



# POLICY PLAYBOOK

## PAID SICK DAYS



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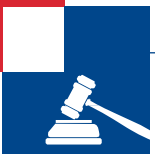
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## INTRODUCTION

More than 40 million Americans still do not have access to paid sick time, and these numbers are concentrated among the lowest-wage workers – 80 percent of whom lack access. The health impacts on employees and on the workplace can be jarring; those without paid sick days are 1.5 times more likely to report to work sick than those with paid sick days. During the H1N1 outbreak of 2009, for instance, eight million Americans reported to work ill – infecting as many as seven million of their co-workers. Meanwhile, allowing employees to stay at home with even one paid “flu day” would allow them to recover and could reduce flu transmission by an estimated 25 percent.

Paid sick days can also be used to care for an ill child or family member. Parents without paid sick leave are more than twice as likely to send a child to school ill and five times more likely to take a child or family member to the emergency room because they cannot take time off work. And paid sick days could be used as safe days by survivors of domestic violence or sexual assault. Access to paid sick and safe days would allow survivors who are trying to ensure their own safety – or the safety of their children – to get the help they need without being forced to risk their jobs and their financial security.

By allowing working Americans to earn paid sick days based on the hours that they work, our nation’s workforce could become healthier and more productive, thereby creating a healthier and more productive economy for everyone.



## POLICY OPTIONS

Only five states currently require employers to provide paid sick days to their employees: California, Connecticut, Massachusetts, Oregon, and Vermont. Connecticut was the first state to require paid sick days for private sector employers with [2011 Connecticut Senate Bill 913](#); this bill is the most limited of the state bills, applying only to workers in businesses with 50 or more employees and covering only workers in service sector jobs. [California](#) passed a paid sick days law during the 2014 session, [Massachusetts](#) voters approved a paid sick days law during the 2014 general election, [Oregon](#) passed a paid sick days law in 2015, and [Vermont](#) passed a paid sick days law in 2016. In addition to these states, the District of Columbia and dozens of localities have passed paid sick days policies. A chart that includes details of current laws is available [here](#).

A robust paid sick days policy should require that all employers provide a minimum amount of paid sick days for workers to address their own health and safety needs, as well as those of their families. This policy should set a basic labor standard that applies to all workers (just as all employers must comply with minimum wage and health and safety requirements). There are a number of key decisions that expand or limit the scope of a paid sick days law and that might be necessary for legislators to consider. Timing of introduction should also be coordinated with state and local groups; these groups may be planning a campaign, and their organizing efforts will be critical for passage.

This policy overview is based on [exemplary legislation](#) developed by the [National Partnership for Women & Families](#) and [A Better Balance](#). For details on any of the provisions or key decision points raised in this discussion, or for assistance with legal research and drafting, please contact SiX Action or these organizations. For referrals to state-based advocates and coalitions, contact [info@sixaction.org](mailto:info@sixaction.org) or [Family Values @ Work](#).

### Accrual of Paid Sick Days

Sick time accrues based on the number of hours an employee works. The most common accrual rate among existing laws is one hour of paid sick time for every 30 hours worked (CA, MA, OR); the accrual in CT is one hour for every 40 hours worked; and the accrual in VT is one hour for every 52 hours. Accrual rates may also vary depending on business size. The law may allow employees to carry over some or all unused sick time from one year to the next; for many workers, the law is like insurance against illness, and they may want to save time for winter months when flu and colds are prevalent. In the case of carryover, the total number of days an employee can use in the year remains the same. A policy could allow employees to cash out unused sick time, but generally the laws do not. Employers may always be more generous than the laws, which constitute a minimum standard, not a ceiling. Other issues related to accrual include: front-loading (providing all paid sick time an employee is entitled to at the beginning of a year); waiting period for use; protecting paid time off accounts and vacation leave; protections for



transferred, seasonal, and temporary workers; and limits to accrual of paid sick time (maximum number of days/hours).

### Use of Paid Sick Days

One of the biggest considerations when composing a paid sick days policy is deciding who should be covered and for what reasons.

