.

d. **For maternity leave:**

i. There are an estimated 24,287 births each year to women employed in the private sector in New York City who currently lack paid vacation and sick leave (IWPR analysis of national data from the 2005-2008 Annual Social and Economic Supplement to the Current Population Survey (ASEC)).

ii. Each of these workers is expected to take the maximum number of paid sick days, using the additional days (beyond those accounted for in paragraphs 2(a) – 2(c), above) for prenatal care or maternity recovery. This report estimates that employed women who give birth would use an additional 2.8 days for workers at small businesses (to bring their total usage to 5 days) and 5.9 additional days for workers at large businesses (to bring their total usage to 9 days).

iii. Half of these pregnant workers are assumed to have an employed spouse or partner who would also use all their paid sick days to accompany the woman to doctor visits or provide care during her pregnancy.

e. **To address needs resulting from domestic violence, sexual assault, or stalking:**

i. There are many available sources of data on the incidence of domestic violence and sexual assault in New York City, including the New York City Police Department (recorded criminal convictions for rape, recorded number of domestic disturbances), the New York City Department of Health (reported emergency room visits resulting from domestic violence), the New York State Department of Justice, the New York City Mayor's Office to Combat Domestic Violence (calls to domestic violence hotlines, number of applicants for public assistance who report experiencing domestic violence), and the federal Department of Justice Bureau of Justice Statistics (incidence of stalking).

ii. Estimates of the incidence of these crimes range between 0.02% (criminal convictions for rape in New York City in 2008) and 2.81% (domestic disturbance calls to the NYPD). There is no way to determine whether the victims in these reported cases represent unique cases (rather than repeat victims); in addition, there is no way to determine whether these reports might result in an inability to go to work or the need to address the effects of violence. IWPR selected 0.5% as an estimated incidence requiring the use of paid sick days to address physical, mental, or legal

needs resulting from domestic violence, sexual assault, or stalking, or about 4,250 employees per year.

iii. It is assumed that workers utilizing sick days to address needs arising from domestic violence, sexual assault, or stalking will utilize days in addition to the average use for other needs. This amounts to 2.8 additional days for workers at small businesses (to bring their total usage to 5 days) and 5.9 additional days for workers at large businesses (to bring their total usage to 9 days).

3. How much do workers earn?

Average hourly wages and average daily work-hours are calculated by industry for the private-sector workforce using findings for the Middle Atlantic Census region from the 2005-2008 ASEC.

4. What other costs will employers incur?

a. Employers pay certain benefits and taxes as a percent of their payroll: retirement contributions and legally mandated payroll taxes (the employer's share of Social Security and Medicare taxes, plus federal and state unemployment insurance taxes and workers' compensation).¹⁰ These costs are calculated for the Middle Atlantic Census Region by industry from the 2007 Employer Costs for Employee Compensation survey (U.S. Bureau of Labor Statistics 2008).

b. Administrative expenses are estimated at 1.8 percent of wages. This is one-third the average ratio of administrative costs to benefit payments for state Temporary Disability Insurance programs (TDI) in California, New Jersey, and Rhode Island (U.S. Social Security Administration 2007). TDI is similar to paid sick days in that both relate to workers' illness-related work absence, but TDI is more complex, involving collection of payroll taxes, evaluation of medical disability, tracking of health status, and long-term benefit periods. It is likely that administration of a state-wide TDI program is more expensive than an employer's costs for adding a paid sick days policy to an existing payroll system.

5. How much productivity is already lost to sick employees on the job?

Employers pay substantial wages to employees who are unproductive because of health issues. Goetzl et al. (2004) estimate the average total annual productivity loss, per employee, for the top 10 most costly health conditions at between \$217.07, using low productivity loss estimates, and \$1,566.63, using average productivity loss estimates (in 2001 dollars).

Empirical studies document that workers with influenza have worse performance on a variety of tasks than healthy workers. A study that used random assignment of experimentally induced colds and influenza found that "minor illnesses . . . have significant effects on performance efficiency" during both incubation and symptomatic periods (Smith 1989, 68). A follow-up study discovered that performance impairment continues even after clinical symptoms have ended (Smith 1990). The National

Federation of Independent Business, a small-business association, reminds employers that “working when you’re sick and not up to your best stifles and muddles creativity and depletes energy and stamina” (Townes 2006).

Workers without paid sick days miss an average of 0.5 fewer days due to illness and injury than workers with paid sick days, when constrained to the maximum provided for by the New York City Paid Sick Time Act (IWPR analysis of the 2007 NHIS). Other research suggests that productivity during this extra time at work is only 50 percent of normal (Nichol 2001). The total cost to employers of this unproductive time, in terms of wages and associated payroll taxes, is \$19 million per year (see Table 2).

6. Will employers need to replace workers taking paid sick days?

Though some positions require temporary replacement of a sick worker due to scheduling constraints or legal restrictions (e.g. airline pilot, bus driver, or child care worker), hiring of temporary workers is likely to be relatively uncommon for the short leaves possible under the Paid Sick Time Act. For longer absences under the federal Family and Medical Leave Act, where leaves may total 12 weeks in a year, an average of 15 percent of leavetakers report that a replacement worker was hired to fill in for them during their leave (Cantor et al. 2001, Table A2-6.7). For long leaves under the FMLA, it is much more common for work to be covered by other employees or held for the absent worker to address when back on the job. As there is no available data on the frequency with which employers must replace workers utilizing short-term sick leave, this estimate uses 15 percent as its estimated frequency of the need for replacement workers.

Table 2. Productivity currently lost to ill workers on the job

Cost factor	Value	Notes / Source
Number of New York City workers who currently lack paid leave	850,101	IWPR analysis of 2008 Current Employment Statistics data from the New York City Department of Employment Security and of the March 2006 National Compensation Survey.
Lost productivity currently paid	0.4 days at 50 percent effectiveness	IWPR analysis of the 2006 NHIS; Nichol (2001).
Average hourly wage, workers who lack paid sick days	\$16.16	IWPR analysis of the 2005-2008 ASEC.
Average daily work-hours, workers who lack paid sick days	7.1	Same as above.
Cost of benefits and payroll taxes as share of hourly wage	Varies by industry, from 16 percent to 26 percent	U.S. Bureau of Labor Statistics (2008).
Total	\$19 million	

Note: Columns may not sum to total due to rounding. Monetary amounts are in 2008 dollars.

Source: Institute for Women's Policy Research.

Table 3. Cost of the Paid Sick Time Act

Cost factor	Value	Notes / Source
Number of New York City workers who currently lack paid leave	850,101	IWPR analysis of 2008 Current Employment Statistics data from the New York City Department of Employment Security and of the March 2006 National Compensation Survey.
Average number of days of paid sick days workers will take	Varies by industry Small firms: 2.2 days Large firms: 3.1 days	IWPR analysis of the 2007 National Health Interview Survey (NHIS).
Additional days taken by pregnant employed women and their partners, to bring their use to the maximum provided for in the proposal	Small firms: 2.8 days Large firms: 5.9 days	IWPR analysis of the 2005-2008 ASEC.
Additional days taken by victims of domestic violence, sexual assault, and stalking, to bring their use to the maximum provided for in the proposal	Small firms: 2.8 days Large firms: 5.9 days	IWPR analysis of domestic violence and crime statistics (various sources; see above).
Average hourly wage	Varies by industry from \$11.30 to \$28.30	IWPR analysis of the 2005-2008 ASEC.
Cost of benefits and payroll taxes as share of hourly wage	Varies by industry, from 17 percent to 27 percent	U.S. Bureau of Labor Statistics (2008).
Administrative expenses	1.8 percent of wages	U.S. Social Security Administration (2007).
Estimated cost to staff replacement workers	15% of absences	FMLA survey data from 1995 and 2000 (Cantor et al. 2001)
Subtotal:	\$362 million	
Adjustment: productivity currently lost to sick employees	\$19 million	See Table 2.
Total:	\$343 million	Before savings; see below.

Note: Columns may not sum to total due to rounding. Monetary amounts are in 2008 dollars.

Source: Institute for Women's Policy Research.

BENEFITS OF THE PROPOSED PAID SICK DAYS POLICY

Ensuring that workers have paid time off work when needed to take care of their own health needs or those of members of their families is likely to lead to improved health outcomes for workers and their families (Lovell 2004). Better health outcomes will reduce health care expenditures and increase quality of life.

While there is solid theoretical work suggesting the nature of these benefits, in some cases there are no specific empirical data for valuing a benefit. This report presents an estimate of three benefits of paid sick days and discusses other likely benefits. Future research may provide measures of these benefits that can be added to those analyzed here.

Cost savings #1: Reduced spread of the flu within workplaces; reduced overall absence and lowered productivity

Employers are increasingly aware of the cost of the spread of disease within workplaces that occurs when sick employees go to work, a practice known as presenteeism. Two of every five employers identify presenteeism as a problem for their organization (CCH Incorporated 2004a). As Dr. Richard Chaifetz notes, presenteeism can lead to “the spread of illness for an even greater reduction in productivity” than would be caused by an individual worker’s absence (ComPsych 2004). Firms with low employee morale are more likely to experience presenteeism than those with better morale (CCH Incorporated 2004b).

Empirical research has documented the widely suspected link between presenteeism and contagion within workplaces. Li, Birkhead, Strogatz, and Coles (1996) find lower rates of respiratory and gastrointestinal infection among nursing home residents when nurses have paid sick days, demonstrating that the spread of disease is diminished (at least in workplaces involving intimate physical contact) when ill workers can stay home. Potter et al. (1997) report reduced disease and mortality among patients in long-term care hospitals when health care workers are vaccinated against influenza.

Because influenza (the flu) is highly contagious and accounts for 10 to 12 percent of all illness-related employment absences—about the same portion as musculoskeletal disorders (Keech, Scott, and Ryan 1998)—the impact of paid sick days on transmission of the flu virus is likely to be the largest consequence of increased paid leave on the spread of disease in the workplace. Longini, Koopman, Haber, and Cotsonis (1988) estimate the probability of an individual contracting influenza from community contacts at 16.4 percent and from an infected household member at 26.0 percent. Islam, O’Shaughnessy, and Smith (1996) calculate the probability of an individual catching an infection from community contacts during a flu epidemic at 0.168;¹¹ intra-household disease transmission probabilities per cohabitant are a bit higher (mean of 0.177). These transmission rates suggest that a sick worker who is in the workplace while contagious is likely to infect 1.8 of every 10 co-workers.

By a low estimate, 5 percent of healthy working adults will get the flu in a given flu season (Nichol 2001). Studies find that workers with the flu miss one to five days of work (Nichol 2001). Half of employees out sick with the flu are attended by a caregiver, with an average work-loss of 0.4 days per caregiver (Keech, Scott, and Ryan 1998).

Workers with the flu also incur costs for doctor visits (45 percent seek medical care; Nichol 2001), hospitalizations (four hospitalizations per 10,000 flu cases; Nichol 2001), and purchase of prescription and non-prescription medications and other treatments (Kavet 1977). In addition, the flu kills one in every 100,000 infected individuals (Nichol 2001).

These factors are combined with workforce data to estimate savings under New York City Paid Sick Time Act from reduced spread of the flu in workplaces (Table 6). Detailed data are not available to estimate savings from other contagious diseases (see text box), although they would without doubt be significant.

The Cost of Other Contagious Diseases

The flu is the only contagious disease for which accurate data could be located on transmission rates, work absence, and treatment costs. A comprehensive accounting for the spread of all relatively common contagious diseases—including, e.g., colds, stomach flu (norovirus), mononucleosis, hepatitis, strep, and pink-eye—would certainly be much higher. In addition, costs related to work absence and health care use that result from the spread of disease in child-care settings and schools when parents cannot keep their sick children home are not calculated here.

Table 4. Cost savings from reduced spread of the flu within workplaces

Cost factor	Value	Source
Employers' wage costs		
Number of New York City workers who currently lack paid leave	850,101	IWPR analysis of 2008 Current Employment Statistics data from the New York City Department of Employment Security and of the March 2006 National Compensation Survey.
Influenza illness rate	5 percent	Nichol (2001), Table 6.
Contagion rate (i.e., each co-worker's chance of contracting the flu)	18 percent	Islam, O'Shaughnessy, and Smith (1996).
Assumed number of close daily work contacts	5 co-workers	Same as above.
Number of missed workdays per infected co-worker	2	Nichol (2001).
Number of missed workdays for employed caregivers of ill workers	50 percent of flu-stricken workers receive care; average of 0.4 lost workdays per caregiver	Keech, Scott, and Ryan (1998).
Lost productivity for infected co-workers on return to work	0.5 days at 50 percent productivity	Nichol (2001).
Average hourly wage, workers who lack paid sick days	\$16.16	IWPR analysis of the 2005-2008 ASEC.
Average daily work-hours, workers who lack paid sick days	7.1	IWPR analysis of the 2005-2008 ASEC.
Cost of benefits and payroll taxes as share of hourly wage	Varies by industry, from 17 percent to 27 percent	U.S. Bureau of Labor Statistics (2008).
Subtotal	\$11 million	

Cost savings #2: Reduced voluntary job turnover

What we can estimate: Having paid sick days reduces voluntary job mobility by three to six percentage points (the effect varies by sex and marital status; Cooper and Monheit 1993). Because workers value paid sick days, when they have that benefit, they are less likely to look for a different job. Workers who experience a health care crisis are also more likely to return to their employer if they have a paid leave policy – more than twice as likely, in the case of women with heart disease (Earle, Ayanian, and Heymann 2006).

If all New York City employers provide paid sick days, this effect on voluntary turnover may be reduced, since workers considering a job change may be more likely to have paid sick days both

at their current job and at their potential new job. However, employers in New York City will still compete for both employees and customers with businesses in surrounding cities that lack paid sick days laws. In addition, having paid sick days in a current job may increase worker loyalty to the current employer or reduce work/life conflict, even if the same benefit would be offered by any other employer. Since changing jobs is somewhat costly and risky for workers, even a universal paid sick days policy is likely to strengthen the attachment between workers and their current employers.

Other impacts that cannot be measured: Having paid sick days also affects involuntary turnover, by protecting workers from being fired for unauthorized work absences when they are sick or must care for sick family members (Heymann 2000, Earle and Heymann 2002). Seven percent of women's job separations are responses to health issues, and another 15 percent concern other family or personal reasons (Emsellem, Allen, and Shaw 1999). We lack data for accurately estimating the savings related to lowered involuntary turnover that would flow from the paid sick days proposal, although a recent national survey found that 11 percent of workers have lost a job for missing work when sick or to care for an ill family member (Smith 2008). Any overestimation in savings from voluntary turnover in this analysis will most likely be more than offset by savings in employer expenses from reduced involuntary turnover.

Why turnover is expensive for employers: Turnover entails a variety of costs for employers, of which actual outlays to recruit a new worker are only a small portion. Low productivity of new hires, drains on the productivity of the new worker's colleagues and supervisors, human resources processing time for exit and entry, training, and lost productivity during vacancies are also real costs to employers (Phillips 1990). A newly hired low-paid retail worker may lose sales—and customers—during the period the employee is learning about the employer's products, and may mistakenly undercharge for products (Johnson and Tratensek 2001).

Careful analyses of the range of impacts associated with turnover provide guidance on the true costs to employers. Phillips (1990) reports that replacing a mid-level manager costs 1.5 times the worker's annual salary. An estimate by Johnson and Tratensek (2001) pegs the cost of turnover of retail workers earning \$7 an hour at \$6,241, or 43 percent of their annual pay. A study of the costs of replacing front-desk associates at two hotels in New York found total turnover costs of 28 percent and 31 percent of annual compensation (Hinkin and Tracey 2000).

A widely cited rubric for calculating turnover costs places them at 25 percent of total annual compensation (Employment Policy Foundation 2002). This figure is used in this analysis to estimate employers' savings under the Paid Sick Time Act from reduced turnover.

For each percentage point reduction in turnover experienced by employers newly implementing paid sick days in New York City, a savings of \$96 million in prevented turnover costs is expected. The estimated percentage point reduction in turnover observed in the 1993 Cooper and Monheit study was 5.3 percentage points, suggesting that businesses could save as much as \$481 million by preventing voluntary turnover with paid sick days.

Table 5. Cost savings from reduced turnover

Cost factor	Value	Notes / Source
Number of New York City workers who currently lack paid leave	850,101	IWPR analysis of 2008 Current Employment Statistics data from the New York City Department of Employment Security and of the March 2006 National Compensation Survey.
Cost of turnover	25 percent of total compensation	Employment Policy Foundation (2002).
Average hourly wage, workers who lack paid sick days	\$16.16	IWPR analysis of the 2005-2008 ASEC.
Wages as percent of total compensation	20 percent	U.S. Bureau of Labor Statistics 2008.
Subtotal:	\$91 million	For each percentage point reduction in turnover
Percentage point reduction in voluntary turnover when paid sick days are provided	5.3	IWPR calculation of weighted average from Cooper and Monheit (1993), based on Lovell (2005).
Total:	\$481 million	Potential savings

Note: Columns may not sum to total due to rounding. Monetary amounts are in 2008 dollars.
Source: Institute for Women's Policy Research.

Benefits to workers and other benefits to measure when needed data become available

While data are currently lacking to calculate the economic impact of all the consequences of workers not having adequate paid sick days, it is certain that there are many other effects of lacking paid sick days, in addition to those discussed above, that do impose costs on workers, their families, employers, taxpayers, and society as a whole. Eliminating these costs thus confers benefit on society. They include the following:

1. Additional impacts of presenteeism on employers and workers

a. Health care expenditures for workers who are sick longer because they are unable to recuperate at home: extra expenditures for workers and firms.

Without adequate time to regain health, minor medical problems may be exacerbated (Grinyer and Singleton 2000), eventually requiring longer work absence and/or increased treatment costs.

b. Cost to employers of scheduling uncertainties

For example from workers who call at the start of their shifts to say they're ill, when they knew the previous day they would have to stay home with a sick child.

c. Improved morale and resultant productivity; impacts on co-workers and customers.

Enhanced worker loyalty and job satisfaction related to having adequate paid time off may translate into gains for employers through improved customer relations. In addition, “if ill health results in more accidents or increased errors, all who explicitly or even implicitly interact with unhealthy employees can become less productive” (Greenberg, Finkelstein, and Berndt 1995, 36).

2. Health and health care utilization impacts on family members when workers cannot provide care

Keeping children at home when they have contagious diseases like the flu can prevent illness and work absence among their schoolmates’ parents. Because “children are more susceptible to influenza, carry and spread the influenza virus over a longer period of time than adults, and are often the first to get the infection in the community” (King 2004), preventing children from being disease vectors in school and child-care settings can significantly reduce workplace absence and productivity effects among adults.

Children have better short- and long-term health outcomes when they are cared for by their parents (Palmer 1993); hospital stays are shorter when parents are involved in care (Kristensson-Hallstrom, Elander, and Malmfors 1997). With increased flexibility in attending to sick children, paid sick days are likely to reduce treatment costs and overall length of illness.

Heart attack survivors who perceive that they receive adequate tangible social support have decreased mortality rates and better overall health outcomes than those perceiving inadequate levels of tangible social support (Woloshin et al. 1997). Being married or having children (even if not living nearby) reduces the length of hospital stays for elderly patients in acute care wards (McClaran, Berglas, and Franco 1996). Stroke victims have better functional and social outcomes when they receive high levels of family social support, and are more likely to receive nursing home care if they have low levels of support (Tsouna-Hadjis et al. 2000). Workers with the flexibility provided by paid sick days may be able to positively affect the health status of their relatives with coronary disease and other chronic medical conditions by being more able to provide timely care.

3. Other impacts on families when workers cannot take time needed to provide care

When parents cannot stay home to care for sick children, older siblings may be kept out of school to care for their younger siblings (Dodson and Dickert 2004). These school absences may affect school performance and have long-range impacts on the older children’s education and work productivity.

Informal caregivers whose work schedules are incompatible with the care needs of their relatives may decrease their work hours or even leave the labor force completely (Stone and Short 1990). Paid sick days may provide sufficient leave to many caregivers to allow them to maintain their desired level of employment while continuing to perform their caregiving work as well.

4. Reduced expenditures for treating victims of outbreaks of norovirus and other disease vectors in nursing homes and other institutional settings

Paid sick days that allows ill workers to stay home can have very important public health impacts, by limiting the spread of contagious diseases. Data are not yet available to measure or calculate the benefits that might result from preventing the spread of all contagious diseases, but the impact of reducing the spread of highly contagious diseases in institutional settings such as nursing homes and busy, public locations such as restaurants is likely to be significant (Li et al. 1996).

5. Lost wages

Workers would not be suspended or fired for missing work without authorization when they are sick or a family member needs care (Browne and Kennelly 1999; Dodson, Manuel, and Bravo 2002).

6. Reduced expenditures on public assistance

Workers who lose their jobs due to having inadequate paid sick days would be less reliant on public assistance. For instance, 8.7 percent of workers who take an FMLA-type leave and do not receive their full wages during the leave turn to public assistance for support (Cantor et al. 2001, Table A1-4.8).

7. Increased financial stability and economic well-being of families

When incomes are not interrupted by unpaid leave, families experience greater financial stability and economic well-being.

8. The value of workers and their family members feeling better

Better health improves quality of life for workers and their families.

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¹ It can be very difficult to inform workers of changes in their employment benefits. For instance, three years after California's new paid family leave program went into effect, only a quarter of workers know about their new right to take paid leave (Milkman 2008), despite the requirement that employers notify their employees of their right to paid family leave.

² Based on data from 2008. Estimates based upon other sources of data—such as analyses drawing on the "Unheard Third" survey conducted by the Community Service Society—differ from this estimate as a result of varying methodologies and samples, but nonetheless are similar in magnitude to the findings presented here.

³ Information on average hourly wages and average daily work hours are calculated from 2005-2008 Annual Social and Economic Supplement to the Current Population Survey for all businesses in the Middle Atlantic census region. Sample sizes are not sufficient to limit these analyses to New York City.

⁴ While it is the clear intent of the proposed New York City Paid Sick Time Act that workers have a separate benefit of paid sick days, in addition to any other paid leave they have, as drafted the proposal would accept a paid time off leave program that could be used for illness as meeting the requirements of the proposal. This estimate assumes that employers that currently offer paid vacation leave, but no paid sick days, would convert their vacation leave into a general paid time off program covering both vacation and sick leave and, thus, workers in such firms would not receive additional paid time off under the law. They would, however, receive important protections against dismissal or other penalties for using their statutorily mandated paid sick days.

⁵ In addition to these workers, some New Yorkers who do have paid sick days will receive additional days under the Paid Sick Time Act. This is not likely to have a significant cost impact, because (1) workers with one year of job tenure who have paid sick days are granted an average of eight days (IWPR analysis of the March 2006 National Compensation Survey), and (2) most workers will not use their full allotment of paid sick days. For some number of workers, though, these additional days will be very important in addressing health needs.

⁶ State-level data are not available from the National Health Interview Survey.

⁷ This assumes that work-loss reported in the 2007 NHIS includes own medical needs only, excluding doctor visits. However, due to respondent discretion in interpreting the survey's questions, reported work-loss "because of illness or injury" may include time off work to care for others and for doctor visits, in addition to time for workers' recuperation. To the extent that this occurs, the estimates presented here of days taken under the paid sick days proposal may overestimate actual leave-taking.

⁸ This is consistent with online survey research finding that a substantial share of workers with paid vacation leave does not use their full allotment (35 percent; Expedia.com 2007).

⁹ This estimate of the time involved in visiting the doctor is very conservative, in order to allow for some workers who may seek treatment at times when they are not scheduled to work. With travel and waiting time, a doctor visit could easily take two to four hours.

¹⁰ Other employer-provided benefits such as health insurance and paid holidays are typically costed as a monthly premium or annual allotment. A worker who is granted leave with pay would not cost an employer any more for these benefits than would a worker taking time off without pay.

¹¹ This is the mean of six rates derived from data on three disease outbreaks.

Funding for this study was provided by the Ford Foundation and the Annie E. Casey Foundation. For further information please contact Dr. Kevin Miller at miller@iwpr.org. This report was written by Dr. Kevin Miller and Claudia Williams.

The Institute for Women's Policy Research conducts rigorous research and disseminates its findings to address the needs of women, promote public dialogue, and strengthen families, communities, and societies. The Institute works with policymakers, scholars, and public interest groups around the country to design, execute, and disseminate research that illuminates economics and social policy issues affecting women and families, and to build a network of individuals and organizations that conduct and use women-oriented policy research. IWPR, an independent, non-profit, research organization also works in affiliation with the graduate programs in public policy and women's studies at The George Washington University.



RELAX ON CLOUD NINE

Testimony of
Relax On Cloud Nine, Owner – Doreen Zayer
NYC Committee on Civil Service and Labor – Paid Sick Time
November 17, 2009, 1:00 p.m.

Good afternoon, my name is Doreen Zayer. I am the owner of Staten Island's first day spa, Relax On Cloud Nine. I would like to thank you for the opportunity to address the New York City Council's Committee on Civil Service and Labor regarding the issue of paid sick time.

My business is service-based. Therefore, repeat clients are a result of the quality of service people receive when they visit my establishment, similar to the recurring business generated by hair stylists. The number of repeat clients my business has is directly related to the abilities of my employees. As a general rule, when an employee is absent, his or her regular clients cancel their appointments on that day.

My employees have approximately five appointments per day, three of which are regular clients. With an average of \$80 per appointment, it currently costs my business \$400 in lost revenue when one of my employees takes a day off due to illness. If I hire someone to cover the two remaining non-regular clients at \$18.50 per hour for an 8 hours shift (\$148 total), I can reduce my losses to \$228 per day.¹ However, if this bill passes I will have to pay an additional \$148 to my sick employee, increasing my losses over 60% to \$376 per employee per day.

Payroll costs are currently 78% of my business's gross sales. This paid sick time proposal would reduce my already thin profit margin even further. As a result I will be forced to cut costs elsewhere. In order to remain solvent I will have to consider a range of options including a reduction in employee wages and/or benefits, termination of employees and relocation outside of New York City – none of which I would be happy to do.

As my testimony demonstrates, this excessively broad legislation does not account for the diversity and disparity that exists in the business community. Relax On Cloud Nine is just one of the many businesses that will be severely harmed if this bill passes. For the above mentioned reasons I urge to you vote "no" on Intro No 1059.

¹ \$228 equals the loss of three appointments at \$80 each (\$240 total), plus the cost of hiring a replacement (\$148), minus the profit from two appointments at \$80 each (\$160).



FOR THE RECORD

Testimony of
Staten Island Chamber of Commerce President & CEO – Linda Baran
NYC Committee on Civil Service and Labor – Paid Sick Time
November 17, 2009, 1:00 p.m.

Good afternoon, my name is Linda Baran, President of the Staten Island Chamber of Commerce. On behalf of the Staten Island Chamber of Commerce and our 900 small business members who employ over 20,000 people, I would like to thank you for the opportunity to address the New York City Council's Committee on Civil Service and Labor regarding the issue of paid sick time.

Everyone recognizes the benefits of paid sick leave – especially businesses. The legislative intent behind the bill acknowledges this, stating that “[e]mployers who provide paid sick time have greater employee retention and reduce the problem of workers coming to work sick.” In fact, two-thirds of our member-businesses already allow employees a generous number of paid sick days. Those employers that do not simply cannot afford to offer this benefit to employees. Ultimately, by mandating a minimum number of sick days, Intro No 1059 will harm employees, business owners and the City.

Contrary to common wisdom, the current proposal will not benefit employees. In order to comply with the mandate, businesses will be forced to pass along the cost of paid sick days to employees (estimated between \$5.37 and \$9.28 per employee per week). One Staten Island employer stated that to offset the proposal's required paid sick leave, he would be forced to reduce employee salaries and/or benefits, cut the number of hours employees work, layoff current employees or even relocate out of state. This is a very real concern for employees, as evidenced by the fact that nearly 40% of San Francisco employers reduced employee benefits and/or compensation to alleviate the burden imposed by that city's paid sick time ordinance. Clearly, employees do not benefit from a bill that reduces their salaries, bonuses or vacation time, causes their termination or otherwise diminishes the amount of money they take home each week.

Employees who manage to keep their jobs may actually take off *more* days, hurting businesses owners. The lack of an ability to “bank” sick time will lead to a culture of “use it or lose it” at many businesses. Other employees will feel a sense of entitlement toward the paid sick leave as a consequence of their reduction in salary or other benefits.

Employers will also be harmed by the numerous administrative hurdles this proposal would require. Businesses would need to implement a complex employee tracking regime able to accurately determine the amount of paid sick leave an employee has earned – even if that employee is not based in New York City and only occasionally works in the city. Additionally, the legislation's mandate that employees begin earning paid sick time after the relatively short

period 90 days on the job would require the renegotiation of numerous collective bargaining agreements. These are just two of the "hidden" business costs that proponents of this bill have neglected to include in their cost calculations.

Also, the bill would drive business out of New York City, reducing revenues and weakening the overall economic health of the City. The need for a strong and vibrant business community has been widely recognized as a necessity to weather the current economic crisis. Passage of this bill would encourage Staten Island businesses to relocate and place them at an enormous competitive disadvantage with neighboring New Jersey. This would result in a loss of tax revenue to both the City and the State of New York. Further, Intro No 1059 discourages non-City based businesses from opening offices here, effectively precluding an otherwise offsetting source of revenue.

Finally, there is no pressing need to pass paid sick time legislation at this time. There has been no public outcry by City employees – indicating that paid sick leave is not a priority of the people but a pet cause of certain special interest groups. There is no real-world evidence to support proponents' claim that paid sick time legislation would have a positive net impact for either employers or employees. Additionally, federal legislation currently pending in Congress could preempt this proposal and require local businesses to once again revamp their employee tracking system and renegotiate contracts. Forcing New York City businesses to provide paid sick leave, and jump through all of the administrative hoops that accompany such a change, makes no sense when one considers that there is no public demand for it, there is no substantive proof that the proposal would have the intended effect, and a reasonable likelihood exists that the bill will be preempted by federal law in the near future.

DEPARTMENT OF ADMINISTRATIVE SERVICES
OFFICE OF LABOR STANDARDS ENFORCEMENT
DONNA LEVITT, MANAGER



November 16, 2009

Gale A. Brewer, Council Member
New York City Council
250 Broadway, Room 1744
New York, NY 10007

Dear Council Member Brewer:

Thank you for the opportunity to share our experience implementing the San Francisco Paid Sick Leave Ordinance (PSLO).

The Paid Sick Leave Ordinance was adopted by San Francisco voters on November 7, 2006, with 61% of voters voting in favor of the measure. The PSLO found that a large number of workers in San Francisco, particularly part-time employees and workers toward the lower end of the economic spectrum, did not have paid sick leave – or had an inadequate level of paid sick leave – available to them. The absence or inadequacy of paid sick leave among workers in San Francisco posed serious problems not only for affected workers but also their families, their employers, the health care system, and the community as a whole.

While 127 countries provide at least one week of paid sick leave per year¹, San Francisco was the first jurisdiction in the United States with a paid sick leave requirement. The ordinance took effect on February 5, 2007. It requires all employers to provide paid sick leave to their employees performing work in San Francisco.

While paid sick leave may have been a new concept to some employers and employees in San Francisco, we believe that the implementation of the law has been smooth. When the PSLO took effect in February of 2007, some employers initially reported that they needed additional time to adjust their payroll systems to ensure compliance with the new requirements. Since that time, we have heard relatively few complaints or problems from employers with respect to implementation of the law.

