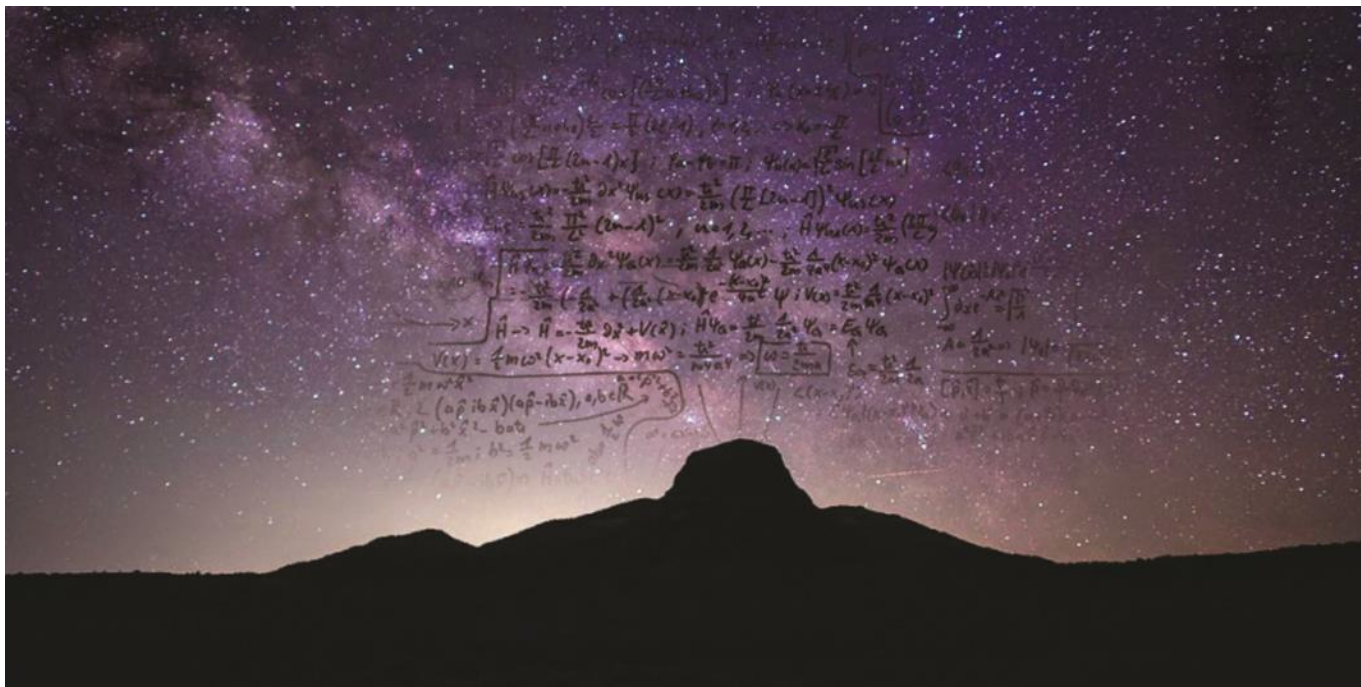


October 2018

# ESTIMATED IMPACT OF MANDATED PAID SICK LEAVE IN THE CITY OF ALBUQUERQUE

A Study Commissioned by the  
Albuquerque City Council



BUREAU OF BUSINESS  
& ECONOMIC RESEARCH



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## 1. Introduction

The University of New Mexico's Bureau of Business and Economic Research (BBER) was commissioned by the Albuquerque City Council to conduct a comprehensive analysis of the impacts of a City ordinance mandating that private employers provide paid sick leave (PSL) to their employees.

BBER's analysis is based on surveys of private employers and employees of private businesses in the City of Albuquerque, public administrative data sources, meetings with representatives of stakeholder groups and a review of policies and research on PSL policies in other municipalities and governments throughout the US.

Following this introduction, Section 2 of this report summarizes the key findings. Sections 3 and 4 briefly review policies enacted in other states and municipalities and independent research on the impact of sick leave policies. Section 5 summarizes arguments made by local stakeholders that support and oppose a City-mandated sick leave policy. Sections 6 through 8 draw on BBER's surveys of employers and employees. Section 6 documents access and use of sick leave in Albuquerque, including the extent to which employees work while ill. Section 7 offers a survey-based measurement of support and opposition to a City-mandated sick leave policy in Albuquerque. Finally, section 8 quantifies the potential impacts of a City-mandate, first in terms of the number of businesses and employees that may be impacted by various policies, and the costs to businesses of a City-mandated leave policy.

Appendices that follow the main body of the report provide extensive documentation, including additional data, summaries of policy mandates in other States and municipalities, stakeholder meeting notes, copies of survey questions, and a bibliography.

## 2. Summary of Findings

In the City of Albuquerque, 54% of private sector employers provide paid leave benefits which may be used in the case of illness or to care for a family member. This benefit extends to 64% of all employees, while 36% of the workforce, a total of 100,596 employees, does not have access to PSL. Among those without paid sick leave are 68,984 full-time workers. Employees least likely to have leave are employed in leisure & hospitality (64% without access) and retail (44%); by smaller firms (53% at firms with fewer than 10 employees); franchises (62%); and part-time (68%). They are likely to be low-income (90% with incomes below \$15,000 per year) and either a second or third, or sole income earner in the household (49% and 39%). Differences by other demographic characteristics (gender, race/ethnicity, age) are not significant.

Rates of access to paid leave are lower in Albuquerque than in the rest of the country (71%), but employer and employee characteristics of those with and without access are similar.

According to employers with a policy in place, full-time employees receive an average of 38.2 hours of PSL per year; part-time employees receive an average of 22.8 hours. The administration of the policy is generally informal – typically employers offer a fixed allocation each year and do not allow for rollover from year to year. Employees without paid leave miss work 54.2 hours per year, though this may include reasons other than illness or caregiving. Employees without paid leave estimate that they went to work sick 3.5 times in the past year; 1.8 times with risk of spreading the illness.

The majority of employers oppose a City-mandated sick leave policy (57% oppose, 37% favor, and 7% hold no opinion). Owners/managers of businesses currently without a paid leave policy expect that a policy will not benefit their business (66%), and express concern a City policy would increase costs (49%) and make the city less attractive for businesses (48%). Experiences of owners/managers of businesses that currently do have paid leave benefits do not support these concerns – 76% report some benefit, including lower turnover (48%) and a better image in the community (42%).

Employees of Albuquerque businesses strongly favor a City-mandated sick leave policy (87% favor, 13% oppose). Support is consistent across all groupings, including those currently with and without paid leave, working full and part-time, employed in all industries and by businesses of all sizes.

The majority of businesses in Albuquerque are small – 52% of businesses, employing 11% of all workers, have fewer than 10 employees. Small businesses account for an even larger share of employers without paid leave policy. A policy mandating paid leave for businesses with 50 or more employees would impact 240 businesses, 1.8% of all businesses in Albuquerque, and extend benefits to 31% of those currently without paid leave. A mandate on businesses with 20 or more employees would impact 9% of all businesses in the city, and extend coverage to 63% of those currently without coverage. A mandate on businesses with 10 or more employees would impact 2,653 businesses, 20% of all businesses in the city, and provide paid leave benefits to 82,740 employees, 82% of those currently without leave. Finally, a mandate on businesses with 5 or more employees would require the participation of 33% of all businesses in the city, and provide coverage to 94% of those currently without paid leave benefits.

The administrative cost of a paid leave mandate is estimated to be \$339 per year for a business with a single employee. Administrative costs per employee are lower for larger businesses. Administrative costs for a business with five employees are \$297 per employee; with 10 employees \$245 per employee; and with 20 employees \$141 per employee.

### 3. Sick Leave Laws in US States & Municipalities

There are no federal guidelines regarding paid leave, but 9 states and the District of Columbia and more than 30 cities with such laws in place<sup>1</sup>.

