



Testimony of Debra L. Ness
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On Introduction 0097-2010, *In relation to the provision of sick time earned by employees*

Submitted to the New York City Council Committee on Civil Service and Labor
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The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy organization. For four decades, we have fought for every major policy advance that has helped women and families. We promote fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help women and men meet the dual demands of work and family. Our goal is to create a society that is free, fair and just, where nobody has to experience discrimination, all workplaces are family friendly and every family has access to quality, affordable health care and real economic security. We have members all over the country, including thousands in New York City.

We strongly urge the Committee on Civil Service and Labor to issue a favorable report on Introduction 0097-2010. This measure will promote the financial and employment stability and health of millions of New Yorkers. Evidence gathered from other jurisdictions that have implemented paid sick days laws shows that the benefits of these policies are great. Paid sick days protections for workers in New York City are long overdue.

One-and-a-half-million New Yorkers cannot earn paid sick days,¹ which forces them to make impossible choices between their health, or their family's health, and their paycheck or even their jobs when illness strikes. Certain groups bear a disproportionate burden: For example, 62 percent of low-income workers² and 47 percent of Latino workers³ are in jobs that do not allow them to earn paid sick days. The consequences are grave: For the average family without paid sick days, just a few days of lost income due to illness can jeopardize the grocery budget for an entire month.⁴ Even worse, nearly one in four adults nationwide has lost a job or been threatened with job loss for needing time away from work to address a personal or family illness.⁵

New Yorkers understand the high stakes for the city's workers, families and economy and express overwhelming support for a citywide paid sick days policy. Eighty-three percent of New Yorkers support passage of a paid sick days law, up from 74 percent in 2011.⁶ The public understands that the right to earn paid sick

days would protect jobs and paychecks, safeguard individual and community health, improve parents' ability to care for their children⁷ and reduce health care costs by nearly \$40 million a year just from reduced emergency department use.⁸

But perhaps the most compelling argument in favor of a paid sick days law for New York City comes in the overwhelming body of evidence from other jurisdictions that have adopted similar policies. San Francisco became the first city in the United States to enact a paid sick days ordinance in 2006, followed by Washington, D.C., in 2008 and Seattle in 2011. Also in 2011, Connecticut became the first state to adopt a paid sick days standard. Evidence from these paid sick days leaders shows that the benefits of paid sick days policies are significant.

San Francisco provides the greatest body of evidence because its ordinance has been in effect the longest. A study of San Francisco workers and employers shows that since the city implemented its ordinance many of the workers most in need of paid sick days are now able to earn them.⁹ As a result, a majority of workers say they are better able to care for their own health needs and the health needs of their families, that their employers are more supportive of workers using sick time, or that they gained more sick time because of the floor set by the law.¹⁰ There is also indisputable evidence conclusively refuting opponents' claims that paid sick days laws harm business and job growth. San Francisco's experience shows that businesses – including the smallest businesses – can flourish when a paid sick days standard is in place. In the two years following implementation of the city's paid sick days law (a time period that included the recent recession), the number of businesses and jobs in San Francisco grew relative to business and job growth in surrounding counties.¹¹ The growth pattern held true even in the retail and food service industries -- the industries that had to make the biggest changes by allowing employees to earn paid sick days as a result of the law.¹²

The experiences of San Francisco businesses show that fears of disruption from a paid sick days standard are vastly overblown. For example, most businesses did not have to make any changes to their policies as a result of the law.¹³ Firms with fewer than 10 employees were the least affected.¹⁴ And two-thirds of businesses now say they support the law.¹⁵ With respect to concerns that workers might overuse paid sick time, the data show that workers in the city used just three sick days per year on average, despite the availability of more under the law. One-quarter of all workers did not use *any* sick days within a one-year period.¹⁶ As the Golden Gate Restaurant Association, an opponent of the law prior to adoption, conceded in 2010, paid sick days is "is the best public policy for the least cost."¹⁷

The effect of the Washington, D.C., ordinance has not been systematically measured. However, prominent employers have stated that the law has been easy to implement and has had a positive effect on their businesses.¹⁸ There has been no outcry from the D.C. employer community about difficulties implementing the law.

The Connecticut law has been in effect for a little over one year. Job growth in the leisure and hospitality industries – those most affected by the new paid sick days law – has continued to increase and there are now more leisure and hospitality jobs than ever before.¹⁹ Employers that claimed prior to the law’s passage that they would be forced to close their doors or lay off workers if it was enacted are now hiring.²⁰

The Seattle paid sick days ordinance went into effect in September 2012 and is working well for both workers and employers, according to the implementing agency.²¹ Seattle’s economy is robust and there is no evidence that employers decided to leave the city to avoid the paid sick days law. Between March 2011 and March 2012 (the period of the latest available data), Seattle saw job growth in nearly all employment sectors.²²

The success of paid sick days policies in San Francisco, Washington, D.C., Connecticut and Seattle are tangible signs of a growing national movement for paid sick days. In recent years, approximately two dozen other states and cities have considered adopting paid sick days policies. Just last week, Portland, Oregon, and Philadelphia, Pennsylvania, passed paid sick days policies through their city councils. Momentum is building across the country and, at the federal level, support is building for a nationwide paid sick days proposal, the Healthy Families Act. All indications are that, at long last, millions more workers in this country will be able to earn paid sick days. It’s about time.