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 recent 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.

In terms of public outreach, including employer outreach, our office completed an extensive public rulemaking process shortly after adoption of the law to provide guidelines on the PSLO requirements. OLSE also produced multilingual resources to explain the law to employers and employees. These materials are available for your review at www.sfgov.org/olse. In addition, with an eye to the looming

¹ *The Work, Family, and Equity Index*, Jody Heymann, Alison Earle, and Jeffrey Hayes, 2007.

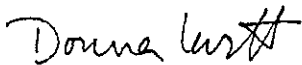
H1N1 crisis, last spring OLSE and our Department of Public Health conducted a special outreach to parents and guardians through the San Francisco Unified School District. Because of the PSLO, San Francisco is uniquely positioned to deal with a public health emergency such as H1N1.

Finally, please note that the legislation before you builds upon our experience in San Francisco, which should improve implementation. Issues that were unresolved in the PSLO, and therefore needed to be resolved through our rulemaking process, have already been addressed in your legislation. As an example, the PSLO did not address accrual for employees exempt from overtime; your legislation addresses that issue directly. In addition, approaches in the PSLO that cause confusion here have been resolved in your legislation. For example, the PSLO does not limit how many hours of sick leave an employee may use in a calendar year, creating uncertainty for employers. Your legislation addresses that issue directly.

Even with the challenges of being the country's first municipality to implement a local sick days ordinance, I again state that our implementation has been smooth. Should New York City choose to implement a paid sick leave law, we would gladly make ourselves available to provide assistance based on our experience here in San Francisco.

Please let me know should you have any further questions, and thank you again for the opportunity to share our experience implementing the San Francisco Paid Sick Leave Ordinance.

Sincerely,

A handwritten signature in cursive script that reads "Donna Levitt". The signature is written in black ink and is positioned to the left of the typed name.

Donna Levitt
Labor Standards Enforcement Officer

FOR THE RECORD

TESTIMONY OF LAWRENCE A. MANDELKER on behalf of THE NEW YORK METROPOLITAN RETAIL ASSOCIATION (NYMRA) before the COMMITTEE ON CIVIL SERVICE AND LABOR

Members: James F. Gennaro, Melissa Mark-Viverito, Michael C. Nelson, Larry B. Seabrook
Wednesday, November 17, 2009, 1:00 p.m.
Council Chambers - City Hall

NYC COUNCIL INT. NO. 1059 PAID SICK TIME EARNED BY EMPLOYEES

Members of the Committee, I am offering testimony on behalf of the New York Metropolitan Retail Association known as NYMRA. Our members are national chain retailers operating in the City of New York. I regret that a prior commitment has foreclosed the possibility of my being among you.

Although NYMRA applauds the sponsor's good intentions, it opposes adoption of Intro.1059 in its present form. I will suggest a number of changes, below.

The bill would provide more generous benefits than the Healthy Families Act, now pending before Congress, Washington D.C.'s Accrued Sick and Safe Leave Act and San Francisco's Paid Sick Leave Ordinance. It expands the definition of eligible relative beyond the definition in the Family Medical Leave Act. The only sick leave benefits that are as generous as those in this bill are the benefits paid to Federal employees. Significantly, those are paid by the government, not by private employers.

Our members have been operating in the worst retail market in years. Although there may be a glimmer of recovery in some segments of the economy, the Wall Street Journal quoted a Moody's Investor Services advisor that "[d]epartment stores 'are still in a challenging place.'"¹ The lucky ones won't even come close to breaking even this year. Advocates supporting this bill claim that the cost to employers of implementing the bill will only be \$7.94/ worker/week, or \$413/annum. But the highly respected Partnership for New York City has opined that the true cost to employees of implementing this most generous sick leave bill in the nation will be almost four times greater, namely, \$30/worker/week or \$1,560/annum. For a retailer with 1500 employees in its New York City stores, that would represent an annual additional cost of \$2,340,000.

Here's why the proposed benefits are so expensive:

- The bill allows employees to accrue up to 72 hours (9 days)² of paid sick time within a calendar year. Employees would accrue paid sick from the first hour on the job at the rate of 1 hour for every thirty hours worked, provided that the employee works at least 80 hours within the calendar year (equivalent to two full work weeks). The employees of our members do not start to accrue paid sick leave until they have been on the job from 60 to 180 days. A more affordable benefit would be up to five days per

¹ Nov. 12, 2009, page B1, col. 6

² Applies to businesses employing more than 10 employees

calendar year for the first several years, with accrual to start after employees have been on the job for at least six months.

- The eligible uses of paid sick time in the bill are so expansive that they would allow paid sick time if an employee or the employee's eligible relative who has been the victim of either a threat of violence, or stalking to be absent from work in order to prepare for a civil action.

- The bill's definition of "child" is too broad. It includes natural, adopted and step children, grand children, legal wards and those to whom the employee stands *in loco parentis*. The phrase "and those to whom the employee stands *in loco parentis*" is meant to be a separate catch all category. The definition should be limited to natural, adopted and step children, grand children and legal wards who are minors, reside with the employee³ and to whom the employee stands *in loco parentis*.

- The bill's definition of "parent" is not limited to those who are no longer capable of independently caring for themselves. This could be remedied by requiring that the employee either be the "parent's" guardian, or stand *in loco parentis* to his/her "parent."

- The bill's definition of "relative" includes relatives within the third degree⁴ and any other individual "related by blood or affinity whose close association with the employee is the equivalent of a family relationship." In other words, close friends, even if not related, even if not a minor, even if not living in the employee's household or even if capable of caring for himself/herself are considered eligible relatives. The definition should be narrowed to those individuals who are not otherwise covered by the definition of child, parent, spouse or domestic partner over whom the employee has legal custody, or with whom he stands *in loco parentis*.

- Employee productivity is a quantifiable bottom line cost for every employer, whether municipal or private. That is why in labor negotiations, wage increases are often paid for by increases in productivity. Given the bill's liberal definition of the eligible uses for which paid sick time can be taken, it would be human nature for employees to view 9 days/annum of sick time as a benefit to be used, particularly if unused days can't be cashed in. Large employers such as NYMRA's members can shift the absent employee's duties to other employees rather than hire replacements. But that still neither recognizes, nor addresses the loss of productivity, which would be a significant bottom line cost they would have to absorb. One of our members estimates quantifies the potential loss of productivity it would suffer under the bill at almost \$700,000/annum.

- The bill requires that the employee be compensated at the rate she would have been paid had she worked. In other words, if she was working either an extra day or extra-long day during inventory or the holiday season, she would be paid for sick leave at time and a half. Sick leave should be paid at time, not time and a half.

³ Unless residing away at school

⁴ second cousins

- The bill allows temporary or seasonal workers who work at least 80 hours in a year (equivalent to two full work weeks) to carry over their accrued sick time if they are rehired within one year after separation. That carry-over should be eliminated, or apply only to those who are rehired within 30 days after separation.

- The bill does not recognize that for some industries, such as the retail industry, there are times when no leave can be taken except for an emergency. All employees are expected to be present during inventory periods and during the period beginning on the day after Thanksgiving and ending on the following January 2nd. The bill should provide a mechanism for employers with such needs to black-out reasonable periods during which paid sick leave would not be provided.

- There is language in the bill exempting those employers who are subject to collective bargaining from the bill's requirements if the employees either already receive "equivalent benefits" under their labor contract, or if their contract contains an express waiver, but they still receive "equivalent benefits". Given the bill's expansive definition of eligible relative and eligible uses for sick leave, the term "equivalent benefits" is too vague. By making paid sick leave a matter of law rather than the product of collective bargaining, even unions that have previously negotiated contracts providing for "equivalent benefits" will be forced by their members to demand increased benefits.

- Documentation is required if an employee takes more than three consecutive sick days. Documentation should be required after the second consecutive sick day or if four sick days are taken in any ten day period.

While NYMRA appreciates the plight of those workers who do not have access to paid time off, this bill would impose an excessive cost on our members in New York City. Normally, when government imposes an unfunded mandate on private industry, it is passed along to the consumer in the form of higher prices. This effectively places the burden most heavily on those who earn the least. However, because of the economy, retailers will not be able to pass the increased cost on to the consumer. Those who are weakest will cease hiring and possibly resort to lay-offs.

Could retailers be pushed out of business? Just ask the former employees of Circuit City, Levitz, Linens 'n Things, Sharper Image or the dozens of other large chains who have closed stores during the past 12 months. The New York Metropolitan Retail Association therefore opposes Intro. 1059 in its present form and urges its disapproval.

Lawrence A. Mandelker, Esq.
Kantor, Davidoff, Wolfe, Mandelker Twomey & Gallanty, P.C.
51 East 42nd Street, Floor 17, New York, NY 10017
Ph: 212-682-8383; Fx: 212-949-5206; Eml: mandelker@kantorlawonline.com



FOR THE RECORD

John H. Banks
Vice President
Government Relations

November 17, 2009

Honorable Christine Quinn
Speaker
New York City Council
City Hall
New York, NY 10007

Re: Intro. 1059

Dear Speaker Quinn:

Con Edison recognizes that paid sick time serves an important purpose. Employees should not be coming to work when they are ill, nor should they have to make a choice between feeding their family and staying home for an illness. Our sick leave policy goes above and beyond the provisions of the proposed bill for the majority of our employees, and this sick time allotment is in addition to annual personal/vacation time that can be taken for any reason.

However, we are concerned that the bill -as currently drafted - could lead to widespread abuse and make us powerless to manage our workforce. As you know, Con Edison's delivery of electric, gas and steam is critical to the functioning of New York City and having this restraint imposed on our ability to enforce workplace rules has the potential to impact the safe and reliable service New Yorkers expect.

Our specific concerns with the bill as drafted are as follows:

- I. Con Edison employees are provided a number of services to help the employee and their families remain well. We have a work-home wellness program and a referral system for emergency family care. However, employees are asked to make their best efforts to schedule visits to doctors and other practitioners on their own time to the extent possible. Many facilities have late appointments or weekend hours. The company also operates 24/7, so many of our employees are home during the more traditional Monday-Friday schedule. Permitting employees to use company time for appointments that can be made at other times is an unnecessary burden.
- II. It prohibits Con Edison from taking any disciplinary action against an employee for abusing our policies. It does not allow us to ask for a doctor's note or progress report after three days of consecutive absence. Therefore, as written, an employee could abuse this by taking one or two days at a time over and over throughout the year. Imagine if every employee in an operating area called in "sick" every Monday during the summer and the company was unable to stop

them from doing so. The company recognizes that we have a critical role in our service territory. Employees are not permitted to avoid coming to work because of weather concerns or other emergency conditions. However, this bill would allow them to call in sick on those days and potentially jeopardize the safety of the general public; all while being paid to do so.

- III. Con Edison has employees in all five New York City counties, plus Westchester, Orange and Rockland Counties of New York. During emergencies, employees are expected to report to whichever county the company designates. This bill would force the company to either handle the administrative burden of maintaining multiple policies or force us to extend the provisions of the bill far beyond the reach of New York City.

Con Edison values its employees and offers a comprehensive benefits plan. However, this bill has the potential to have an immediate impact on our ability to provide safe, reliable service every hour of the day, every day of the year.

We thank you for your consideration of these concerns and would be happy to meet with you and staff at your earliest convenience to discuss these issues further.

Regards,

A handwritten signature in cursive script, appearing to read "John".

New York Union Child Care Coalition

(A Committee of the New York City Central Labor Council & New York State AFL-CIO)

FOR THE RECORD

Written Statement of

Deborah King

Chair, New York Union Child Care Coalition

Committee on Civil Service and Labor
New York City Council

New Yorkers Need Paid Sick Time

November 17, 2009

Introduction

My name is Deborah King and on behalf of the New York Union Child Care Coalition, I would like to thank you for the opportunity to testify today.

The New York Union Child Care Coalition (NYUCCC) was formed in 1994 as a coalition of 10 unions committed to a child care, work and family agenda. It has since grown to include 25 unions and won official recognition from the New York City Central Labor Council and New York State AFL-CIO. The Coalition has become a forum for unions to share problems and develop cooperative strategies to address mutual concerns regarding work and family issues.

The core mission of the coalition is to address the urgent need to change the workplace to reflect the reality of today's working families and to provide a vehicle that will encourage, motivate, and promote increased activism among women in the labor movement.

The American family has changed dramatically in the last 50 years. We live in a era where 70% of households have all adults in the labor force and women now make up more than half of the U.S. workforce. Achieving a sustainable work-life balance is of paramount concern for working parents and their families. One third of women believe that the difficulty of combining work and family is their biggest work-related problem, and nearly three-fourths think that the government should do more to help.¹ It is crucial to adapt family responsive policies like the **Paid Sick Time Act (1059-2009)** before the work-family conflicts experienced by a escalating number of Americans reach crisis level.

¹ Families and Work Institute, "National Study of the Changing Workforce," 2002.

NYC Suffers When Workers Lack Paid Sick Days. Over a million New Yorkers do not have a single paid day off for illness a year. This lack of paid sick time comes with a cost - not just to those workers, but also to their families, to businesses, to public health, to children and to seniors.

Many workers are forced to go to work sick because they cannot afford to lose pay or risk losing their jobs, especially in the midst of a deep recession. About one in six workers reports that they or a family member have been fired, suspended, punished or threatened by an employer due to needing time off for illness.² Five out of six workers (84 percent) say the recession and the scarcity of jobs are creating more pressure to show up for work, even when they are sick.³ Workers are understandably anxious about their job security, and many are unable to take any risk that might jeopardize their employment.

Paid Sick Time is a fundamental public health measure. The Centers for Disease Control recommends that workers and children who are ill “stay home from work and school” to prevent the spread of disease in the workplace and community.⁴ When people have to go to work sick, it isn't healthy for anyone. For too many New Yorkers, staying home isn't an option – including many who work where germs are most likely to spread. Only 16% of restaurant workers in New York City have paid sick days and more than half report going to work sick.⁵ When they do, they put the public at risk.

Research released this year by Human Impact Partners, a non-profit project of the Tides Center, and the San Francisco Department of Public Health, found that if all workers had paid sick days, they would be less likely to spread food-borne disease in restaurants and the number of outbreaks of gastrointestinal disease in nursing homes would reduce.

This year's H1N1 flu outbreak drove home the need for sick days. Families without paid sick days were thrown into crisis as dozens of schools closed and officials told us to stay home from work and school if we were sick. Week after week, government officials urge sick workers to stay home and keep sick children at home to prevent the spread of the H1N1 virus. Commerce Secretary Gary Locke said that “if an employee stays home sick, it's not only the best thing for that employee's health, but also his coworkers and the productivity of the company.”⁶

The highest H1N1 virus attack rate is among 5- to 24-year olds, many of whom need to stay home from school when sick—often with a parent to care for them.⁷ That's why the lack of paid sick days is particularly challenging for working women—the very people who have primary responsibility for most family caregiving. In fact, almost half of working mothers report that they must miss work when a child is sick. Of these mothers, 49 percent do not get paid when they miss work to care for a sick child.⁸

2 Estimates by Community Service Society of New York (CSS) and Vicky Lovell, IWPR based on The Unheard Third 2007 and 2008, Survey of New York City residents by Community Service Society of New York (CSS)

3 Angus Reid Strategies for Mansfield Communications online survey of 1,028 workers, conducted 9/10 – 9/12/09.
Margin of error: +/- 3.1%points

4 Centers for Disease Control website: www.cdc.gov

5 Behind the Kitchen Door, ROC-NY, Jan. 2005

6 Associated Press, “Government enlists employers' help to contain flu,” 8/19/09.

7 CDC, Novel H1N1 Flu: Facts and Figures, www.cdc.gov/h1n1flu/surveillanceqa.htm.

8 Kaiser Family Foundation, “Women, Work and Family Health: A Balancing Act,” Issue Brief, April 2003.

Businesses Benefit from Paid Sick Days Policies. Paid Sick Days are not only responsive to the changing demographics of the American workplace, but also serve businesses' enlightened self-interest because they can actually enhance the bottom line. When workers are provided with paid sick time, they demonstrate increased job satisfaction, commitment, and morale, and their employers reap the benefits of high performance and productivity.

Studies show that the productivity of workers with even minor illnesses goes down in comparison to the productivity of their healthy co-workers.⁹ The spread of contagion further compounds this loss of productivity. In this economy, and during this time of a national health emergency, businesses cannot afford "presenteeism," which occurs when, rather than staying at home, sick employees come to work and infect their co-workers, lowering the overall productivity of the workplace. "Presenteeism" costs our national economy \$180 billion annually in lost productivity.¹⁰

Employees with paid sick days are less likely to leave their jobs.¹¹ The costs of replacing workers are extremely high. Recruitment involves a complex process that consumes valuable staff time with screening, interviewing, selection, and on-the-job training, for example the average employee replacement cost for an \$8 per hour worker exceeds \$5,500.¹²

Business research firms have calculated the ROI (Return on Investment) of companies who execute work-life effectiveness policies to those that do not and found that there are positive business profits for those who do. For example, companies on the "best companies to work for" lists (e.g. excellent HR practices) produced four times the bottom line gains as compared to other companies.¹³ If return on investment is ultimately the bottom line for businesses, then these examples show that investments focused on helping employees better balance work and family can produce very attractive returns.

The public overwhelmingly supports passing an employee earned paid sick leave law. Three out of four New Yorkers favor a law requiring employers to give workers paid sick days, even when they are presented with all the opposing arguments.¹⁴

Like the minimum wage, there should be a minimum labor standard of paid sick days that protects all employees. This bill would guarantee all workers in New York City the opportunity to earn a minimum number of paid sick days to care for themselves or an immediate family member -- 9 days for workers at large and medium businesses, 5 days for workers at small businesses with less than 10 workers. It would enable New Yorkers time to care for their own mental, physical illness, or preventive care; with issues related to domestic violence; to care for an ill spouse, child, parent, grandparent, domestic partner;

9 Smith, A. (1989). "A Review of the Effects of Colds and Influenza on Human Performance." *Journal of the Society of Occupational Medicine*. 39: 65-68.

10 Ron Goetzal, et al, Health Absence, Disability, and Presenteeism Cost Estimates of Certain Physical and Mental Health Conditions Affecting U.S. Employers, *Journal of Occupational and Environmental Medicine*, April 2004.

11 Lovell V. (2005). *Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act*. Washington D.C.: Institute for Women's Policy Research.)

12 Sasha Corporation, *Compilation of Turnover Cost Studies: \$8.00 per hour employee in the USA*.

13 Business and Professional Women's Foundation, "The State of "Work-Life Effectiveness," June 2006, pp 2&12

14 The Unheard Third 2007, CSS.

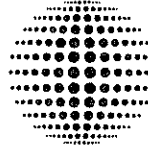
or to care for a child if a public official closes a school or place of business due to a public health emergency.

At present, no state requires private employers to provide paid sick days. The cities of San Francisco, the District of Columbia and Milwaukee have passed ordinances requiring that private employers provide paid sick days.

Again it is crucial that policies are adapted to address the work-family conflicts experienced by an ever increasing number of New Yorkers before they reach crisis level. The New York City Council should waste no time in passing the Paid Sick Time Act (1059-2009) so that working people can earn paid time off without jeopardizing their economic security and to ensure that this basic labor standard becomes a right for all workers.



C/O P.O. BOX 1016, NEW YORK, NY 10108-1016
Telephone (212) 929-4608 ■ Facsimile (212) 352-1843 ■ website
www.nyunionchildcarecoalition.org



Partnership for New York City

TESTIMONY SUBMITTED TO THE NYC COUNCIL
COMMITTEE ON CIVIL SERVICE AND LABOR

INTRO 1059, PAID SICK LEAVE

TUESDAY, NOVEMBER 17, 2009

KATHRYN WYLDE
PRESIDENT & CEO

PARTNERSHIP FOR NEW YORK CITY

Thank you, Chairman Nelson and members of the committee for the opportunity to testify today regarding Intro 1059, Paid Sick Leave legislation. The Partnership represents 200 leading businesses, mostly international organizations that are headquartered in New York. Partnership members employ about a million people in New York City and contribute over \$150 billion to the annual Gross City Product.

We agree that the City Council has a role to play in establishing public health policies that help prevent the spread of the H1N1 virus and other contagious conditions. We also agree that employers will benefit from adopting policies that allow employees to deal with health emergencies. We do not agree, however, that intervention by municipal government as contemplated in Intro 1059 is appropriate or practical. Nor do we think it is appropriate to enact a local ordinance that will most certainly result in the elimination of jobs and business closings during the highest period of unemployment since the Great Depression – an effective rate that exceeds 17%.

Backers of this legislation suggest that it would affect only a minority of New York City employers who currently do not offer paid leave and are ignoring public health considerations. They claim it would add just \$5.37 per week per

employee to employer costs. None of these claims are true. We have had this bill reviewed by a large number of employers who currently provide generous paid leave policies, many as part of collective bargaining agreements, and every one indicates that they would be affected by this bill as currently drafted. So far as we can tell, no New York City employer would be exempt.

The proposed legislation is so broad and prescriptive that virtually no private sector employer offers the package of benefits that it requires. Employers we represent estimated their benefit costs would increase by as much as 40 percent as a result of full compliance with this bill. In one typical example, an employer figured their costs would increase by \$1,682 per employee per year or \$32.34 per week. Companies we surveyed estimate the cost of implementing Intro 1059 anywhere from \$2.8 million to \$14 million a year, for just their local employees.

Second, the bill would introduce new uses for paid sick leave that exceed what is standard in collective bargaining agreements, corporate policies and in the federal Family Medical Leave Act. For example, eligibility in this legislation extends beyond an employee's immediate family to great grandparents, second cousins and beyond. Paid sick leave can be used for any health related issues and also extend to issues such as violence, domestic violence and sexual harassment. The bill would also override reasonable notice provisions regarding use of paid leave that most current policies include.

Third, Intro 1059 would require renegotiation or cancellation of collective bargaining agreements that are currently in place, since they would be in violation of the proposed law. Without language that explicitly waives the proposed law, these agreements would no longer be in compliance. Intro 1059 mandates a one size fits all approach that does not allow flexibility for workers or employers.

Fourth, many New York City employers have a workforce in multiple jurisdictions. For them, the bill creates complex administrative burdens and has implications for maintaining parity among their employees across the country. One company estimates that achieving parity, which they consider necessary, would cost them at least \$20 million a year.

There are a number of other problems raised by the bill. For example, many employers make cash payments for unused sick time when employees leave the company. This could not continue under a law that would require employers to reinstate unused time if an employee leaves and returns to service within one year. Employers that offer unlimited sick time would likely terminate this practice under a law that is so expansive in defining eligibility for leave. Productivity gains, which might be achieved through paid sick leave, would likely be offset by the bill's prohibition of monitoring the use of sick time to

prevent abuse. Retailers and other companies that have black out dates for paid leave as a result of seasonal demands would be particularly vulnerable to the new mandates. As you know, these are industries that already operate on the thinnest of margins.

In the event that the City Council decides to move forward with a paid sick leave mandate, the Partnership contends that it should exclude small business (generally defined as companies with 100 or fewer workers); exempt companies that are party to collective bargaining agreements; and exempt those companies that already have paid leave or reimbursed leave policies. Other particular problems with this bill are the ability to use paid sick leave to care for extended family and eligibility that begins on the 90th day of employment.

Federal action that is narrowly targeted to employees with contagious diseases would be preferable to municipal legislation, since it would not disadvantage New York City employers against competitors operating in other jurisdictions. Similarly, if the city wants to encourage paid sick leave, tax credit incentives for employers that provide such leave would be the best way to do that without the risk of job losses.

As always, the Partnership is prepared to work with the Council to identify appropriate ways to address the public health and economic justice concerns that are the motivation behind a bill that, while well-intentioned, would cause serious collateral damage to our economy.



We serve you

My name is Robert Bookman and I am NYC legal counsel to the New York State Restaurant Association and to its New York Nightlife Association chapter. On behalf of the thousands of eating and drinking establishments in NYC, establishments that provide jobs to hundreds of thousands of New Yorkers, we urge the Council not to pass this legislation.

Today you will hear from many business owners of all sizes. You will hear the same message. This is a well intentioned idea. But in the worst economy since the Great Depression, with double digit unemployment, with storefronts closed all over the 5 boroughs, with jobs being lost, hours being cut back and thousands of businesses barely hanging on, you have just got to be kidding that you are seriously considering this massive increase in expenses now.

You will hear many individual accounts of how this bill will be the final nail in the coffin and will either force establishments to close, or that it will result in layoffs or reduced benefits or wages for many to pay for it. In this economy we simply cannot pass this new cost of doing business to the consumer, and the money to pay for it has to come from somewhere. Business owners' profit margins are so thin right now that either the workers will have to pay for it...or we will go out of business.

Let's be clear. You cannot claim to be pro small business and pass this legislation, especially in its current form. The two are not compatible. Period.

There have been so many misleading claims about this bill made by its advocates, let's actually take a look at them for a moment.

First. This bill will have an immense, unprecedented cost to businesses. While they attempt to minimize the cost, they never actually do the math for you citywide or demonstrate how they have derived their cost predictions. Well we have. And it is a staggering \$8+ BILLION DOLLARS EVERY YEAR to pay for this legislation, at least \$3 BILLION of which will be new costs to NYC's businesses.

Greater NYC Chapters

1001 Avenue of the Americas, 3rd Floor
New York, New York 10018

212-398-9160
212-398-9650 (Fax)

Headquarters

409 New Karner Road
Albany, New York 12205

518-542-4222
518-452-4498 (Fax)

Their own study, just released, claims at least 1.65 to 1.85 million workers have 'no paid sick leave". So that is the base number as clearly hundreds of thousands more have some paid leave, but not enough to meet this bill's requirements and hundreds of thousands more have sufficient paid sick leave but requires documentation or some other requirement that bill does not allow for. Using their own numbers, therefore, this bill will cover at least 2 million workers!!

Second. This is not a public health initiative, as they try to claim. That is a canard to deflect attention from the unprecedented nature of this massive local government intrusion to state and federal labor laws. According to their testimony before Congress on a federal bill now pending on this issue....another reason for NYC not to act now... they stated that on average, workers who ARE covered by paid sick leave take off 4 days sick per year. Workers, who are not paid, they said, take an average of 3 days off per year sick. So the difference is only one day per year, not consistent with the horror stories of ill employees going to work sick that they will parade before you today. In other words, workers stay home when they are sick whether or not they are paid. Does one day per year justify all of this as a health initiative? I think not.

Third. This is not a local issue but a state and federal one. There is no city department of labor to enforce this bill should it become law because labor laws are the province of other levels of government. And for good reason. Businesses cannot function properly with different benefits and record keeping for their NYC employees vs. their Westchester or Long Island ones. There must be a level playing field throughout the State, not one law for Nyack and another for New York. And because there is no natural city agency to oversee this bill, it outsources enforcement to a waiting army of private lawyers anxious to clog our already overburdened courts with frivolous lawsuits that will cost businesses millions of dollars more.

Fourth. There is no comparison with San Francisco, the only other City that has implemented such a law. (Washington DC has passed a new law, much different from San Francisco's, but it has just started.) As you can see from our fact sheet, there has been no formal evaluation of the effectiveness of implementation as of yet and "thus it is difficult to accurately determine how many employees have received the benefit and how many employers are not in compliance with the law." Any claim that "It is working fine in San Francisco is simply not backed by any independent government data.



**Brooklyn Chamber
of Commerce**



**Queens
Chamber of Commerce**



The Staten Island Chamber of Commerce

Testimony of Carl Hum, President and CEO of the Brooklyn Chamber of Commerce
On behalf of the 5 Boro Chamber Alliance
Before the Committee on Civil Service and Labor of the City Council
November 17, 2009

Good afternoon Chairman Nelson and the distinguished members of the Committee on Civil Service and Labor. My name is Carl Hum and I am the President and CEO of the Brooklyn Chamber of Commerce.

Thank you for the opportunity to testify before you this afternoon. I have the distinct honor of representing the views of my sister borough-based Chambers in the Bronx, Manhattan, Queens and Staten Island. Collectively, the 5 Boro Chamber Alliance represents over 5,000 member businesses throughout New York City. We are joined today with a diverse coalition of industry groups, businesses and non-profit organizations to voice our concern over Intro 1059.

Let us be clear - our membership is not opposed to paid sick leave. In fact, in a recent survey of our collective membership, 2 out of 3 members already offer paid sick leave. What our membership is opposed to is government depriving its ability to determine the appropriate benefit package for its employees. Our membership and the business community clearly understand that any successful, profitable organization begins with motivated and healthy employees. But let us determine with our employees how these benefit packages should be designed.

The rank-and-file of our collective membership are small businesses who are already faced with the challenges a precarious economy marked by tight credit markets and double-digit unemployment. But these small businesses have for the most part quietly shouldered their burden whether it is the sales tax hike, the imposition of a mobility tax, or increases in water and utility rates. However, this bill may be the straw that breaks the camel's back.

The US Department of Commerce notes that during prior recessions it has been the entrepreneurial class and small business community that have led the nation into recovery. However, this can only be done if the small business community is afforded the freedom to respond to an uncertain market. You will hear from this panel and from individual business owners throughout the afternoon exactly how much this will add to overhead costs, compound administrative activities and ultimately restrict their flexibility to operate their business.

The major premise articulated for this bill is to respond to the H1N1 virus pandemic. If that is the case, then let's sit together to figure out a creative way to provide assurances to workers so that they don't have to make the wrenching choice between sending a sick child to school or taking a day from work. After all, many of our business owners are parents too and face the same dilemmas that their employees do.

If the issue is bad employers who unfairly terminate or reprimand employees for taking a sick day, then let's deal with that on a case-by-case basis by perhaps enabling the Human Rights Commission to hear such cases. Otherwise, Intro 1059 is a well-intentioned but overly broad bill that fails to recognize the diversity of our business community, its varying needs and strategies for creating and maintaining jobs in New York.

Statement of Tony Juliano
Chairperson, Greenwich Village-Chelsea Chamber of Commerce
General Manager, XES Lounge

RE: INTRO 1059, Provision of Paid Sick Time Earned by Employees

TO: NYC Council Committee on Civil Service and Labor

DATE: November 17, 2009

Good afternoon Chairman Nelson and members of the committee. Thank you for giving me the opportunity to speak to you today. My name is Tony Juliano and I am the General Manager of a small bar in Chelsea called XES Lounge. I am also the Chairperson of the Greenwich Village-Chelsea Chamber of Commerce.

I am appearing before you today on behalf of XES Lounge and the Chamber, and will be addressing concerns with INTRO 1059, "Provision of Paid Sick Time Earned by Employees."

Let me begin by saying that INTRO 1059 has laudable goals. It attempts to provide job security and protect the income of workers when they cannot go to the job due to their own illness or the illness of a loved one. It is also true, however, that this bill would impose a new, local mandate of sweeping scope on businesses – including the very smallest business – at a time of economic distress, and in a place – New York City – where high rents, high taxes, high insurance, high fees, and complex regulatory processes have made it very difficult for a small, independent business to survive, much less thrive.

In Manhattan in particular and the communities served by my Chamber and Community Board 4 on which I sit – that's Greenwich Village, Chelsea, and Hell's Kitchen – these small, independent businesses are vanishing.

The lead sponsor of this bill, Council Member Gale Brewer, and I sat on several panels exploring this phenomenon, and Manhattan Borough President Scott Stringer issued a report last year on "How to Save the Mom & Pops." The Speaker of the City Council Christine Quinn in her State of the City Address earlier this year expressed concern and introduced some very good initiatives aimed, at least in part, at addressing this problem. We look forward to their complete implementation and enthusiastically await the report from the Panel on Regulatory Review.