PSL mandates are typically structured by a standard set of characteristics, including eligibility, hours provided and rates of accrual, whether and for whom time can be used for caregiving, and compliance and enforcement<sup>2</sup>.

#### i. Who is covered?

In most cases, coverage is defined by the number of hours that an employee works, typically average number of hours per week, such as “more than 18 hours per week” (Vermont); more than 40 hours in a year (Philadelphia); 80 hours in a calendar year (New York City, Austin, Minneapolis and Saint Paul); 80 hours within any 120 day period (Chicago).

There are few cases that define coverage in terms of the size of the business. Connecticut’s law is the most limited, applying to only businesses with 50 or more employees with further exemptions for manufacturing firms. Maryland’s law requires that businesses with 15 or more employees provide paid sick leave and those with fewer than 15 employees provide unpaid leave.

In many cases, states and local governments specify exemptions, such as independent contractors, subcontractors, work study participants, apprenticeships and interns, certain employees licensed to practice nursing, and state and municipal workers (Rhode Island, Oregon).

#### ii. What is the rate at which workers earn paid sick time?

Rate of accrual ranges from 1 hour for every 30 hours worked (CA, MA, OR, AZ, New York City, Los Angeles, San Diego, San Francisco and Oakland, and others); to 1 hour for 35 hours (RI, Pittsburgh); to 1 hour for every 40 hours (CT, WA, Chicago, Philadelphia).

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<sup>1</sup> States with paid leave policies are Connecticut, California, Massachusetts, Oregon, Vermont, Arizona, Washington, Rhode Island and Michigan, which passed its law in September 2018. Cities include many of the largest in the country, including New York City, Los Angeles, Chicago, Philadelphia, Pittsburgh, Minneapolis and Saint Paul, San Francisco, San Diego, Seattle and, most recently, Austin.

<sup>2</sup> Appendix B is a detailed account of mandate laws developed by A Better Balance, an organization that advocates in favor of paid leave policies. The document answers questions that define paid leave policies in each community: who is covered? Can sick time be used to care for loved ones? How is a ‘child’ defined? Rate at which workers earn paid sick leave? When do workers begin to earn paid sick time, and when can they use the accrued time? Can unused time carry forward to the subsequent year? Are there exemptions and preemptions? What are the limitations on the private right to go to court? What agency or official enforces the law?



iii. When do workers begin to earn paid sick time and when can they begin to use this benefit?

Typically, workers begin to earn PSL when they start work, but they cannot begin to use it until they have been on the job for a while: “680th hour of employment” or day 85 (CT); 90th day of employment (CA, AZ, MA, OR, RI, WA, D.C.). In Vermont, workers must wait a year.

iv. How much paid sick time that can be earned under the law per year?

In all cases laws establish a minimum amount of sick leave, allowing an employer to offer more if they chose. Forty hours per year was the typical minimum. In many cases allowances differ by business size. In many California cities the minimum is as high as 80 hours for larger firms. In some states, the allowance is lower for smaller firms (several cities in NJ allow 24 hours for businesses with fewer than 10 employees). In other cases, laws allow smaller businesses to provide unpaid leave (New York City for businesses with fewer than 5 employees; Philadelphia for businesses with fewer than 10 employees).

v. How much paid sick time that can be used under the law?

While the caps on unpaid sick leave earned can be quite generous, limitations of the amount of sick leave used tend to be more stringent. In California, a worker can earn 48 hours, but the employer can cap use at 24 hours. Washington State limits the amount of unused PSL the employer can carry to 40 hours. Oregon limits the amount workers can carry forward from one year to the next at 40 hours.

vi. Can sick time be used to care for loved ones?

The answer is yes in nearly every case, and the list usually includes children, spouses, domestic partners, parents, grandchildren, grandparents and siblings. There are many variants of this language, but commonly allow for children “whose close association with the worker is the equivalent of a family relationship”; “a child of a worker standing in loco parentis to the child” (CT); or “the worker has legal or physical custody or guardianship; child for whom the worker is the primary caregiver” (Montgomery County, MD).

vii. Can sick time be used for specific “safe time” purposes (related to domestic violence, sexual assault, or stalking)?

In all cases, yes though all require the worker, or in a few cases, a family member to be the victim.

viii. What agency or official enforces the law?

Among the states, the agency is often the state’s Department of Labor. California has a Division of Labor Standards Enforcement. In Massachusetts the responsibility lies with the Attorney General. Among the local governments, the agency may be a City or County Office or Commission of Civil or Human Rights. New York City does it through their Department of Consumer Affairs; Newark, through the Department of Child and



Family Well Being; Spokane, through their Contract and Business Standards Compliance Office; Philadelphia, through the Managing Director's Office.

## 4. Research on the Impacts of Sick Leave Policies

There is a growing body of research on the impacts of mandated PSL policy in the US. Much of this research examines questions related to employer costs to implement such policies, the benefits to employers such as reduced turnover rates and increased employee productivity, and benefits in terms of public health. The vast majority is funded by advocacy groups that support or oppose the policy. These studies are offsetting and inconclusive.

### A. Scholarly Research on Turnover, Presenteeism, Public Health

Rigorous academic research is limited. Much of the work has focused on absenteeism and benefits on public health, with a preponderance of evidence that policies effectively encourage workers to avoid work when ill, thus reducing the spread of illness. This research also suggests that lower-income families benefit in particular. However, because of the lack of reliable firm-level data and the general complexity of the issues, there is little reliable research on the costs of the policy on business, including impacts on turnover, productivity and presentism<sup>3</sup>, business costs and consumer prices.

According to a 2008 study, PSL legislation can increase access to this benefit for low-income families<sup>4</sup>. In states where access to sick leave is low, the benefit to low-income families is increased as well as the potential benefits to the state or to cities in general. Workers in low-income families are less likely to take unpaid days off from work because doing so adversely affects their household. This also means they are more likely to work while they are sick, increasing the likelihood that they will spread illness to coworkers and/or customers.

Another study also found, using a subset of workers in Connecticut and Washington, D.C., that the PSL legislation decreased work absences due to illness by up to 18 percent<sup>5</sup>. In 2013, a study in the American Journal of Public Health examined the impact of access to paid sick days on influenza transmission in the work place and found that universal paid sick days reduced presentism (workers coming to work sick) and thus the transmission of influenza in the workplace by 5.86%.

Another article attempts to quantify absenteeism as a moral hazard (using sick days only because it is available). However, the authors note the difficulties measuring this relationship because of a lack of available firm level data and the fact that there have

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<sup>3</sup> Low productivity of workers who attend work sick.

<sup>4</sup> Clemans-Cope, L., Perry, C., Kenney, G., Pelletier, J., & Pantell, M. (2008). Access to and use of Paid Sick Leave Among Low-Income Families with Children. *Pediatrics*.

<sup>5</sup> Stearns, J., & White, C. (2017). Can Paid Sick Leave Mandates Reduce Leave-Taking? *Labor Economics*.

not been many legislative mandates regarding PSL in the U.S.<sup>6</sup> Utilizing National Health Interview Survey data and Google Flu Trends data to examine when workers used sick days, the authors find that workers with this benefit tended to use sick days more often than those without paid sick days. Further, the study showed a correlation between employee's use of sick days and the intensity of influenza reports. However, the study lacked the capacity to identify the specific intentions of workers, for example whether leave was used for convalescence, to prevent the spread of illness or they were abusing the benefit.

While there are many claims made about the costs and benefits to businesses and employees there are not many scholarly articles on the subject. The academic literature that is related to PSL policy largely comes from public health perspective and supports the theory that PSL creates health benefits for individuals, and families, by giving them time to seek treatment and stay home to keep their illness from spreading<sup>7</sup>.

