

Paid Sick Days Policy Metrics

DECEMBER 2018

Nearly one in three private sector workers – and seven in 10 low-wage workers – do not have paid sick days to care for their own health,¹ and even those who do have sick days may not be able to use them to care for a family member or to take leave when they need it without penalties. That means that more than 34 million workers in the private sector have no access to paid sick days at all to care for themselves or their family members when they get sick or need medical care.² This dismal situation punishes working families – with disproportionately harmful effects on workers and families with low incomes, for whom even a few days of unpaid time away from work can trigger substantial economic instability. For many families of color – who have less access to wealth than white families – these destabilizations can be especially damaging. More than half (54 percent) of Latinx workers³ and 38 percent of Black workers⁴ (more than seven million people)⁵ do not have access to paid sick days and have to make the difficult choice between a paycheck and caring for themselves or their loved ones.

Paid sick and safe days laws give workers access to the paid time they need to recover from a short-term illness or care for a sick family member, and strong laws also allow workers to tend to issues stemming from domestic violence or sexual assault, public health emergencies and the health and educational needs of their children. Currently, 11 states, the District of Columbia and 22 localities have paid sick days laws in effect, guaranteeing millions of workers the ability to keep their jobs and maintain their financial security while caring for themselves and their family.

These laws can and have helped workers, but without careful attention to the impacts of policy design and policy compromises, vulnerable workers can be left out of these protections – exacerbating those workers’ economic insecurity and putting their well-being and that of their families at risk. In designing paid sick days laws, policymakers should be aware of the decision points that particularly impact low-income workers and structure laws in a way that alleviates rather than exacerbates existing inequalities.

These metrics present the aspects of paid sick days policies that will have the most impact on whether workers in low-wage jobs are covered by and can utilize the laws’ protections. We selected these aspects based on: our experience providing policy and technical assistance to advocates and policy makers developing paid sick days policies and with implementation of these laws; research on paid sick days access for workers in low wage jobs; and consulting with organizations that work directly on behalf of such workers.

1. Domestic Violence/Sexual Assault “Safe Time”

Paid sick days should be available for use in the event of domestic violence, sexual assault or stalking to protect low-income workers from unforeseen loss of income.

Paid safe days are critical for low-income workers because economic security is a key barrier to escaping and addressing domestic violence, sexual assault and stalking. Victims of domestic violence may urgently need to seek medical assistance, obtain a protective order, access assistance or relocate from their current dwelling. Domestic violence has been shown to have significant negative effects on women’s job stability and economic well-being.⁶

Increasing economic stability is one recommended intervention to prevent family and domestic violence.⁷ Women in economically-distressed households and neighborhoods are more likely to experience domestic violence and a lack of financial resources often traps these women in cycles of abuse.⁸ Additionally, low-income workers typically cannot afford the lost wages and out-of-pocket costs associated with the fallout from domestic violence incidents: nearly three in 10 stalking victims incur out-of-pocket costs from attorney fees, replacing or repairing damage to property, child care, and moving or changing phone numbers.⁹ Allowing earned sick time to be used for time needed away from work for issues related to domestic violence and sexual assault encourages economic stability and personal safety, particularly for women workers.

2. Definition of Employee and Employer

Paid sick days laws should cover all employers, regardless of size or industry, and all workers – including those on public assistance.

A broad definition of employer with no employer size threshold allows for the greatest share of workers to be covered under a paid sick days law. Employer size thresholds disproportionately exclude low-wage workers: Forty-two percent of low-wage workers and 35 percent of workers in low-income families with children are employed by businesses with fewer than 10 workers.¹⁰ And roughly half of the minimum-wage workforce is employed at businesses with 100 or fewer employees.¹¹

Paid sick days laws should cover all workers. Carving out workers in seasonal or agricultural, temporary services and tipped industries – jobs which tend to be low wage – puts the most vulnerable workers at risk of financial insecurity. For example, tipped workers are nearly twice as likely to be in poverty (12.8 percent) as non-tipped workers (6.5 percent).¹² It is also important to include public assistance recipients (i.e., those workers who have jobs but also receive public assistance) in paid sick days policies. As the majority of recipients of public assistance hold jobs or have family members who work,¹³ inclusion under the law allows for greater access to paid sick time and stronger economic stability for these workers.

3. Definition of “Family Member”

The definition of family members for whom a worker can take paid sick days should be broad and inclusive, taking into account chosen family, and not restricted to just those who are related by blood.

Family structures in the United States today come in many forms, especially when family is defined to incorporate the responsibility of caregiving. Nearly one-third (32 percent) of working people in the United States report having taken time away from work to care for a friend or chosen family member, including 42 percent of LGBTQ individuals and 42 percent of people with disabilities.¹⁴ Narrow family definitions disproportionately harm low-income workers, especially those who are marginalized and exceptionally vulnerable. LGBTQ people, particularly transgender people, are more likely to have extremely low incomes.¹⁵

Narrow family definitions can also disproportionately hurt workers living in multigenerational households. In 2016, a record 64 million people lived in multigenerational households.¹⁶ Multigenerational living may be an economic lifeline for many families – unemployed individuals are much more likely than employed individuals to live in multigenerational households – and can help reduce poverty for members of economically vulnerable groups.¹⁷ An inclusive family definition recognizes that many workers provide care to loved ones who include both extended family members and chosen family members, and provides workers with the time and economic security they need to provide such care.