The very need for such attention by public officials should inform this city council of the need for support and relief for these small businesses, not new and expensive mandates that will add cost and hardship to already struggling businesses.

Let me speak for a moment about XES Lounge. XES employs 12 people. All but three are part time, minimum wage, tipped employees. As such, the overwhelming majority of their income is derived from tips. Should this bill be enacted, we estimate the cost to XES to be about \$10,000 per year. However, this is an unnecessary expense because this bar, like most in this industry, allows its employees to swap shifts when illness strikes. Generally speaking, the employee loses no work time, and more importantly, no employee income is lost. And, no one works while they are sick. Employees need the tips to survive economically, not the minimum wage. That is why this industry has adopted the practice...to support the needs of their employees. Should this bill become law, this industry's successful business model will change to no one's benefit.

One final point about XES, several of our part time employees work for two employers. Under this bill, those employees might well receive 18 paid sick days each year.

Members of the Greenwich Village-Chelsea Chamber of Commerce have similar stories. Most are small businesses with fewer than 25 employees, which is reflective of the communities we serve. In an extensive study conducted in 2005 by NYU's Stern School of Business on our behalf, we learned that 63% of the businesses in our communities make less than \$1 million annually and 42% make less than \$500,000. In addition, 77% have fewer than 10 employees. While these numbers have likely changed somewhat during the intervening 4 years, the area still consists primarily of very small businesses. And, many of those businesses are struggling.

As we surveyed members in preparation for this testimony, we learned that 32% of respondents employed fewer than 10 full time employees, and an additional 36% employed fewer than 50. About 57% offer paid sick time to employees, most of whom provide between 2 and 5 days. And, while almost 68% offer some paid vacation or personal time, very few meet the 5 or 9 day standard set by this bill.

Although a few members expect the costs to be associated primarily with record keeping and legal fees, most expect the proposed law to add significantly to payroll and payroll taxes. Cost estimates for most of these

businesses range between \$5,000 and \$20,000 annually. However, one of our members estimates the price tag to be “upwards of \$60,000,” while another business, Magnolia Bakery, with 250 part time employees estimates the cost to be between “\$250,000 and \$500,000, depending on the number of staff we go through.”

In the survey, we asked our members if they would consider cost cutting measures to offset the cost of this bill. 36% said they would cut jobs, while some indicated that they would eliminate paid health care.

In actuality, it is difficult to estimate the financial impact, although most of the survey respondents believe the impact to be significant. This contrasts sharply with many of the proponents of this bill who suggest the impact to businesses will be minor, citing San Francisco as the model. However, even in San Francisco, where a similar measure has been law for more than 2 years, an August 21, 2009 report from the Office of Labor Standards and Enforcement from the City and County of San Francisco states “A formal evaluation of the effectiveness of implementation has not yet been conducted,” and “since the law’s passage, there have been no further quantitative studies on the scale of impact.” In truth, no one knows the actual impact on San Francisco’s economy.

Our members – and small business owners in general -- understand the value of their employees and many offer a balanced suite of benefits to their workers including sick time, vacation, health care, and more. This bill, however, reaches down to the smallest business and mandates changes and imposes regulation that might well kill some businesses, eliminate jobs, stifle entrepreneurship, suppress growth, and discourage new investment in our city.

I urge you to support Small Business in NYC and reject this bill.

Testimony of Doug Oines
President, National Association of Theatre Owners of New York State

- **Good afternoon. My name is Doug Oines, and I am the President of NATO of New York State.**
- **This NATO is not the military operation in Europe, but rather the National Association of Theatre Owners.**
- **NATO is a not-for-profit trade association, and in New York City we represent 48 *movie* theatres, 312 screens, and 1,750 employees across the 5 boroughs.**
- **The movie theatre business model is based on providing entertainment, which we can't do unless our employees are healthy and happy – healthy, happy employees are good for our business.**
 - **Additionally, when they remain employees we don't have the expense of new training.**
 - **Our employees are mostly comprised of part-time students, or retirees, because our flexible working schedule fits their needs.**
 - **Approximately 80% of these employees are part-time or seasonal, with the most work available in the summer blockbuster season or the winter holiday season.**
 - **Roughly 10% of these employees are in unions.**
 - **If one of our employees is sick, they call their manager, and they stay home without fear of losing their job.**
- **Our NYC theatres vary widely in size, as there are some with as few as 10 employees and others with as many as 150 employees.**
- **Either way, under this bill, each NYC theatre would be defined as a big business, and would mandate that each employee receive 9 paid sick days after 90 days.**

- **Although we support the good intentions behind this legislation, we estimate it to cost approximately \$5,000 for our smaller theatres, and approximately \$50,000 for our larger theatres.**
- **Higher costs ultimately get passed on to the public in one of two ways: higher ticket prices, or hiring freezes.**
- **We do not want to pursue either – especially during a recession.**
- **Administratively, this bill is difficult with a flexible schedule, as it is hard to determine when the clock starts and stops.**
- **We think the City Council should look to Washington, DC’s paid sick leave law, which was crafted in partnership with the business community.**
- **We hope that the City Council will similarly work with the business community, and perhaps pursue exceptions for:**
 - **Students and seasonal employees;**
 - **Require a six month period before paid sick leave can apply; and**
 - **Raise the number of employees to be considered a small business.**
 - **Tax incentives for businesses to provide paid sick leave, and a set number of sick days to be used only during a declared health emergency would also be welcome amendments.**
- **We respectfully request an opportunity to meet with City Council Members to discuss making this bill work for the diverse mix of businesses in New York City.**
- **Despite the best intentions behind this bill, NATO cannot support it in its present form.**
- **Being in the movie business, we think that this is a script that deserves a re-write.**
- **THANK YOU**

**Testimony on Behalf of the National Organization for Women
New York City Chapter**

On

**Earned Paid Sick Time Law
November 17, 2009**

Good afternoon. Thank you for this opportunity to testify about the critical issue of paid sick time for New York City workers.

My name is Sonia Ossorio, and I am the President of NOW-NYC, testifying on behalf of the National Organization for Women of New York City.

This issue of paid sick days is one of paramount importance to women, and that's because it is women who bear the weight of caregiving responsibilities—whether it's caring for a sick child or a sick parent or family member. In fact, we know that at least 75% of caregivers are women. We need a policy in place that ensures these workers are protected.

We also know that a major contributor to the wage gap for women workers is the discrimination that persists against mothers and caregivers for the perception—not the reality—that these workers are less capable, less productive, or less committed. In fact, women are passed over for promotions, pay raises, and other on-the-job opportunities because of these unfair assumptions. As a result, women still earn less dollar per dollar than men. We need a policy in place that will treat all workers fairly.

Currently only 35% of full-time employees with sick days are permitted to use them to care for a sick child, much less a sick parent. Of even more concern is that women, particularly low-income women, are overrepresented in many of the fields where paid sick time is unavailable for any reason—such as retail, as child care, and the restaurant industry. We need a policy in place to change the way women in women-dominated industries are treated.

When women, who are society's caregivers, are forced to choose between a day's pay and caring for a child, this is discrimination. It's pay inequality, and it's women and their families that lose.

This law will offer critical protections for workers and for women so that they can care for their families without being penalized at work. By instituting a workplace policy that includes paid sick days and paid sick days that can be used for oneself or to care for a family member, employers can help diminish the discrimination that exists against those who have caregiving responsibilities, and make it easier for their workers to stay healthy. Furthermore, it will protect families from losing critical wages and from needing to put their jobs on the line when someone gets sick—which is particularly important in this difficult economy.

PAID SICK LEAVE IN SAN FRANCISCO.....NO COMPARISON

Despite the claims that New York City should look to San Francisco, here are the real facts:

1-In San Francisco, only 116,000 workers out of an entire workforce of about 500,000 (23%) did not have paid sick leave. In NYC, it is at least 1.85 million workers without paid sick leave (48%) of a workforce of almost 4.5 million.

2-It took San Francisco 7 months after passage to implement due to confusion over the new law, needed outreach to businesses, etc. We have more mom and pop business alone in NYC (167,000) than they have total number of businesses.

3- While San Francisco has a City agency that enforces labor laws, NYC does not. Its first recommendation in its report on its added responsibility with paid sick leave is a call for "Increase funding" for this agency. Moreover, when this law was passed in San Francisco, the economy was humming. Now it is not.

4-Despite the claims, there is no data about the impact of the law in San Francisco. As its city government report states "Since the law's passage, there have been no further quantitative studies on the scale of the impact" and further that "A formal evaluation of the effectiveness of implementation has not yet been conducted..." the report concludes.

5-The San Francisco law has a narrower use for paid sick days than the NYC proposal and significantly less cost as it allows other paid time off days, such as holidays or vacation, to be applied to the paid sick leave requirements. "As such, many San Francisco workers did not realize additional paid days off after the law's passage." Office of Labor Enforcement

"We are NOT saying there has been no impact on our business community. We ARE saying that we do not have statistics on the impact to share at this time." Jim Lazarus, Sr. VP, San Francisco Chamber of Commerce

Small Business Testimony

This testimony is being submitted on behalf of: [List names, business association name and membership]. We come to testify in support of the Paid Sick Time Act, Intro .

As small business owners, we know that paid sick days are important for our employees and our businesses. We do not want workers coming to work sick because it poses a threat to other workers and to our customers. It also means that the productivity of the worker will not be good and could lead to costly mistakes or accidents. We also know that our workers often need every dollar of their earnings to make ends meet and that if they are not paid for sick time, they are far more likely to come to work sick. As good employers who do pay their workers when they need to take time off due to illness, we support a bill that would level the playing field and insure that all businesses provided this benefit so that we do not feel at a disadvantage because we are doing the right thing for our workers and for the public health of the city.

It would be wrong to enact legislation making paid sick time available to all workers in the city but leaving out employees of smaller businesses. Those workers get sick just like everyone else, and they are make up 16% of the workers in the city who lack paid sick time so it is very important that any bill aimed at improving the public health of the city include them.

Small business owners in New York City are faced with many challenges. The worst of these in the past few years has had to do with the increasing rents and

intransigence of landlords in negotiating leases that are reasonable and that will give us long term security in locations where we have grown our businesses. Giving our workers paid sick days will not drive us out of business. Unreasonable rents will. Similarly, escalating taxes and burdensome administrative requirements are problems for us. We do not object to a requirement that we do something that makes business and personal sense in the form of giving our workers time off when they are sick.

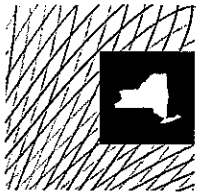
Finally, we are aware that the Chambers of Commerce oppose this bill. The Chambers are not always attuned to the needs of small businesses in New York City. Their opposition should not be taken as unified opposition from the business community, and especially should not be seen as the voice of small business owners like ourselves.

Quenia Abreu
New York Women's Chamber of Commerce
212-491-9640, ext. 2
Paid Sick Days Hearing
Testimony

My name is Quenia Abreu, I am the president of the New York Women's Chamber of Commerce and organization that represents more than 3,000 small businesses in New York City, the majority women owned. I am here today representing them as I have done many times. And believe me when I tell you that a couple of paid sick days is not going to put them out of business, rent is. As everyone knows, small businesses in New York City are hurting, There's lots of reasons why. The economy is down, sales are down, spending is down – the only thing that's still up is the price of commercial rent.

For years, organizations like mine have been fighting to preserve the thousands of family-owned businesses that make their home in New York City. We have fought against unnecessary regulation and red tape. We have fought against unfair city rules and unfair tactics from large corporations. We have stood together to fight for the Small Business Survival Act, which would help ensure that small businesses have a fair way to renegotiate their leases and would stop underhanded tactics from commercial landlords. We've fought hard, and we still have lots to go. But one thing we are not fighting is this paid sick days bill.

Paid sick days is a matter of basic fairness. No one should have to come to work when they're sick, and no one should risk losing their job or the paycheck they need just because they come down with a cold. As small business leaders, we know that giving our employees paid sick days means a happier, healthier, and more productive workforce. That's why we're proud to stand here today in support of the paid sick days bill. This bill has a special provision for small businesses that will balance our needs, with the need to make sure everyone's basic workplace rights and health is protected.



**The
Business
Council**

Testimony to

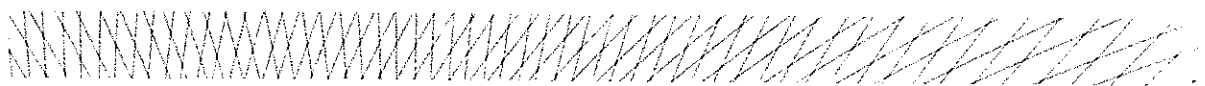
**The New York City Council Committee on
Civil Service and Labor**

*Hearing on Intro # 1059 regarding mandatory employee sick
time*

Presented by

**Tom Minnick
Vice President, Human Resources**

Nov. 17, 2009



Mr. Chairman, and members of the Committee on Civil Service and Labor and other City Council members, my name is Tom Minnick and I am Vice President of Human Resources at The Business Council of New York State, Inc. We represent more than 3,000 private sector employers across New York State and more than 260 employers in the five boroughs employing over 217,000 employees. On behalf of those members, I appreciate this opportunity to provide you with our views on intro # 1059 which would mandate employers in the City of New York to provide up to nine days of sick leave per year.

The Business Council urges the City Council to reject this proposal. Here's why.

Mandated leave will increase absenteeism

Economics makes the case that work incentives matter. In a recent article in the New York Times, Casey Mulligan, economics professor at the University of Chicago, wrote that The International Monetary Fund studied American and European employees' absence from work for sickness from 1995 to 2003. The report found that the average European was absent from work for sickness more than American workers. In the Netherlands, Norway and Sweden specifically, workers stayed home sick twice as often as American workers.

No study has found that Europeans are sicker than Americans. Some have argued the contrary. So, why would European workers stay home sick more than their American counterparts? The answer is that mandated government social insurance systems in Europe reward employees' absence. Certainly, under such systems, sick workers are less likely to go to work when they are sick, but employees who are not sick are more likely to be absent saying they are sick. The labor market responds to the governments' sick leave program reward of paid absence by keeping European workers home sick more often. Don't do that here in New York City.

The five borough Chambers of Commerce, representing over 5,000 business, have a recent sample survey showing that 2 out of 3 businesses responding

already provide paid sick leave to their employees and of those businesses, nearly half provide more than 5 sick days per year.

Our experience has been that in small businesses who do not provide a formal sick leave program, they will work with their valuable employees and work out a win-win arrangement that works for both the employee in need and the small business owner.

Employers and workers are better positioned to provide a workable solution to time off needs, not governmental one-size-fits-all mandates.

This local government unfunded mandate puts City businesses in an uncompetitive position

The 215,000 private businesses in the five boroughs compete with other businesses both in and out of New York State. For years, they have toiled under a significantly heavier tax, fee and regulatory burden than their competitors outside of the city line. The additional cost and administrative requirements of this proposal which you hear from others testifying today, will further impede competition and hinder the already slow moving recovery. Don't put New York City businesses in this position. If there is to be further debate, discussion and action around mandated government paid leave and paid time off, let it be at the federal level so the effect would be consistent and spread across industries or geography.

Consider that the city has lost 7,200 private employers and 100,000 private sector jobs in the past year. Citywide real unemployment including discouraged and part-time workers that want full time employment is at 16.4 percent, nearly double the 8.9 percent rate of a year ago. 408,000 New York City residents are now officially counted as unemployed compared to 234,000 one year ago. This is no time to make it harder for businesses to create and retain private sector jobs.

Economic recovery will be driven by new private sector investment and job growth.

In the past year, using recent Department of Labor Data, New York State lost 207,000 private sector jobs. Official unemployment rates in New York City are over 10 percent and above 8 percent in many regions upstate.

Employers in New York City need to re-create those jobs, and create thousands more, simply to put the unemployed back to work and to keep up with a growing population. The alternative is a continued loss of young, talented people to states with more competitive economic climates and greater economic opportunities.

We, and a significant number of our members, believe the state legislature and the city council need to reduce the size and cost of state and local government, and the cost burdens it imposes on the private sector and job growth.

Statewide, 850,000 New Yorkers are out of work and searching for jobs while another 450,000 have given up looking or can only find part-time work. Only private sector employers can create real jobs that will offer out-of-work New Yorkers hope and opportunity. But, those private employers are being drowned in a sea of taxes, fees and new costs which discourage job creation. New York needs 500,000 new jobs just to return to pre-recession employment levels. Those jobs will come only with economic growth and that growth can't happen until government clears obstacles such as this out of the way.

It is inconceivable that the City Council would impose a new unfunded mandate on the backs of struggling city employers, driving up costs in the middle of the most profound recession since the Great Depression, just when New York City, facing staggering and protracted unemployment levels, needs private sector job growth. It makes no sense that the City Council is stepping forward to propose a burdensome new requirement with new added costs on the very same business owners they turn to for those new jobs.

Thank you for the opportunity to testify today.

MM

RWDSU

Stuart Appelbaum, *President*
Jack C. Wurm, Jr., *Secretary-Treasurer*

Retail, Wholesale and Department Store Union

FOR THE RECORD

Testimony of Stuart Appelbaum, President, Retail, Wholesale and Department Store Union

New York City Council Committee on Civil Service and Labor hearing on "the Provision of Paid Sick Time Earned by Employees"

November 17, 2009

Good morning. Thank you Chairman Nelson and your fellow committee members for the opportunity to participate in today's committee hearing on the Paid Sick Time legislation. My name is Jane Thompson. I am the Assistant to the President for Public Policy at the Retail, Wholesale and Department Store Union (RWDSU). I am here on behalf of our President, Stuart Appelbaum and the 45,000 men and women we represent in the New York City area. Our members work in retail, grocery and drug stores throughout the New York City area.

The RWDSU urges the New York City Council to pass this very important piece of legislation which would require that employees earn paid sick time.

Paid sick days should be a basic worker right. But unfortunately nearly half of working New Yorkers do not have paid sick days and a full two-thirds of low wage workers – concentrated in the leisure, hospitality, and retail and wholesale trade sectors. -- do not have this benefit.

Studies have shown that since 2002, fewer and fewer low income workers are being offered paid sick days by their employers, pointing to a disturbing trend of decreasing job quality for these workers. There are many employers who do the right thing and

offer their employees paid sick days. However, as more and more workers are denied paid sick days, it put a downward pressure on those employers to follow the lowest common denominator in their industry or area to compete.

Workers without paid sick days are more likely to go into work sick either for fear of retribution from their employer or because they just can't afford to lose the pay. They are more likely to send a sick child to school because they have no other option. This is not only unfair to the worker, but it also poses a health a risk. In the food and non food retail sector where workers constantly interact with the public and handle food items, this is a particular concern. Not only does going to work when you are sick put your co-workers in danger of getting sick, but in these industries, it also puts the general public at risk. Whether or not a worker has paid sick days affects all of us, even if we are lucky enough to have that benefit.

We have all been on the subway, on a bus, or in a store, listening to someone cough and sneeze, and think, "they should have stayed home." But the reality is, without the benefit of paid sick days, for too many New Yorkers that just isn't an option. The low wage workers who are least likely to have paid sick days are the very same New Yorkers who can least afford to miss a day of work. That one day's pay may make the difference in paying rent or putting food on the table. Even worse, many low wage workers have reported in surveys that they are threatened with disciplinary measures or even termination if they do try to take a day off for illness.

The RWDSU has always fought for is dignity and respect in the workplace for their members and all workers in New York City. And the right to paid sick days is one benefit that we believe all working New Yorkers should have.

We urge the City Council to pass this legislation.



FOR THE RECORD

TESTIMONY

PUBLIC HEARING ON PAID SICK LEAVE TIME BILL

PRESENTED BY

Suleika Cabrera Drinane, President/CEO

Institute for the Puerto Rican/Hispanic Elderly, Inc.

TESTIMONY

PUBLIC HEARING ON PAID SICK LEAVE TIME BILL

PRESENTED BY

Suleika Cabrera Drinane, President/CEO

Institute for the Puerto Rican/Hispanic Elderly, Inc.

Good morning. My name is Suleika Cabrera Drinane; I am the founding President and Chief Executive Officer of the Institute for the Puerto Rican/Hispanic Elderly, or "IPR/HE." IPR/HE is a nonprofit, minority-based, multicultural, and multilingual network of programs and services that help Latino, African American, Asian, and other ethnic minority seniors and their families.

I would like to thank the City Council for the opportunity to participate in today's public hearing on the paid sick leave bill introduced by Council Member Gale Brewer and to submit this statement for the record.

I am proud to appear before this Council today on behalf of the Institute, as well as its Hispanic Senior Action Council, in support of the bill and the 900,000 New York workers who do not have one paid sick day: those who are required to go to work even when they are sick or a loved one is sick, because they cannot afford to take the day off without pay and often fear being fired if they stay home; those working parents who send their sick children to school or day care because they cannot take off from work; and those to go to emergency rooms because they are unable to get medical care during normal work hours.

In New York, two-thirds of low-income workers have no paid sick leave, and low income Latinos fare the worst: more than 7 in 10 do not have paid sick leave. The Institute is focused on ensuring that Hispanics and other low-income city workers are offered paid sick leave.

I have a personal friend, a Hispanic woman who is the sole, full-time caregiver for two children, ages 5 and 7. Her days are spent similar to those of many low-income parents: she works full-time as a waitress, which pays \$7.25 an hour. She spends the rest of her time caring for her children as best she can: feeding them, getting them to and from school, and reading to them: all the things that parents do. Last week, one of her children got sick with what she believed was a common cold. She was not able to take time off work to take her child to the doctor because she did not have paid sick leave time. Two days later, she ended up in the emergency room with the little girl who was diagnosed with pneumonia.

Paid sick time leave would have enabled this woman to take time off from work to take the child to the doctor earlier, which might have prevented the development of pneumonia.

In the long run, paid sick leave time is more economical and more cost effective than the current system. It would save money because sick people could stay home where they would not infect others and savings could result from doctors treating people earlier in an illness rather than when it might require more expensive emergency room care.

I support this bill because it enables a worker to take time off from work to care for themselves or a family member who may become ill. This provides the necessary family support to a senior who may become ill. It allows a working family member to be engaged in the care of a parent by taking his/her mother or father to the doctor, to the hospital, or to the rehabilitation center. We know that people recover quicker when they are cared for by a loved one and do not have to hire an aide to assist with their care. We also know that in multi-generational households, seniors sometimes provide childcare services. If the senior is ill, child care fails, and the parent may be needed to care for both the senior and the child.

I support this bill because it provides paid sick leave time for *all* part-time workers. This is especially important to seniors who often work in part-time positions.

I support this bill because when workers have no choice but to go to work ill or send their sick children to school, they risk increasing the spread of contagious diseases such as the seasonal and H1N1 flus , which can have detrimental consequences not only for the person who is ill but also puts the health of others at risk, especially the frail and the elderly, and drives up medical costs.

New York City advocates, policy makers, and community leaders must all have a state in improving the health and well-being of Latino and other low-income workers while protecting the health, safety, and well-being of all New Yorkers.

Testimony given by Henry Meer Chef/Owner City Hall Restaurant
before the Civil Service and Labor Committee
New York City Council 11/17/2009

Thank you Mr Chairman and Members of the City Council for allowing me to speak today.

My name is Henry Meer, I am the chef and owner of City Hall Restaurant.

We are located in lower Manhattan about 6 blocks away from this chamber.

We have been in business since 1998, and employ close to 50 New Yorkers.

We survived September 11, and now are trying to survive this unprecedented economic downturn.

I am born and raised in the great borough of Manhattan went to school, and had the dream to own my own business.

After 30 years of 60 plus hour work weeks my dream has been realized.

I am SMALL BUSINESS!!

I AM YOUR MOM AND POP store.

I am not a multi-unit corporation, just a small business that supports my wife, my daughter, and all the families of the staff that work with us.

I have some team members that have been working with me for close to 20 years.

I have celebrated in the birth of their children, and helped them with the purchase of their first homes.

We have helped sponsor legal working status for many of our kitchen workers.

We pay one week vacation to all kitchen workers.

We offer a 100% matching 401k plan to all staff members at City Hall.

We feel we are the good guys.

We care about our City Hall family.

However, we cannot absorb the economic burden that INTRO 1059 will place on small business

NYC is tough city to do business in, with high taxes, increased charges for water, electric, payroll, bail outs of the MTA, and even delivery fees because the truckers can't pay for the parking tickets.

We say if it smells like a fish it probably is a fish. INTRO 1059 smells of another onerous special fee. Another charge placed on the backs of all the small business owners and the working people of this great city.

Testimony given by Henry Meer Chef/Owner City Hall Restaurant
before the Civil Service and Labor Committee
New York City Council 11/17/2009

How much is enough?

I respectfully ask, what do you see when you walk down the streets in your districts?

What do you see in East Harlem? Manhattan

What do you see in Bay Chester? Bronx

What do you see in Flushing? Queens

What do you see in Midwood? Brooklyn

FOR RENT ----- OUT OF BUSINESS-----CLOSED FOR SALE

Not because of a bad business models, but because WE cannot afford to do business in NEW YORK.

There is a saying in my business, "If you can't stand the heat, get out of the kitchen."

As a chef I have stood the heat for over 30 years, as a business owner INTRO 1059 will chase me out of the kitchen.

I respectfully ask that the City Council sit down with the small business community to establish dialogue and amend INTRO 1059 so it works for all working NEWYORKERS.

Thank you.

Paid Sick Days Legislation Statement – Thomas Scarangelo

Good afternoon, my name is Thomas Scarangelo. I am the General Manager/Owner of Scaran, a heating and air conditioning contractor in Staten Island. I would like to thank you for the opportunity to address the New York City Council's Committee on Civil Service and Labor regarding the issue of paid sick time.

This legislation is unnecessary and it will hurt both employers and employees. The additional burden of legislated paid sick time in the worst economy in 80 years will put many already struggling businesses out of business. It will make New York City even less desirable for future businesses and cause those that are able, to relocate outside the city.

It's unnecessary because there has been no outcry for paid sick time from workers. Legitimate businesses already provide reasonable amounts of paid sick time and illegitimate ones get around the legislation by paying more employees "off the books."

The fact that unions have asked to have the option to opt out of being subject to this legislation is proof positive that it's unnecessary. They recognize other benefits will need to be cut to pay for this and they are not willing to make that sacrifice because their members don't value more paid sick time.

What's worse is that it rewards bad behavior and punishes the conscientious worker. Employees will call out sick when they are not sick disrupting business and punishing the conscientious employee who does not abuse the sick day allotment. Many employees will use the maximum number of sick days because they are being paid for them. They will see it as a mandated benefit and if "you don't use them you lose them."

The reality is this legislation will result in many employers reducing paid vacation time to pay for the additional paid sick time. Vacation time is a planned absence that employers can adjust schedules to compensate for. This hurts employees as it reduces the amount of time they have for planned time with their families. It will force them to call out sick even for a planned day off which hurts employers, customers, and co-workers.

This benefit costs the typical business about 3.5% in additional payroll expenses not to mention the lost productivity the additional absenteeism will generate. This legislation will cost my small 45 employee business about \$70,000 in additional payroll and if only half the days are used by employees it will cost over \$200,000 in lost revenue.

How do I pay for this in an economy that has already forced us to cut every possible expense just to stay competitive? I have to seriously question my ability to continue to operate a business in New York City if this legislation passes.

Good Afternoon Ladies and Gentlemen,

I come before you today to strongly urge you to take back PAID SICK LEAVE No. 1059 and bring it back to the table and rework it. This bill as written is without a doubt the final nail in the coffin for MANY small businesses, already suffering through hard economic times.

The economic impact of just one month's payroll could literally bankrupt an entire business and thus lead to unemployed New Yorker's.

As with any business, budgeting the money has to come from somewhere and attached you can see from the San Francisco law, most has come from the employee themselves. It has led to reduction of hours, removal of vacation pay, layoffs, and the outsourcing of jobs.

We are in a city that has businesses that require 24 hours a day seven days a week staffing. Tow companies, plumbers, funeral homes and like my self answering services. These places cannot have emergencies put off until tomorrow when someone returns from an undocumented sick day. The bill as written, leaves the possibility of a place of business can be totally unstaffed. At the time of hire my employees entered into and agreed to the terms of hire as to days off required work days including holidays and the days before and after such holidays. With this bill they can call out and the employer is powerless to enforce such requirements by asking for documentation or penalizing the employee(s).

As I do not know at this time the future of this bill my staff has already been informed that I am converting them to receiving one hour of accumulated sick pay per 30 hours worked. However, due to budgeting, there will no longer be any paid vacation time given. If this bill does not go through as written, I will readdress this issue with my employees

I own a telephone answering service, basically a site that maybe labeled a critical care location. Without proper staffing, how do I have a doctor's patient in the state of emergency have a longer wait period or worse no answer at all? Please tell me how when a call from the family of a deceased in the house has to wait if the workers at a funeral home are calling out sick. There are many other examples that can be used but please really think of the true impact you as our city council can be making on the small businesses and their employee's.

The employer MUST have some control and enforcement over how and when sick time is used.

The city council must literally look at each and every type of business in this city and the impact you will be making. This same bill proposed in Milwaukee has been deemed unconstitutional by Judge Thomas Cooper. Lets not have legal battles let's work it out.

If the day arrives that I find my office without a staff, I as the owner have options. To sell off the accounts, move out of state, or just shut the doors. All this resulting in 7 more unemployes New Yorkers, your constituents. And also less income for the ccity of New York

ONCE AGAIN I URGE EACH AND EVERYONE OF YOU TO GO BACK AND REWORK THIS BILL.

Thank you
Danny Latham
LATHAM'S COMMUNICATION CORP.
Brooklyn, NY 11236
718-240-0337

City businesses cut costs to meet mandate on sick days

By: BRENT BEGIN
Examiner Staff Writer
April 30, 2009



Recovery time: The City's Paid Sick Leave Ordinance requires that all employers provide paid time off for employees, who can also use the hours to care for a family member. (Getty Images File Photo)

SAN FRANCISCO — Some San Francisco businesses cut back on vacation pay and wage increases in order to meet The City's paid sick leave mandate, according to a new study.

Twenty-six San Francisco employers — from small businesses to large firms — surveyed by Washington, D.C.-based Urban Institute reported that The City's paid sick leave law had moderate to minimum effects on their bottom line. Most passed on the costs to customers or employees.

The San Francisco Paid Sick Leave Ordinance requires that all employers provide paid time off for employees, who can also use the hours to care for a family member.

In February 2006, San Francisco was the first U.S. city to pass such a law. Two years later, Washington, D.C. followed suit.

Milwaukee voters passed a sick leave mandate in November 2008. Twelve states, including California, have introduced laws that would require sick leave, and federal legislation was introduced in 2007.

Business leaders have been staunchly opposed to paid sick leave, citing cost as the main factor.

Scott Hauge of Small Business California said the law has led to increased employee absenteeism, among other problems.

Small- and medium-size businesses were hit hardest by the ordinance, with restaurants being affected the most, according to the report. Businesses said the law put them in a bind when competing with firms just outside the city limit.

One local restaurant chain reported that it now has its vegetables and fruit prepped outside The City and driven to its San Francisco restaurants to reduce the amount of local employee time, according to the report.

Jennifer Ewart, a member of the activist group Young Workers United, said the law encourages people who are sick to stay home instead of spreading disease.