### **B. Studies of the Impact of PSL Policies in Other Cities**

In 2013, New York City passed the Earned Sick Time Act, which took effect in 2014. A survey conducted a year and a half after the law took effect found that 86% of employers expressed support for the PSL law<sup>8</sup>. The survey results suggest that the effects of the paid sick day law on the business operations of New York City employers were far more modest than opponents had feared. The vast majority of employers responding to the survey (almost 85%) reported that the new law had no effect on their overall business costs, and a few (less than 2%) reported a decline in overall costs.

Among those who did report an impact on their bottom line (14% of respondents), the effects were modest: 9% reported an increase of less than three percent in their overall costs; only 3% reported an increase of three percent or more, and 2% reported increased costs but were unsure of the exact percentage. Exactly 98% of respondents reported no known cases of abuse and only 0.3% reported more than three cases. Smaller employers (less than 50 employees) reported no abuse or a negligible amount. Even among larger employers, most — 95% of those with 50 to 99 employees, 90% of those with 100 to 249 employees, and 93% of those with more than 250 employees — reported no abuse (Appelbaum & Milkman, 2016).

In 2007 San Francisco enacted the Paid Sick Leave Ordinance. The San Francisco Paid Sick Leave Ordinance (PSLO) requires employers to provide PSL to all employees

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<sup>6</sup> Ahn, T., & Yelowitz, A. (2016, March 1). Paid Sick Leave and Absenteeism: The First Evidence from the U.S. Ahn, Thomas and Yelowitz, Aaron, Paid Sick Leave and Absenteeism: The First Evidence from the U.S. (March 1, 2016). Available at SSRN: <https://ssrn.com/abstract=2740366> or <http://dx.doi.org/10.2139/ssrn.2740366>

<sup>7</sup> DeRigne, L., Stoddard-Dare, P., & Quinn, L. (2016). Workers Without Paid Sick Leave Less Likely to Take Time Off for Illness or Injury Compared to those with Paid Sick Leave. *Health Affairs*. Kumar, S., John, G. J., Galloway, D., Albert, S. M., & Burke, D. S. (2013). Policies to Reduce Influenza in the Workplace: Impact Assessments Using an Agent-Based Model. *American Journal of Public Health*.

<sup>8</sup> Appelbaum, E., & Milkman, R. (2016). No Big Deal: The Impact of New York City's Paid Sick Days Law on Employers. New York City: Center for Economic and Policy Research.

(including part time and temporary). Enforcement is complaint driven, and the Office of Labor Standards Enforcement receives an average of 4 complaints a month. This study analyzes the 1-year effects after the PSLO went into effect. The survey interviewed 727 firms (with a 20% response rate) regarding 2009 sick leave policies and changes made in response to the 2007 ordinance to describe pre-2007 offerings and post mandate changes<sup>9</sup>.

The survey finds that San Francisco employers reported little benefit in terms of reduced absenteeism, lower turnover, or improved morale and little impact on profitability. In response to the PSLO in San Francisco, the proportion of firms with a sick leave policy increased from 73% to 91%, indicating that 18% of firms instituted a new sick leave policy between 2006 and 2009. The gains were concentrated in firms with fewer than 100 employees, where the proportion of firms offering sick leave rose by 20% in contrast to large employers whose coverage increased by only 9%. In general the study concluded that the PSL mandate caused a substantial increase in leave coverage, while employers reported some difficulties in complying with the mandate, they supported the policy overall. (Colla, Dow, Dube, & Lovell, 2014)

Seattle, Washington passed the Paid Sick and Safe Time Ordinance in 2011, which took effect in 2012. The City of Seattle sponsored an evaluation of the Paid Sick and Safe Time Ordinance. The findings were based on two surveys of more than 300 randomly-sampled employers, over 80 interviews of employers and workers, and an analysis of employment data from the State of Washington Employment Security Department. One year after the Ordinance took effect, more than eight of ten (83%) surveyed employers were aware of it<sup>10</sup>. Initial difficulties in understanding the requirements of the Ordinance subsided over time. About a third of employers (32%) had difficulties with the required administrative tasks, such as working with payroll vendors. The study also found that costs to employers and impact on businesses have been modest and smaller than anticipated. The majority of employers have seen no effect of the Ordinance on customer service, employee morale, predictability of employee absenteeism, or profitability. Moreover, almost all employers (96%) offer some paid leave to their full-time employees. Among employers with part-time employees, 62% cover their part-timers. Employers in the food and accommodation sector posted the greatest increase, with 78% of employers now providing paid leave coverage, up from 14% a year prior. Anecdotal cost information puts the cost of providing leave at about four tenths of one percent of total revenue. There is no evidence that the Ordinance caused employers to go out of business or leave Seattle. Furthermore, 70% of employers support the Ordinance. These business owners, managers, and human resources professionals view paid leave as a valuable and important benefit for their workers.

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<sup>9</sup> Colla, C. H., Dow, W. H., Dube, A., & Lovell, V. (2014). Early Effects of the San Francisco Paid Sick Leave Policy. *American Journal of Public Health*.

<sup>10</sup> Romich, J., Bignell, W., Brazg, T., Johnson, C., Mar, C., Morton, J., & Song, C. (2014). Implementation and Early Outcomes of the City of Seattle Paid Sick and Safe Time Ordinance. Seattle, WA: University of Washington.

## 5. Discussions with Local Stakeholders

On September 4, 2018, BBER conducted a meeting with representatives of employee and community organizations that are proponents of a city-mandated PSL ordinance.

As specified in the scope of work, the City's mandate to BBER was to "collect information on [stakeholder] concerns and issues related to PSL benefits." The format for the meeting was the same in each case. Proponents were asked to offer rebuttals to arguments made by opponents of sick leave mandates, and opponents were asked to rebut arguments made by proponents of the mandate. In an effort to gauge the salience of arguments, each group was also asked to identify 'deal breakers' – aspects of any legislation that may be seen as most problematic.

The following summary synthesizes the arguments made by the two groups. The complete text of the questions and more complete review of responses are provided in the appendix.

### A. Key Arguments in Favor and Opposition

Proponents argue that mandatory PSL will likely reduce sickness and spread of infection for other employees, customers, and the community generally. The proponents point out that while employers often have a policy stating that employees should not report to work if sick, employees without PSL are faced with the difficult decision to forego work to convalesce and therefore make no income or go to work sick and make income. This can have the additional consequence of exacerbating illness and make it more likely that individuals will delay medical care, thereby worsening their long-term health and productivity. In addition, the provision of mandatory PSL ensures that people are treated with human dignity and not only as employees.

Opponents argue that mandatory PSL will impede business expansion and employment growth, create challenges in complying with a new regulatory requirement, and impose an additional financial burden on businesses. Opponents argue that a mandate may be so costly as to stifle the ability of startups to get off the ground, may reduce hiring by local businesses, and may discourage relocation of national companies to Albuquerque. In addition, costs will be passed on to consumers making local business products less attractive. Opponents also suggest that issues such as crime, homelessness, and an improved tax structure should be addressed instead.

### B. Rebuttals

Proponents and opponents of mandatory PSL were asked to rebut statements often proffered by businesses and individuals on the other side of the issue. The following subsection contains an enumerated list of statements with abridged comments from responders.

i. Proponents

Rebuttal of Argument: “A City-mandated paid sick leave policy would increase the costs of doing business in Albuquerque, resulting in higher prices to local consumers.”

Proponents argue that overall there may not be significant effects on business offering sick leave; similar arguments have been made in regard to minimum wage increases but the evidence is by no means conclusive. Proponents further suggest that PSL may in fact reduce costs by reducing turnover and absenteeism and by reducing the spread of infection. Also, a mandate may allow employers that wanted to offer sick leave, but feared a competitive disadvantage, to offer sick leave.