- *Personal Health* – Should include mental or physical illness and preventative care.
- *Family Health* – Should include care for a family member’s mental or physical illness and preventative care. Many states define families narrowly, but there is a growing movement to cover more diverse family structures in paid sick days laws, like caring for an elderly relative. The best standard is a definition of family as those related “by blood or affinity.”
- *Child-related School Activities* – This includes attending a school meeting, whether generally or specifically related to a child’s health or disability.
- *Domestic or Sexual Violence* – Sick leave policies may also cover employees who seek shelter or legal assistance, in the event that they or their family members are the victims of domestic or sexual violence. However, before putting such provisions in legislation, lawmakers should consult with state and local sexual assault and domestic violence advocates.
- Other issues related to the use of sick time include: whether employees can use sick time for public health emergencies or in relation to communicable diseases, whether or not an employee needs to provide notice before taking foreseeable sick time, reasonable limits on requirements to show medical documentation for use of sick time, increments of use, and the issue of shift-swapping within a specified period of time rather than using paid sick days (note that Restaurant Opportunities Centers United, or ROC, opposes this provision on the grounds that nothing prohibits this practice; putting such language in the bill treats shift workers differently and may lead to employer coercion against use of sick time).

### Enforcement

There are several different ways to enforce a paid sick days law. The threshold question with regard to enforcement is whether enforcement should be through an administrative agency, through the courts, or through both avenues of relief. An additional question is whether the law enforcement officer of the state should be permitted to file a claim to enforce the law. In most cases, if possible, both administrative and court enforcement should be available, because agency enforcement is easier for workers to access, but court relief should be available if the agency is unwilling or unable to respond quickly or does not resolve a case properly. One major issue to be addressed is whether an aggrieved employee must first exhaust the administrative agency process before he or she can seek relief in court.



### Other Basic Requirements and Considerations

- *Public Education and Outreach* – Knowledge about a new law is often the most important factor in how effective it is. It is important that the law contains sufficient funding for outreach and education, including by community groups.
- *Anti-discrimination and Non-retaliation* – Protect employees from losing their jobs or facing workplace discipline when they use paid sick days.
- *Employee Notification* – Employers must notify employees of their right to paid sick days and the terms under which they may be accrued and used.
- *Preemption* – The state law should not supersede any local law that provides greater rights to paid sick days than rights established by the state. The state should provide a floor, not a ceiling. Even if the state law seems strong, legislators should uphold the principle of local control and avoid shoring up the conservative agenda of those who use preemption to hamstring grassroots movements.
- *Collective Bargaining Agreements* – This is a potentially complicated issue that should be discussed early and in detail with labor coalition partners. State laws should not prevent a CBA from providing more extensive sick time benefits. The laws in some jurisdictions, however, have specific rules about how the law will affect workers covered by CBAs. An “opt-out” provision is vastly preferable to an exclusion. An opt-out provision allows a union to waive some or all of the requirements of the paid sick days law to continue pursuing more expansive protections via collective bargaining.



## COMMUNICATIONS & MESSAGING

### Background:

When talking about paid sick days, here are some things to keep in mind:

- Make the point that our lives have changed, but the workplace has not kept up.
- Be sure to start by stating the problem. Then, move to outcomes.
- Make it personal and local – share the story of a constituent, small business owner, or someone else in your community who can speak to the positive impact of paid sick days.
- Point to the public health consequences when workers have to do their job while ill – or demonstrate how their economic security is threatened by losing income for being a good parent or following their doctor’s orders. Offering paid sick days is good for employees, for society, and, importantly, for the economy.

### Topline Message:

Everyone gets sick, but millions of Americans can’t take a single paid sick day to recover. Workers who are allowed to earn paid sick time can use it to take care of themselves or a family member when they get sick, without fear of losing a day’s wages or their job. That’s good for employees, families, businesses, and the economy.

### Talking Points:

#### The Problem

- Outdated workplace policies have failed to keep pace with the demands on today’s workforce, limiting our economic growth.
- Nearly 4 in 10 private sector workers – and more than 80 percent of low-wage workers – do not have paid sick days to care for their own health. That means that at least 43 million workers have no access to paid sick days at all, and millions more cannot earn paid sick time to care for a sick child or family member.
- For millions of Americans without any access to paid sick days, the decision to take time off from work to recover from an illness, or to care for a sick child or family member, is a choice between the health of their families and their financial security.
- Individuals without paid sick days are 1.5 times more likely to report to work sick than those with paid sick days, more than twice as likely to send a sick child to school, and five times more likely to take a child or family member to the emergency room because they cannot take time off from work. This puts others in a workplace or school at risk of infection.
- We’re one of the only industrialized countries in the world that doesn’t guarantee paid sick days for our workers.
- In a nation that claims to value families, too many people are punished for being a good



parent to a sick child or a good child to a sick parent.