"If I have a bad cough, I can't hide that when I'm serving tables," she said.

As of January, The City had received 126 complaints related to the ordinance, mostly from employees. Approximately \$40,000 was recovered for 74 employees at 32 businesses, based on worker complaints that they were denied the sick leave.

Kevin Westlye, who heads up the local Golden Gate Restaurant Association, said paid sick leave was one — but the least expensive — of three mandates The City passed at about the same time, which also included a local minimum wage and mandated employee health care.

"Of all these things, I think the sick pay ordinance makes the most sense," he said.

Calling in sick

Details of San Francisco's law mandating paid leave for ill employees:

- • Employers with fewer than 10 employees must provide at least five days a year of paid sick leave
- • Employers with more than 10 employees must provide nine days a year
- • Sick leave accrues at 1 hour of paid time for every 30 hours worked, after an initial probation period of 90 days for new employees
- • Cap on accrued sick time is 40 hours for firms with fewer than 10 employees and 72 hours for larger employers
- • The law went into effect Feb. 5, 2007

Source: San Francisco Office of Labor Standards Enforcement



Local

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SHARE

Sick days drive up Muni overtime

By: [Joshua Sabatini](#)
Examiner Staff Writer
June 8, 2009

SAN FRANCISCO — If it's a Friday or Monday, chances are more Muni drivers are calling in sick or simply not showing up for work than any other day of the week.

Absentee drivers have historically plagued the Municipal Transportation Agency, putting a drain on its finances and hampering efforts to improve reliability. When drivers are no-shows, runs are skipped and positions may be filled by others who are paid overtime.



(Examiner file photo)

On the first day of May, a Friday, 112 Muni drivers failed to show up for work and were marked down as taking “unplanned leave.” That includes absences without leave, claimed injuries, suspensions or being sick on a run, according to last month's daily service data provided by the transit agency, which oversees Muni.

On that same day, 132 transit operators called in sick. Some were also out for vacation, among other reasons. Of the 1,632 scheduled operators, 359, or nearly 22 percent, were unavailable.

Cutting down on absenteeism could save money at a time when the transit agency needs it most. A controversial budget for the fiscal year beginning July 1 was recently approved after closing a \$129 million deficit by raising fares and cutting service. And, the transit agency has started exploring other ways to generate revenue as its budget worsens.

“We'd like to get a lot closer to no unplanned absences,” said spokesman Judson True. “We are well aware that maximizing the number of available operators is key to providing service.”

True said the transit agency continues to work to bring down driver absenteeism with recent efforts to better track sick-time usage and disciplining drivers.

“We've had terminations as a result of AWOLs,” he said.

Last month, there was a daily average of 21 missed runs — which are often caused when scheduled

drivers fail to show up — systemwide, True said, while in May 2008 there was a daily average of 36.

The highest number of “unplanned leave” cases last month occurred May 4, a Monday, with 113. Other highs included 110 cases on two separate Fridays.

The highest number of sick absences occurred May 11, also a Monday, with 143. Other days with the high sick-time absences included May 18 with 140 and May 1 with 132. Both were Fridays.

The transit agency’s contract with Transport Workers Union Local 250-A, which represents Muni operators, includes an incentive program intended to reduce absenteeism. A driver who accrues between 100 and 149 hours of sick leave, for example, can cash them in for 20 hours of full-time pay. There is also a disciplinary procedure specifically for repeat AWOL drivers.

Union officials did not return calls from The Examiner.

Missing in action

Muni attendance records for May show a large number of cases of sick time or unexpected no-shows on Fridays and Mondays compared to other days. A snapshot of drivers’ attendance from May includes:

May 1, Friday

Scheduled operators 1,632
Sick 132
Unplanned leave 112
Total unavailable 359

May 4, Monday

(Day with highest “unplanned leave” cases)
Scheduled operators 1,632
Sick 130
Unplanned leave 113
Total unavailable 361

May 8, Friday

Scheduled operators 1,647
Sick 125
Unplanned leave 110
Total unavailable 343

May 11, Monday

(Day with most sick-day cases)
Scheduled operators 1,648
Sick 143
Unplanned leave 108
Total unavailable 347

May 18, Monday

Scheduled operators 1,653
Sick 140
Unplanned leave 100
Total unavailable 357

Source: Municipal Transportation Agency

jsabatini@sfxaminer.com

Find this article at:

<http://www.sfxaminer.com/local/Sick-days-drive-up-Muni-overtime-47171432.html>

Check the box to include the list of links referenced in the article.

The Washington Post

H1N1 exposes weak leave policies

Bill calls for paid time off Some firms adjusting rules as flu spreads

By V. Dion Haynes and Ylan Q. Mui
Monday, November 9, 2009

When Great Falls resident Carolyn Cuppernull's 10-year-old daughter came down with swine flu, she didn't have to take time off work to stay home with her.

Cuppernull is senior marketing manager of the Washington office of the law firm Akerman Senterfitt. Under the group's former policy, she would have had to use paid leave to stay home if she or a relative got sick. But the firm recently updated its rules to allow employees to stay home with full pay -- without using leave time -- for H1N1-related absences.

"I have a laptop and a BlackBerry," Cuppernull said. "I was able to attend a meeting telephonically and participate in online training with hardly a blip."

In Washington and across the country, the arrival of the flu season has prompted companies of all sizes to weigh how to accommodate sick workers while keeping the business running. President Obama has declared the swine flu situation a national emergency, and federal agencies recommend that businesses remain flexible and let sick workers stay home.

Congress has also weighed in with a proposal that would mandate employers to offer paid sick leave. Under a bill introduced last week by members of the House Education and Labor Committee, employers with 15 or more workers would be required to provide five paid sick days per year for workers sent home with contagious conditions such as the swine flu.

Sick workers

"Sick workers advised to stay home by their employers shouldn't have to choose between their livelihood and their coworkers' or customer's health," Rep. George Miller (D-Calif.), chairman of the education and labor panel, said in a statement. The National Small Business Association, which has not taken a position on the legislation, has in the past criticized similar proposals as harmful for business owners.

"The more restrictive the government is in how businesses can develop their benefits programs, the less flexible business owners can be," said Molly Brogan, a spokeswoman for the small-business group. "If it's paid sick leave, you're paying somebody who's not going to be there and you have to pay somebody to replace them. That has the potential to affect the bottom line for a lot of small businesses."

Mike Aitken, director of government affairs for the Society for Human Resource Management, said that although the legislation attempts to protect employees, the wording of it could do the opposite. The bill is triggered by employers who send their sick workers home. Aitken said he was concerned that employers might get out of providing the sick days simply by forcing workers to stay on the job.

"The way the bill is crafted, one questions whether they will be able to achieve" protections for workers, Aitken said. "We think other approaches should be used."

According to a survey by the group released last week, most human resource managers said they plan to use their current sick-leave policies to accommodate swine flu absences. About 20 percent of firms require a medical statement to clear an employee to return to work.

The Department of Homeland Security has urged employers to establish contingency plans so that they could continue operating if an outbreak of the H1N1 influenza occurs among their workers. The federal government has strongly recommended that businesses force employees with the flu to stay home and that they adopt flexible sick-day policies allowing staff to work from home if a family member becomes infected.

John A. Boardman, executive secretary and treasurer of Unite Here Local 25, the union representing 5,000 Washington-area hotel workers, said his members have numerous options if they need to take time off to care for themselves or a sick relative. He said they could use sick days, vacation or short- and long-term disability time.

'Safety net'

"When you have a safety net, you can continue to get income while you're out, and that's helpful," Boardman said.

Wal-Mart, which employs about 1.4 million people in the United States, came under fire from labor groups last week for its sick-leave policy. Full-time workers accrue an average of six sick-leave days per year but are only allowed to use the time after the first day off because of illness. The first day can be covered with a personal or vacation day, or employees will not receive pay. Temporary and part-time workers do not receive sick time but do get personal and vacation days.

In addition, Wal-Mart begins reprimanding workers after four absences of up to three days each over the course of six months. Six absences can lead to termination.

"The policy is really draconian," said Charles Kernaghan, director of the National Labor Committee, which last week published a report detailing the practice. "You drag yourself to work sick, especially during the swine flu pandemic. This should be a concern."

Last week, Wal-Mart issued a clarification of its policy to its more than 3,000 stores across the country, stating that no one will be fired for contracting swine flu or caring for a family member with the illness.

"Clearly, there's been a misunderstanding about what our policy is," said Gisel Ruiz, a senior vice president of Wal-Mart's U.S. stores. "Wal-Mart is encouraging our associates who may be ill to stay home and get well. That's in everyone's best interests."

The company said missed work days because of swine flu will not count as an absence. However, workers will receive pay only if they have accrued sick leave or personal or vacation days.

According to Gary Laugharn, principal at human resources consulting firm Hewitt Associates, about 20 percent of national retailers require employees to have been sick for up to a week before leave benefits kick in. He said many of the companies he works with have tried to combat the H1N1 virus by providing plenty of hand sanitizer in the stores and encouraging sick workers not to come in.

But for the roughly 50 million workers who do not receive sick time, the options are more stark: work or don't get paid.

Leah Daniels, who sells pots, pans and other cookware from her Capitol Hill store called Hill's Kitchen, said her one full-time and three part-time workers do not receive sick days and would simply have to miss a day of pay if they were to take time off to recover from the flu. "I don't have a contingency plan," Daniels said. "There is no way for someone to work from home."

Friday, June 12, 2009 | Modified: Saturday, June 13, 2009

Judge rules Milwaukee sick leave law unconstitutional, appeal promised

Milwaukee County Circuit Court Judge Thomas Cooper has ruled the city's paid sick pay ordinance is unconstitutional and granted the Metropolitan Milwaukee Association of Commerce's motion for a permanent injunction.

The ordinance would have required Milwaukee employers to provide up to nine days of paid sick time per year based on the number of hours worked and the size of the business.

Cooper had granted a temporary injunction staying the implementation and enforcement of the controversial ordinance Feb. 7 after MMAC filed a lawsuit in county court opposing the ordinance. MMAC called the ordinance a "job killer" for the city, which was passed in a citywide binding referendum approving the measure with 69 percent of the vote in the Nov. 4, 2008, general election.

At a court hearing in May, representatives of 9to5 -- the organization that led the campaign for the new ordinance and was allowed to enter the case as a co-defendant -- acknowledged that the requirements of the ordinance would result in additional costs to employers, but that those costs are necessary to improve workers' health, safety and welfare.

In February, Cooper said his ruling will likely be challenged in the Court of Appeals and the Wisconsin Supreme Court.

Amy Stear, state director of 9to5 the National Association of Working Women, said the group will appeal the decision.

Stear pointed out that Cooper agreed with almost all of the legal arguments made by the City and by attorneys for 9to5 which was granted intervenor status in the case.

"Corporate lobbyists lost in the voting booth and tried to undermine democracy by blocking implementation of this ordinance," she said. "Ultimately, they will not be able to stop the will of the people. We trust that the city will join us in the appeal, given that they have taken a strong position on the particular legal grounds Judge Cooper has ruled on here."

Cooper's ruling drew praise from Milwaukee's business community and local elected officials.

MMAC views Cooper's decision as a victory for the city and its future economic competitiveness, said Steve Baas, the director of governmental affairs for the business organization.

"We think the judge issued a strong decision, and hope we can move on without the uncertainty of this ordinance hanging over the heads of employers," said Baas.

MMAC president Tim Sheehy called Friday's ruling, "A victory for the city of Milwaukee's economic competitiveness and the workers who depend on a growing economy for their jobs."

Milwaukee Mayor Tom Barrett, who had previously made public his opposition to the cited law, reiterated his stance that the issue should be taken up on the national level.

"My position has always been Milwaukee should not be an island," Barrett said in a statement. "That's why it's important this issue be addressed at the federal level. I support sick leave legislation at the federal level."

Milwaukee County Executive Scott Walker also praised the ruling.

"This is good news for everyone concerned about jobs in Milwaukee," Walker said. "Had the sick leave ordinance been implemented, it would have surely driven jobs out of the city. We can not afford to push jobs out of our community."

Click here for a copy of Judge Cooper's decision.

Testimony by Victor W. Sidel, MD
Before the City Council Committee on Civil Service and Labor
On the Paid Sick Time Act (Int. 1059-2009)
November 17, 2009

This testimony is being presented on behalf of the Public Health Association of New York City. For identification, I am Distinguished University Professor of Social Medicine at Montefiore Medical Center and Albert Einstein College of Medicine and Adjunct Professor of Public Health at Weill Medical College of Cornell University. I have served as president of the American Public Health Association and of the Public Health Association of New York City.

As the members of this committee are aware, a growing number of workers in New York City lack paid sick days. Overall, in this city, a total of 1.3 million workers lack paid sick time. We believe the lack of paid sick days for workers contributes to the spread of disease at all times and is particularly critical when the city is facing a possible pandemic. The Centers for Disease Control and Prevention estimates that a sick employee reporting for work with influenza could infect one in ten co-workers. Many of the workers who lack paid sick time are in the restaurant industry and other industries, such as retail sales, where there is a strong possibility of spread of disease to customers. It has been documented that outcomes of illness are worse for those who cannot seek attention for preventive care and particularly for those who cannot seek medical attention when symptoms of disease are first manifested. Minority workers and their families are hardest hit by lack of paid sick days.

All workers need paid sick days to address their own illnesses and, when the disease is infectious, to protect the public. Excluding some workers, like those who work for smaller businesses or those who work in restaurants, from paid sick leave is discriminatory and would be hazardous to public health.

We know there is opposition to this public health bill. The contentions that "This is too broad a response to swine flu" or "won't be implemented in time for swine flu" are not relevant. Although swine flu had made the threat clearer, workers and their children have infectious diseases like swine flu every year. The allegation that smaller businesses and non-profit groups cannot afford to pay for sick time leave, but the cost is small in comparison to benefits to workers and to the public health of the city. The fear that jobs will be lost if this bill is enacted is an argument used against the protection of workers, but jobs have not been lost in San Francisco where this protection has been implemented. Provision by the state or Federal government of sick time pay would be useful, but such legislation lies in the future and must be encouraged by actions at the city and state level. The cities of San Francisco, Washington and Milwaukee have all enacted paid sick time statutes.

There is ample evidence of harm to both individual health and to public health when workers lack paid sick time. A growing body of research indicates a significant impact on health and on health care costs when paid sick time is not available:

- Workers without paid sick days are more likely to go into work sick, where they can spread infectious disease to others and jeopardize their own health.
- Parents with paid sick days are five times more likely to be able to care for sick children at home than similar parents who do not have paid sick days.
- Paid sick days influence the ability of working Americans to care for their aging parents. Elderly individuals live longer and have better health outcomes with family support.
- Among workers with health insurance, those without paid sick days were about 20% more likely to use the emergency room each year.

The simplest, easiest, and most effective thing that can be done to contain Swine Flu is to make sure that those who need it can take a day off work. It's good for patients, good for working families, and absolutely critical for the city's public health. That's why the Public Health Association of New York City is endorsing the Paid Sick Time Act and why we're pleased to see such strong support from the New York City Council.

Sources:

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11/16/09

Testimony of

**Wendy Chavkin MD, MPH
Professor of Public Health and Obstetrics-Gynecology
Mailman School of Public Health and College of Physicians and Surgeons
Columbia University**

**NEW YORK CITY COUNCIL
Committee on Civil Service and Labor**

Hearing on Intro 1059 The Paid Sick Time Act

November 17, 2009

I am a Public Health physician, trained in Obstetrics and Gynecology, submitting testimony to tell you why I and my colleagues in pediatrics, gerontology, obstetrics-gynecology, internal medicine and preventive medicine support legislation to provide paid sick days for New Yorkers.

When people go to work when they are sick they can

- spread infectious disease on public transport and to fellow workers or clients
The rapid spread of H1N1 flu in camps and schools illustrates this, and
- they may function poorly, make mistakes, and take longer to recover.
Data demonstrate that sick children recover more quickly when parents care for them.

Paid sick days enable workers to recuperate from illness or to care for ill family members, and also serve the important public health function of preventing sick employees from infecting others at work. Yet only half (51%) of all U.S. workers have paid sick days and less than one-third (30%) of employees are allowed to use these days to stay home from work to care for an ill child or family member (Institute for Women's Policy Research website, 2006).

Access to paid sick days is uneven, with those most in need least likely to have this benefit. Employees who work part-time (often women with caretaking responsibilities), workers at low-wage jobs, and those employed in the private-sector are less likely to have paid sick days than those working full-time, in high-wage jobs, and/or in the public sector (Lovell, 2004). Only one quarter of low wage workers in the U.S. have paid sick days (National Partnership for Women & Families, 2008). In NYC, nearly two-thirds (65%) of the working-poor (221,000 workers) report having no paid sick days; almost half of the near-poor (45%) and approximately one third (32%) of moderate-higher income workers are also without paid sick days (Community Service Society, 2007).

In many E.U. countries, workers are entitled to paid sick days on their own behalf as well as to care for a sick dependent. This short-term leave benefit is generally provided through national statutes or collective bargaining agreements. For example, in Sweden,

parents can take up to 60 days per year to care for a sick child (Fagan & Walthery, 2007). In Belgium, Germany, and Norway parents are entitled to 10 days per year to care for a sick child and this can be extended if the child is seriously ill, disabled, or injured. In contrast, in the U.S., the Family and Medical Leave Act (FMLA) provides 12 weeks of *unpaid* leave to care for oneself or a dependent in case of a serious illness but it does not cover routine, short-term sicknesses. (Gornick & Meyers, 2003).

Proponents of paid sick leave invoke the public health arguments that paid sick days are necessary to encourage sick employees to take time off to recover from an illness, to avoid infecting co-workers with a communicable disease, and to provide care to sick children that are likely to spread contagious diseases to others at school and in day care centers. Although certain workers (those in child care centers, medical facilities, or restaurants) have frequent contact with the public, and associated significant risks of contagion, fewer than 15% of food service and hotel workers have paid sick days (Lovell, 2006). Paid sick days affect parents' ability to provide care during childhood illness. The Baltimore Parenthood Study of moderate and low-income parents found that those with paid sick days were 5.2 times more likely to care for a sick child themselves as compared to those without paid sick days (Heymann, Toomey, et al., 1999) and Palmer's review (1993) demonstrated that parental care helps sick children recover more quickly from illnesses and hospitalizations. Finally, parents of ill children may face the catch-22 situation of the child care center's refusal to allow sick children to attend, a lack of alternative care arrangements, and jeopardizing their employment if they stay home from work.

Paid sick days also can be beneficial for businesses. Many employers report that "presenteeism," or the attendance at work of sick employees, costs businesses money through lost productivity and ensuing absenteeism when many workers subsequently become ill (Lovell, 2004).

There are several legislative initiatives focused on paid sick leave under consideration at the national, state, and municipal levels. These bills focus on expanding paid sick leave coverage to allow more employees to take time off to recuperate from a personal illness, to care for sick children or other dependents, or to attend a medical appointment. At least eleven states are considering paid sick days legislation, including Massachusetts, Maine, Connecticut, and Minnesota. In March 2007, San Francisco became the first municipality in the U.S. to require employers to provide paid sick days to their employees, and in March 2008, Washington, DC, became the second city in the U.S. to pass similar legislation. One national bill has been introduced--the Healthy Families Act of 2007, sponsored by Senator Edward Kennedy (D-Massachusetts) and Representative Rosa DeLauro (D-Connecticut)

Legislation to ensure that New Yorkers have access to paid sick days will support the health of the public.

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Statement of Mary Pappas
School Nurse
[Fresh Meadows, NY 11365 –mpappas@sfponline.org]

I am the school nurse at St. Francis Prep High School in Fresh Meadows, Queens, where I discovered the first cases of H1N1. That experience helped me see the need to guarantee paid sick days.

On April 23, I was working in the school nurse's office. My population of students is 2600-2700, the largest Catholic high school in the United States. My day started the same as any other. I send 3 students home on a good day, 15 on a bad day. By 9:15 that morning I had 10-15 kids on line with a fever, which is extremely unusual. It got my ears up. They looked very sickly, more so than usual, and also very bewildered, and they wanted me to call their mother right away because they felt so bad.

By 9:30 I alerted the principal that something wasn't right. At first I thought the students were all from one grade or one homeroom, but the line didn't die down. I had a constant group of children from all over the school, all with fevers and full of despair.

I alerted Dr. Kringsman someone I work closely with at the Department of Health. He told me to continue to do what I was doing and he'd call the DOH and CDC. They didn't come until the next day but called from time to time for updates. They also told me what to prepare.

We continued sending home kids throughout the day – 102 on Thursday and 80 on Friday. I have a very small office with only one thermometer. The security guard helped me. He took the temperatures and placed the information on a sticky note on each child. I'd get the parent on the phone. Each kid knew where their mother was – that really saved time.

Because of where I work and the socio-economic status in my community, the parents were able to leave their job in a fairly quick fashion. They were able to get a guardian or themselves to pick up the child, so the flow of sick kids moved pretty well. The same was true the next day.

Later I became aware of a public policy that would guarantee paid sick days. I could not imagine the situation I faced compounded by parents who would have to say, "I'm sorry, I can't leave my work, I can't lose my job."

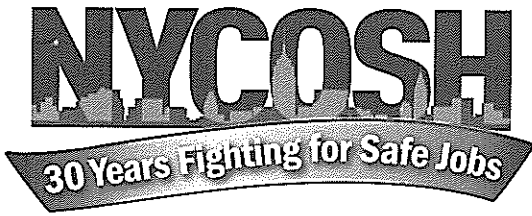
It would have been disastrous.

I really feel for the children, parents and nurse in a community where parents are afraid for their jobs because they have no paid sick days. Our school had to close – what do those parents do then?

That's why I felt compelled to speak out on behalf of all parents and kids.

Businesses need to offer a certain amount of paid sick days, so people know at least they have those sick days in case their child gets sick. They won't have to worry they're going to lose their job or lose a day's pay because they did the right thing for the safety of their child. Parents have to be able to pick children up and take them home and take care of them if they are ill.

For the safety of the children, the parents and the school, paid sick days is like a security blanket – a step in the right direction toward ensuring everyone's well-being.



NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH

116 John Street, Suite 604, New York, NY 10038-3331
(212) 227-6440 fax (212) 227-9854

email nycosh@nycosh.org
website www.nycosh.org

**Testimony of
Joel Shufro, Ph.D., Executive Director
New York Committee for Occupational Safety and Health
Before the
New York City Council Committee on Civil Service and Labor
In Support of Int.1059
November, 17, 2009**

My name is Joel Shufro. I am the executive director of the New York Committee for Occupational Safety and Health (NYCOSH) a non-profit educational advocacy organization dedicated to every worker's right to a safe and healthful workplace. We are a coalition of 200 local unions, health, legal and medical professionals and rank and file workers as well as concerned citizens in the New York City metropolitan area.

We strongly support Int 1059 which is prudent public and occupational health policy. Workers should not be compelled to report for work if contagious or feeling sick. It is not good for their health – nor the health of those with whom they work. It is a drag upon the economy as a whole and the businesses for which sick workers to report. According to a 2004 study at Emory University, the economy loses \$180 billion in productivity a year when sick employees show up to work.

The importance of this legislation is heightened by the threat of pandemic flu which has the potential of disrupting our city and country. The City is to be lauded for the efforts it has taken to prevent the spread of the H1N1 and the extensive preparation undertaken in the case the virus spreads through the population.

Among the precautions adopted by the New York City Department of Health and Mental Hygiene is a recommendation that workers experiencing symptoms of the flu at work are sent home immediately and that those who develop symptoms away from work stay home “and not come to work until at least 24 hours after their fever has resolved.” This follows recommendations by the federal Centers for Disease Control, which has stated that, a sick worker can infect 10% of co-workers.

Needless to say, it is not only co-workers who are affected when sick workers come to work. In those industries and other workplaces where workers have substantial contact with customers or the public, such as teachers, food and restaurant workers, transit workers, or contact with certain goods that come into contact with customers, there is a risk that a sick worker will jeopardize the health of members of the public by exposing them, directly or indirectly, to germs and disease.

Recovery for workers who contract the illness is between five and seven days. Unless workers are able to stay away from work if they are sick or able to take care of children, spouses and/or relatives in need, the transmission of the flu virus will be exacerbated.

Many workers have no sick leave. Between 33 and 40% of the nation's workers don't have paid sick days -- about 51 million people, according to U.S. Department of Labor estimates released last spring. A survey by the National Opinion Research Center, as reported in the New York Times (November 3, 2009), stated that 68 percent of those not eligible for paid sick days said they had gone to work with a contagious illness like the flu; 53 percent eligible for paid sick days said they had done so.

Unfortunately, employer sick leave policies result in tremendous pressure on workers to report for work. Even those with sick days cannot afford to stay home, or are not given enough time to convalesce properly. Some companies that provide sick time, like Wal-Mart and Disney, give workers demerits and deduct their pay for staying home when they are sick or to care for children.

Nationwide, 84% of workers said they felt pressured to come to work sick because of the recession, according to a September poll by Vancouver-based Angus Reid Strategies. One in six workers say they or a family member have been fired, suspended, punished or threatened for staying home sick or caring for a sick relative, according to a survey last year by the Washington, D.C.-based Public Welfare Foundation.

While we favor enactment of this legislation, we must note that from a public health perspective, the provision of 72 hours of sick time in a calendar year for employees of large companies as opposed to 40 hours for an employee of a small business makes no sense. If a worker is sick, he or she should be removed from the workforce until they are not contagious. The virus does not discriminate between big and small employers. In fact, according to according to the Bureau of Labor Statistics, workers for small employers are much less likely to have sick leave than larger employers.

Consequently, we strongly urge the Council to eliminate the distinction between small and large employers. At the same time, we support enactment of Int. 1059 as an important first step in protecting the public's health.

Thank you for consideration



NEW YORK NIGHTLIFE ASSOCIATION

Serving New York's Bars, Clubs & Lounges

325 Broadway, Suite 501

New York, NY 10007

Thank you, for allowing me this opportunity to testify regarding Intro 1059 that I believe is the wrong execution of the right idea. My name is Paul Seres and in addition to being the Vice President of the New York Nightlife Association, I'm also a member of Community Board 4 where I see small businesses all the time trying to make it in New York City. Intro 1059 would only work against them.

This bill would have a dramatic effect on what it costs our industry, at the worst of all possible economic times, roughly \$100 million dollars a year, with very little benefit to the individual employee.

The majority of the work force that make up the hospitality industry are part time and/or tipped employees. These employees often consist of students who are looking for extra cash while going to school, and the flexibility working in the hospitality industry offers them, fit their needs well. While working for us they often also work in other industries or are pursuing other careers such as dancers, musicians, actors, or filmmakers.

If a part time employee is working three shifts per week as a tipped employee, nine times out of ten, if that employee is sick, they will either trade shifts with another employee directly or do it through management, maintaining their 3 shifts per week. It isn't their \$35 per 8 hr. shift tip credit that they live off, it is their \$20-\$40 per hour or more in tips...and they will do whatever it takes to insure that their number of shifts per week does not change.

If Intro 1059 passes, we as operators will be forced to double pay each tipped employee who uses their paid sick leave even though they have made up the time

and did not lose any money. That is why the Washington DC bill exempted tipped employees from its law. We must do the same.

Our industry is not an industry of desks and computers where work can pile up if an employee isn't there to complete it. It is an industry of working in the present. If an employee can't get their shift covered, than the establishment will have to get someone else to cover for them or make do without them. After all, their work won't be waiting for them in some in box the following day when they return. That is even more costs to us and loss of productivity.

The other point that I would like to bring up is how the bill would classify a small business. I, like many bar and club owners, consider myself a small business owner... however I have many more than 10 people on payroll. In the real world, there is no hospitality establishment that can qualify under this bill as a small business, no matter how small the operation. For example, a tiny bar or restaurant with only 60 seats would still require 2 cooks, a bartender, 3 waiters, 3 bus boys, a host, 2 porters for cleanup per shift. That's not including any managers. That is a total 12 people for just one shift. Sitting on the business licensing and permitting committee for CB4 I can tell you that the majority of the liquor license applications are small business yet all of them have more than 10 people.

According to the US Dept of Labor, calculations for a small business such as my own with 30 people employed would have to spend an extra \$60,000 per year under this bill. That money has to come from somewhere and would certainly take the place of any other benefit that I could offer my staff.

Finally the constant comparison between New York City and San Francisco is really an unfair comparison. In San Francisco, only 116,000 workers out of an entire workforce of about 500,000 (23%) did not have paid sick leave. In NYC, it is at least 1.85 million workers without paid sick leave (48%) of a workforce of almost 4.5 million. NO COMPARISON.

My time is up, so let me just conclude by saying that we should be helping our nightlife industry thrive; especially now in this economy, helping it create more jobs, not placing stumbling blocks before us.



252 West 29th Street, New York City, NY 10001

Phone: 212.967.3002 Fax: 212.967.2240

www.nca-i.com Email: info@nca-i.com

November 17, 2009

Good afternoon. My name is Nora Nealis and I am here representing the NCA (National Cleaners Association, formerly known as the Neighborhood Cleaners Association). I would like to thank the City Council for the opportunity to offer the thoughts and concerns of my members regarding Intro 1059.

Let me begin by telling you that roughly 81% (631) of our NYC membership are in our 'bottom' dues category, which means they employ 3 or less workers. When surveyed in 2007, the annual gross sales of this category was between \$300,000 and \$350,000 per year. In our most recent e-survey, over half of our NYC members report that their sales volume was down more than 20% in 2008, and more than 10% YTD in 2009.

These cleaners are the quintessential small businesses, and their businesses are not investments that yield a return, they exist to provide employment for the owner who LABORS in his business.

A quick calculation of typical NYC retail rents, utilities, water and sewer charges, credit card fees, business and bailee insurance, hazardous waste disposal costs, postage, phones, cable, supplies (@roughly 20% of sales), inspections, fees, licenses, FICA, cartage, and all the other expenses involved in running this business, leaves that Mom and Pop cleaner with well under \$100,000 for payroll –including the boss! Almost universally, this group reports having laid off one worker in the past two years, and given the fact that most of them report that their employees have been with them more than 5 years, this was an extremely difficult decision for them to make.

On a simple dollars and cents basis – whatever the owner will pay out in a paid leave benefit will come out of his own already meager salary. As the owner, he works more hours than any employee – often 6 in the morning until 6 at night, 6 days a week, plus whatever time he spends at home on administrative and paperwork items that he can't get to because he's laboring in the plant. In effect, he is working at least TWO full time jobs, and if he had to pay himself time and a half for hours worked over 40, he probably couldn't afford to do that, and unless he or she is at death's door, they are not taking any time off either. When surveyed about how they would 'fund' this obligation should this proposal pass, member responses range from cutting wages, to cutting hours and taking up the slack themselves. Often because of limited language skills and professional skill set, there is no place for these owners to go and find other employment.

The only segment of my membership (14 plants) that reports NO IMPACT should this proposal be adopted ALL have more than 50 employees and with one exception ALL have at least one brand with a base price for a suit in excess of \$28.⁹⁵.

Mom and Pop cleaners can not afford to achieve the economies of scale that larger multi-brand operations can realize and few consumers can afford to pay over \$29 to get a suit cleaned.

Dry cleaning was one of the industry's hit first and hardest by the economic downturn. Customers who cleaned after each wearing, stretch their routine to every other time and that small change reduces the drycleaners' volume from that customer by 50%. This proposal could not come at a worse time for the cleaner, and we strongly oppose the measure as it is currently drafted.