Rebuttal of Argument: “A City-mandated paid sick leave policy would put local businesses at a competitive disadvantage against both neighboring communities such as Rio Rancho and larger out-of-state cities such as Denver.”

Proponents argue that providing PSL can actually increase Albuquerque’s competitiveness because it may allow the area to keep quality talent, which is key to economic development and job creation. They argue that if the city retains quality talent, then businesses will be incentivized to relocate to the area.

Rebuttal of Argument: “A city-mandated policy would limit the flexibility of employer-employee relations, interfering with the ability of employers to meet individual demands of employees, for example, higher salaries.”

Proponents argue that sick leave can provide employees (and especially family caregivers) job security and flexibility rather than having to rely on more costly alternatives. It may also benefit victims of domestic violence that are currently only subject to mandated non-paid time off under state laws.

Rebuttal of Argument: “A City-mandated sick leave policy that applies to businesses with a minimum number of employees will discourage some businesses from expanding so that they remain below the employment threshold.”

Proponents argue that labor cost is only a part of a business’s calculus when deciding to hire or expand and that other factors such as the demand for a business’s products and/or services, a city’s good quality of life, a vibrant overall economy may be more important considerations for a business.

ii. Opponents

Rebuttal of Argument: “Albuquerque and New Mexico have had a difficult time attracting and retaining a highly-qualified labor force. Mandatory PSL would



*improve the city's image as a worker-friendly place, helping to reverse the negative population / labor force trends."*

Opponents argue that Albuquerque is already not business-friendly and mandatory PSL will make the situation worse. They suggest that the key to a vibrant economy is the availability of jobs, and costly mandates will stifle economic growth and job creation. Opponents also believe that PSL initiatives will be detrimental to local small and medium sized businesses and will require them to compete with large national businesses that already have PSL programs. This can have a negative impact on Albuquerque's local cultural identity, therefore reducing the cultural appeal for our state. They also believe that millennials value a city that offers a good entertainment industry. Mandatory PSL will increase costs to business in this industry, thereby making it harder to stay profitable, and potentially leading businesses to close. In addition, opponents argue that employees may not value sick leave as the highest priority for them in staying at a job and may instead prefer more money, improved work/personal life balance, availability of retirement plans, paid vacations, health insurance, etc. Therefore, opponents believe that the city should focus on other efforts including the retention and expansion of existing business.

*Rebuttal of Argument: "Like minimum wage increases, PSL will put Albuquerque at a competitive disadvantage vs.our neighbors. However, many neighboring states and cities have put in place more expansive labor policies and yet continue to grow at a much stronger rate."*

Opponents argue that it is difficult to compare other cities that already have mandatory PSL programs to Albuquerque and that those programs cannot be viewed in isolation. In fact, the issue runs the other way – it is not that mandated PSL results in greater prosperity, but rather that more prosperous cities are able to mandate paid leave without hurting the economy. The city should focus on other key factors such as effective government, infrastructure, crime rates, and a less restrictive regulatory environment.

*Rebuttal of Argument: "Mandatory PSL would improve public health, as workers would be able to avoid spreading contagious disease without losing pay."*

Opponents argue that businesses generally allow workers to make up time missed when sick. Furthermore, some research has suggested that the benefits to public health may be overstated.

*Rebuttal of Argument: "Long probationary periods coupled with the loss of accrued PSL upon a break in employment, as allowed in Sanchez-Harris' proposed ordinance, would give employers the opportunity to avoid the law without consequence."*

It would not make sense for an employer to act this way. It is costly to train employees. Because recruitment and retention of good employees are critical for businesses, letting employees go for this reason would make it more costly for them in the long run.

*Rebuttal of Argument: “Studies have shown that recruitment and training of employees is a significant component of total labor costs, whereas one week of PSL would add less than 3% to payroll.”*

The 3% figure may be unrealistic. Furthermore, the cost will be industry-specific as each industry has different margins and operational costs.

### C. Concerns

Both proponents and opponents were asked whether anything in a mandatory PSL ordinance would cause them to not support it. The following lists for proponents and opponents represent the respective responses.

#### i. Proponents

- Employee eligibility requirements that require employees to work at least 20 hours per week on average can be abused, as when certain employers schedule hours to the point where employees are not eligible for PSL.
- The minimum firm size of 50 employees or more would benefit few workers. Supporters believe there should be a one-year deferment for new businesses.
- PSL should have broader definition of a family to include domestic partners and other individuals or relatives.
- The long probationary period (for instance, 720 of work hours) would not be inclusive of intermittent workers and could be abused by employers. Supporters recommend a 90-calendar day probation period.
- A burdensome documentation requirement would discourage workers from appropriate use of PSL time, especially if the employee needs to stay home to take care of the family member.

#### ii. Opponents

- Compliance requirements can be overly burdensome, particularly for smaller employers.
- Mandatory paid sick leave should not apply to small businesses that face higher administrative costs and are more often locally owned.
- Definition of ‘family’ should not be overly broad so as to discourage abuse of the policy.
- The mandate itself is the deal-breaker; there can be other ways to promote family friendly policies other than PSL.



## 6. Access and Use of Sick Leave in Albuquerque

BBER conducted surveys of owners/managers and employees of private businesses located in the City of Albuquerque. The survey of employers included 107 businesses, with a total of more than 2,000 employees. The survey of employees included 403 persons working in private businesses in the city. Participants of both surveys were selected randomly, and the sample was structured to include representative numbers for industry, business size, as well as various demographic characteristics among employees.

The surveys serve two purposes. First, they provide current and locally-specific data on matters such as percentage of persons with paid leave, the number of leave hours available and used, how leave is used, costs to employers and employees of leave, and prevalence of employees working when sick. Second, the survey gauges the sentiment of employers and employees, about levels of support and opposition to city-mandated paid leave, and expectations about impact.

### A. Access to Paid Leave

In the City of Albuquerque, 54% of private sector employers provide paid leave benefits which may be used in the case of illness or to care for a family member. This benefit extends to 64% of all employees, leaving 36% without paid leave<sup>11</sup>. In total, approximately 204,000 employees have paid leave, while 100,600 do not.

Rates of access to paid leave are lower in Albuquerque than in the rest of the country (64% vs. 71%), but employer and employee characteristics of those with and without access are similar.

Table 1 shows the availability of paid leave of employees of private businesses located in Albuquerque by various characteristics of employers and employees<sup>12</sup>.

In the first row, the data shows that 36% (145) of respondents report that they do not have access to paid leave, and that 64% (253) of respondents have access to paid

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<sup>11</sup> The two surveys resulted in very similar estimates, which lends confidence to the overall findings. According to the survey of employers, 65% of employees have paid leave, and according to the employee survey 64% have access to paid leave. The following detailed analysis on access to paid leave by employer and employee characteristics is based on the results of the employee survey as the sample size is significantly larger, and the structure of the sample closely mirrors demographic characteristics documented by the US Census Bureau.

<sup>12</sup> The first two columns of the table show the number and percentage of respondents in each category. The next three columns show the percentage of persons within each category with no paid leave, paid sick leave (PSL) and paid time off (PTO). P-value indicates the probability that distribution is due to sampling error. For instance, in the case of industry, the low value, shaded green, indicates that the differences in the availability of paid leave by industry group are significant and not likely due to an error in sampling. Conversely, in the case of gender, the high value suggests that differences in access to paid leave between male and females are not significant, with a high probability that any difference is due to random factors such as sampling.

leave, including 35% (141) with paid time off (PTO) that can be used at the employee's discretion and 28% (112) with more narrowly defined PSL.