New York has the opportunity to protect the health and financial security of its citizens by adopting Introduction 0097-2010. When workers can care for themselves and their families without risking their livelihoods, the whole community and its economy will be stronger. The National Partnership for Women & Families respectfully urges a favorable committee report.

¹ Rankin, R. (2012, January). *Still Sick in the City: What Lack of Paid Leave Means for Working New Yorkers*. Community Service Society publication. Retrieved 20 March 2013, from <http://www.cssny.org/publications/entry/still-sick-in-the-cityJanuary2012>

² Rankin, R. (2012, October). *Paid Sick Days: Support Grows for a Work Standard Most Low-Wage Earners Still Lack in New York City*. Community Service Society publication. Retrieved 20 March 2013, from <http://www.cssny.org/publications/entry/paid-sick-days-support-grows-for-a-work-standard-most-low-wage-earners-still>

³ Mehrotra, A., & Rankin, N. (2013, March). *Latino New Yorkers Can't Afford to Get Sick*. Community Service Society publication. Retrieved 20 March 2013, from <http://www.cssny.org/publications/entry/latino-new-yorkers-cant-afford-to-get-sick>

⁴ Gould, E., Filion, K., & Green, A. (2011, June 29). *The Need for Paid Sick Days: The lack of a federal policy further erodes family economic security*. Economic Policy Institute publication. Retrieved 31 January 2013, from <http://www.epi.org/page/-/BriefingPaper319.pdf?nocdn=1>

⁵ Smith, T., & Kim, J. (2010, June). *Paid Sick Days: Attitudes and Experiences*. National Opinion Research Center at the University of Chicago for the Public Welfare Foundation publication (pp. 5-6). Retrieved 31 January 2013, from <http://www.publicwelfare.org/resources/DocFiles/psd2010final.pdf>

⁶ See note 2.

⁷ Currently more than half of parents nationwide are not able to earn even a few paid sick days per year to use to care for a sick child. Smith, K., & Schaefer, A. (2012, June). *Who Cares for the Sick Kids? Parents' Access to Paid Time to Care for a Sick Child*. Carsey Institute at the University of New Hampshire publication. Retrieved 31 January 2013, from <http://www.carseyinstitute.unh.edu/sites/carseyinstitute.unh.edu/files/publications/1B-Smith-Paid-Sick-Leave-2012.pdf>

⁸ Institute for Women's Policy Research. (2012, February). *Paid Sick Days in New York City Would Lower Health Care Costs by Reducing Unnecessary Emergency Department Visits*. Retrieved 20 March 2013, from <http://www.iwpr.org/publications/pubs/paid-sick-days-in-new-york-city-would-lower-health-care-costs-by-reducing-unnecessary-emergency-department-visits>

⁹ Drago, R., & Lovell, V. (2011, February). *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees* (p. 9). Institute for Women's Policy Research publication. Retrieved 31 January 2013, from <http://www.iwpr.org/publications/pubs/San-Fran-PSD>

¹⁰ *Ibid.*, p. 11.

¹¹ Petro, J. (2010, October). *Paid Sick Leave Does Not Harm Business Growth or Job Growth* (pp. 5-6). Drum Major Institute for Public Policy publication. Retrieved 31 January 2013, from http://paysickdays.nationalpartnership.org/site/DocServer/Petro_DML_Paid_Sick_Leave_Does_Not_Harm_2010_Unabbr_.pdf?docID=7721

¹² Ibid, p. 7.

¹³ See note 9, p. 17.

¹⁴ Ibid, p. 32.

¹⁵ Ibid, p. 22.

¹⁶ Ibid, p. 9.

¹⁷ Warren, J. (2010, June 2). Cough If You Need Sick Leave. *Bloomberg Business Week*. Retrieved 31 January 2013, from

http://www.businessweek.com/magazine/content/10_24/b4182033783036.htm

¹⁸ See e.g., Center for Law and Social Policy. (2013, March) *Business Voices: Implementation of Sick Days Laws is Straightforward*. Retrieved 21 March 2013, from

<http://www.clasp.org/admin/site/publications/files/Business-Voices-on-Ease-of-Implementation-of-Sick-Days-DC-and-SF.pdf>; Spotlight on Poverty and Opportunity. *Paid Sick Days in Washington, D.C.* Retrieved 20 March 2013, from <http://www.spotlightonpoverty.org/news.aspx?id=c32b8078-bca3-442a-87d3-b819542e8fca>

¹⁹ Connecticut Department of Labor. *Industry Sectors Employment (Current Employment Statistics) – State of Connecticut*. Retrieved 13 February 2013, from

<http://www1.ctdol.state.ct.us/lmi/secEmp.asp>

²⁰ Dorfman, Margot. (2013, February 13). Paid Sick Days a Boon for State. *Connecticut Post*. Retrieved 20 March 2013, from <http://www.ctpost.com/opinion/article/Paid-sick-days-a-boon-for-state-4276053.php>

²¹ Seattle Office for Civil Rights. *Paid Sick & Safe Time: Seattle Works Well*. Retrieved 20 March 2013, from <http://www.seattle.gov/civilrights/sickleave.htm>

²² Seattle Office of Economic Development. *Job Growth*. Retrieved 20 March 2013, from <http://www.seattle.gov/economicDevelopment/indicators/jobGrowth.htm>