Thank you.

TESTIMONY

To

The

NEW YORK CITY COUNCIL

**Regarding proposed legislation:
Intro. 1059-2009**

**A Local Law to Amend the Administrative Code
Of New York City
In relation to the provision
Of Paid Sick Time Earned by Employees**

By

**Virginia P. Louloudes, Executive Director
Alliance of Resident Theatres/New York**



Tuesday, November 17, 2009

Good afternoon Council Member Brewer, Public Advocate Gottbaum and members of the City Council.

My name is Virginia Louloudes and I am the Executive Director of the Alliance of Resident Theatres/New York (A.R.T./New York) the leadership and advocacy organization for New York City's 250+ not-for-profit theatres.

We support the intention of the proposed legislation which would provide paid sick leave to employees. However, we do have some serious concerns with how this legislation has been laid out. What I would like to do is provide examples where the proposed legislature is incongruous to the very nature of the creation of theatre, particularly the not-for-profit theatre.

A.R.T./New York has an annual operating budget of just over \$3 million dollars and we employ 13 full time and 8 part-time staff. Just by way of comparison, here is our sick leave policy and the proposed Amendment:

A.R.T./New York offers	NYC proposed Amendment
- 10 paid sick days per year	- 9 paid sick days per year; or 5 for small businesses (under 10 employees)
- No carry over of unused days	- Unused days can be to carried over to next year
- Sick days immediately after employment	- Sick days not available after 90 days of employment

To give you a sense of the breath and depth of our membership, A.R.T./New York represents 250 theatres: the largest being major institutions like the New York Shakespeare Festival, Lincoln Center Theater, and the Roundabout; mid-sized companies like Repertorio Espanol, MCC Theatre, Black Spectrum Theatre, the Vineyard, HERE Arts Center, Ma-Yi Theatre Company, TADA! and the Women's Project and Productions. Our smaller theatres include New Georges, National Asian American Theatre Company, Keen and Company, Epic Theatre Center, and blessed unrest.

Starting salaries at most of our organizations range from zero to \$35,000. Yes, you heard me correctly: many of our theatre members do not pay themselves any salary; instead they have "survival jobs" to help pay their living expenses. (Some get their health insurance and paid sick days from their survival jobs if they work full-time; others are freelancers and struggle to get health insurance and paid sick days). Nevertheless, by having "survival jobs" they can direct all of their company's revenue and grants to the production costs (artist fees, theatre and rehearsal studio rentals, props, and licensing fees). In this way they are like most small business owners who take little or no pay from their start-up businesses until they can turn a profit.

We make these financial sacrifices because we are dedicated to the transformational, educational, and entertaining aspects of the theatre. We also believe that the theatre is a right that every New Yorker should be able to experience, and that is why so many of our members provide low cost or free tickets to students, seniors, and individuals of limited means.

Given these values, I would venture to say that most of my members provide paid sick leave to their full-time salaried employees. By full time employees, I refer to those individuals who work 40 hours a week, 52 weeks a year.

The biggest difficulty I see with this proposed amendment is that it doesn't speak to the nature of the performing arts. For example, the not-for-profit theatre world is composed of several "types" of workers. Administrators who tend to work full – time, or part-time, year round; set, directors, choreographers, composers, lyricists, costume, lighting and sound designers who are paid on a fee basis (and whose fees are negotiated by their respective unions); and musicians and actors who are paid according to the rules set out by the various contracts their employing theatres are operating under. (I have attached a graph, which demonstrates the various sick day policies prescribed by Actor's Equity Association, with whom nearly all of our theatres have contracts).

In the not-for-profit theatre, full-time employees are given benefits; part-time employees usually are not. Given these extremely difficult financial times, our theatres are becoming increasingly dependent upon part-time administrative workers. For many, this arrangement is mutually beneficial: a worker who wants more flexibility agrees to work a certain number of hours a week (and many of them get to set their own hours). This allows them to choose to stay home with a sick child or relative; or to stay home if they are sick. However, at present, part-time employees do not receive paid sick leave.

Seasonal employees, such as actors, directors, designers, house managers, running crew and front-of-house and box office staff are provided some amount of health insurance and sick leave, depending upon whether or not they have a union contract, and if so, which contract they are working under.

For example, an actor working under a contract with the Association of not-for-profit theatre companies (ANTC) performing in houses with 199 seats or less is allowed:

- One day of paid sick leave during rehearsals
- If the actor misses seven days due to illness or injury the may be replaced.
- One day of paid sick leave per four weeks of performance
- Producer may terminate actor's contract if he is found to have called in sick, when he was in fact well.
- Actors receive up to three days of paid bereavement leave each employment year.

Since the ANTC theatres do not have to hire understudies, if an actor calls in sick the theatre faces two choices: cancel the performance and refund the audience their money; or have someone familiar enough with the show (such as the artistic director) go on. **This actually happened two weeks ago, when MCC's Artistic Director, Robert LuPone went on for an actor who was out sick.**

As for the other positions not "protected" by a union, they may not receive health insurance and paid sick leave, but people are fighting to get these jobs. Part of this is, of course, due to the current economy. But the larger part of it goes to the values to which our theatres ascribe. Those of us who work in the theatre are not in it for the money; we are doing it because we love to express our creativity and be around gifted and talented artists.

This makes for a healthier work atmosphere. Several years ago, my doctor told me that I was one of his healthiest patients. He said that many of his patients my age had chronic illnesses that he believed stemmed from the stress that comes with having a job you don't like, or working in an environment where you are not appreciated.

None of the Managers I spoke with want to compel sick staff members to come in. However, on those occasions when their presence is a necessity (a board meeting, a dress rehearsal, etc.) exceptions must be made. And we make sure that they get a comp day as soon as they can, so that they can get the rest and care that they need.

If word gets out that the Box Office manager or a running crew member has the flu, you can be certain that the cast and the company have provided them with a thermos of hot tea, and an actor's favorite cold remedy plus bags of cough drops. We work in an industry that "takes care of its own". We may not do so in the traditional way, but we do so in a humane way.

I urge the City Council to revisit their definition of Small Business: from one that is defined by the number of employees to one that is defined by its annual revenues. For example, A.R.T./New York is a \$3 million organization that has 13 full time employees and approximately 8 part-time employees during any given week (including consultants). We pay our full-time staff paid sick leave. Part – time staffers are given the opportunity to switch shifts with other part-timers when they are sick, so that they are not "docked" for being sick.

Ninety percent of A.R.T./New York's members have budgets below \$5 million and 53% have budgets below \$100,000. I would argue that they should all qualify as small business, even if in a given week they have ten employees (considering the amount of people it costs to produce, build, perform and run a play). These companies simply do not have the financial or human resources to abide by the amendment as it is proposed.

I would also urge the Council to explore other industries. There may not be a one-stop shopping law when it comes to paid sick leave. Perhaps there should be four laws: one for large corporations, one for small businesses, one for large not-for-profits and one for small not-for-profits. Surely the small graphic designer should not have to abide by the same rules as a

large hospital; nor should a mid-size theatre have to abide by the same rules as a large corporation. We all employ different work styles: we work different days; different hours; and for the most part, ours is a service industry.

At present, there is no distinction made in this proposed legislation between an employee and a consultant. At A.R.T./New York we employ over a dozen consultants to teach workshops and provide one on one consulting to our members. Some consultants work over 80 hours a year and many have worked for us for over five years. Some consultants charge very high fees (largely because they have to pay for their own health insurance and sick leave). If consultants who are paid fees for service are also included into this bill, it would prove tremendously difficult; some organizational consultants charge \$1000 a day. I receive grants for these consultants to work with my theatres. **Would this amendment require me to pay \$1000 to a subsidized consultant who works for me? What about lawyers we hire? Architects? Press Agents?**

It would be counterproductive if the only way theatre employers could manage under this amendment were by choosing to hire people for only limited amounts of time, to prevent them from reaching the 90th day mark. I could imagine a scenario where theatre companies choose different technical directors, carpenters and designers simply to avoid using any one individual for more than 89 days per year. While this solution would be "penny wise and pound foolish," we are operating in an era when every single penny counts. And if our companies felt that they had no choice but to "limit" their access to the very artists, designers, technicians and administrators with whom they have established relationships, everyone suffers! Yet this could be an unintended bad consequence to what seems to be a bill with its heart in the right place, but one whose knowledge of specific industries makes it even harder to do business in this City.

A.R.T./New York would welcome the opportunity to work with the Council on transforming the proposed amendment into one that truly addresses the needs of all workers.

On a more personal note, since this may be my last time testifying before you all, I'd like to thank the outgoing City Council members for their years of services.

Thank you.

ACTOR'S EQUITY ASSOCIATION RULES REGARDING SICK LEAVE

Contract	Stipulation - Rehearsal	Stipulation - Performance
Showcase 0-99 Seats	<ul style="list-style-type: none"> - Actors are not considered employees and are not granted paid sick time. They may leave at any time. 	<ul style="list-style-type: none"> - Actors are not considered employees And are not granted paid sick time. They may leave at any time.
Letter of Agreement	<ul style="list-style-type: none"> - Actors are not granted paid sick leave, though Producers are required to contribute to the AEA Health insurance. 	<ul style="list-style-type: none"> - Actors are not granted paid sick leave, though Producers are required to contribute to the AEA Health insurance.
ANTC (Association for Non Profit Theatre Companies) 99-199 Seats	<ul style="list-style-type: none"> - After 7 consecutive days of illness in rehearsal period, Producer may terminate contract - Actor is entitled to one (paid)day sick leave during rehearsal period. 	<ul style="list-style-type: none"> - An Actor shall not be paid in the event of illness and inability to perform during performance period. Actor may be terminated after 10 consecutive missed days. - Sick leave is accrued at the rate of 1 performance (paid)per 4 weeks employment.
Off-Broadway 200-499 Seats	<ul style="list-style-type: none"> - During rehearsal period, if Actor misses 7 consecutive days due to illness, Producer may terminate contract. - Actor is entitled to one (paid) day of sick leave during rehearsal period; during performance period it is accrued at the rate of one performance for each 4 weeks of work. 	<ul style="list-style-type: none"> - Actor shall not be paid for time missed due to illness during performance period; if Absence continues for 10 consecutive days the contract may be terminated by Producer. - Sick leave during performance period is accrued at the rate of one (paid) performance for each 4 weeks of work. - After Actor's first 6 weeks of employment or first paid public

		<p>performance, Actor is entitled to "borrow" up to six performances of sick leave. If the Actor does not accrue the borrowed time, any paid time taken without accrual must be reimbursed to Producer.</p>
<p>League of Resident Theatres (LORT) Roundabout Lincoln Center Theatre Manhattan Theatre Club</p>	<ul style="list-style-type: none"> - Actor is entitled to six (paid) sick days during first 24 weeks of employment. Actor will receive 6 additional days per 24 weeks employment beginning with first rehearsal or performance, whichever is first. 	<ul style="list-style-type: none"> - During the performance period, any two show day where one performance isn't performed by the Actor, it will count as one half day of sick leave. - If questioned, the validity of illness will be determined by a committee consisting of the deputies, SM, and the Theatre's representative. - Two weeks after sick leave is exhausted, AEA shall have the power to terminate or modify the contract at the request of the theatre. - Actor not entitled to salary during which time their services cannot be rendered.
<p>Production (Broadway)</p>	<ul style="list-style-type: none"> - Actors earning more than \$3,500/week are not entitled to paid sick leave. 	<ul style="list-style-type: none"> - Actor shall not be entitled to any salary during which their services cannot be rendered. Contract may be terminated with one week's notice by either party after 16 consecutive performances or any 24 performances missed within any 48 performances. - 1 performance of sick leave is granted per every

		<p>4 weeks of employment.</p> <ul style="list-style-type: none"> - Actor will suffer no consequences for taking sick leave provided it is within the amount that has been accrued.
<p>Production (Broadway, Disney)</p>	<ul style="list-style-type: none"> - Actors earning more than \$3,500/week are not entitled to paid sick leave. 	<ul style="list-style-type: none"> - Actor shall not be entitled to any salary during which their services cannot be rendered. Contract may be terminated with one week's notice by Producer or immediately by Actor after 16 consecutive performances or any 24 performances missed within any 48 performances. In either case, Producer shall pay for services rendered thus far. - Actors are entitled to one performance sick leave per every 4 weeks of employment. - Actors earning more than \$2500/week but not exceeding \$3,500/week are entitled to one performance sick leave per every 4 weeks of employment, not exceeding 4 sick performances/year.

**Freddy Castiblanco,
Owner, Terraza 7 Train Café, Elmhurst, Queens
Spokesperson, New York Small Business United for Health Care**

I am the owner of Terraza 7 Train Café, a small business located in the Elmhurst neighborhood of Queens. I have been in business for eight years. I immigrated to America a decade ago from Colombia, where I had practiced as a licensed physician. Since then, with my own hands and a team of employees, I have built up my own business. Today I have five full-time and five part-time employees.

I am here today because I believe that every business owner enjoys the benefit of using infrastructure paid for by the taxpayers, such as the fire department, public transportation and the judicial system. There fore I consider it only reasonable for every business to fulfill its debt to society by offering decent working conditions.

As a physician, I see the risk involved when a community cannot effectively prevent the spread of contagious diseases. The lack of paid sick days is a factor that undermines the establishment of an effective respond in the case of epidemics. Paid sick day legislation enables us to create healthier, germ-free workplaces and better serve the customers who come to our businesses.

In addition, there will be huge losses resulting from expensive treatments in the emergency room or hospitalizations, relating to problems where people have postponed treatment out of fear of losing their income or even their job.

As a father, I know it is impossible to quantify the emotional and economic cost endured by a family that is unable to take care of a sick child or elderly parent without the risk of losing their income.

As small business owner I understand that it is not only for the benefit of employees that this proposal makes sense: If we support our workers when they need us the most, as is the case when they are sick, they will become more committed to and experience a real sense of belonging to their job.

Healthy workers make productive businesses. Our employees need to take the time they need to recuperate from illness without worrying about the repercussions of taking a day off.

Finally, those employers who are responsible, doing the best we can for our employees, are at a disadvantage. We should not be forced to compete with other employers who avoid their moral obligation of providing good working conditions.

I want to ask you as our elected officials to take the lead in protecting our common wellbeing.

Freddy Castiblanco



RESTAURANT OPPORTUNITIES CENTER OF NEW YORK
275 SEVENTH AVE., 17th FLOOR
NEW YORK, N.Y. 10001
TEL: (212) 343-1771
FAX: (212) 343-7217

Member: Shailesh Shrestha

Currently Working: Restaurant job where he is a Union member and has Paid Sick Days

Hello and Good Morning. On behalf of ROC-NY, Restaurant Workers and the Nepali community, it is an honor and pleasure to be here, and I'd like to thank the New York City Council for calling this hearing and their support of the legislation so far.

I feel like one of the lucky ones. I worked at Windows on the World, where I had Paid Sick Days. I currently work at union job, where, again, as a restaurant worker, I have Paid Sick Days. But it hasn't always been this way. I started my career at restaurants working at a place where I did not have Paid Sick Days. The more jobs I had, and the more workers I met, the more it was clear that something as simple as not having to go to work sick, and get other people sick, was a luxury, not a right.

My community is an important example of the positive impact Paid Sick Days can and will have. The majority of the Nepali community in New York City have low wage jobs. Very few of these are union jobs. My wife has a restaurant job that fits into this category. I can say without hesitation that nine out of ten Nepali workers I know do not have paid sick days. That's almost an entire community of people that has to go to work sick or risk unemployment. This standard sends a direct signal to my community about how we are perceived in the eyes of our government and employers.

Furthermore, we are New York City. We should be a leader in this country. The progress of our city, state and our country starts right here. We should set the tone on how workers, especially at this time, should be given the right to balance their families and work.

Finally, besides asking the City Council and the Mayor to pass this bill, I would like to also make it clear that we should make sure what we pass regarding protecting worker's health is enforced by an agency that truly understands what this means to New York City, so that it is enforceable and protects workers against retaliation.

Thank you so much for your time and listening to me speak today. I hope together that we all pass a Paid Sick Days bill that will truly move workers and New York City in a positive and progressive direction.

Noe Chametla
347-870-1662

Good afternoon. My name is Noe Chametla and I'm a member of Make the Road New York.

I work in a deli in Astoria, Queens preparing sandwiches, salads and other dishes. I have a lot of direct contact with customers. We have no sick days where I work. I've gone to work sick many, many times. One time I had an accident at work in which I cut my finger really badly. I wasn't allowed to leave so I had no choice but to keep working with a finger that was bleeding badly.

This is the situation for thousands of workers like me who don't have paid sick days at work.

We shouldn't have to go to work when we have fevers or colds because we are putting at risk our health and the health of other people. That's why its extremely important that this bill be passed as soon as possible.

I'm very concerned about this situation, especially given the spread of the H1N1 virus.

When we go to work sick; we can contaminate the food and this is a serious risk . That's why we're here today to tell you how important it is for everyone that this bill for paid sick days is passed.

Noe Chametla
347-870-1662

Buenas tardes, Mi nombre es Noe Chametla y soy miembro de Se Hace Camino New York.

Trabajo en un deli en Astoria, Queens preparando sándwiches, ensaladas, y demás platillos. Además tengo contacto directo con clientes. En el lugar donde yo trabajo no tenemos días de enfermedad pagados. Muchas veces me a tocado ir a trabajar enfermo.

Una ves tuve un accidente en el trabajo, donde me corto un dedo y no tuve otra opción que seguir trabajando con el dedo sangrado. Me tuvo que quedar trabajando porque si me iba al hospital no me iba a pagar el día de trabajo.

Esta es la situación de miles de los trabajadores que como yo no tenemos días de enfermedad pagados en el trabajo.

Nos podemos ir a trabajar cuando tenemos fiebre o gripe porque estamos poniendo en riesgo nuestra salud y la de las demás personas por eso es muy importante que este proyecto de ley se apruebe lo mas pronto posible.

Me siento muy preocupado y con temor especialmente ahora por el peligroso brote de la gripe (H1N1) no podemos esperar mas debemos protegernos y proteger nuestras familias.

Cuando vamos enfermos al trabajo podemos contaminar la comida y este es un peligro grave es por eso que venimos aquí a decir que que tan importante es para todas las comunidades que aprueben la ley de días de enfermedad pagados.

McEvoy & Associates

(*raising money, raising awareness*)

TESTIMONY IN SUPPORT OF PAID SICK TIME LEGISLATION

NEW YORK CITY COUNCIL

November 17, 2009

My name is Melanie McEvoy, and I am the owner of McEvoy & Associates, a boutique fundraising and event planning company based in NYC. This is our tenth year in business. I am also a past president of the NYC chapter of the National Association of Women Business Owners.

As a small business owner, I respectfully urge you to pass paid sick time legislation. Paid sick time serves the interests of businesses while also responding to the changing demographics of the American workplace. As a small business owner, I will actually be able to reap the benefits of a program that encourages greater worker productivity, reduced turnover, and increased cost savings.

It is useful to be able to give paid time off to employees for use when are ill, needs preventative care or needs to deal with a sick family member or even a domestic violence problem. Often, small business owners can offer few affordable benefits to their employees. Offering paid sick time inspires loyalty and appreciation by employees. This in turn acts as a preventative measure against constant turnover, which is extremely important to those of us who are small business owners, as retaining qualified workers is a major obstacle to growth.

In my experience with NAWBO-NYC, I found that many of our members already provide paid sick days and do not experience problems. Rather, provision of paid sick days creates a more positive work environment, improves morale and increases employee loyalty.

The bottom line: A paid sick days' law is good for business.

Making it possible for working people to stay home during these crucial times makes sense for all of us. When workers are provided with paid leave, they demonstrate increased satisfaction, commitment, and productivity. And we, in turn, see cost savings due to lower turnover and higher retention among our employees. Fewer workers coming in sick means they don't spread illness to other workers, so overall absenteeism may even go down. Productivity goes up, accidents and mistakes go down. Turnover will go down because workers will be able to handle health emergencies without having to quit or risk being fired.

If we consider return on investment to be the bottom line, then investing in employees through paid sick time legislation can produce significant gains. Essentially, we don't see paid sick time as a burden to our businesses; we see it as an added benefit, contributing to our stability, growth, and cost savings in the long-term.



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TEL: (212) 343-1771
FAX: (212) 343-7217

Member: Cherokee Graham

Currently Working: Counter/Café Chain in New York City

Good morning, my name is Cherokee Graham. On behalf of restaurant workers and ROC-NY, thanks to the city council for having this important hearing regarding passing a paid sick days law.

In addition to being an active member at ROC-NY, I am currently working at a popular café chain that serves breakfast and lunch. My job duties include baking bread, preparing coffee and related drinks, making sandwiches to customers' orders, and so forth. It is a lot of labor where I am using my hands and my strength. I have my New York City Food Protection license and I have been formally trained regarding handling and preparing food. I enjoy what I do, and I am trying to learn more about the industry through further job training and education.

But right now, if I call in sick, I don't get paid. I work a minimal hourly wage as is, and a day or few hour's worth of work can really change things. So if I'm sick, I go to work sick – not because I don't care, it's because I can't afford it. When I'm sick I have to be extra careful when handling food and drink, but there's only so much you can do, because germs travel naturally. The chance a customer can get sick increases, even though we wear gloves and other protective gear when we work. It's not my fault I'm sick. It's not my co-worker's fault they caught a cold. It's not the fault of my manager who takes the call when workers call in sick. It's natural - people get sick. It's part of life, especially when you live in city like New York where there are tons of people who are in close contact with one another.

I don't want to go to work sick, and I don't want to make you or any customer sick. I think the fact that only some restaurant workers have paid sick days is not only bad for the public, but it also kind of puts restaurant workers down – as if we don't qualify for good work standards, as if our work doesn't count. Healthy restaurant workers are critical to the health and well-being of New York City. I urge the Mayor and City Council to help protect me and my customers, and keep them healthy and, of course, well fed. In order to do this, Paid Sick Days must be passed.

Thank you very much for your time.

BALLET HISPANICO

Tina Ramirez, Founder
Eduardo Vilaro, Artistic Director
Verdery Roosevelt, Executive Director

**Presentation to the Committee on Civil Service and Labor, New York City Council
by Verdery Roosevelt, Executive Director, Ballet Hispanico of New York
Tuesday, November 17, 2009**

RE: Int. No. 1059 -- A Local Law to amend the administrative code of the City of New York, in relation to the provision of paid sick time earned by employees

Good afternoon. My name is Verdery Roosevelt, and I am Executive Director of Ballet Hispanico. I work in the non-profit sector, which includes roughly nine thousand organizations in New York City that provide services ranging from housing to health to education to culture.

I joined Ballet Hispanico 30 years ago, when we were a tiny operation with only four full-time employees. Today, our budget is over \$4 million; we have 35 full-time employees, 45 part-time employees, and a 21,000-foot dance headquarters on the Upper West Side.

Simply put, our engine of growth over the past three decades has been the people who work at Ballet Hispanico, who provide the high quality of our training, education, and performance programs.

I know you are familiar with the non-profit sector -- high-level salaries are not the reason that most of us work in this field. While many non-profits do have some earned revenues, mostly we depend on the contributions that we can secure. We strive to be careful stewards of those donations from the charitable citizens of New York and we put those dollars to work on our programs.

But at the very least, we must be able to provide fundamental benefits to our employees. Ballet Hispanico has provided sick days to our full-time staff from the very beginning. This bill will now capture most of our faculty and accompanists, who are part-time staff at a high hourly rate, and so it's going to cost us.

But I am here in support of the bill, for these reasons:

1. Our part-time employees work hard and are proud of the work that they do. This is the right way to show them our appreciation.
2. Providing sick day coverage will make our part-time employment package more competitive and more attractive.
3. I'd just as soon not have a sick teacher working with the 15 or 20 children in each of our classes. It could only start an epidemic.
4. Finally, it will improve the quality of life for our employees and for our City.

Thank you for this opportunity to speak with you, and I urge you to pass this important legislation. It's the right thing to do.

FOR THE RECORD



Hector Figueroa

Testimony on Earned Paid Sick Leave Bill

New York City Council- Committee on Civil Service and Labor

17 November 2009

My name is Hector Figueroa and I am the Secretary-Treasurer of 32BJ, SEIU. Our union represents over 70,000 janitors, doormen, custodial workers, porters and security officers working here in New York City.

I am here to testify regarding the Earned Paid Sick Leave bill currently sitting with this Council. This bill would take a leap forward in the ongoing fight to ensure basic rights for all workers by allowing them to take days off work to care for their health without fear of losing their job. SEIU 32BJ fully supports its passage.

We fight hard to win this basic workplace right for our members. However, nearly half of all New York City workers, including many union members, lack paid sick time. SEIU 32BJ represents 3,000 city-contracted security officers. These men and women provide the first line of defense in municipal buildings and other city facilities, and until last May they could not take days off when they or their families were sick. This is unacceptable. We believe paid sick leave is a basic workplace right—one that our members and all working New Yorkers should have.

The gap in paid sick leave in New York City provides yet another setback to already vulnerable workers. Disproportionately high numbers of low income workers, immigrants, and women lack sick leave, and instances of workers losing jobs for taking time care for themselves and their families are well documented. Perhaps even more disturbing, the percentage of low wage workers receiving this benefit has declined, from 56% in 2007 to 33% in 2009.

However, this is not just a workers' rights issue for the 48% of working New Yorkers who lack paid sick time. This is a family issue for those unable to take time off work to care for sick children, and a public health issue for coworkers and customers endangered by people coming to work sick. This is an issue for all New Yorkers, and one we need to act on now.

In difficult economic times, a lack of paid sick leave often presents workers with tough choices for themselves and their families. With their job on the line, workers who lack sick leave are likely to go to work sick or send sick children to school. Close to 70% of workers in food service and retail lack paid sick leave, presenting a real public health threat to coworkers and customers. This threat has only been magnified with the continued spread of H1N1. Public officials at all levels from the Obama administration down to the 34 Council members currently signed on to cosponsor this legislation understand the urgency of protecting workers and the public by providing paid sick leave for all working people. We strongly encourage the Council to make New York City a model and catalyst for our country by extending this basic right to all workers.

Testimony Before the New York City Council

Inre: Intro 1059, November 17, 2009

Presented by: John Bonizio, member of the Bronx Chamber of Commerce
Board Chairman, Bronx Business Alliance
President, Association of the Merchants & Business Professionals of Westchester Sq.
Owner and General Manager, Metro Optics Eyewear

My company, Metro Optics Eyewear, is a small optical services chain with three practices located in the Bronx. We employ a total of 32 part-time and full time people. Each employee is compensated with an above average salary or hourly rate, bonus and/or commission earnings, six paid holidays, paid sick and vacation leave, health care, and after one year with a 3% safe harbor 401K plan and an additional 3% profit sharing plan.

We are not, therefore, against the concept represented by Intro 1509. We are, however, very concerned about the bill's over extending solution to the problem and the manner in which a "small business" is defined and penalized for growth.

Section 507(b)(3) of the act defines a small business as one with a combined full time, part time and temporary work force of "less than" 10 persons. The number of hours worked per employee per week or other pay period is not considered. Under such a definition, businesses that employ 2 or more part time mothers who work 2 to 3 days per week to help make ends meet can be penalized by the count. Businesses in the retail sector that employ part time personnel to cover weekend shifts of persons who cannot work on Saturday or Sunday for religious reasons are likewise penalized. Restaurants and other businesses that keep later hours and employ part time after-school help from high school and college students are also penalized.

In our company, we employ 5 optometrists in such scenarios that each work 2 eight hour shifts. Instead of being counted for the 2 forty hour employees they represent, this bill would calculate 5 employees against my designation as a "small business." By putting my company over the small business threshold, the bill requires that I provide 80% more paid sick leave under sections c(2) and c(3). It is also significant to point out that even if businesses were not penalized by part time counting, an 80% jump because of the addition of a single employee (from 9 to 10) will likely discourage job growth and stifle tax revenue.

Another problem with the bill's construction is its very narrow definition of the number of people it takes to reclassify a business from the "small business" designation to the undefined higher category occupied by very big businesses. In one gigantic leap, this bill seeks to establish a 3.6% per employee increase in compensation that must be absorbed by businesses and/or passed along to consumers. The average cost to an employer of ten people is approximately one-third the cost of a single employee, plus the cost of overtime to cover the shift of an ill employee. Coming at a time of double digit increases in the cost of health care, power, water, the MTA payroll surcharge and other

likely tax hikes, this bill's narrow construction is likely to contribute to the lay off of thousands of workers.

To avoid these unintended effects, the bill should be amended as follows:

- Amend the designation of a small business to one that employs less than 800 worker hours per week (i.e., up to 19 employees at 40 hours per week). This will eliminate the inequities of part-time versus full-time counting and ensure the defining of "small businesses" in a category more consistent with established State and Federal definitions.

- Add a "mid-size" business category defined as one with more than 800 but less than 1600 worker hours per week (i.e., 39 employees at 40 hours per week). Designate this category as one that provides no more than 56 paid leave hours per year (or 2.8% of payroll.) This will establish a less prohibiting obstacle to job growth than the 80% jump one is required to absorb in the present text.

**Testimony of
Donna Dolan, Chair
New York State Paid Leave Coalition
Staff Representative
Communications Workers of America – District One**

**NEW YORK CITY COUNCIL
Committee on Civil Service and Labor Relations
Hearing on Intro 1059 the Paid Sick Time Act
November 17, 2009**

Good afternoon, my name is Donna Dolan and I chair the New York Paid Leave Coalition. The New York Paid Leave Coalition, composed of over 100 organizations throughout New York State was formed in 2000 to push for paid family leave—i.e. wage replacement for workers who need time off to care for and/or bond with a new child or care for a relative with a serious health condition. The coalition represents a wide range of constituencies including labor unions, small businesses, women's and parenting groups, public health organizations, advocates for the aging and elderly, workers' rights and social justice advocates, child care providers, and legal advocacy organizations. All of these groups are committed to the welfare of working families in New York and concerned about New Yorkers' ability to both provide and care for their families.

Two years ago, together with A Better Balance: The Work and Family Legal Center, the steering committee of the New York Paid Leave Coalition began laying the groundwork for a campaign to guarantee paid sick days for all New Yorkers. In 2008, the Coalition formally signed on to the campaign for paid sick days in New York City, seeing paid sick days as a logical and necessary compliment to paid family leave. Paid family leave will help families cover their expenses during extended periods of care for their loved ones related to either a serious illness or the birth or adoption of a new child. It will not cover care for ailments such as the flu or seasonal cold, or provide wage replacement for the minimal number of days required to care for such sickness. The Coalition agreed that a minimum standard of paid sick days is critical to ensure that families can respond to health emergencies and care for short-term illnesses without risking income or their livelihoods.

In 2009, we continued to recruit organizations to join our efforts and convened an Advisory Board for the New York City Paid Sick Days Campaign. The Advisory Board consists of individuals representing a dozen groups from a range of perspectives, all of whom are directly affected by the lack of a basic right to paid sick days.

Central to the Advisory Board and the coalition are groups representing workers in New York City who lack any paid sick time to care for themselves or for their families.

- Make the Road New York (MTR) promotes economic justice, equality and opportunity for all New Yorkers. MTR serves a diverse community of New Yorkers likely to lack paid sick days, populated predominately by poor and working class

Latinos and African Americans including many immigrants.¹ Many of MTR's members struggle to access health care and work in industries such as food service and retail that overwhelmingly fail to provide paid sick days.