- Those in the low-wage workforce, which disproportionately consists of people of color, are least likely to have access to paid sick days.
- Each year, collectively, survivors of domestic violence or sexual assault miss eight million paid days of work recovering from an attack or seeking assistance. Without access to paid sick and safe days, survivors are forced to risk their financial security or their jobs to ensure their own safety or the safety of their children.

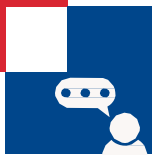
### The Solution

- Employees who are allowed to earn paid sick time can use it to take care of themselves or a family member when they get sick, without fear of losing a day's wages or their job.
- When people have access to paid sick days, workers, their families, businesses, and the economy do better – and everyone has a fair shot at getting ahead.
- Access to paid sick days will help keep our families and communities healthy by reducing the spread of illness and disease that can occur when people go to work or school sick. Permitting workers to stay at home with even one paid “flu day,” for instance, would allow them to recover and could reduce flu transmission by an estimated 25 percent.
- Providing paid sick days helps strengthen the economy. When workers have access to paid sick time and aren't forced to choose between the health of their families and their financial security, they have more money in their pockets to cover the basics and contribute to local businesses.
- Paid sick days save businesses money. The cost of replacing workers – including advertising job openings, interviewing, and training new employees – is often very high. Offering paid sick days leads to a more productive workforce, less turnover, and stronger families that have more buying power.

### Supporting Facts:

It's always helpful to have supporting evidence to strengthen your message. Here are a few good statistics to get you started.

- Nearly 25% of adults in the U.S. say they have been fired or threatened with job loss for taking time off to recover from an illness or care for a sick loved one.
- Low-wage workers – including food service, personal health care, and child care workers – are the least likely to have paid sick days. Fewer than a third of workers who earn \$19,000 or less per year have access to paid sick days, compared to more than 80% of workers who make \$65,000 or more per year.
- For the typical low-income family without paid sick days, going just 3.5 days without pay is equivalent



to losing a month of groceries.

- The threat to public health is clear. More than three out of four food service and hotel workers (78%) don't have access to a single paid sick day, and workers in child care centers and nursing homes overwhelmingly lack paid sick days.
- 79% of food industry workers – who are particularly likely to spread illness if they go to work sick – don't get paid sick days. Meanwhile, the Centers for Disease Control and Prevention found that more than 2.5 million cases of foodborne illness per year were caused by sick restaurant workers contaminating food while they were at work – and more than half of all norovirus outbreaks can be traced back to sick food service workers.
- During the H1N1 outbreak, eight million Americans reported to work sick – infecting as many as seven million of their co-workers.
- Each year, more than two-thirds of school-aged children miss a day or more of school due to illness or injury. But more than half of U.S. working parents (52%) don't have even a few paid sick days they can use to care for a sick child – forcing them to choose between financial security and the health of their families.
- If workers were offered seven paid sick days a year, the U.S. economy would experience net savings of \$160 billion each year due to increased productivity and reduced turnover.
- More than a third (37%) of working women in businesses with 15 or more employees are not able to take a paid sick day when they or their family members are ill.
- Nearly half (49%) of all Latino workers employed by businesses with 15 or more employees have no access to paid sick days.
- Almost 44% of African American workers – seven million – have no access to paid sick days.
- Economies in states and localities that have implemented paid sick days are generally doing well.
  - ◆ Three years after San Francisco implemented its paid sick days ordinance, more than 70% of employers reported no impact on profitability (another 15% said they didn't know), and two-thirds of employers expressed support for the law.
  - ◆ An audit conducted five years after the District of Columbia implemented paid sick days found no evidence that the law prompted businesses to leave the city or discouraged employers from establishing new businesses there.
  - ◆ Since Connecticut's implementation of paid sick days in 2012, data show job growth across industries, including in the most heavily impacted industry – leisure and hospitality. A recent survey found that 75% of employers are supportive of the law, noting positive effects like improved employee productivity and morale.
  - ◆ In Seattle, a small business association study found no evidence that the city's paid sick and safe time ordinance has had a negative impact on the economy, and 70% of employers say they support the law and have experienced no administrative difficulties with implementation.
  - ◆ In the first year of implementation of New York City's paid sick days law, the city experienced





its lowest unemployment rate in six years and the highest labor force participation on record. The city also added new businesses and new private sector jobs, and consumer prices fell.