**Table 1. Availability of paid leave by employer and employee characteristics**

	Count	% by category	No Paid Leave	Paid Sick Leave	Paid Time Off	P-Value
<b>TOTAL</b>	403		36%	28%	36%	
<b>Industry</b>						<.0001
Retail	54	14%	44%	26%	30%	
Leisure & Hospitality	71	18%	64%	11%	25%	
Professional & Business Services	116	29%	28%	31%	41%	
Education, Healthcare, Social Assistance	82	20%	22%	34%	44%	
Construction Manufacturing, Transport	78	19%	36%	34%	30%	
<b>Number of employees</b>						<.0001
< 5	31	8%	55%	16%	29%	
5 to 9	35	9%	51%	20%	28%	
10 to 19	68	18%	47%	21%	32%	
20 to 49	82	21%	45%	20%	35%	
50 to 99	37	10%	19%	50%	31%	
100 or more	132	34%	21%	38%	41%	
<b>Ownership of business</b>						<.0001
Locally owned independent	191	49%	38%	22%	40%	
Franchise	33	8%	62%	9%	29%	
National or regional corporation	168	43%	31%	38%	32%	
<b>Hours Worked</b>						<.0001
Full-Time	317	79%	29%	31%	40%	
Part-Time	84	21%	68%	15%	16%	
<b>Employment status</b>						<.0001
Hourly	260	65%	45%	21%	34%	
Salary	104	26%	12%	49%	39%	
Commission/Base Pay + Commission	35	9%	54%	23%	23%	

Source: BBER/ Research & Polling Inc. survey of Albuquerque employees.

**Table 1 continued: Availability of paid leave by employer and employee characteristics**

	Count	% by category	No Paid Leave	Paid Sick Leave	Paid Time Off	P-Value
<b>TOTAL</b>	403		36%	28%	36%	
<b>Household income</b>						<.0001
Less than \$15,000	23	6%	90%	0%	10%	
\$15,000 to \$24,999	41	11%	65%	13%	22%	
\$25,000 to \$34,999	46	13%	49%	16%	35%	
\$35,000 to \$49,999	65	18%	32%	18%	50%	
\$50,000 to \$74,999	64	18%	32%	33%	35%	
\$75,000 to \$99,999	45	13%	20%	37%	43%	
\$100,000 or more	73	21%	16%	41%	43%	
<b>Number of wage earners</b>						<0.025
Sole wage earner	175	44%	39%	26%	35%	
Primary wage earner	82	21%	28%	34%	38%	
Joint wage earner	48	12%	23%	30%	47%	
Second or third earner	91	23%	49%	25%	26%	
<b>Gender</b>						>0.95
Female	192	48%	39%	25%	36%	
Male	209	52%	35%	30%	35%	
<b>Race/Ethnicity</b>						>0.50
Hispanic	186	47%	39%	26%	35%	
Anglo/Caucasian	171	43%	33%	29%	38%	
Black/African-American	13	3%	31%	38%	31%	
Native American Indian	13	3%	15%	31%	54%	
Other descent	17	4%	47%	29%	24%	
<b>Age</b>						>0.35
18 to 24 years old	56	14%	43%	19%	38%	
25 to 34 years old	88	22%	42%	19%	38%	
35 to 44 years old	97	24%	37%	32%	30%	
45 to 54 years old	80	20%	30%	33%	37%	
55 to 64 years old	68	17%	33%	32%	35%	
65 years or over	12	3%	37%	38%	25%	
<b>Health status</b>						>0.40
Excellent	133	33%	33%	30%	37%	
Good	216	54%	36%	30%	35%	
Fair	46	11%	43%	15%	41%	
Poor/Very Poor	7	2%	57%	14%	29%	
<b>Caregiver of relative</b>						>0.40
Yes	126	31%	36%	32%	33%	
No	277	69%	36%	26%	38%	

Source: BBER/ Research & Polling Inc. survey of Albuquerque employees

### i. By industry

According to the survey of employees, paid leave varied significantly according to industry. More than three quarters of employees (78%) of private healthcare, education and social service businesses; 72% of those in professional and business services; 64% in goods producing industries (including construction and manufacturing); and 56% in retail are afforded paid leave. Only 36% of those employed in leisure & hospitality industries, which includes food services, receive paid leave.

### ii. By firm size

Employees of larger firms report higher rates of paid leave. Less than half (47%) of employees of firms with payrolls less than 20 have paid leave, while 80% of employees of firms with payrolls of 50 or more have the benefit. Reflecting this pattern, 69% of employees of national or regional corporations have paid leave, while 38% of employees of franchises have leave. Nearly two-thirds (62%) of persons working for locally owned independent businesses receive paid leave. Full-time employees are more likely than part-time employees to receive paid leave (71% vs. 32%). Likewise, salaried workers more commonly receive PSL (88% vs. 55%); workers earning commissions are least likely to receive paid time (46%).

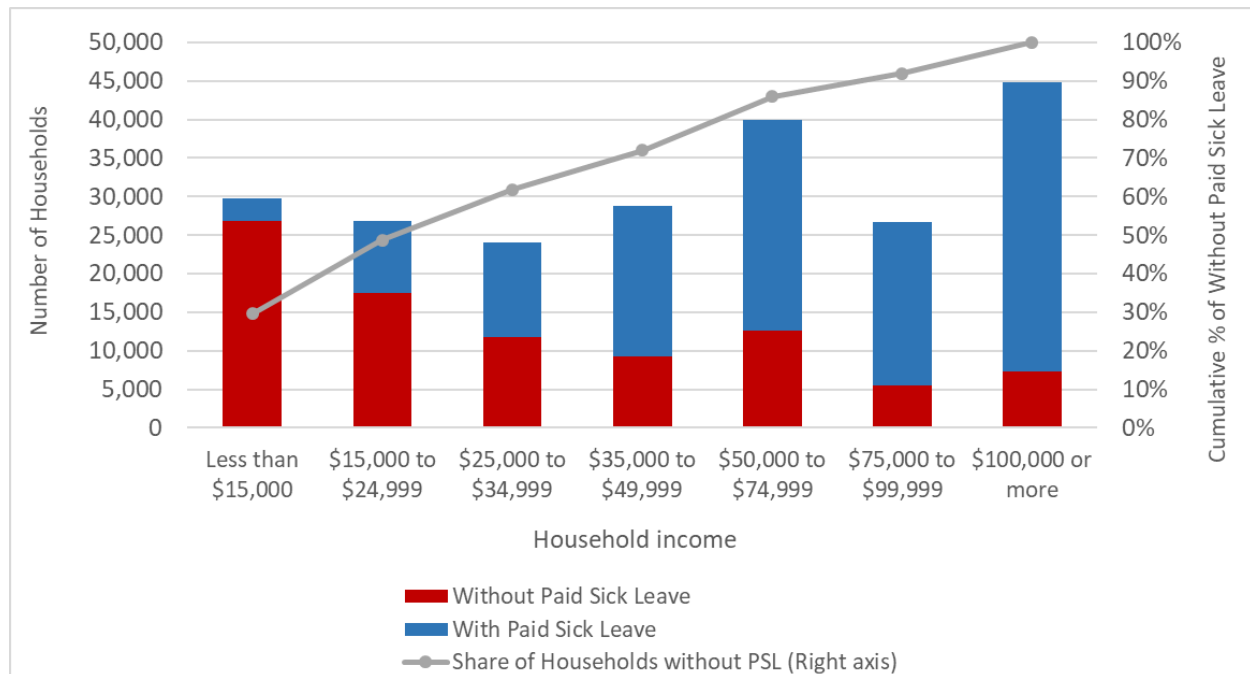
### iii. By household income

Access to PSL by household income is shown in Figure 1. Employees without paid leave are disproportionately low-income. Only one in ten employees in households with incomes less than \$15,000 have paid time off; 51% in households with incomes of \$25,000 to \$35,000; 68% in households with incomes of \$50,000 to \$75,000; and 84% in households with incomes of \$100,000 or more.