- The Restaurant Opportunities Center of New York (ROC NY) combines worker organizing and empowerment, litigation and public pressure to help workers fight abusive and exploitative workplace conditions and change the industry for the better. ROC NY's membership includes nearly 2500 restaurant workers from all parts of the world. According to ROC NY's recent study of the industry, 91% of restaurant workers in New York City lack access to paid sick days, and as a result have no choice but to work while sick, exposing their customers to germs and infection.
- Domestic Workers United (DWU) is an organization of Caribbean, Latina and African nannies, housekeepers, and elderly caregivers in New York City who organize for power, respect, and fair labor standards. DWU represents a workforce that is largely excluded from the protections of employment and labor laws. These women overwhelmingly lack paid sick days even though many of them spend their days caring for children and vulnerable elderly.

The Advisory Board for the Paid Sick Days Campaign also includes representatives from the public health community in New York City who recognize that lack of paid sick time poses serious risks to public health.

- Dr. Wendy Chavkin is a Professor of Clinical Population and Family Health at the Mailman School of Public Health in New York City. She has written extensively about the relationship between work-family benefits (including paid sick days) and maternal, infant and reproductive health. With regard to paid sick days she has recommended that special attention be paid to workers in restaurants, hotels, child care centers, schools, nursing homes and health care facilities because public health concerns are often most acute in those settings if sick individuals remain on duty.
- Gay Men's Health Crisis is a volunteer-supported and community-based organization that provides prevention and care services to more than 15,000 men, women and families that are living with or affected by HIV/AIDS in New York City. Individuals living with HIV/AIDS need time to address their particular health care and health maintenance needs, and are among those groups who are at higher risk for complications arising from infection from the H1N1 virus. They and their caregivers are especially affected by the lack of paid sick days.

New Yorkers who give and receive care are also integral to the Paid Sick Days Coalition as they understand that workers need time off not only to recover from their own illness, but also to care for ailing family members.

- The New York Citizens' Committee on Aging promotes the status and well-being of older persons as productive members of society and ensures that policy issues affecting older persons are heard, understood and acted upon. The Institute for Puerto

¹ Seventy-two percent of low-income Latinos in New York City have no paid sick leave benefits at their job. Jeremy Reiss and Nancy Rankin, *Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers*, Community Service Society and A Better Balance: The Work and Family Legal Center, October 2009.

Rican/Hispanic Elderly serves Latino seniors on a national, state and city-wide level with networks of agencies and groups dealing with the aging. Both groups recognize that family caregivers and the elders who rely on them need paid sick time to ensure that they can respond to family needs while also maintaining income. An estimated one out of four U.S. households is currently involved in providing care for a loved one aged 50 or older, and between one third and one half of all caregivers are simultaneously employed outside the home. These numbers are only expected to grow as the baby boomer generation ages creating even more need for eldercare.

- The Center for Children’s Initiatives (formerly Child Care, Inc.) promotes early learning, healthy development and care for all children. Childcare workers are among those who most urgently need paid sick days but who too often lack the benefit at their jobs.
- The New York City Chapter of the National Organization for Women (NOW-NYC) has been advocating for the women and girls of New York City since 1966. The organization works to promote reproductive health, achieve economic empowerment, and end discrimination and violence against women. Working women and mothers shoulder a substantial share of family caregiving, yet 60% of low-income working moms in New York City lack paid sick leave benefits. Pregnant women also need paid sick time to attend doctor appointments and maintain good prenatal health.
- The Women’s City Club of New York (WCC) was established in 1915 and is a non-partisan multi-issue activist organization dedicated to improving the lives of all New Yorkers. WCC brings together women of all ages who wish to learn about and advocate for public policies that impact their lives, their families, their communities and New York City. The WCC supports paid sick days because nobody should have to make the impossible choice between their job and their own or their families’ well-being.

Employers recognize that paid sick days are vital to sustain a healthy and productive workforce. Presenteeism—i.e. lost productivity caused when employees come to work sick—costs employers in the U.S. approximately \$180 billion annually.

- Carolyn Sevos owns a technology company, IntraCommunities, Inc. that puts together ecommerce systems and interactive community websites as well as runs an ISP. She has three employees and works with freelance programmers and designers. Small business owners, who already provide time off for sickness, would benefit from a minimal sick days requirement that would level the playing field.
- Lauren Leader-Chivee is a Human Resources Executive with over 13 years of diverse human resources experience. She believes paid sick days are an important component of any basic human resources policy and has garnered support from her fellow HR professionals for Intr. No. 1059.

Victims of domestic violence are protected in New York from discrimination at work because of their status but also need time off from work to address the both the health and safety-related impacts of the violence done to them.

- K.C. Wagner is the Director of Workplace Issues at Cornell University’s ILR Metro District Office in New York City. She has specialized in the prevention of sexual

harassment, gender bias and promoting inclusiveness in the workplace for over 28 years and since 1996 has chaired the New York Labor Union Coalition Against Domestic Violence. As an advocate for domestic violence survivors, she appreciates that paid sick days are vital to their health and safety.

This diverse group of individuals and organizations has come together in support of Intr. No. 1059 because they believe in the simple truth that everybody gets sick and everyone needs time off to recover. Paid sick days are a public health issue, and basic workplace right, a work/family issue and make good business sense, which is why this bill matters to all New Yorkers and should be passed this year.

Gabino Hernández
83 Wilson Avenue
Brooklyn, NY
347-600-2826

My name is Gabino Hernández and since coming to this country from Mexico thirteen years ago I have worked various jobs to try and support my family. In every single job I've had, from working in a factory to making deliveries for restaurants, I've never had paid sick days. As a consequence, I've gone to work sick a lot.

Two months ago, while making a delivery for the restaurant I worked at, I was assaulted by five men and robbed. The men kicked and punched me and stole not only all the tips I had made that night but all the money I had collected for that night's deliveries. I spent a night in the hospital because my injuries were so bad. After leaving the hospital I spend a day recovering at home and then reported for the work the next day. My boss saw my bruised, swollen, and stitched up face and said that I should take another week at home and then come back to work. He said he was worried about what customers would think when they saw my face. He told me to take my time and make sure that I got well.

A week later I returned to work just like my boss told me to. When I showed up, ready to work, my boss told me I no longer had a job. He had found someone else to take my place. He told me he was sorry but that there was nothing he could do. When I asked for the three days of pay he still owed me, he said that he was deducting those days to make up for the money that had been stolen from me.

I am the father of four children and I am the sole breadwinner of my family. I had worked thirteen hours at that restaurant, six days a week for a year and a half. I was severely injured while working and not only did I not get paid for the time I spent in the hospital or at home recovering, but I lost my job because of the time that I had to miss. It wasn't my fault that I got assaulted but yet I have to bear the consequences. Please pass the *Paid Sick Time Act* so that people like me who get sick or injured can take the time we need to recover without fear.

Mi nombre es Gabino Hernández y desde que vine a este país hace trece años, he tenido diferentes trabajos para mantener a mi familia. En cada trabajo que he tenido, desde trabajar en una fábrica hasta repartidor en un restaurante, nunca he tenido días de enfermedad pagados. Como resultado, he ido a trabajar enfermo muchas veces.

Hace dos meses, cuando estaba haciendo una entrega de comida del restaurante donde estaba trabajando, cinco hombres me agredieron y me robaron. Los hombres me patearon, me golpearon y no sólo me robaron todas las propinas de esa noche, sino también todo el dinero recogido de las entregas. Pase la noche en el hospital porque mis heridas eran serias. Después de salir del hospital, pasé un día en mi casa para recuperarme y luego regresé a mi trabajo. Cuando mi patrón vio mi cara golpeada, hinchada y con puntos, me dijo que tenía que quedarme una semana en casa y después regresar al trabajo. Dijo que le preocupaba lo que pensarán los clientes cuando vieran mi cara. Me dijo que me tomara mi tiempo y me asegurara de mejorarme.

Una semana más tarde, regresé al restaurante como me dijo mi patrón. Cuando me presenté listo para trabajar, mi jefe me dijo que ya no tenía trabajo. Había encontrado a otra persona para tomar mi lugar. Me dijo que lo sentía pero que no había nada que él pudiera hacer. Cuando le pregunté por los tres días de sueldo que me debía, me dijo que estaba deduciendo esos días para pagar el dinero que me habían robado.

Tengo cuatro hijos y mantengo mi familia solo. Había trabajado trece horas al día, seis días de semana en ese restaurante. Fui herido de gravedad mientras estaba trabajando y no sólo no me pagó por el tiempo que estuve en el hospital y en mi casa recuperándome, sino que perdí mi trabajo por el tiempo que tuve que perder. No fue mi culpa que me robaran, pero aún así tuve que asumir las consecuencias. Por favor, aprueben la ley de *Días de Enfermedad Pagados*, para que gente como yo que se enferman o se lastiman puedan tomarse sin miedo el tiempo que necesitan para recuperarse.



RESTAURANT OPPORTUNITIES CENTER OF NEW YORK
275 SEVENTH AVE., 17th FLOOR
NEW YORK, N.Y. 10001
TEL: (212) 343-1771
FAX: (212) 343-7217

Name: Sheebani Patel

Position: Policy Organizer/Attorney, Restaurant Opportunities Center of New York

Good afternoon. My name is Sheebani Patel and I am the Policy Organizer/Attorney on staff at the Restaurant Opportunities Center of New York. On behalf of my organization, I'd like to thank the New York City Council and the Speaker's office for calling this hearing, and I'd also like to thank Councilwoman Gale Brewer for being such an advocate for Paid Sick Days.

The Restaurant Opportunities Center of New York is a membership based organization that was founded in 2002 to assist displaced restaurant workers after 9/11. Our goal is to make the restaurant industry a better place for the people who are working in it. We do this via a strategy which includes workplace justice campaigns, research & policy, job training & placement, and promoting exemplary employers in the industry. Since our inception, we have won over \$4 million dollars in unpaid wages and overtime via our campaign work, as well as had sustainable workplace changes, such as sexual harassment policies, anti-discrimination training, and internal promotions policies implemented in restaurants. We have released several reports which cover different facets of the industry, such as Public Health, Discrimination in the industry, as well as Health & Safety violations. Based on our research, we have worked on member-led policy initiatives to make the industry a better place, such as increasing the tipped minimum wage, the Responsible Restaurant Act, and currently, Paid Sick Days. Our job training and placement has been rapidly growing, allowing us to successfully train members to enter and advance in the industry. This past summer, we hosted the first annual exceptional workplace awards, to salute those restaurants in New York City that go above and beyond the law and treat their workers well. Through this comprehensive approach to the industry combined with restaurant worker leadership, we have poised ourselves as the experts on the workers of the restaurant industry, as our organization is run by and exists for restaurant workers in New York City. The ROC Model has been replicated around the country, and we currently have ROCs in Chicago, New Orleans, DC, Maine, Michigan, and Los Angeles. The restaurant industry is the largest private sector employer in the nation and one of the first to show signs of growth after an economic downturn. In a city like New York, you are either a restaurant worker, or you work in a restaurant, or both.

I am going to speak briefly regarding what we have found in our different research. Over and over, the message is clear – most restaurant workers have little to no benefits. In *Behind the Kitchen Door*, where we looked at the overall conditions of the restaurant industry in New York City, among many things, we saw that the industry was predominantly immigrants and workers of color, and that over half of these workers have worked when sick. In our following report, *Dining Out, Dining Healthy*, the link between labor law violations and poor workplace violations were drawn, such as that restaurant employees

suffering from labor law violations are twice as likely not to receive health and safety training from their employees.

In *The Great Service Divide: Occupational Segregation & Inequality in the New York City Industry*, which was released earlier this year and covered discrimination in the restaurant industry, we found that discrimination prevents many workers of color and women from obtaining the industry's living wage positions. Although workers of color account for almost three quarters of the industry's workforce, they are largely underrepresented in the highest paid, coveted front of the house positions, which are the ones that have better conditions including Paid Sick Days. Through our matched pair testing, we found testers of color were only 54.5% as likely as white testers to get offers for such jobs and were less likely than white testers to receive a job interview in the first place. So when Paid Sick Days are not mandated by law, the lack of them is directly affecting a specific pool of low wage workers.

But in our most recent study, *Burned: High Risks and Low Benefits for Workers in the New York City Industry*, our policy recommendation was to pass a Paid Sick Days law. Some of our findings included that 91% of workers surveyed did not have paid sick days, that 82% of workers surveyed reported being required to do a job that makes them feel that they might be at risk for injury, almost 2/3rds of restaurant workers reported having stiffness, pain, tightness, aching or soreness in their legs, knees and feet. Most interesting for obvious public health reasons is that 98% of restaurant workers who sneezed and coughed into food did not have paid sick days. I have submitted all of our reports, respectfully, with my testimony.

Many say since many restaurant workers are tipped and waged workers, they can make up lost time by "doubling shifts" or will eventually just make it up. From our research and organizing, I can wholeheartedly say this is incorrect. Again, most restaurant workers completely lose a day's pay when they don't come to work. Additionally, from what we have heard time and time again in 1/1s with workers and focus groups, many times employers act in a retaliatory manner, and withhold "choice" shifts when workers call in sick. Finally, to repeat the findings from our discrimination report – most people of color and women do not have the living wage positions in the industry that would even make them whole above the poverty line if they doubled up shifts after calling in sick.

All these lack of benefits to workers, translate directly into poor consumer health practices. Again, this is not the fault of the restaurant employee who is working sick – for them they had to make a choice of forgoing wages, or coming into work and getting sicker and getting *others* sick, such as coworkers and consumers, or at times, even getting fired. More than even a basic worker's right, this is a very timely public health issue. Healthy restaurant workers mean a healthy New York City. Let's take care of the restaurant workers that take care of millions of New Yorkers every day. The restaurant industry is a microcosm of many of the issues we have in America – labor, public health, women's, immigrant's, families, and so on. Paid Sick Days is a step in the right direction and will send a strong signal to our workers and the country.

With that, I'd like to thank the current city council members who are signed on for their support, and I urge other council members and the Mayor to join us in supporting Paid Sick Days for some of New York City's hardest workers. Thank you again for your time.

Adela Valdez

Good afternoon, my name is Adela Valdez and I am a member of Make the Road New York.

I am here in front of our elected officials asking that they pass the Paid Sick Time Act this year for all of the hard working people of New York City.

Everyone gets sick and everyone should have the right to take care of themselves and stay healthy without putting their job at risk or losing a day's pay. Right now workers in this city don't have the right to take a paid day off when they are sick.

I have worked in restaurants, as a janitor, and have taken care of children and the elderly. For me it's important to have paid sick time in order to keep the entire community healthy.

When people don't have the right to take a paid day off from work, we are forced to go to work sick and put the people we come into contact with at risk of catching what we have.

When our kids get sick we have to choose between taking care of them or losing our income, that is if we can even get permission to take a day off. This Act will not only protect the health of our community but our jobs as well.

I worked in a factory for three years making florescent lamps. When I got sick I still had to go to work. One day I had a fever but came to work because I had no other choice. Three days passed and I wasn't getting any better. I felt awful and decided to ask my boss for permission to go to the hospital. When I told her that I wasn't feeling well and needed to leave she told me, "Ok, you have permission, but if you leave, don't come back. At this factory we need people who come to work, not people who get sick." Because I got sick, I lost my job.

This is why we are asking the City Council to pass the Paid Sick Time Act **this year**. Maybe the heads of the large corporations think that this isn't their problem because they don't have to worry about losing a day's pay if they are sick. But the people that serve them their food or clean their offices don't have the same luxury and end up putting everyone at risk.

Therefore, this problem is not only important for workers like me. This is everyone's problem and that's why passing the Paid Sick Time Act this year is the solution for everyone.

Buenas tardes, Mi nombre es Adela Valdez y soy miembro de Se Hace Camino New York.

Estamos aquí frente a nuestros oficiales electos exigiendo que aprueben el proyecto de ley Días de Enfermedad Pagados para todos los trabajadores de la ciudad de New York este año.

Todo el mundo nos enfermamos y debemos de cuidar nuestra salud y la de los demás sin poner en riesgo nuestros trabajos y sin perder un día de sueldo. Hoy en día los trabajadores en esta ciudad no tenemos el derecho de tomar un día libre pagado si nos enfermamos.

Yo he trabajado en restaurantes, en limpieza, cuidando niños y ancianos. Para mi es importante tener días de enfermedad pagados para mantener una comunidad mas sana.

Cuando las personas no tenemos este derecho, nos vemos forzados a asistir a nuestros trabajos y a poner en riesgo a las personas que nos rodean.

Cuando los niños se enferman nosotros tenemos que elegir entre cuidarlos, o perder ingresos ya que aun teniendo permiso se pierde un día completo de paga. Este proyecto de ley no solo protege la salud de nuestras comunidades sino nuestros trabajos también.

Por ejemplo, yo estaba trabajando en una factoría por tres años haciendo lámparas lujosas. Aunque me enfermaba tenia que ir a trabajar. Resulta que un día, tenia fiebre y a así fui al trabajo. Ya era el tercer día y la fiebre no se me quitaba. Me sentía muy mal y decidí pedir permiso para ir al hospital. Cuando le explique, que me sentía muy mal y necesitaba ir al hospital, ella me contesto, "Esta bien toma el permiso pero no regrese mas. Aquí se necesito gente que venga a trabajar no a enfermarse". Me quede sin trabajo.

Por eso estamos aquí exigiendo al Concejo Municipal que pase el proyecto de ley de Días de Enfermedad Pagados este año. Quizás los jefes de grandes corporaciones o de oficinas piensan que este no es su problema y no se tienen que preocupar por perder un día de sueldo si se enferman. Pero las personas que les sirven su comida o limpian sus escritorios muchas veces no tienen el mismo lujo y tienen que ir a trabajar, poniendo en riesgo de contagio a todos.

Por eso este problema no es solo importante para los trabajadores como yo. Este es un problema de todos. Y pasar la ley de Días de Enfermedad Pagados este año va a ser una solución para todos.

Carmen Ledesma
Owner, Medi-Spa and Salon Le Parisien
Woodside, Queens
(Spanish on the back of this page)

My name is Carmen Ledesma and I have been the owner of Medi-Spa and Salon La Parisien located in Woodside, Queens for over 15 years. I moved to the United States in 1991 from Asuncion, Paraguay. Although Paraguay is a poor county, much, much poorer than the United States, everyone has at least 3 paid sick days in addition to healthcare. Whether it is because you are sick, you are in the last days of your pregnancy, you have to take care of a sick child, or you have to stay home to prevent yourself from getting sick, in Paraguay it is understood that paid sick days are necessary to keep the community healthy.

One of the first things you learn in cosmetology school is never go to work sick because you are putting your customers at risk. A worker who gets the flu, for example, needs to be able to stay home and not come to work and interact with clients. This is why from the beginning I always given my workers paid sick days because I know it is very important for my business and our community

In addition, a small business is a team effort. I have had so much success in creating harmony, security, and happiness in my salon because I see myself as just one part of the team and I treat my employees the way I would want to be treated. Everyday my employees become better and better at what they do and by providing paid sick days I get to take full advantage of their progress. Because I provide paid sick days, my employees know they have job security and I am secure knowing that they won't decide to work elsewhere. As a small business owner it is my job to make sure my business is working the best it can and that means making sure my team is healthy.

Providing paid sick days is about respect – respect for the employee, respect for the client, and respect for the community. I am asking you, as our elected officials, to do the right thing and pass the Paid Sick Time Act this year. By doing that you will be showing your respect for not only employees who work for small businesses but for small business owners like me who need healthy and committed employees to be successful.

Mi nombre es Carmen Ledesma y por 15 años he sido la dueña de Medi-spa y Salon la Parisien, ubicados en Woodside, Queens. En 2001 me mudé de Asunción, Paraguay a los Estados Unidos. Aunque Paraguay es un país pobre, mucho, mucho más pobre que los Estados Unidos, todos tienen por lo menos 3 días de enfermedad pagados además de seguro de salud. Ya sea porque usted está enfermo, está en los últimos días del embarazo, tiene que cuidar a un hijo enfermo o tiene que quedarse en la casa para evitar enfermarse, en Paraguay se entiende que los días de enfermedad pagados son necesarios para mantener a la comunidad saludable.

Una de las primeras cosas que se aprende en la escuela de cosmetología es: nunca vaya a trabajar enfermo porque pone en riesgo a sus clientes. Un trabajador que tiene gripe, por ejemplo, necesita poder quedarse en la casa y no venir a trabajar e interactuar con los clientes. Por eso es que desde el principio, siempre les he dado a mis trabajadores días de enfermedad pagados, porque sé que es muy importante para mi negocio y nuestra comunidad.

Además un negocio pequeño es el resultado del trabajo en equipo. Y he tenido tanto éxito en crear armonía, seguridad y felicidad en mi salón, porque me veo a mi misma como sólo una parte del equipo y trato a mis empleados de la forma como me gustaría que me trataran. Cada día mis empleados son mejores en lo que hacen y al proveer días de enfermedad pagados, tengo la oportunidad de aprovechar al máximo su progreso. Al darles días de enfermedad pagados, mis empleados saben que tienen estabilidad laboral y yo estoy tranquila sabiendo que no se irán a trabajar a otro lado. Como propietaria de un pequeño negocio, es mi trabajo asegurarme de que mi negocio esté funcionando lo mejor posible y eso significa, asegurarme de que mi equipo esté saludable.

Proveer días de enfermedad pagados es cuestión de respeto, respeto por el empleado, respeto por el cliente y respeto por la comunidad. Les pido, como nuestros representantes electos, que hagan lo correcto y aprueben la ley de Días de Enfermedad Pagados este año. Al hacerlo, estarán mostrando su respeto no sólo por los trabajadores de pequeños negocios, sino también, por propietarios de pequeños negocios como yo, que para ser exitosos necesitamos empleados saludables y comprometidos.

BURNED

High Risks and Low Benefits for Workers in the New York City Restaurant Industry

– SEPTEMBER 11, 2009 –



By the Restaurant Opportunities Center of New York, the Restaurant Opportunities Centers United, the New York City Restaurant Health and Safety Taskforce, and the New York City Restaurant Industry Coalition



EXECUTIVE SUMMARY

The restaurant industry is one of the largest and fastest-growing industries in New York City, despite the current economic crisis. However, most workers in this industry work in restaurants that put them at high risk of injury and illness, and provide them with little or no benefits to cope with these challenges. These conditions increase the likelihood of workers committing dangerous practices that place the health of the dining public at risk.

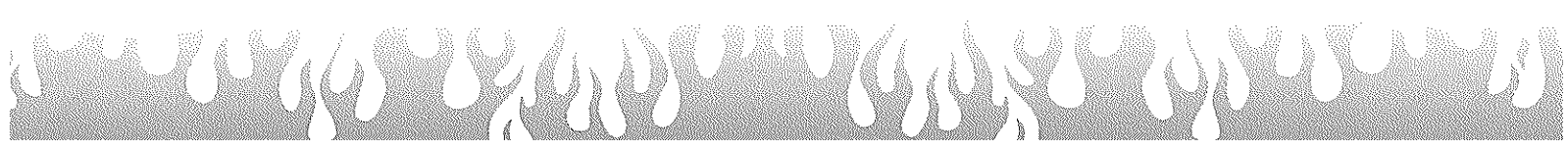
TWO ROADS TO PROFITABILITY

Our study reveals that there are two roads to profitability in New York City's restaurant industry – the “high road” and the “low road.” Restaurant employers who take the “high road” are the source of the best jobs in the industry – those that enable restaurant workers to support themselves and their families, remain healthy, and advance in the industry. Taking the “low road” to profitability, on the other hand, creates low-wage jobs with long hours and few benefits. It ultimately harms workers, other restaurant employers, consumers, public health, and taxpayers.

1. OUR FINDINGS

Our study explored how occupational health exposures and job benefits determine health status and health behaviors of restaurant workers.

- 1) Stressful workplace conditions –demanding environments, exposure to toxic chemicals, and more - put workers at high risk of injury and illness. As a result, New York City restaurant workers reported that injuries and illnesses such as cuts, burns, chronic pain, and fatigue occurred frequently on the job.
 - 82% of all workers surveyed reported being required to do a job that makes them feel they might be at risk of injury.
 - 36% of all workers surveyed had been cut on the job.
 - 27% of all workers surveyed had been burned on the job.
 - Almost two-thirds of all restaurant workers (63%) reported having stiffness, pain, tightness, aching, or soreness in their legs, knees, and feet.
 - A strong correlation was found between being forced to do fast, repetitive work and being burned at the current job.
- 2) Workers with the most physically and mentally demanding jobs were least likely to have job benefits such as health insurance and paid sick days.
 - Workers without job benefits were significantly more likely to have suffered from musculoskeletal symptoms and respiratory symptoms.
- 3) Work-related injuries and illnesses such as burns, cuts, or falls, in combination with little or no access to health benefits, increased the likelihood of workers committing actions that put the health of the general dining public at risk.
 - 98% of all workers who sneezed or coughed into the food did not have paid sick days, compared to 91% of all workers surveyed did not have paid sick days.
 - 80% of all workers who sneezed and coughed into the food had no access to health insurance, compared to 62% of all workers surveyed who had no access to health insurance.
 - In total, 65% of all workers who engaged in any dangerous consumer health practice had no access to benefits, compared to 52% of the entire set of respondents who had no access to any benefits.



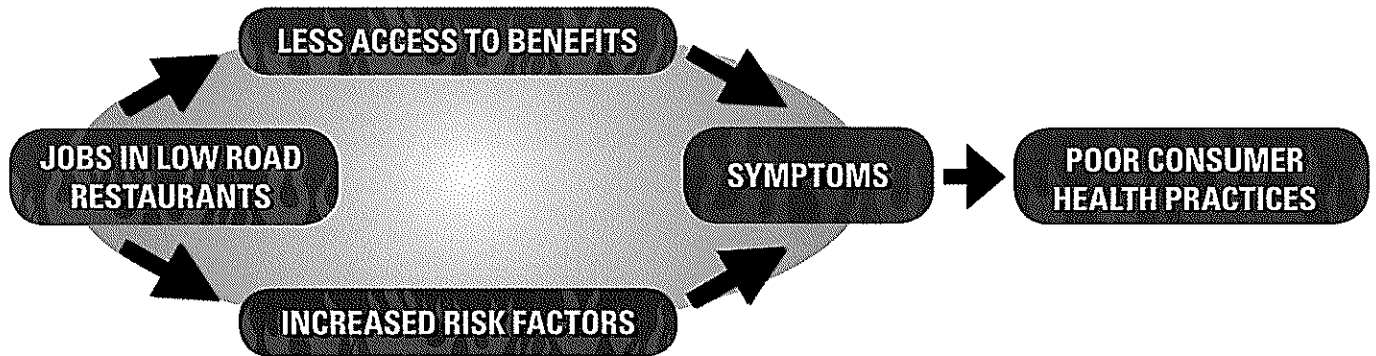
Health Outcomes for NYC Restaurant Workers

	Total (n=502)
Injuries (missing = 5)	
Ever had a burn at current job	27%(135)
Ever suffered a cut at current job	36%(180)
Injured while slipping/falling at current job	12%(61)
Physically attacked while working at current job	3%(15)
Accident while delivering food (Delivery workers only, n=134)	13%(17)
Doctor-Diagnosed Health Condition (missing = 5)	
Sleeping problem	19%(101)
High cholesterol	9%(47)
Asthma	8%(40)
Injured back/ neck/ arm/ leg	7%(38)
High blood pressure	6%(33)
Nerve problems in hand/wrist	4%(20)
Blood clots in legs	2%(10)
Symptoms (past 6 months)	
Fatigue	52%(260)
Headaches	47%(238)
Leg Cramping	40%(200)
Trouble sleeping	28%(138)
Stiffness in hands	18%(92)
Heat Exhaustion	18%(88)
Poor Vision	11%(54)
Shortness of breath	8%(42)
Rash on hands	8%(42)
Chest Pain	6%(32)
Wheezing in the chest	4%(22)
Stiffness, Aching, Soreness, Pain (past month) (missing = 50)	
Legs, knees, feet	63%(317)
Lower back	56%(282)
Neck/Upper Back	49%(244)
Most frequently used hand	45%(226)
Most frequently used wrist	44%(221)
Most frequently used shoulder	37%(183)
Most frequently used forearm	32%(158)
Most frequently used elbow	21%(106)



Workers in 'low-road' restaurants are more likely to experience strenuous work environments and little access to benefits, while workers with job benefits have better mechanisms to cope with their health symptoms. Direct intervention to reduce stressful, fast-paced working conditions in restaurants would reduce injury and illness in these workplaces. However, access to benefits such as health insurance and paid sick days are also a necessity. The ability to take time off from jobs and see a physician for prompt care of injury and illness could shorten illness duration and help prevent future injury and illness. Since over three-quarters of surveyed restaurant workers reported receiving low wages, most workers who do not have paid sick days are unlikely to take a day off to recuperate and are unlikely to receive timely medical attention unless desperately ill if they do not have paid health insurance.

In New York City and many other urban areas, the majority of workers in the restaurant industry are immigrants and people of color. Because they are overrepresented in high-risk, low-wage jobs, immigrants and workers of color disproportionately experience the combination of poor job conditions, high workplace risk factors and low access to employment benefits.



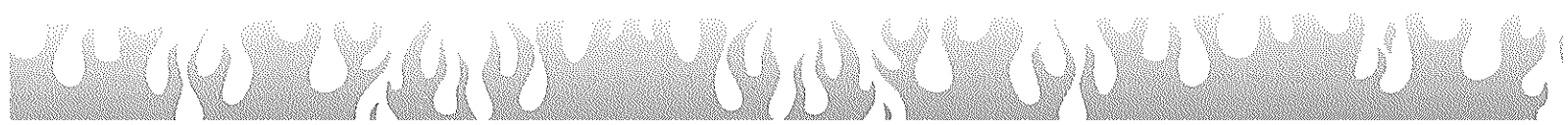
2. DANGEROUS DINING: IMPLICATIONS FOR THE CONSUMER

Our study has important implications not only for workers, but also for employers, taxpayers, policy-makers, and dining consumers. High rates of injury and illness among workers cost employers productivity, including time taken off of work for illness and injury, and having to pay higher workers' compensation insurance rates in New York State. Low levels of access to health benefits for workers means that they tend to rely on the public health system. Risks are also posed for dining consumers. **For example, we found that a worker lacking job benefits such as paid sick days was more likely to cough or sneeze into food than a worker with such benefits. Focus groups and interviews reveal that workers without benefits, such as paid sick days tend to have to work while sick, and are thus more likely to cough or sneeze into the food they are cooking and serving.**

"You know it's one of the jokes in the restaurant industry: the restaurant industry keeps New York City sick because we don't take days off. We single-handedly keep New York sick during the winter months because we don't take days off...We're passing on all the illnesses to the customers."

— Restaurant Owner, Manhattan

We suspect that the magnitude of health problems and unsafe practices may be higher than found in this study. Workers without access to health care may under-report symptoms or illnesses that have not been confirmed by a health care provider. Also, many workers may be reluctant to admit, even in a confidential survey or focus groups, that they engage in behaviors that harm the public, such as sneezing in food and serving food that has dropped on the floor.