4. Use of Minimum Wage and Tipped Employees

Paid sick days laws should stipulate that tipped workers will be paid their full hourly rate of pay (at least the full minimum wage) for days when earned sick time is used.

Including language in a paid sick days bill that stipulates the rate of pay for tipped workers is their full hourly rate, and at least the full minimum wage, provides added assurance for low-wage workers that they will not be missing crucial income. Approximately two-thirds of workers paid the minimum wage or less work in service occupations, predominantly food service and preparation,¹⁸ and 81 percent of those workers lack access to paid sick days.¹⁹ With the median wage for tipped workers at just \$11 per hour,²⁰ and the federal minimum cash wage at just \$2.13 per hour,²¹ not paying minimum wage or tipped workers their normal hourly rate can result in dramatic wage loss and further economic instability.

5. Public Health Emergency

Paid sick days laws should allow for workers to use their accrued time in the event of a public health emergency. Access to paid sick days reduces the spread of infectious diseases and curbs the financial risk of unforeseen public health emergencies and closures.

Allowing for accrued paid sick time to be used in the event of an unforeseeable public health emergency or the closure of a child’s school or place of care is key to protecting low-

income workers, particularly those who work in public-facing industries, from penalties that may be incurred for circumstances beyond their control. Often, when such an emergency – like the closure of a child’s place of care – arises, child care can be difficult to find or cost prohibitive. People with low incomes are less likely to have savings to cover such an unexpected cost. And in most households, particularly those below the poverty level in which families have extremely limited savings, losing pay due to an unforeseen circumstance can be financially devastating.²² Unexpected closures of school or places of business due to public health emergencies (e.g., schools closing because of illness outbreaks) result in unexpected costs for those most likely to lose pay. Allowing earned sick time to be used to cover such unforeseeable events can mitigate any additional cost that might be incurred by the employee.

6. Additional Hours/Shifts as a Condition of Using Earned Sick Time

Paid sick days laws should make clear that employers cannot require employees to work additional hours or shifts in order to use earned sick time.

Requiring employees to work additional hours or shifts in exchange for using earned sick time should be expressly barred as it disproportionately impacts low-wage workers. Shift work is typical in food services and preparation, health and home care services, hospitality and retail, where access to paid sick days is lowest.²³ Sixty percent of workers with nonstandard schedules earn less than the median earnings of the typical American worker.²⁴ Requiring workers to find someone to cover a shift when they need to use sick time places an additional burden on the employee – possibly resulting in workers forgoing health care and other additional costs. Additionally, it is difficult for the nearly 8 million workers who work multiple jobs to take on additional hours or shifts in order to use their sick time.²⁵

7. Public Education and Outreach: Funding

Paid sick days laws should include dedicated funding for public education and outreach; require materials to be available in different languages; and require the relevant agency to work with community-based organizations to disseminate information to specific communities.

Including dedicated funding for public education and outreach, requirements for materials in multiple languages and requirements for community-specific outreach in paid sick days laws is necessary in order to reach those workers who are most likely to benefit from – and least likely to know – about the policy. Lack of awareness of rights and access to paid sick days laws is a barrier to low-income workers utilizing paid sick time – dedicated funding for education and outreach would help improve awareness and inform workers of the benefit and their right to use accrued sick time. That outreach and other materials should come in multiple languages. Approximately 40 million U.S. residents, or 13 percent of the population, speak Spanish at home; nearly nine percent of the population speaks a language other than English at home.²⁶ Furthermore, requiring relevant agencies to work with community-based organizations to circulate information about paid sick days laws and how they can be used means that workers would receive relevant and necessary

information from trusted sources. If workers are unaware of their rights and protections associated with accrued sick time, they are less likely to use the days and continue to sacrifice their economic stability to take care of themselves and their loved ones.

8. Employer Coverage of Documentation Costs

In the event an employer requires documentation for the use of earned sick time, paid sick days laws should require the employer to cover the costs of securing such documentation.

A paid sick days law may require a worker to have documentation from a medical provider if they use more than a certain number of paid sick days consecutively. Paid sick days laws should include language requiring employers to cover medical certification expenses for employees who are not offered health insurance in order to alleviate this financial burden for low-wage workers. Four in 10 adults report being unable to absorb an unexpected \$400 expense, the equivalent of one week of earnings for a full-time low-wage worker (\$10 an hour).²⁷ For low-income workers and their loved ones, the stakes are even more precarious because most do not have discretionary savings and are more likely to lack health insurance: More than 80 percent of uninsured individuals were in families below 400 percent of the poverty level as of 2017.²⁸ Furthermore, many means-tested programs have asset tests that limit low-income families' ability to save in order to qualify for benefits.²⁹

The costs associated with obtaining a doctor's note or documentation of an appointment to certify that earned sick time was taken for a denoted reason can be prohibitive. Requiring employers to shoulder this cost alleviates the fear of unexpected costs and allows for greater financial security for workers.

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The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family. More information is available at NationalPartnership.org.

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