Stated differently, three in ten employees without sick leave live in households with incomes less than \$15,000 per year; nearly half (49%) live in households with incomes less than \$25,000 per year; and 62% live in households with incomes less than \$25,000 per year. For context, the income of a household with one full-time wage earner earning \$12.50/hour would be \$26,000.

Households with a single wage earner were somewhat less likely to have paid leave (61%), compared to those with two or more wage earners (64%).

**Figure 1. Households of employees with and without PSL, by household income**



#### iv. By demographic characteristics

Differences in the availability of paid leave are not significant along other demographic lines, including ethnicity, age, gender, and status as a caregiver of children, elderly and/or disabled. Persons reporting good or excellent health were somewhat more likely to have paid leave provided by their employer.

#### v. Why some businesses do not provide paid leave

Owners and managers of businesses that do not provide PSL commonly cite the small size of their business as a reason (84%). Less than one-quarter (22%) expressed concern that the benefit would increase costs and put the business at a competitive disadvantage, and 13% said they were concerned that the policy would be abused by employees.

### B. Sick time available and used

Employer and employee surveys yield sharply different estimates of the number of hours of PSL available to employees. According to the employee survey, employees with designated PSL (not including unspecified PTO), receive on average 71.8 hours per year, with a median value of 56 hours per year. According to the employer survey, full-time workers with paid leave receive an average of 38.2 hours per year; part-time workers receive an average of 22.9 hours per year.

The survey of employees indicates that differences in the number of hours earned per year were not significant by type of employment or employer. The largest businesses

provided a greater amount of PSL, as did professional and business services and educational, healthcare and social service providers. However, differences between national corporations, local businesses and franchises, and between hourly and salaried workers were not as great.

Employer and employee surveys also offer different estimates of the number of hours of PSL used by employees. Business owners and managers estimate that 0.8% of employee time was missed in the past month due to illness; this would total just below 16 hours or two days for a full-time worker per year. The estimate of employees is more than twice as high – 2.0% of employee time, or the equivalent of 38.2 hours per year. According to employees, the most common reason for the use of sick leave was that the individuals themselves were sick (47%) or had an appointment with a healthcare provider (28%). 15% of sick leave was used to provide care for a child or family member.

Employees without paid leave miss 2.6% of work hours, equal to 54.1 hours per year. More than one-third (38%) of caregivers of family members call in sick without pay in order to provide care for a relative who is ill. More commonly, however, employees without paid leave have another family member look after the relative in need of care (45%). Few hire someone to provide care (7%), but when necessary they pay an average of \$19.70/hour, pushed up by the high cost of care for the disabled (\$30/hour). Time missed by employees without paid leave could be attributable to reasons other than illness or caring for loved ones. Estimates of time used by employees with paid time off (PTO), which can be used at an employee's discretion, including vacation, provide context. These employees missed 6.5% of time in the two months prior to the survey, the equivalent of 125 hours per year. The most common use was vacation; but 1.7% of employee time – 66 hours per year – was used for reasons related to illness<sup>13</sup>.

### C. Working while ill

Persons without paid leave are much more likely to go to work sick than those with paid leave. Nearly two-thirds (62%) of those without paid leave say they have gone to work sick at least once in the past year; 42% report that they went to work at least once when there was a risk of spreading an illness. On average, persons without paid leave went to work sick 3.5 times in the past year, 1.8 times with risk of spreading the illness. Nearly half of employees of leisure & hospitality industries (45%) have gone to work sick with risk of spreading illness in the past year, on average 2.4 times per year. This includes persons working in food services. Persons without paid leave who work in franchises are more likely than employees of larger corporations or local employers to go to work sick and contagious (53%, on average 3.1 times per year).

#### i. Concerns for disciplinary action

Employees express concerns that missing work may result in disciplinary action, whether or not they have access to paid leave.

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<sup>13</sup> The survey was conducted in mid-July, when use of vacation time is common.

More than one quarter (28%) of persons with paid leave (PTO or PSL) report that they limit their use of paid time off out of concern that use of paid leave may negatively impact their employment situation. This concern does not vary significantly by employment or demographic characteristic, except franchise employees with paid leave more commonly express concern.

Persons without paid leave are significantly more concerned that absence may have a negative impact on their employment situation, with 44% expressing concern. These concerns vary by industry, with those in leisure & hospitality (58%) and retail (50%) more concerned than employees in other industries. Likewise, employees of franchises (79%) are more concerned than employees of national and regional corporations (33%) and local employers (43%).

## 7. Opposition and Support to City-Mandated Paid Sick Leave: Survey Results

### A. Employer Opposition to City-Mandated PSL

The majority of businesses in Albuquerque oppose a city-mandated sick leave policy, with 57% opposed, 37% in support, and 7% stating no opinion. Those who oppose the policy hold stronger opinions, with 42% strongly opposed and 16% strongly in favor. Table 2 shows employer opposition and support of city-mandated sick leave by employer characteristics

#### i. Opposition by Employer Characteristics

Those not currently offering paid leave are more firmly in opposition to a city-mandated policy (67% versus 37%) than those with a policy currently in place (49% versus 43%). Apart from this, there are no significant differences in support in terms of industry, firm size, full or part-time staffing.



**Table 2. Employer opposition/support of city-mandated sick leave by employer characteristics**

		Strongly Oppose	Somewhat Oppose	Not Sure	Somewhat Support	Strongly Support
TOTAL	104	39%	13%	7%	20%	16%
Current Leave Policy						
NONE	37	51%	14%	5%	19%	11%
PSL	41	39%	10%	12%	17%	22%
PTO	22	27%	23%	0%	32%	18%
Business size (# Employees)						
<10 Employees	51	43%	8%	8%	22%	20%
10 to 49 Employees	39	36%	21%	8%	21%	15%
50 + Employees	9	56%	22%		11%	11%
Industry						
Retail	21	29%	24%	14%	19%	14%
Leisure & Hospitality	9	11%	22%	11%	44%	11%
Health & Education	3	67%	33%	0%	0%	0%
Professional & Business Services	25	60%	8%	0%	16%	16%
Ag, Mining, Const, Manuf, Transp	46	43%	11%	7%	20%	20%

Source: BBER survey of owners and managers of Albuquerque businesses

## ii. Impacts expected by employers

Employers were asked to anticipate the impact of a City-mandate on their business. Their responses are summarized in Table 3. Businesses that do not currently provide sick leave anticipate few benefits from a city-mandated PSL policy. Two-thirds (66%) expect no benefits of a city-mandated policy to their business. Fewer than one in five (19%) expect that PSL would allow their business to recruit a higher quality workforce; 15% expect that it would reduce turnover; 17% expect that it would result in greater productivity; and 9% anticipate that it would reduce absenteeism. Slightly more than one-quarter (27%) believes that it would help to create a healthier workforce.

To the contrary, nearly half (49%) of businesses without PSL expect that a City-mandate would increase the costs of doing business, possibly resulting in reduced staffing; 48% think that it may make Albuquerque a less attractive business environment for employers; and 47% anticipate that city-mandated PSL would result in increased costs due to administration and legal oversight. Nearly half (48%) think that a city-mandated PSL policy would make the city a less attractive business environment. In evaluating both potential benefits and costs of a city policy, there were no significant differences between businesses by industry or size.