Methodology

From August 2005 until July 2009, with primary funding from the National Institute for Occupational Safety and Health, the Restaurant Opportunities Center of New York and the New York City Health and Safety Task Force conducted a four-year study of the occupational safety and health of New York City restaurant workers. In addition to ROC-NY, the Task Force included the Queens College Center for the Biology of Natural Systems, the Mt. Sinai School of Medicine, the New York Committee for Occupational Safety and Health, the NYU Center for the Study of Asian American Health, and Make the Road New York. The Task Force conducted 502 surveys of restaurant workers, 10 focus groups with workers of different ethnic groups, and 35 one-hour employer interviews. Surveys were collected in strict proportion to 2000 Census race and gender demographics of the New York City restaurant industry. As part of the study, ergonomist Jonathan Dropkin of the Mt. Sinai School of Medicine worked with ROC-NY to engineer ergonomic features into COLORS Restaurant, ROC-NY's worker-owned cooperative restaurant, and conducted pre- and post-assessments with COLORS worker-owners on the effects of their work organization.

3. OUR RECOMMENDATIONS

Restaurants should offer workers safer workplaces and conventional job benefits, including health insurance, paid sick days, paid vacations, and workers' compensation insurance. Without these improvements, the industry will continue to put both workers and consumers at risk. Our specific policy recommendations are to:

1. **Initiate and support local and/or state legislation that would provide greater access to health insurance for low-wage workers, and require employers to provide paid sick days.**
2. **Provide education for employers and restaurant workers to help them identify workplace risks and ways to reduce these risks, including rights to workers' compensation insurance, strategies to re-organize workplaces to be more ergonomic, and the importance of providing benefits.**
3. **Improve workplace safety and health conditions for restaurant workers, by having the Occupational Safety and Health Administration (OSHA) develop a special emphasis program to reduce injuries and illnesses in the industry, and encourage employers to follow ergonomic guidelines outlined in this report.**
4. **Provide all workers with greater access to better jobs with improved benefits through promotions policies and anti-discrimination monitoring,**
5. **Publicize model occupational safety and health employer practices to provide much-needed guidance to other employers.**
6. **Support collective organizing among restaurant workers to improve working conditions for all workers in the industry, including better wages, access to health care and insurance, and other benefits.**

ACKNOWLEDGEMENTS

The New York City Restaurant Health and Safety Taskforce includes:

Center for the Study of Asian American Health at New York University School of Medicine
Make the Road New York
New York Committee for Occupational Safety and Health
Queens College Center for the Biology of Natural Systems
Restaurant Opportunities Center of New York
Restaurant Opportunities Centers United
Selikoff Center for Occupational and Environmental Medicine at Mt. Sinai

New York City Restaurant Industry Coalition partners include:

Applied Research Center
Bendick and Egan Economic Consultants, Inc.
Brandworkers International
Center for Social Inclusion
Center for the Biology of Natural Systems, Queens College, City University of New York
Center for the Study of Asian American Health at New York University School of Medicine
City University of New York (CUNY) Law School Immigrant Rights Clinic
Community Development Project of the Urban Justice Center (UJC)
Community Service Society
CONNECT New York
Hotel Employees and Restaurant Employees' (HERE) Local 100
Jobs with Justice
Make the Road New York
National Employment Law Project
New York Committee for Occupational Safety and Health (NYCOSH)
The New York Immigration Coalition
New York Jobs With Justice
Restaurant Opportunities Center of New York (ROC-NY)
Restaurant Opportunities Centers United
Restaurant Owners
Restaurant Workers
Selikoff Center for Occupational and Environmental Medicine at Mt. Sinai School of Medicine
United Food and Commercial Workers (UFCW) Local 1500

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The Coalition would like to show our sincere appreciation to the many students, interns, and members who devoted significant time assisting with the project. We would also like to thank the many restaurant workers and restaurant owners who participated in surveys and focus groups, providing us with this very important information. Most of all, we would like to show our appreciation to the members of ROC-NY and all restaurant workers who lead the fight for equality.



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Restaurant Opportunities Center of New York (ROC-NY)
and the Restaurant Opportunities Centers United (ROC-United)

275 Seventh Ave, 17th Floor
New York, NY 10001
Phone: (212) 343-1771

www.rocny.org



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November 17, 2009

Members of the New York City Council Committee on Civil Service and Labor:

My name is Marge Ives, and I am the chair of the Women's Issues Committee of the Women's City Club of New York, a nonpartisan, nonprofit civic organization founded in 1915.

The Women's City Club urges passage by the Council of Intro. 1059-2009, the Paid Sick Time Act. So many people today are not entitled to paid sick time to take care of their own health needs or the needs of their family members. Men and women both need this protection, yet we recognize that the burdens imposed by the lack of paid sick time do fall more heavily on the shoulders of women: women are employed in lower paying jobs that often don't provide paid sick time; the responsibility of caring for the health of children is most often the responsibility of women; and the victims of domestic violence and sex crimes are almost always women.

Workers should never have to choose between their jobs and their health needs or those of their family members. Moreover, the threat of the H1N1 virus vividly demonstrates how important it is for sick people to stay home from work. None of us wants the person at the deli counter to be suffering from the flu. None of us wants to work next to someone suffering from the flu. Employers only stand to benefit if employees with contagious diseases can afford to stay home and not spread their illness to other employees.

This legislation needs to be passed now. Paid sick time, as defined by 1059, will have a positive effect on the lives of many workers in New York City and on the health of all New Yorkers.

Thank you for your time and consideration.

**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL SERVICE AND LABOR
HEARING ON INTRO. 1059-2009**

**November 17, 2009
Legal Momentum**

Founded in 1970, Legal Momentum is the nation's oldest legal advocacy organization dedicated to advancing the rights of women and girls. Legal Momentum occupies a unique position as a multi-issue organization dedicated solely to women's rights. We are a national leader in developing and implementing litigation, advocacy, and public education strategies to open and expand opportunities for women, and to ensure that all women can build safe and economically secure lives for themselves and their families. We are grateful for the opportunity to present this testimony before the New York City Council on Intro. 1059-2009. This legislation is critically important to helping New Yorkers maintain economic security in these difficult times, but it is particularly important for women (especially those in low-wage jobs), and employed victims of domestic and sexual violence and stalking -- two groups to which Legal Momentum has long dedicated its advocacy efforts.

Throughout its forty-year history, Legal Momentum has worked to ensure women's equality and economic security by enforcing laws prohibiting sex discrimination and sexual harassment on the job, and laws that provide workplace rights such as leave and unemployment insurance benefits. Legal Momentum has litigated cases to secure full enforcement of laws prohibiting sex discrimination, including *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998) (in which the U.S. Supreme Court found that employers were potentially liable for sexual harassment by a supervisor), and authored influential *amicus curiae* briefs in leading cases, including *Nevada Dep't of Human Resources v. Hibbs*, 538 U.S. 721 (2003) (in which the U.S. Supreme Court found that Congress acted constitutionally when it enacted the Family and Medical Leave Act (FMLA) to combat gender-based discrimination in the workplace).

Legal Momentum's interest in Intro. 1059 also stems from its longstanding commitment to ending violence against women and eliminating barriers that deny them economic opportunities. We helped craft and generate support for the landmark Violence Against Women Act (VAWA) of 1994 -- the first federal legislation to address domestic and dating violence, sexual assault and stalking at a national level -- and its reauthorizations in 2000 and 2005. We created and chair the National Task Force to End Sexual and Domestic Violence Against Women, the umbrella entity under which national, state, and local organizations representing hundreds of thousands of survivors, advocates, and professionals join together to work for VAWA reauthorization. We also co-chair the economic justice subcommittee of the Task Force, which specifically works to ensure that victims of domestic and sexual violence have the economic independence they need to separate effectively from an abuser or recover from a sexual assault. Through our Employment and Housing Rights for Victims of Domestic Violence program, we provide information to domestic and sexual violence survivors to help them

understand their employment and housing rights and we represent individual women seeking to enforce those rights.

Accordingly, this testimony will focus on the critical importance of the paid sick and safe days provision of Intro. 1059 to the economic security of working women, particularly women in low-wage jobs, and employed victims of domestic and sexual violence and stalking.

The Importance of Paid Sick Leave For Working Women

The need for legislation such as Intro. 1059 has never been greater. The traditional family paradigm of a father who is the sole breadwinner and a mother who stays home to care for children and other family members is no longer a reality. Today, half of America's workers are female.¹ The husband is the sole breadwinner in only 19.5% of families; in contrast, both the husband and wife are employed in 51.4% of married-couple families, and both the mother and father are employed in 62.1% of married-couple families with children.² In addition, more than one in three families with children is headed by a single parent.³ In today's families, both parents or a single parent must work to support a household. At the same time, the U.S. is experiencing a persistent economic slowdown and a time of virtually unprecedented job loss. Earlier this month, the U.S. Department of Labor reported that the unemployment rate reached 10.2%.⁴ The jobless rate for adult men and women rose to 10.7% and 8.1%, respectively, and the unemployment rate for women who are the sole breadwinners in their families rose to 12.1%.⁵

The significant increase in the labor force participation of women, against the backdrop of the worst recession in decades, has created a situation where women are struggling more than ever to balance work and family. This is for two major reasons: first, despite changing gender roles, women still bear the burden of family caregiving; and second, because law and policy have failed to adapt to the new demography of the American workforce, many employees -- especially women and low-income workers -- lack important workplace benefits such as paid sick and family leave to help them meet work and family demands.

Despite women moving into the workforce in significant numbers, the majority of family caregivers in the United States are still women.⁶ A significant portion of many women's caregiving responsibilities arises as a result of pregnancy. Eighty-five percent of women become pregnant at some point during their working lives, and more than half of women who give birth in a given year were working at the time.⁷ And after childbirth or adoption, women continue to

¹ Maria Shriver, *A Woman's Nation*, in THE SHRIVER REPORT: A WOMAN'S NATION CHANGES EVERYTHING 1, 6 (Heather Boushey and Ann O'Leary eds., 2009).

² U.S. Department of Labor, Bureau of Labor Statistics, *Employment Characteristics of Families in 2008*, (2009), available at <http://www.bls.gov/news.release/pdf/famee.pdf>.

³ *Id.*

⁴ U.S. Department of Labor, Bureau of Labor Statistics, *The Employment Situation: October 2009* (Nov. 6, 2009), available at <http://www.bls.gov/news.release/pdf/empisit.pdf>.

⁵ U.S. Department of Labor, Bureau of Labor Statistics, *The Employment Situation: October 2009* (Nov. 6, 2009), Table A-7, available at <http://www.bls.gov/news.release/pdf/empisit.pdf>.

⁶ See U.S. Equal Employment Opportunity Comm'n, *Enforcement Guidance: Unlawful Disparate Treatment Of Workers With Caregiving Responsibilities* (2007), available at <http://www.eeoc.gov/policy/docs/caregiving.html>; Jessica Arons and Dorothy Roberts, *Sick and Tired: Working Women and Their Health*, in THE SHRIVER REPORT: A WOMAN'S NATION CHANGES EVERYTHING 124 (Heather Boushey and Ann O'Leary eds., 2009).

⁷ Joanna Grossman, *Must Employers Assign Pregnant Truckers to Light Duty Posts: the US Court of Appeals for the Sixth Circuit Says No*, FindLaw, Jun. 13, 2006.

shoulder a large share of caring for children: for instance, 80% of mothers assume primary responsibility for selecting their children's doctor, taking them to doctor's appointments, and arranging follow-up care.⁸ Women also take primary responsibility for the care of elderly or ill relatives.⁹ Women at all socioeconomic levels are hard-pressed to find quality affordable child/family care; so when the child or family member of two working parents or a single working parent becomes ill or has an accident, many times there is no other caregiver reliably available other than the mother. A working woman will likely have to take time off from work to deal with her pregnancy, her own illness, or a family member's health condition. This can prove challenging for many workers, but can be alleviated if the worker has paid sick leave. However, only 66% of all workers in this country have access to paid sick leave.¹⁰

Those who do not have paid sick leave face a difficult dilemma: should they risk losing income, and possibly a job, by taking time off to attend to family health issues? Or should they risk their own or a family member's health by working and not taking time off? A pregnant woman who needs to go for a checkup, or a mother who needs to leave work to attend to a sick child, accompany a family member to medical treatment, or provide care to an elderly relative could face discipline or termination if she does so. Few workers can risk losing a job in these difficult economic circumstances.

Federal law does not require employers to provide paid vacation, sick, or holiday leave; therefore, access to paid time off is unequal across workers based on occupation and income.¹¹ When it comes to paid sick leave, the losers are women and the lowest-paid workers. Almost half of the women working in the private sector have no paid sick days,¹² and only 22% of the lowest wage workers in private industry (lowest 10th percentile) have paid sick leave.¹³ Moreover, most women work in a handful of industries, such as retail and service, and completely dominate occupations such as administrative assistants/secretaries (96.1% women), nurses (91.7% women), maids and housekeepers (89.7% women) and home health, psychiatric and nursing aides (88.7% women).¹⁴ These jobs pay less, often have poor working conditions, rigid working schedules, mandatory overtime, and offer fewer benefits, such as paid vacation and sick time, than those in male-dominated industries.¹⁵ Many workers, especially those in low-wage jobs, do not have flexible schedules, and cannot leave work for an hour, or switch a shift, to accommodate a doctor's appointment.¹⁶ If a low-wage worker becomes pregnant, she is unlikely to be able to adjust her work schedule to accommodate doctors' appointments or to take time off for associated health conditions. If she does so, she may be subject to discipline or

⁸ Institute for Women's Policy Research, *Women and Paid Sick Days: Crucial for Family Well-Being* (Feb. 2007).

⁹ See U.S. Equal Employment Opportunity Comm'n, *Enforcement Guidance: Unlawful Disparate Treatment Of Workers With Caregiving Responsibilities* (2007), available at <http://www.eeoc.gov/policy/docs/caregiving.html>.

¹⁰ U.S. Department of Labor, Bureau of Labor Statistics, *Employee Benefits in the United States, March 2009*, Table 6 (July 28, 2009), available at <http://www.bls.gov/news.release/pdf/ebs2.pdf>.

¹¹ Ann O'Leary and Karen Kornbluh, *Family Friendly for All Families*, in *THE SHRIVER REPORT: A WOMAN'S NATION CHANGES EVERYTHING* 82 (Heather Boushey and Ann O'Leary eds., 2009).

¹² Institute for Women's Policy Research, *Women and Paid Sick Days: Crucial for Family Well-Being* (Feb. 2007).

¹³ U.S. Department of Labor, Bureau of Labor Statistics, *Employee Benefits in the United States, March 2009*, Table 6 (July 28, 2009), available at <http://www.bls.gov/news.release/pdf/ebs2.pdf>.

¹⁴ U.S. Department of Labor, Bureau of Labor Statistics, *20 Leading Occupations of Employed Women, 2008 Annual Averages* (2009).

¹⁵ Jessica Arons and Dorothy Roberts, *Sick and Tired: Working Women and Their Health*, in *THE SHRIVER REPORT: A WOMAN'S NATION CHANGES EVERYTHING* 141-42 (Heather Boushey and Ann O'Leary eds., 2009); Center for WorkLife Law, *One Sick Child Away From Being Fired: When "Opting Out" Is Not an Option* (2006).

¹⁶ Center for WorkLife Law, *One Sick Child Away From Being Fired: When "Opting Out" Is Not an Option* (2006).

termination. And if a woman is the primary caregiver in her family, and she must leave work to accompany a child or relative to a doctor's appointment, her options for doing so and preserving her job are distressingly narrow.

Unfortunately, existing laws offer little protection. Only one federal law, the Family and Medical Leave Act ("FMLA"), requires large employers to provide 12 weeks of unpaid, job-protected leave to eligible workers for the serious health condition of the employee or their family member.¹⁷ But the FMLA is not a panacea for most working families, and especially for women, many of whom are unable to avail themselves of FMLA leave. First, many employers are not covered by the FMLA because they have fewer than 50 employees; in fact, only 11% of private sector employers are covered.¹⁸ Only 62% of employees work for covered establishments and are eligible for FMLA leave.¹⁹ Second, because many women work on a part-time basis to accommodate family care responsibilities, they will not meet the 1250 hours per year requirement to qualify for FMLA leave. Moreover, the health conditions of these employees or their family members may not be serious enough to qualify under the FMLA's stringent standards, even though they require time away from work. Finally, and most importantly, many women are unlikely to be able to afford to take unpaid leave, even in cases in which their health or their family's health would necessitate it.

This is a particularly difficult for women in low-wage jobs who become pregnant. Few low-income women can afford to take the full 12 weeks of unpaid leave during pregnancy or after giving birth, even if they are eligible for FMLA leave. The Pregnancy Discrimination Act ("PDA") enacted as part of Title VII, does little to alleviate this problem. Although the PDA established pregnancy discrimination as a form of sex discrimination, it effectively creates a floor for the benefits employers must provide to pregnant workers. Employers must treat pregnant women at least as well -- or as badly -- as other workers with temporary disabilities. As a consequence, employers can refuse to provide pregnant women with leave (before or after childbirth) and other benefits and accommodations, as long as they do not provide these benefits to employees with other types of injuries and illnesses.

The Obama Administration recently recognized that "more is needed to help protect the economic security of working families who must choose between a pay check and their health and the health of their families."²⁰ It affirmed its support for pending legislation, the Healthy Families Act ("HFA"), which would require employers of 15 or more employees to provide employees with a maximum of seven paid sick days on an annual basis.²¹ The HFA and Intro. 1059 represent a significant improvement over the FMLA because they cover significantly more employees, provide paid leave, and protect those who need to use the leave from being sanctioned.

¹⁷ 29 U.S.C. § 2601 *et seq.*

¹⁸ National Partnership For Women & Families, *Highlights of the 2000 U.S. Department of Labor Report "Balancing the Needs of Families and Employers: Family and Medical Leave Surveys"* 4 (2000), available at <http://www.nationalpartnership.org/site/DocServer/2000DOLLaborReportHighlights.pdf?docID=954>.

¹⁹ National Partnership For Women & Families, *Highlights of the 2000 U.S. Department of Labor Report "Balancing the Needs of Families and Employers: Family and Medical Leave Surveys"* 4 (2000), available at <http://www.nationalpartnership.org/site/DocServer/2000DOLLaborReportHighlights.pdf?docID=954>.

²⁰ Testimony of Deputy Secretary of Labor Seth Harris, *Hearing on The Cost of Being Sick: H1N1 and Paid Sick Days Before the Subcomm. on Children and Families of the Senate Comm. on Health, Education, Labor and Pensions*, 111th Cong. (Nov. 10, 2009).

²¹ H.R. 2460, 111th Cong. (2009).

But the Council should not wait for Congress to act. New York City has always been in the forefront of protecting its citizens, and it should join San Francisco, the District of Columbia and Milwaukee in providing its workers with paid sick leave. Intro. 1059 would ensure that hard-working women in New York City do not have to choose between a paycheck and their families' health.

Paid Leave Is a Critical Resource for Victims of Domestic and Sexual Violence and Stalking

If enacted, Intro. 1059 would be only the third law in the country (after those in the District of Columbia and Milwaukee) that specifically grants victims of domestic and sexual violence and stalking the ability to accrue and use paid sick leave to attend to the various medical, legal, safety, and housing issues that arise as a result of the violence.²² Section d(2) of Intro. 1059 provides in relevant part:

- (2) An employer shall permit an employee to use paid sick time for absence from work where, as a result of such employee or a relative of such employee being a victim of acts or threats of violence, a victim of domestic violence, or a victim of sex offenses or stalking, the employee needs to:
- (i) seek or obtain medical diagnosis, care or treatment or psychological or other counseling for such employee or employee's relative;
 - (ii) obtain services from a victim services organization;
 - (iii) seek relocation or relocate; or
 - (iv) take legal action, including but not limited to preparation or participation in any civil or criminal proceeding.

This provision would have a significant impact on the safety and economic security of the hundreds of thousands of New Yorkers, particularly women and children, who are victims of domestic violence.²³ One in four women will be subjected to domestic violence in her lifetime,²⁴ and nearly half (44%) of fatal violence against women in New York City recently was confirmed to be the result of domestic violence.²⁵ Eighteen percent, or approximately 20 million U.S. adult women have been raped.²⁶ One in 12 women has been stalked in her lifetime, and the stalker is

²² Eleven jurisdictions (California, Colorado, the District of Columbia, Florida, Hawaii, Illinois, Kansas, Maine, New Mexico, Oregon and Washington) currently provide an affirmative right to victims of domestic violence (and in some of these states, sexual assault) to take leave to go to court, obtain legal assistance, seek medical treatment, obtain counseling, or take other steps to address the effects of such violence. For more information on those laws, see Legal Momentum, *State Law Guide: Employment Rights for Victims of Domestic or Sexual Violence*, available at <http://www.legalmomentum.org/assets/pdfs/employment-rights.pdf>.

²³ New York City police responded to 234,988 domestic violence incidents in 2008. New York City Mayor's Office to Combat Domestic Violence, *Domestic Violence Third Quarter Fact Sheet Year 2009* (2009), available at http://www.nyc.gov/html/ocdv/downloads/pdf/2009_3rdquarterDVFactSheet_Ed.pdf.

²⁴ Patricia Tjaden & Nancy Thoennes, National Institute of Justice and the Centers of Disease Control and Prevention, *Extent, Nature and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey* (2000).

²⁵ New York City Dep't of Health and Mental Hygiene, *Intimate Partner Violence Against Women in New York City 2* (2008).

²⁶ Dean G. Kilpatrick, et al., U.S. Department of Justice/NCJRS, *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study* (July 2007).

most likely a former intimate, friend, roommate or neighbor.²⁷ Unfortunately, recent news reports indicate that the incidence of domestic and other forms of violence are increasing as the economy worsens.²⁸

Employment is crucial to a victim being able to separate from an abusive situation. With a job and source of income separate from an abuser, a victim can find a safe place to live, pay for alternative child care arrangements, new forms of transportation, medical costs, and legal bills. But in these days of economic uncertainty, many victims are too afraid of losing desperately needed jobs to pursue legal remedies, seek medical treatment, or to take other essential steps to secure their safety – and with good reason. When a victim discloses the violence to her employer, asks for assistance in dealing with the violence, or asks for leave, she often loses her job. Two recent studies of partner stalking of victims found that between 15.2 and 27.6% of women reported that they lost a job due, at least in part, to domestic violence.²⁹ Similarly, almost 50% of sexual assault survivors lose their jobs or are forced to quit in the aftermath of the assaults.³⁰ A recent Department of Justice study reveals that more than half of the stalking victims surveyed lost five or more days from work, and 130,000 victims reported that they had been fired from or asked to leave their jobs because of the stalking.³¹

Our experience working with victims shows that time off from work is one of the most-needed and most important forms of assistance that help a victim keep her job and stay safe. Victims need the time off to get a protective order, testify in proceedings, meet with their attorneys, seek medical attention or counseling, and find new housing, for instance. Some federal, state and local laws do grant victims of violence some time off for these activities, but vary significantly as to the allowable circumstances, as explained below. Many victims fall through the gaps in this uneven patchwork of protected leave. Furthermore, many of those victims do not have paid sick or vacation time to fall back on, and face the difficult choice of foregoing income to stay safe. For this reason, the use of paid sick time by victims of violence pursuant to Intro. 1059 is critical to victims' economic security.

As previously mentioned, only one federal law, the FMLA, requires employers to provide employees with job-protected leave. However, FMLA leave can only be used in particular circumstances by employees who have satisfied the length of service requirements and work for a large employer. Eligible victims of violence can only use FMLA leave to attend to their own or their family member's serious health condition that may arise as a result of the violence; they cannot use FMLA leave to go to court or to find a new place to live. And because FMLA leave is unpaid, a victim may not be able to afford to use it, because she needs income to help escape the abusive situation.

²⁷ Katrina Baum, Bureau of Justice Statistics, *Stalking Victimization in the United States: National Crime Victimization Survey* (Jan. 2009).

²⁸ See, e.g., Carrie Weil, *Domestic Violence Increase Tied to Economic Downturn*, WAVE 3 TV (Louisville, KY), June 12, 2009; Mary R. Lauby and Sue Else, *Recession Can Be Deadly For Domestic Abuse Victims*, THE BOSTON GLOBE, Dec. 25, 2009.

²⁹ TK Logan, et. al., *Partner Stalking and Implications for Women's Employment*, 22 J. INTERPERSONAL VIOLENCE 268 (2007); Nancy Glass, *Community Partnered Response to Intimate Partner Violence*, Funding provided by NIH/NINR (9/04-5/09), research on file with Legal Momentum.

³⁰ U.S. Gen. Acct. Office, *Domestic Violence Prevalence and Implications for Employment Among Welfare Recipients* 19 (Nov. 1998); S. Rep. No. 138, 103rd Cong., 2d Sess. 54, n. 69 (citing E. Ellis, B. Atkeson and K. Calhoun, *An Assessment of the Long Term Reaction to Rape*, 50 J. ABNORMAL PSYCHOLOGY 264 (1981)).

³¹ Katrina Baum, Bureau of Justice Statistics, *Stalking Victimization in the United States: National Crime Victimization Survey* (Jan. 2009).

Only one New York State law currently exists that would allow victims to take time off from work to attend to some of the non-medical effects of the violence. New York State Penal Law § 215.14, which is part of the crime victim's rights code, allows a victim of a crime to be absent from work in order to meet with a prosecutor, testify in a criminal proceeding, or seek an order of protection from Family Court.³² An employer may not fire an employee for such an absence if the employee gives prior day notice, and the absence need not be paid. Although this provision is broader than the FMLA, it still does not assist victims who have not reported the violence to the police, or who need time off to relocate to a safe place.

Finally, New York City and Westchester County do provide some broader measure of assistance to victims of domestic and sexual violence and stalking. The New York City Human Rights Law and the Westchester County Human Rights Law explicitly prohibit employment discrimination against victims of domestic violence, sexual assault and stalking.³³ They also require employers to provide employees who are victims with "reasonable accommodations," including time off, to help them perform the essential functions of their job and stay safe.³⁴ The laws do not restrict the circumstances under which leave may be sought or granted, or the uses of such leave. But while a victim could ask for time off to seek assistance from a domestic violence advocate or move to a shelter, the employer could require the victim to exhaust any available sick or vacation time first, could refuse to provide unpaid leave, or could refuse to allow the victim to take any time off at all.

What recourse do victims who do not qualify for protection under these laws have? What if an employee does not have any available sick or vacation time? Unfortunately many employed victims of violence do not have the luxury of paid sick leave: 34% of workers in the private sector do not have paid sick leave.³⁵ Low-wage workers, who tend to be at greater risk for domestic and sexual violence, are even less likely to have paid time off: 78% of low-wage workers have no paid sick leave.³⁶ A victim of domestic violence who misses work to obtain a civil protective order, meet with a counselor, or take other steps to address the violence typically knows that her absence could cause her to lose her job. Therefore many victims, knowing their safety depends on an independent income stream even more than other safety-enhancing measures such as a protective order, forego services rather than risk their employment.

It is critical that the Council pass Intro. 1059 and allow employed victims to accrue paid sick leave, and to use it to maintain their safety. The Council took an unprecedented step in 2001 when it passed the first law in the country to protect victims of violence from employment discrimination and to provide them with workplace accommodations. We encourage the Council to continue its groundbreaking work to ensure that some of the most vulnerable citizens in New York City will not have to choose between keeping a job and keeping safe.

Thank you for this opportunity to present testimony.

Contact: Maya Raghu, Senior Staff Attorney, Legal Momentum
212-413-7532; mraghu@legalmomentum.org

³² N.Y. Penal L. § 215.14.

³³ N.Y.C. Admin. Code §8-107.1; Westchester Cty., N.Y., Code §§ 700.02 & 700.03.

³⁴ *Id.*

³⁵ U.S. Department of Labor, Bureau of Labor Statistics, *Employee Benefits in the United States, March 2009*, Table 6 (July 28, 2009), available at <http://www.bls.gov/news.release/pdf/ebs2.pdf>.

³⁶ U.S. Department of Labor, Bureau of Labor Statistics, *Employee Benefits in the United States, March 2009*, Table 6 (July 28, 2009), available at <http://www.bls.gov/news.release/pdf/ebs2.pdf>.



**Testimony of Laurel W. Eisner, Executive Director
& Catherine Shugrue dos Santos, Deputy Clinical Director
for Economic Empowerment Programs
Before the New York City Council
Civil Service and Labor Committee
November 17, 2009**

- **Introduction:** I would like to thank the members of the Committee for the opportunity to testify before you today regarding Intro 1059, which mandates employers to provide at least a minimal amount of sick leave for their employees. I am Laurel Eisner, the Executive Director of Sanctuary for Families, and joining me is Catherine Shugrue dos Santos, Sanctuary's Deputy Clinical Director for Economic Empowerment Programs. Sanctuary is the largest not-for-profit agency in NYC dedicated exclusively to serving victims of domestic violence and sex trafficking and their children. Last year, Sanctuary provided over 10,000 victims with shelter, legal advice and representation, individual and group counseling, case management, economic empowerment and housing stability services. Through our extensive outreach, education and awareness raising activities, we reached another 23,000 people.
- **Sanctuary's interest in this legislation:** We support this legislation because we believe it is wise public policy for all the reasons stated in the Legislative Intent section of the bill and because it would make an enormous difference in the lives of our clients.
- **Who are Sanctuary's clients?:** Ninety-eight percent (98%) of Sanctuary's clients are at or below the federal poverty level; most are women with children who have been forced into single parenthood when they fled abuse; over 90% are women of color, identifying as Black or Latina; and more than 70% are immigrants. Like millions of other New Yorkers, if they are able to find a job at all, they are the working poor. But unlike many other working class New Yorkers, they face particularly difficult hurdles in attempting to sustain themselves economically.
- **Long-term consequences of economic abuse:** That's because victims of domestic violence routinely suffer economic abuse -- as well as physical, sexual and emotional abuse. They usually have no control over the family income or the budget, leaving them without financial literacy; they are often prevented from going to work or to school, leaving them unable to compete in the job market; they may be coerced by the batterer into accruing

large debts in their name, ruining their credit and putting them at risk of pursuit by creditors. Many tell us that they chose to endure the violence from the abuser because they were totally dependent on him for food and shelter.

- **New York City does a great deal to help domestic violence victims, but moving them to economic independence remains an enormous hurdle.** For the many women with the courage to leave a violent home, New York City spends a great deal of money helping them find safety through confidential shelter, counseling, housing supports, and legal services. But to remain safe and free from abuse, they must be able to support themselves and their children. That means they must get into the workforce.
- **What are those jobs?** Since most of our clients have few skills and no work history, more than 1/3 do some form of domestic work, caring for children or the elderly, cleaning houses and doing home health care. These jobs have few if any labor protections and limited, if any, benefits or sick leave. In our immigrant service programs, as many as 75 percent of our clients are engaged in domestic work. Many others work as housekeepers in hotels. Thus, when a survivor of domestic violence succeeds in getting a job, she will very likely become one of the two-thirds of low-income New Yorkers who, according to a recent study by the Community Service Society (CSS), work without paid sick leave¹.
- **The CSS Study:** In its startling and disturbing study, CSS detailed many aspects of this problem that apply directly to our clients. For example, nearly half of Sanctuary's clients are low income Latinas, a population that the study found is least likely to have paid sick leave, with fewer than 30% having it.
- The CSS study also found that "two thirds of workers in the leisure, hospitality, and retail and wholesale trade sectors do not have paid sick leave."² And last week, the New York Times revealed a further disturbing fact. An article on November 11th, reported on a soon to be published study in *The American Journal of Industrial Medicine*. The study found

¹ "Sick in the City: What the Lack of Paid Leave Means for Working New Yorkers," Policy Brief by J. Reiss, N. Rankin, with K. Pietrangelo, published by Community Service Society and A Better Balanced: The Work and Family Legal Center, 2009. (Hereafter "CSS Study").