- ◆ A year after the Jersey City paid sick ordinance took effect, 80% of businesses were providing paid sick days, and 62% of businesses did not need to change their policies to adhere to the law. Businesses that did change their policies reported significant benefits – including a reduction in the number of sick employees coming to work, an increase in productivity, an improvement in the quality of new hires, and a reduction in employee turnover.

(Sources: [Quick Facts](#), [PaidSickDays.org](#); [Earned Sick Days: Key Evidence](#), [Family Values @ Work](#); [Healthy Kids, Healthy Schools: The Case for a National Paid Sick Days Standard](#), [National Partnership for Women & Families](#); [Paid Sick Days: Low Cost, High Reward for Workers, Employers and Communities](#), NPWF. Additional Resources: [Fact Sheets](#), [PaidSickDays.org](#))

### Opposition Messaging and Responses:

Argument: Mandating a paid sick days standard is bad for workers, because the added costs for employers will force them to cut benefits and reduce wages.

*“The president’s call for mandatory paid sick leave would simultaneously cut workers’ pay... The popularity of Obama’s paid sick leave proposal depends on workers not realizing it ultimately comes out of their paychecks.” --James Sherk, Heritage Foundation Research Fellow, The Daily Signal, 1/15/2015*

([dailysignal.com/2015/01/15/media-missed-obamas-new-proposal-wage-cut-workers/](http://dailysignal.com/2015/01/15/media-missed-obamas-new-proposal-wage-cut-workers/))

*“It would force current Massachusetts employers to either absorb the added cost, raise prices on their products or cut their labor force, none of which will help either the consumer or the labor force in the long run... this law would burden an already stressed business community even more, possibly crippling some of those more modest in size and less able to absorb the new cost.” --Editorial Board, The Republican (Springfield, Massachusetts), 10/30/2014*

([www.masslive.com/opinion/index.ssf/2014/10/editorial\\_a\\_no\\_vote\\_is\\_the\\_bes.html](http://www.masslive.com/opinion/index.ssf/2014/10/editorial_a_no_vote_is_the_bes.html))

Response: Providing paid sick days actually saves employers money by reducing turnover. The cost of replacing workers – including advertising job openings, interviewing, and training new employees – is often very high. Paid sick days also help to limit lost productivity as a result of presenteeism – when employees work sick – which is estimated to cost our economy \$160 billion each year. In fact, three years after San Francisco implemented its paid sick leave ordinance, more than 70% of employers reported no impact on profitability – and two-thirds of employers expressed support for the law. That’s why the vast majority of business executives support offering paid sick days: a [leaked LuntzGlobal survey](#) of 1,000 current or prospective Chamber of Commerce members found that more than 70% support paid time off for workers who need to care for sick children or relatives. Finally, nearly 25% of adults in the U.S. say



they have been fired or threatened with job loss for taking time off to recover from an illness or care for a sick family member. This is clear proof that workers need paid sick days, so they aren't forced to choose between financial security and the health of their families.

Argument: A paid sick days standard is unnecessary – most workers already have access to sick time.

*“Small businesses already have to deal with too many mandates, and it’s making things more challenging for them... There is no reason for lawmakers to impose new rules on the overwhelming amount of businesses who already provide this in order to effect change for the few who don’t.” --Michele Siekerka, New Jersey Business & Industry Association President and CEO, New Jersey Business Magazine, 6/22/2015*

[\(http://njbmagazine.com/trenton-talk/labor-committee-approval-of-paid-sick-leave-mandate-a-step-in-the-wrong-direction-njbia-says/\)](http://njbmagazine.com/trenton-talk/labor-committee-approval-of-paid-sick-leave-mandate-a-step-in-the-wrong-direction-njbia-says/)

Response: The reality is that nearly 4 in 10 private sector workers, and more than 80% of low-wage workers, do not have paid sick days to care for their own health. That means more than 40 million workers lack access to a single paid sick day, and millions more cannot earn paid sick time to care for a sick child or family member. Meanwhile, 79% of food industry workers, who are especially likely to spread illness if they go to work sick, have no access to paid sick days.