**Table 3.Expected impacts of City-mandated sick leave by employer characteristics**

		Strongly Negative	Somewhat Negative	Not Sure	Somewhat Positive	Strongly Positive
TOTAL	104	39%	13%	7%	20%	16%
Current Leave Policy						
None	37	55%	23%	10%	10%	3%
PSL	41	29%	18%	38%	9%	6%
PTO	22	41%	12%	35%	12%	0%
Business size (# Employees)						
<10 Employees	51	45%	12%	29%	10%	5%
10 to 49 Employees	39	32%	26%	29%	10%	3%
50 + Employees	9	56%	22%	11%	11%	0%
Industry						
Retail	17	47%	24%	6%	18%	6%
Leisure & Hospitality	9	33%	22%	28%	11%	6%
Health & Education	3	50%	50%	0%	0%	0%
Professional & Business Services	25	46%	13%	21%	13%	8%
Ag, Mining, Const, Manuf, Transp	46	42%	18%	32%	8%	0%

Source: BBER survey of owners and managers of Albuquerque businesses

Experiences of owners and managers of businesses that currently provide PSL do not lend support for the low expectations of businesses that currently do not provide paid leave. Fully 76% of those currently providing leave report that paid leave benefits their business. Nearly half (48%) of businesses with a current policy say that PSL results in lower turnover; 40% report they are better able to recruit and retain a quality workforce; 39% report higher productivity; 37% report lower rates of absenteeism; and 42% believe that the policy has improved their business' image in the community. On the other hand, less than one in four (22%) businesses currently providing PSL report that the policy has increased costs. Concern for higher costs was most often reported by mid-sized businesses with between 20 and 100 employees.

### **B. Employee Support for City-Mandated Paid Sick Leave**

Employees overwhelmingly support a city policy mandating that private employers provide a PSL benefit<sup>14</sup>. More than four of five (83%) voiced support for the policy (including 63% who would “definitely support”); 12% would not support the policy; and 5% were unsure or declined to say. Table 4 below details the responses by employer and employee characteristics.

<sup>14</sup> The survey question asked: “If a law was enacted in the City of Albuquerque that would require employers to provide at least 5 days of paid sick leave to employees each year, would you definitely, probably, probably not or definitely not support this law?”

#### i. Support by employment characteristics

There was no significant difference between those supporting and opposing the policy in terms of employment characteristics. Persons currently with paid leave were as likely to support the policy as those without paid leave (83% and 84%, respectively). Support ranged from 81% of those working in manufacturing, construction and transportation to 94% working in leisure & hospitality. Persons working for small firms were as likely to support the policy as persons at larger firms. Employees of franchises were most likely to support the policy (97%), though employees of locally owned independent businesses also supported a PSL mandate (85%). Both full-time (88%) and part-time (85%) workers supported the proposal. Hourly and commissioned workers were strongly supportive (92% and 91%), while 77% of salaried workers supported the proposal.

#### ii. Support by employee characteristics

Support was also generally consistent across demographic characteristics. Women were somewhat more supportive than men (92% compared to 82%). All ethnic groups supported the proposal, ranging from 92% for each of Hispanic, Black/African-American and Native American/Indian, to 82% for Anglo/Caucasian. Younger workers were more likely to offer their support, though 76% of persons 55 to 64 years old also were in favor. All income groups supported the policy, ranging from 94% for persons with household incomes of \$35,000-\$50,000 to 74% for those with incomes over \$100,000. Heads of household with a single income were strongly in favor of the proposal (89%). Support was strong for those reporting poor to excellent health. Individuals support the proposal whether or not they are caregivers to children, elderly or disabled persons (89% who are caregivers, 87% who are not).

**Table 4. Employee opposition/support of city-mandated sick leave by employer and employee characteristics**

	Count	% by category	Definitely Oppose	Probably Oppose	Not Sure	Probably Support	Definitely Support
<b>TOTAL</b>	<b>401</b>		<b>7%</b>	<b>5%</b>	<b>5%</b>	<b>20%</b>	<b>63%</b>
<b>Access to Paid Leave</b>							
No paid leave	148	37%	6%	6%	4%	17%	67%
Paid sick leave	112	28%	10%	3%	5%	23%	59%
Paid time off	141	35%	6%	6%	5%	21%	62%
<b>Industry</b>							
Retail	54	14%	8%	6%	4%	16%	66%
Leisure & Hospitality	71	18%	1%	4%	7%	24%	64%
Professional & Business Services	116	29%	10%	3%	2%	23%	63%
Education, Healthcare, Social Assistance	82	20%	8%	2%	6%	21%	63%
Construction Manufacturing, Transport	78	19%	6%	12%	6%	16%	60%
<b>Number of employees</b>							
< 5	31	8%	12%	3%	3%	16%	65%
5 to 9	35	9%	7%	0%	6%	23%	64%
10 to 19	68	18%	4%	8%	1%	16%	70%
20 to 49	82	21%	9%	2%	3%	21%	65%
50 to 99	37	10%	0%	0%	6%	20%	75%
100 or more	132	34%	9%	9%	7%	23%	53%
<b>Ownership of business</b>							
Locally owned independent	191	49%	8%	7%	4%	18%	63%
Franchise	33	8%	3%	0%	3%	12%	82%
National or regional corporation	168	43%	7%	5%	6%	22%	60%
<b>Hours Worked</b>							
Full-Time	317	79%	7%	5%	4%	20%	64%
Part-Time	84	21%	8%	6%	6%	22%	58%
<b>Employment status</b>							
Hourly	260	65%	4%	4%	3%	21%	67%
Salary	103	26%	14%	8%	6%	19%	53%
Commission/Base Pay + Commission	37	9%	5%	3%	9%	20%	63%

Source: BBER/ Research & Polling Inc. survey of Albuquerque employees.

**Table 4 Continued: Employee opposition/support of city-mandated sick leave by employer and employee characteristics**

	Count	% by category	Definitely Oppose	Probably Oppose	Not Sure	Probably Support	Definitely Support
<b>TOTAL</b>	<b>401</b>		<b>7%</b>	<b>5%</b>	<b>5%</b>	<b>20%</b>	<b>63%</b>
<b>Household income</b>							
Less than \$15,000	23	6%	7%	4%	4%	20%	65%
\$15,000 to \$24,999	41	11%	2%	5%	2%	14%	77%
\$25,000 to \$34,999	46	13%	2%	6%	2%	22%	68%
\$35,000 to \$49,999	65	18%	3%	2%	1%	23%	70%
\$50,000 to \$74,999	64	18%	6%	9%	2%	19%	65%
\$75,000 to \$99,999	45	13%	5%	2%	9%	20%	64%
\$100,000 or more	73	21%	17%	8%	7%	24%	45%
<b>Wage earners in household</b>							
Sole wage earner	175	44%	5%	3%	3%	20%	69%
Primary wage earner	82	21%	13%	6%	8%	21%	52%
Joint wage earner	48	12%	6%	10%	10%	11%	64%
Second or third earner	91	23%	6%	5%	3%	26%	60%
<b>Gender</b>							
Female	192	48%	4%	4%	5%	18%	68%
Male	209	52%	10%	6%	4%	22%	58%
<b>Race/Ethnicity</b>							
Hispanic	189	47%	5%	3%	4%	19%	69%
Anglo/Caucasian	168	42%	10%	8%	4%	21%	57%
Black/African-American	13	3%	0%	8%	0%	21%	71%
Native American Indian	13	3%	6%	0%	12%	40%	42%
Other descent	16	4%	7%	0%	12%	19%	62%
<b>Age</b>							
18 to 24 years old	56	14%	1%	0%	3%	34%	61%
25 to 34 years old	88	22%	4%	4%	5%	22%	65%
35 to 44 years old	97	24%	4%	6%	4%	17%	68%
45 to 54 years old	80	20%	11%	5%	2%	16%	66%
55 to 64 years old	68	17%	15%	8%	9%	15%	53%
65 years or over	12	3%	0%	17%	0%	22%	61%
<b>Health status</b>							
Excellent	133	33%	5%	4%	4%	23%	65%
Good	215	54%	9%	6%	5%	20%	61%
Fair	46	11%	3%	8%	6%	15%	67%
Poor/Very Poor	5	1%	21%	0%	0%	0%	79%
<b>Caregiver of relative</b>							
Yes	126	31%	65%	19%	6%	5%	6%
No	277	69%	62%	21%	4%	5%	8%

Source: BBER/ Research & Polling Inc. survey of Albuquerque employees.