² Ibid. P. 9.

that “women were 50 percent more likely to be injured [on the job] than men, and that Hispanic women had an injury rate two-thirds higher than their white female counterparts.” The reason is that the large numbers employed as housekeepers, which is the most injury-prone position in a hotel.³ Some in-home jobs caring for the sick and elderly pose similar risks of injury.

- **The public health implications of the problem.** As New York City faces the serious threat of H1N1 on top of the usual cold and flu season, Mayor Bloomberg has stated unequivocally that if you are sick, you should stay home. **Yet, how can a working single mother stay home if by doing so she will lose a day’s pay and not be able to feed her kids?**⁴ Without paid sick leave, she lives in a world of catch-22 choices: if she stays home to care for herself or a sick child, she cannot meet her expenses for food and shelter. If she goes to work when she or her children are sick, she risks greater illness, and ultimate loss of the job down the road. For the working poor in New York City and throughout the United States, the line between day-to-day financial survival and economic disaster is startlingly thin. One lost day or week of work, and they are destitute, and possibly homeless.
- For many victims of domestic violence, it is the specter of such destitution that keeps them from leaving an abuser in the first place. How much more terrible, if once they leave, their fears become reality as they find themselves safe from the violence but unable to feed and clothe their children without the financial support of their batterer. As one of our clients poignantly said:

“Sometimes I think it would be easier to just go back to him. I know that he could possibly kill me but . . . when we lived with him, the refrigerator was always full and I never had to worry about what my baby was going to eat or what we were going to wear. It is just really hard to watch my baby live like this. Sometimes I don’t think it’s worth it.”

- **The “My Door” Program:** Sanctuary has a pilot demonstration project called “My Door”, in collaboration with the United Way of New York City and the Human

³ *The New York Times*, “Female Hotel Workers Injured More than Men, Study Shows”, 11/11/09, p. B5.

⁴ CSS Study. . According to the New York City Office of Health and Mental Health, 49% or nearly half of NYC residents who fall below the poverty level actually work part- or full-time.

Resources Administration. It is designed to assist women leaving domestic violence shelters to become economically self-sufficient and able to remain independent and violence-free once their government housing subsidies terminate. With the My Door clients, we see firsthand how difficult it is for most victims to become economically independent. In addition to the reasons stated above, they must balance work and child-rearing with few social or family supports. Survivors who have left an abusive relationship, whether they have fled to a shelter or moved to other safe housing, have largely severed their ties to their support systems in their former neighborhoods in order to stay safe. The batterer knows where their family and friends live, so they cannot go back there. They typically move to a different borough. Separated from former friends and family, and living alone without another parent, means they must find safe, affordable child care. This is an enormously difficult task, as I am sure the Council members know quite well from testimony over the years about the great imbalance in the City between the demand and the supply of quality child care. But imagine the further difficulty of finding someone to care for a sick child, since most Day Care centers will not take sick children—and for good reason.

- The CSS study points out that while working mothers do not disproportionately lack paid sick time when compared with other workers, they face a double challenge: They need paid leave for themselves and leave to care for sick children.⁵ We applaud the portions of Intro 1059 that define the grounds for paid sick leave broadly to include care for a sick relative, as well as oneself.
- For all of these reasons, we believe the enactment of Intro 1059 would make an enormous difference in the ability of our clients to enter and remain in the job market, remaining independent and free of violence. It would allow them to properly nurture and care for their children—who must heal from the scars of their former lives in violent homes. It would also be a proverbial shot in the arm for the public health of New York City. We strongly support its passage.
- Thank you so much for your time and attention.

⁵ Ibid.

TESTIMONY SUBMITTED BY MARTHA F. DAVIS, PROGRAM ON HUMAN
RIGHTS AND THE GLOBAL ECONOMY, NORTHEASTERN SCHOOL OF LAW
IN SUPPORT OF PROPOSED INIT. NO. 1059-2009,
TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK
REGARDING PAID SICK TIME EARNED BY EMPLOYEES

Before the Civil Service and Labor Committee
Of the New York City Council

November 17, 2009

Thank you for the opportunity to submit testimony in support of the Paid Sick Time Act, Intro. No. 1059, which would ensure that workers in New York City can afford to take the time off they need to recover from illness, to care for ill relatives or to deal with domestic violence. I am Professor of Law and Co-Director of The Program on Human Rights and the Global Economy (PHRGE), based at Northeastern University School of Law in Boston, Massachusetts. PHRGE works closely with scholars, institutions and advocates nationally and internationally to address issues of human rights.*

Paid sick leave is a human rights issue. Of the twenty-two most affluent countries in the world, the United States is the only nation that does not provide some form of paid sick leave or paid sick days or both.¹ Because of federal failure to address this issue and spurred by concerns about economic inequities and public health, some U.S. cities such as San Francisco and Washington, D.C. have already stepped forward to enact paid sick time ordinances. As the leading global city in America – indeed, as the headquarters of the United Nations -- New York City should join its international and

* Thanks for Christina Gilbert, J.D., PHRGE Fellow, for her assistance with preparation of this testimony.

¹ Jody Heymann, Hye Jinn Rho, John Schmitt & Allison Earle, *Cóntagion Nation: A Comparison of Paid Sick Day Policies in 22 Countries*, Center for Economic and Policy Research, May 2009, available at <http://www.cepr.net/documents/publications/paid-sick-days-2009-05.pdf> (last visited Nov. 13, 2009).

national peers. The human rights of New Yorkers are at stake.

The United States lags well behind the rest of the industrialized world when it comes to providing paid sick leave for employees. According to the Work Family and Equity Index developed by scholars at Harvard and McGill Universities, “When it comes to ensuring decent working conditions for families, the latest research shows many U.S. public policies still lag dramatically behind all high-income countries, as well as many middle- and low-income countries.”² At least 139 countries provide paid sick leave to employees and at least 117 countries provide paid sickness benefits for at least one week.³

Paid sick leave is clearly attainable in the U.S. In a study analyzing 22 of the world’s rich economies to determine whether paid sick leave would be available for both a five-day flu and a fifty-day cancer treatment, researchers found the United States, Canada and Japan were the only countries which would provide no financial support for the short illness.⁴ However, Japan provides paid sick days for longer illnesses and in Canada most provinces have some sort of short-term paid sick leave policy in place. Additionally, half the countries studied -- Australia, Austria, Belgium, Denmark, Finland, Germany, Iceland, Luxembourg, New Zealand, Norway, and Switzerland -- provided paid sick leave for the entire five days of work missed. While the remaining countries did not always cover the full amount, they all provided some paid leave for short term illness.

² Jody Heymann, Allison Earle, Jeffrey Hayes, *The Work, Family and Equity Index, How does the U.S. Measure up?*, The Project on Global Working Families at Harvard University and the Institute for Health and Social Policy at McGill University, 2007, at p. 1, available at <http://www.mcgill.ca/files/ihsp/WFEI2007.pdf> (last visited Nov. 13, 2009).

³ Allison Earle and Jody Heymann, *Sick Leave Fact Sheet*, available at http://www.gbls.org/employment/Earle_Facts.pdf (last visited Nov. 13, 2009).

⁴ Heymann, et al., *supra* n. 1.

When it came to the longer cancer treatment, the United States was the only country with no guaranteed paid sick leave. Luxembourg and Norway provide full pay for the fifty missed days. At the lowest end of the spectrum, the United Kingdom provided pay for up to ten days and New Zealand up to five days of pay. The rest of the countries fell somewhere in between. At rock bottom of the list, the U.S. is an outlier: the only affluent country in the world that does not mandate any form of paid sick days or leave.

A paid sick leave policy would help bring New York City into compliance with worldwide human rights standards. Globally-accepted human rights treaties, provide the right to be free from discrimination,⁵ the right to health,⁶ the right to work,⁷ the rights of the child,⁸ and the rights of family and parents.⁹ Several of these treaties have been ratified by the U.S. and are therefore part of U.S. law at every level of government.¹⁰

- **Right to be Free from Discrimination:**

The provisions of CERD, ratified by the U.S., obligate state parties to the treaty to affirmatively “undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms.”¹¹ This includes the right “to just and

⁵ See, e.g., Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Art. 11; Convention on the Elimination of All Forms of Racial Discrimination (CERD), Art. 2, 5; International Covenant on Civil and Political Rights (ICCPR), Art. 24. CERD and the ICCPR have been ratified by the United States.

⁶ See, e.g., CEDAW, Art. 11(f); CERD, Art. 5(e)(iv); Convention on the Rights of the Child (CRC), Art. 24; International Covenant on Economic, Social and Cultural Rights (ICESCR), Art. 12.

⁷ See, e.g., CEDAW, Art. 11(a); CERD, Art. 5(e)(i); ICESCR, Art. 7.

⁸ See, e.g., CRC, Art. 3.

⁹ See, e.g., CRC, Art. 5; ICESCR, Art. 10.

¹⁰ U.S. Constitution, Art. IV, para. 2 (“Supremacy Clause”).

¹¹ CERD, Art. 2.

favourable conditions of work.”¹²

The absence of a sick leave policy in the City falls hardest on people of color. Because of the intersection between race, gender and class in the United States and New York City, there are racial and gender-based disparities in which employees receive paid sick leave. As Nancy E. Dowd has observed,

The burden of work/family conflicts falls most heavily on minority children because economic disadvantage correlates so strongly with race. When viewed from the perspective of minority children, the hostility of the work/family structure to families, and particularly families of color, is glaring and deep.¹³

According to one study, 58 percent of parents go to work when their children are sick.¹⁴ Of the 42 percent who stayed home, more than half said they could do so because they received some type of paid leave. The working poor are hardest hit. Seventy-four percent of working poor parents line did not consistently have paid sick leave over a five-year period compared to 43 percent of those with incomes above 200 percent of the poverty line. This same study found that 80 percent of working poor parents with incomes below 100 percent of the poverty line had less than two weeks of paid sick and vacation leave some or all of the time over a five-year period; only 45 percent of non-poor families faced these same gaps in essential benefits.¹⁵

In accordance with its obligations under CERD to take “all appropriate means” to

¹² *Id.* at Art. 5.

¹³ Nancy E. Dowd, *The Family and Medical Leave Act of 1993: Ten Years of Experience: Race, Gender, and Work/Family Policy*, 15 WASH. U. J.L. & POL'Y 2004; see also Debbi N. Kaminer, *The Work-Family Conflict: Developing a Model of Parental Accommodation in the Workplace*, 54 AM. U. L. REV. 305 (2004).

¹⁴ Jody Heymann, et al., *Working Parents: What Factors are Involved in their Ability to Take Time Off From Work when their Children are Sick?*, 153 ARCHIVES OF PEDIATRICS & ADOLESCENT MEDICINE 870 (1999).

¹⁵ *Id.*

achieve “just and favourable conditions of work” for all, without racial disparities and discriminatory impacts, the New York City Council should enact the Paid Sick Time Act.

- **Right to Health**

CERD, CEDAW, CRC, and the ICESCR all have provisions delineating the right to the highest attainable standard of health. Paid sick leave is an important component of achieving this internationally-recognized human rights goal, endorsed by the U.S. through its ratification of CERD.

Paid sick leave clearly implicates public health issues. As stated in a report authored by the Drum Major Institute, “Nearly one million working New Yorkers do not receive any paid sick days, contributing to negative health outcomes, the spread of contagious disease, and lower worker productivity . . . [T]he densely populated nature of New York heightens the need for reform. Nowhere in America is the threat of contagion more acute.”¹⁶

The City's failure to affirmatively address this issue burdens the human rights of New Yorkers. For example, CERD specifically provides for a “right to public health”¹⁷ free from discrimination. Yet as detailed above, the lack of paid sick leave in the City falls hardest on low income people and people of color. Similarly, the CRC – the most widely ratified human rights treaty in the world -- provides for “the right of the child to the enjoyment of the highest attainable standard of health,”¹⁸ yet New York City children's health is compromised daily when working parents are forced choose between sending

¹⁶ John Petro, Drum Major Institute for Public Policy, *No More Delay: Proven Policy Solutions for New York City*, (2009) available at <http://www.drummajorinstitute.org/library/report.php?ID=91> (last visited Nov. 13, 2009).

¹⁷ CERD, Art. 5.

¹⁸ CRC, Art.24.

sick children to school and losing a day's pay.

- **Right to Work**

In addition to the rights to be free from discrimination and the right to health, New York City residents' right to work is implicated by a lack of paid sick leave. For example, CEDAW, the Women's Rights Convention, specifically provides for the right to "the enjoyment of just and favourable conditions of work" including "safe and healthy working conditions."¹⁹ These conditions are not met when sick people must come to work because they fear losing their job if they take the time needed to recuperate.

- **Rights of the Child**

Because so many people stay home not only due to their own illnesses but to take care of their children, a paid sick leave bill would also protect the human rights of children, including the mandate of the CRC that "States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures."²⁰

- **Rights of the family and parents**

Human rights norms also address the importance of supporting families in resolving work/family conflicts and require affirmative government initiatives to address these issues. For example, the ICESCR states that "the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care

¹⁹ CEDAW, Art. 11(b)

²⁰ CRC, Art. 3(2).

and education of dependent children.”²¹ Similarly, the CRC posits the human rights standard that governments “shall respect the responsibilities, rights and duties of parents.”²² Action to establish paid sick leave would further New York City’s compliance with these internationally-accepted human rights norms.

Conclusion

It is clear under U.S. law that local governments have a responsibility to implement international human rights laws. Local governments have primary regulatory responsibility for, among other things, social welfare and health, family law matters and criminal law. Since international human rights agreements often address health and welfare, federal implementation alone is doomed to fall short of international standards.

Proposed Init. No. 1059 would serve the City’s interests in several important ways: by meeting the City’s obligations to implement international human rights standards; by positioning City Government as a pro-active human rights problem-solver; and by taking responsibility in the City’s role as a global leader – a global “alpha city” that provides leadership to others worldwide in addressing human needs of workers and families. For these reasons, we urge you to support a paid sick time bill in New York City.

²¹ ICESCR, Art. 10(1).

²² CRC, Art. 5.

WebMemo



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January 15, 2009

Mandatory Paid Sick Leave: The Heritage Foundation 2009 Labor Boot Camp

James Sherk

What Is Mandatory Paid Sick Leave?

- The Family and Medical Leave Act (FMLA) requires companies with more than 50 workers to provide eligible employees with up to 12 weeks of unpaid leave a year when they or an immediate family member have a serious health condition or after the birth or adoption of a child.
- Employers must reinstate the worker at the end of the leave and may not discipline or fire employees taking FMLA leave.
- The Healthy Families Act (HFA) and similar legislation before Congress would require employers to provide employees with paid sick leave benefits. The HFA would require employers to provide at least seven days of paid sick leave.

Policy Concerns

- The vast majority (86 percent) of full-time workers are already provided paid leave, which they can use should they fall ill.¹
- The Healthy Families Act would not increase workers' total compensation. Companies respond to mandated benefits by reducing cash wages. Mandatory sick leave requires workers to take less of their compensation as cash wages and more as time off, whether they want to or not.
- By requiring employers to provide paid sick leave, preventing them from challenging a suspect certification, and preventing them from disciplining employees who abuse leave, the HFA would encourage irresponsible employees to

game the system and dump tasks on their co-workers while still receiving full pay.

- This harms both co-workers and customers:
 - When a worker takes intermittent leave or takes off work without providing advance notice, employers may not be able to find a replacement worker in time. Instead, two-thirds of employers respond by reassigning the absent worker's tasks to the conscientious employees still working. Workers who misuse sick leave thus force responsible co-workers to cope with a heavier workload.
 - Sometimes, however, jobs cannot be re-assigned and replacements cannot be found on short notice. In these cases, the job goes undone—to the detriment of customers. For example, in just one month, intermittent FMLA leave use forced one Verizon office to leave over 8,900 customer calls unanswered.²

Economic Effects

- If Congress makes paid sick leave mandatory, workers total compensation will not rise. Companies respond to higher benefit costs by reducing workers' pay by approximately the cost of providing the benefit. Companies will

This paper, in its entirety, can be found at
www.heritage.org/Research/Labor/wm2208.cfm

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(202) 546-4400 • heritage.org

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- spend more on leave benefits and less on wages.³
- Mandated benefits have many of the same labor market effects as raising taxes on workers. Therefore, Congress should not raise taxes on workers during the middle of a steep economic downturn.
 - Abuse of the leave granted by HFA would have a detrimental effect on productivity, thereby increasing the cost of business while decreasing incentive for capital investment.
- James Sherk is Bradley Fellow in Labor Policy in the Center for Data Analysis at The Heritage Foundation.

1. James Sherk, "Mandatory Paid Sick Leave Need Not Cut Workers' Pay," Heritage Foundation WebMemo No. 2189, January 7, 2009, at <http://www.heritage.org/Research/Labor/wm2189.cfm>.
2. James Sherk, "Mandatory Paid Sick Leave Invites Misuse That Harms Co-Workers and Customers," Heritage Foundation WebMemo No. 1450, May 10, 2007, at <http://www.heritage.org/Research/Labor/wm1450.cfm>.
3. Sherk, "Mandatory Paid Sick Leave"; Sherk, "Congress Should Consider Alternatives to Mandatory Paid Sick Leave," Heritage Foundation WebMemo No. 1457, May 15, 2007, at <http://www.heritage.org/Research/Labor/wm1457.cfm>.



ASSOCIATION OF WATER & SEWER
EXCAVATORS INC.

420 Carroll Street
Brooklyn, NY 11215
Tel# (718) 596-4040 Fax# (718) 596-6166
Email: safetyfirst@awse.com

Date: September 22, 2009

Page 1 of 2

The Association of Water & Sewer Excavators affirms opposes intro no.1059 provision of paid sick pay.

Intro no.1059 while being well intentioned, places an unfair burden on small business and people living on fixed income.

Intro 1059 will increase cost to every business which will be passed along to all New Yorkers; milk, bread, dry cleaning, health care and other things will cost more. Businesses ready to hire as the economy rebounds, will hire less and cautiously they may focus on younger workers and shy away from people over a certain age; they will ask themselves does this person look strong, frail?

Record keeping, this burden of keeping records for 5 years on how many days an employee took off and was paid or not paid will require written documentation from employees when they take off. A disgruntled worker after 4 ½ years could force a small business to research their books and records for 5 years later. Someone will have to distinguish the difference from people being sent home due to lack of work or an employee taking off. This will also add to the increase in prices to the consumer.

Hazard

If a small company failed to keep required records they will be subject to audits, fines, civil and possibly criminal penalties. This can then lead to loss of a professional license and face civil law suit.

Loss of key personal, businesses who depend on their employees to show up for work will no longer be assumed that their employees will show up for work, employees may view this as a vacation and small business will be forced to pay for it. Companies may change practices to combine vacation and sick days.



ASSOCIATION OF WATER & SEWER
EXCAVATORS INC.

420 Carroll Street
Brooklyn, NY 11215

Tel# (718) 596-4040 Fax# (718) 596-6166

Email: safetyfirst@aowse.com

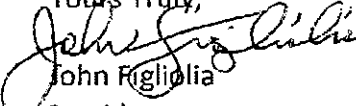
The Association of Water & Sewer Excavators Inc views intro 1059 as an extension of unemployment and should be funded by the City if this is the chosen policy . This intro should be called the temp unemployment act and will only pay for sick pay If the employee can provide documentation.

Date: September 22, 2009

Page 2 of 2

To ask small business to fund this program in this economic time is ludicrous.

Yours Truly,


John Figliolia
President

THE COUNCIL
THE CITY OF NEW YORK

SPEAKING

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JAYKE THOMPSON

Address: _____

I represent: ON BEHALF OF NYC CENTRAL LABOR

Address: COUNCIL

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Gary Phelan

Address: 25 River Bend, Suite 201, ~~Staten Island~~ WATER CT 0694

I represent: Attorney with City of Gold

Address: 3 Park Avenue, 29th Floor, New York, NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Adela Vargas

Address: _____

I represent: Worker

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1029 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: THOMAS SCARANGELLO
Address: 6767 AMBOY RD SINY 10309

I represent: SCARANGELLO SMALL BUSINESS
Address: 6767 AMBOY RD. SINY 10309

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: LARRY SELLS
Address: 554 FIRST ST

I represent: STANDARDS MODEL AREA
Address: 37-18 NORTHERN BLVD

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 10/17/09

(PLEASE PRINT)

Name: SONIA OSSORIO
Address: 205 E. 69th St.

I represent: NDLW
Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Verdery Roosevelt

Address: 110 West 90 St, NYC 10024

I represent: Ballet Hispanico

Address: 167 West 89 St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059-2009 Res. No. _____

in favor in opposition

Date: 11.17.09

(PLEASE PRINT)

Name: Janet Weinberg

Address: 119 W 24 St NY NY 10011

I represent: GMHC

Address: same as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: MARY PAPPAS

Address: 32-42 203 St BAYSIDE

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: THOMAS SCARANGELLO

Address: 6767 AMBOY RD. ST NY 10309

I represent: SMALL BUSINESS - SCARAN

Address: 6767 AMBOY RD. ST NY 10309

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11-17-09

(PLEASE PRINT)

Name: DOREEH ZAYER

Address: 694 CLOVE RD ST NY

I represent: RELAY ON CLOUD 9 INC.

Address: 694 CLOVE RD. ST NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

w/changes

Date: _____

(PLEASE PRINT)

Name: Virginia P. Kouliades

Address: ARTNY 520 8th AVE #319

I represent: Alliance of Resident Voters / NYC

Address: NYC 10018 NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

Name: Robert Federico (PLEASE PRINT)

Address: _____

I represent: Repertorio Espanol

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

Name: Ginny Louloude (PLEASE PRINT)

Address: _____

I represent: ART/NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

Name: Jaffrey Bank (PLEASE PRINT)

Address: 1501 Broadway

I represent: Alicart

Address: 1501 Broadway ste 015 NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: VICTORIA AVILES

Address: 204 LIVINGSTON ST

I represent: BRIDGE CLEANERS

Address: 204 Livingston St Brooklyn NY 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1059

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: DEBRA KRAVET

Address: 2211 BROADWAY TKN

I represent: APTHORP CLEANERS

Address: 383 Amsterdam Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: SCOTT Buchman

Address: 155 West 68th

I represent: Scott's Sales / Small Business

Address: 257 Columbus Ave

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: 10-17-09

(PLEASE PRINT)

Name: NORA NEALIS NCA I
Address: 252 West 29th St NY NY 10001

I represent: NCA
Address: 252 West 29th St NY NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: NORANEALIS
Address: 252 W. 29th St NYC 10001

I represent: NCA - NATIONAL CLEANERS ASSOC
Address: 252 W. 29th St NYC NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Manhattan Borough President Scott Stringer
Address: 1 Centre St

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Amy Traub

Address: _____

I represent: Drum Major Institute for Public Policy

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11-17-09

(PLEASE PRINT)

Name: Theodore M Renz

Address: 60-82 Myrtle Avenue

I represent: Myrtle Avenue BID

Address: 60-82 Myrtle Avenue

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17

(PLEASE PRINT)

Name: JOEL SHUFRO

Address: 95 SHERMAN ST BKLYN

I represent: NYCOSH

Address: 116 JOHN ST NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: PAUL ~~SERES~~ SERES

Address: 150 Ludlow St, NYC, NY 10002

I represent: New York Nightlife Assoc.

Address: 325 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 10/17/09

(PLEASE PRINT)

Name: MARC MURPHY

Address: Time Warner Center

I represent: AMILNY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: ROBERT BOOKMAN

Address: 325 Broadway, NY NY 10007

I represent: NYS Rest. Assoc / N.Y. Nightlife Assoc.

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-17-2009

(PLEASE PRINT)

Name: Cherokee Graham

Address: 1734 Madison Avenue 9F

I represent: ROCNY

Address: 275 7th Avenue New York NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1509 Res. No. _____

in favor in opposition TO PORTALS

Date: 11/17/09

(PLEASE PRINT)

Name: JOHN BONIZIO

Address: 25 WESTCHESTER SQ. BX 10461

I represent: BICOMX CHAMBER, BICOMX BUSINESS ALLIANCE,

Address: WESTCHESTER SQ. MERCHANTS, METRO OPTICS

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11-17-2009

(PLEASE PRINT)

Name: TONY JULIANO

Address: 157 W 24 St Ste 1

I represent: XES Lounge &

Address: Greenwich Village-Chelsea Chamber of Commerce

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/17

(PLEASE PRINT)
Name: Steebani, Fatel
Address: 3014 28th Ave #1R Astoria, NY 11103
I represent: ROC NY
Address: 275 74th Ave NY NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11-17-09

(PLEASE PRINT)
Name: Suleika Cabrera Drimane
Address: 105 E. 22 St, NY, NY 10010
I represent: Inst. for the P.R.-Hispanic
Address: Same as above El dely

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/17/2009

(PLEASE PRINT)
Name: Shailish Shrestha
Address: 31-35 Avescent st. Apt. 05 Astoria
I represent: ROC NY/NIX Nepo Community
Address: 275 74th Ave NY NY 10001

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

Name: LAURIE EISNER (PLEASE PRINT)
CATHERINE SHUCKRE DOS SANTOS, MSW

Address: _____

I represent: SANCTUARY FOR FAMILIES

Address: PO Box 1406 WALL ST. NY NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/17/09

Name: DOUG OIVAS (PLEASE PRINT)

Address: 97 MAIN ST. CHATHAM NJ

I represent: NATIONAL ASSOC. OF THEATRICAL

Address: SAMB OWNERS NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Sich Paich Res. No. _____

in favor in opposition

Date: _____

Name: Kathy Wyde (PLEASE PRINT)

Address: Partnership for New York City

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

Name: DANIEL LATHAM (PLEASE PRINT)

Address: 15 Reib Ave Breezy Pt NY 11697

I represent: LATHAMS COMM CORP

Address: 949 Remsen Ave Bldg 11236

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/17/09

Name: VINCENT J MAZZONE (PLEASE PRINT)

Address: 2352 Ocean Parkway

I represent: Chels Pastas

Address: 1201 Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

Name: IRENE LOKR (PLEASE PRINT)

Address: 315 - 13 St BKLYN NY

I represent: AUNT SUZIES RESTAURANT

Address: 247- 5th BKLYN NY 11215

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Carl Hvm

Address: 25 Elm Pl

I represent: Brooklyn Chamber of Commerce

Address: 25 Elm Pl. Bklyn NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: TOM WINKICK

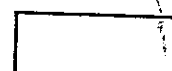
Address: 152 WASHINGTON AVE ALBANY

I represent: THE BUSINESS COUNCIL OF NYS

Address: ALBANY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: NOV. 17, 2009

(PLEASE PRINT)

Name: Patricia Brodhagen

Address: 130 Washington Ave, Albany

I represent: Food Industry Alliance

Address: Same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Mitch Klein

Address: 65 W Red Oak Lane

I represent: Krasdale Foods

Address: 400 Food Center Dr. Bx, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Victor S. ...

Address: _____

I represent: Public Health Assn NYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: Nov 17, 2009

(PLEASE PRINT)

Name: Dan Margolis

Address: 134 Lake V Parkway, Lake George, NY 12845

I represent: Auntie Anne's Stores in NYC - 20 stores

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Lauren Leader-Chiwee

Address: 32 W. 28th St # 2 NY NY 10027

I represent: Human Resources Professionals in NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Donna Dolan

Address: 80 Pine St 27th fl

I represent: The NYS. Paid Family Leave Coalition

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: HENRY ARCHER MEER

Address: 131 DUANE ST, TRIBECA, NY 10013

I represent: CITY HALL RESTAURANT

Address: SAME

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jane Thompson (Labor Panel)

Address: _____

I represent: PWDSU

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

Freddy Cabrita
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Small Gayino Hernandez

Address: 3045 Grand Street

I represent: Make the World NY Health Care

Address: 301 Grove Street

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sarah Johnson

Address: _____

I represent: 32 BT

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Freddy Castiblanco

Address: Queens

I represent: Small Business United for Health

Address: 2001 92-10 Roosevelt Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ~~Belinda~~ CARMEN Ledesma

Address: Queens

I represent: Salon Parisienne

Address: Queens NY 2001 92-10 Roosevelt Ave New York

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Queen

Address: _____

I represent: Salon Parisienne

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: GIOIA P. AMBROSE
Address: 1140 Broadway
I represent: Newcastle Comm.
Address: 1140 Broadway

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: 11/16/09

(PLEASE PRINT)
Name: Christina Gilbert
Address: 360 Hayward Avenue Mount Vernon NY 10552
I represent: Program on Human Rights and the Global Economy
Address: 400 Huntington Ave, Boston, MA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: DAVID R. TOWEL
Address: 297 Prospect Pl
I represent: CSS
Address: 105 E 22nd

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Sherry Leiwant

Address: 375 250 47th St NYC 10018

I represent: A Better Balance: The Worker Family

Address: Legal Center 80 Pine Street NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Noe Chametla

Address: _____

I represent: MAKE the Road New York

Address: 92-10 Roosevelt Ave, Elmhurst

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Kevin Miller

Address: 314 Carroll St NW #316 DC 2002712

I represent: Institute for Women's Policy Research

Address: 1707 L St. NW #750 DC 20036

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: SUNG SOO KIM
Address: 9146-03 34th Ave, Flushing, NY 11352
I represent: Korean American Small Business
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: 11-17-09

(PLEASE PRINT)

Name: STEVEN COPPOLA
Address: 31 NOME AVENUE, SI NY 10314
I represent: STATEN ISLAND HOME IMPROV. CONTRACTORS ASSOC
Address: HEBERT AVE, SI NY.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____
 in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Quenia Abreu
Address: 177 West 83rd Street.
I represent: NY Women's Chamber of Commerce
Address: 1524 AMST. AVENUE.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/17/09

(PLEASE PRINT)

Name: MIGUEL PERIBANEZ

Address: 4250 BROADWAY 6W NY NY 10033

I represent: U.S.A. LATIN CHAMBER OF COMMERCE

Address: 4250 BROADWAY 6W NY NY 10033

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: BRIAN MURPHY

Address: 5030 BROADWAY

I represent: Bodega Association U.S.A.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

1059

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nelson Eusebio

Address: 3050 White Stone Express

I represent: U.S.A. INC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Nov 17, 09

(PLEASE PRINT)

Name: K. Y. CHOW

Address: 31-16 HUNTERD POINT AVE, LIC NY 11101

I represent: GM printing

Address: 31-16 HUNTERD POINT AVE, LIC NY 11101

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Melanie McEvoy

Address: 32 Union Sq. East #406 10003

I represent: Myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: Maya Raghu

Address: 395 Hudson St, 5th Fl NY, NY 10014

I represent: Legal Momentum

Address: 395 Hudson St 5th Fl NY, NY 10014

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11/17/09

(PLEASE PRINT)

Name: ROSINA RUBIN

Address: 565 WEST END AVENUE, NY 10024

I represent: Art to be New York, Inc.

Address: 526 WEST 53rd St., NY 10019

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1059 Res. No. _____

in favor in opposition

Date: 11-17-09

(PLEASE PRINT)

Name: MARGE LIVES

Address: _____

I represent: WOMEN'S CITY CLUB OF NY

Address: 307 SEVENTH AVE. NY 10001

Please complete this card and return to the Sergeant-at-Arms