#### Polling:

- According to a [January 2015 Lake Research Partners survey](#), 88% of likely 2016 voters – including 96% of independents – favor ensuring that all workers can earn paid sick days to care for themselves or their family members.
- Approximately 8 in 10 Americans (81%) support requiring companies to provide all full-time employees with paid sick days – including 90% of Democrats, 82% of independents, and 70% of Republicans – according to the Public Religion Research Institute’s [2014 American Values Survey](#).
- A [Lake Research Partners/The Tarrance Group poll](#) of 2014 voters found that 64% were more likely to vote for an elected official who spoke in support of paid sick days.
- According to a [September 2015](#) poll conducted by Greenberg Quinlan Rosner on behalf of the Roosevelt Institute, 83% of likely 2016 voters – including 85% of independents and 67% of Republicans – said that “requiring employers to provide employees with paid sick days and family leave to care for themselves or a loved one when needed” would be effective at creating a better economy.
- A [leaked national survey](#), conducted by LuntzGlobal, of 1,000 current or prospective Chamber of Commerce members found that 73% support paid sick days.



- According to a [2015 poll](#) conducted by Greenberg Quinlan Rosner on behalf of Small Business Majority, half of small business owners (50%) say they would support a law requiring that employers allow employees to earn paid sick days based on the hours they have worked, with 42% saying they would not support it.

### Sample Social Media Content:

Here are some sample tweets you can adapt for your own use. This language can also be easily modified for posting on Facebook:

More than 40 million workers lack access to a single day of #paysickleave - forcing them to choose btwn their health & financial security.

8 in 10 low-wage workers & nearly 40% of private sector workers have no access to #paysickdays. Many forced to miss pay or go to work sick.

The U.S. is one of the only industrialized countries in the world that doesn't guarantee #paysickdays to its workers.

During H1N1 outbreak, 8 million Americans went to work sick - infecting up to 7 million of their co-workers. #PaidSickDays keep us healthy.

Offering workers 7 #paysickdays a year would add \$160 billion annually to U.S. economy from increased productivity and reduced turnover.

Lives are saved and communities are healthier when working Americans can access preventive care without fear of job loss. #paysickdays

Those without #paysickdays are 1.5 times more likely to report to work sick, putting co-workers at risk. Public health impact is clear.

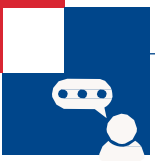
Parents without #paysickdays are more than twice as likely to send a sick child to school, since they often can't afford to take time off.

79% of food industry workers - who are particularly likely to spread illness if they go to work sick - don't have access to #paysickdays.

If the U.S. required employers to provide #paysickdays, it's estimated that flu rates would drop by at least 5%. <http://goo.gl/ZbhGkG>

Low-wage workforce, which disproportionately consists of people of color, is least likely to have access to #paysickdays.

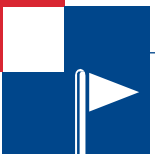
For a typical low-income family without #paysickdays, 3.5 days without pay is equal to losing a month of groceries.



#PaidSickDays & #safedays help protect job security of #sexualassault and #domesticviolence survivors who may need time off to seek help.

Leaked survey of 1,000 biz leaders (current/potential Chamber of Commerce members) found 73% support #paysickdays. <http://bit.ly/2e4T29r>

2015 Lake Research poll found 88% of likely 2016 voters favor ensuring that all workers can earn #paysickdays. <http://bit.ly/1RCPMYB>



## ADDITIONAL RESOURCES

Additional Organizational Resources on Paid Sick Days

[9to5, National Association of Working Women](#)

[A Better Balance](#)

[AFL-CIO](#)

[American Association of University Women](#)

[American Civil Liberties Union](#)

[Center for American Progress](#)

[Family Values @ Work](#)

[Institute for Women's Policy Research](#)

[Make It Work](#)

[National Organization for Women](#)

[National Partnership for Women & Families](#)

[National Women's Law Center](#)

[Pew Research Center](#)

Business Community

[Better Workplaces, Better Businesses](#)

[Main Street Alliance](#)

[American Sustainable Business Council](#)

[Social Venture Network](#)

[Small Business Majority](#)

State & Model Legislation

[Model Earned Paid Sick and Safe Time Act of 2015](#), ABB, NPWF

[Paid Sick and Safe Days Model Legislation: Section-by-Section Analysis](#), ABB, NPWF

Issues for Advocates: Companion to Model Earned Paid Sick and Safe Time Act of 2015 (Contact NPWF and ABB for this document)

[Paid Sick Day Wins, 2006-2016](#), FV@W

[Paid Sick Day Statutes](#), NPWF

[State and Local Paid Sick Leave Laws](#), Workplace Fairness

[Current Sick Days Laws](#), PaidSickDays.org from the NPWF

[NCSL Overview](#)

[Overview of Paid Sick Time Laws in the United States](#), ABB, 2016

[California, Chapter 317](#), Signed 2014

[Connecticut, Act 11-52](#), Signed 2011



[Massachusetts, Chapter 149](#), Signed 2014

[Oregon, Chapter 537](#), Signed 2015

[Vermont, Act 69](#), Signed 2016

Fact Sheets, Messaging & Communications Materials

[PaidSickDays.org](#), a NPWF project, updated regularly as a resource and information hub for paid sick days

[Paid Sick Days: Low Cost, High Reward for Workers, Employers and Communities](#), NPWF, November 2015

[Working Families Need Real Earned Sick Leave, Not the Comp Time Myth](#), CAP, April 2016

[The Paid Sick Leave Battle Continues, State by State](#), Fortune, February 2015

[Healthy Kids, Healthy Schools: The Case for a National Paid Sick Days Standard](#), NPWF, August 2016

[Earned Sick Days: Key Evidence](#), FV@W, March 2016

[Talking Points: Sick Leave](#), UFCW, 2015

[Survivors of Domestic and Sexual Violence Need Paid “Safe Days,”](#) NPWF, October 2015

[Paid Safe Time Fact Sheet](#), ABB, September 2016

[Women of Color Need a Paid Sick Days Standard](#), NPWF, September 2015

[Paid Sick Days Benefit Children’s Health](#), NPWF, April 2013

[Family Caregivers Need Paid Sick Days](#), NPWF, February 2016

[The Healthy Families Act, Fact Sheet](#), NPWF, February 2015

[How Your Business Can Benefit from Paid Sick Days](#), FV@W, MSA

Additional [fact sheets](#) from PaidSickDays.org

Policy Briefs & Reports

[Paid Sick Days Benefit Employers, Workers, and the Economy](#), IWPR, July 2016

[Good for Business? Connecticut’s Paid Sick Leave Law](#), CEPR, February 2014

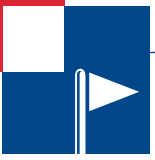
[Valuing the Invaluable](#), AARP, 2015 Update

Polling

[Opinion Poll: Small Business Owners Support Paid Sick Days, Majority Offer Benefits to Employees](#), Small Business Majority, July 2015

[Poll Results: Sick Leave](#), YouGov/Huffington Post, February 2015

[Public Attitudes towards and Experiences with Workplace Safety](#), prepared by NORC and PWF, August 2010



Other Resources to Support Women’s Economic Security

[Analysis of 2015 Census Poverty Data](#), NWLC, September 2016

[Status of Women in the States](#), IWPR, 2016

[A Double Bind: When States Deny Abortion Coverage and Fail to Support Expecting and New Parents](#), NPWF, September 2016

[Breadwinner Mothers by Race/Ethnicity and State](#), IWPR, September 2016

[Babygate: Pregnant or Parenting While Working? Learn about Laws in Your State That Can Help](#), ABB, 2015

[Moving Women & Families Forward: A Roadmap to Economic Justice](#), NWLC, March 2016

[Advancing a Family Friendly America: How Family Friendly Is Your State?](#) NPWF

[Expecting Better: A State-by-State Analysis of Laws That Help Expecting and New Parents](#), NPWF, 2016

[Not Enough Family Friendly Policies: High Stakes for Women and Families](#), NPWF, June 2016

[State-by-State Conversation Guide for Talking about Economic Security for Women and Families](#), American Women, 2016

[Work & Family Policy Database](#), NPWF

[Time to Care: A Work Family Policy Toolkit](#), Work Family Strategy Council [American](#)

[FactFinder](#), U.S. Census Bureau