## 8. Potential Impacts of City-mandated Paid Sick Leave by Size of Business

Current access to PSL varies significantly by size of business (number of employees). It is also suggested that a City-mandated policy would more negatively impact smaller businesses. This section provides a detailed analysis of potential impacts of a City-mandated policy by firm size, including assessments of both the number of firms and the potential cost to firms by size. In this analysis, counts of employers and employees are based on NM DWS Wage Records. Estimates of current access to paid leave are based on BBER's survey of employees of Albuquerque-based businesses.

### A. Number and share of businesses and employees impacted by City-mandated Paid Sick Leave

Table 5 summarizes access to paid leave by business size. Column 1 is the share of employers that provide paid leave, by size of business (number of employees). Column 2 is the number of businesses without paid leave, by size of business. Column 3 is a cumulative count of these businesses (e.g. 240 businesses without paid leave have 50 or more employees). Column 4 is the cumulative count as a share of all businesses in Albuquerque. Columns 5 and 6 are the number of employees without paid leave and the cumulative count of these employees. The final column is the cumulative count as a share of all employees without paid leave<sup>15</sup>.

Figures 2 and 3 show the same data at higher resolution. These figures show the number and percentage of all employers (in blue) and employees without access to paid sick (in red) that would be impacted by a policy at all thresholds, from businesses with just one employee to the single largest business with an estimated count of 4,300 employees without coverage<sup>16</sup>. The size of the business is shown on the horizontal axis, and the curves show the number (Figure 2) and percentage (Figure 3) of all employers and employees currently without paid leave that would be impacted by a policy with a specified business size threshold.

There are 13,250 private businesses with 303,823 employees in Albuquerque. Of these totals, 54% of businesses provide paid leave, covering 64% of the city's workforce. In other words, 6,279 employers (46%) with 100,596 employees (36%), do not provide paid leave.

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<sup>15</sup> Estimates of the percentage of businesses that provide paid leave borrow from the employee survey, which has a much larger sample (403 vs. 107). This use of the data is justified because estimates of the share of employees with access to paid leave from the employer and employee survey yield similar results (66% and 64%, respectively)

<sup>16</sup> This study utilizes actual or administrative data on the number and size of employers in Albuquerque. However, provision of paid leave is based on surveys and is not available for every establishment. Thus, the data shown in these charts are, for each business, administrative counts of employment weighted by survey-based estimates of paid leave access.

There are an estimated 106 businesses in Albuquerque with 100 or more employees that do not provide paid leave. These large businesses account for 0.8% of all employers in the city, but employ 22,947 workers, or 23% of all workers in the city currently without leave.

There are 135 businesses in Albuquerque with 50 to 99 employees that do not provide leave; these account for another 1.0% of all businesses in the city. These businesses employ 9.3% of all workers without paid leave. Combined, a policy that mandates that businesses with 50 or more employees provide paid leave would impact 1.8% of all businesses in Albuquerque and would extend coverage to 32.1% of employees currently without paid leave.

There are 1,008 businesses with 20 to 49 employees that do not provide leave, equal to 7.6% of all businesses in Albuquerque. These businesses employ 30,680 workers, more than 30% of all employees currently without paid leave benefits. Cumulatively, a policy that mandates paid leave for businesses with 20 or more employees would require the participation of 9.4% of all businesses in the city, and extend coverage to 62.6% of workers currently without paid leave.

There are 1,405 businesses with 10 to 19 employees that do not provide paid leave, accounting for 10.6% of all businesses in the city. Payrolls of these businesses include 19,807 persons without leave, just under 20% of workers without coverage. Extending a mandate to businesses with 10 or more employees will impact a total of 2,653 businesses, 20% of all businesses in the city, and provide coverage to 82.3% of employees currently without coverage.

Extension of a mandate to include businesses with 5 to 9 employees would involve the participation of 1,704 more businesses, 12.9% of businesses in the city, and provide coverage to an additional 12,147 employees, 12.1% of those currently without access to paid leave. In all, a paid leave mandate involving participation of all businesses with 5 or more employees would impact 4,357 businesses, 32.9% of all businesses in Albuquerque, and provide coverage to all but 5.7% of workers without paid leave. Finally, a mandate to include all businesses would add 1,922 small employers to the program, 14.5% of all businesses operating in the city, but provide leave to only another 5,708 workers, 5.7% of those currently without coverage.

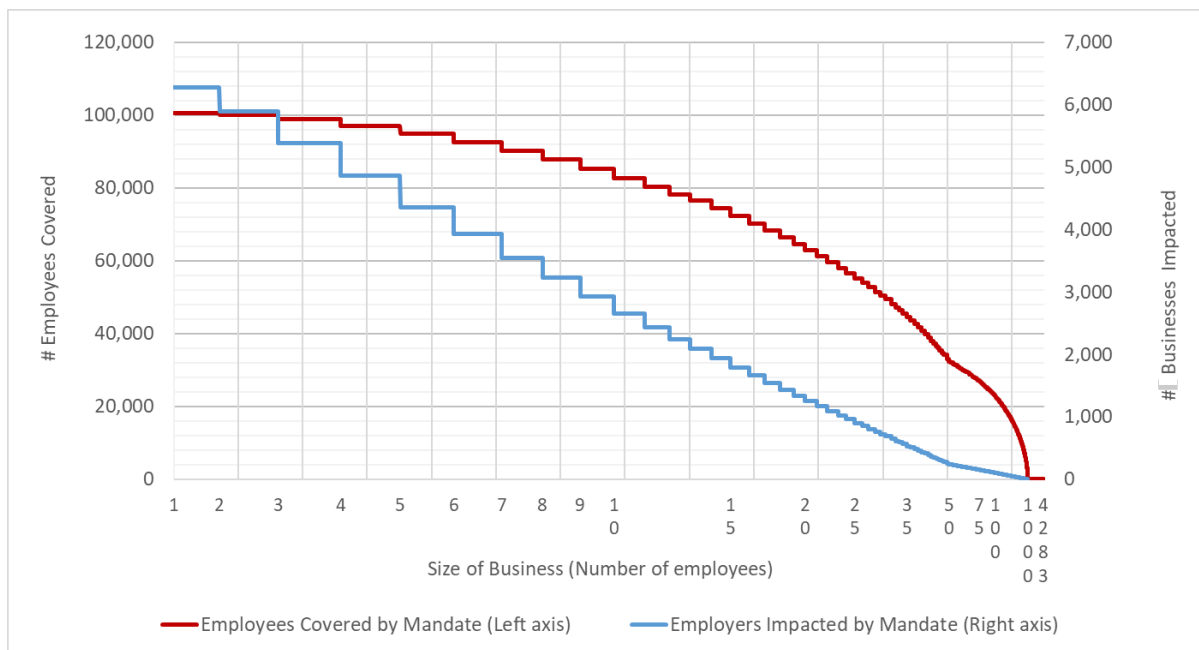


**Table 5. Employers and employees in Albuquerque impacted by mandated paid leave, by size of business**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Size of Business (# Employees)	Employers Without Paid Leave (%)	Employers without Paid Leave	Employers without Paid Leave (Cumulative)	Employers without Paid Leave (Cumulative)	Employees without Paid Leave	Employees without Paid Leave (Cumulative)	Employees without Paid Leave (Cumulative)
100 or more	21%	106	106	1%	22,947	22,947	23%
50 to 99	19%	135	240	2%	9,307	32,254	32%
20 to 49	45%	1,008	1,249	9%	30,680	62,934	63%
10 to 19	47%	1,405	2,653	20%	19,807	82,740	82%
5 to 9	51%	1,704	4,357	33%	12,147	94,888	94%
1 or more	55%	1,922	6,279	46%	5,708	100,596	100%
<b>Total</b>	<b>46%</b>	<b>6,279</b>			<b>100,596</b>		

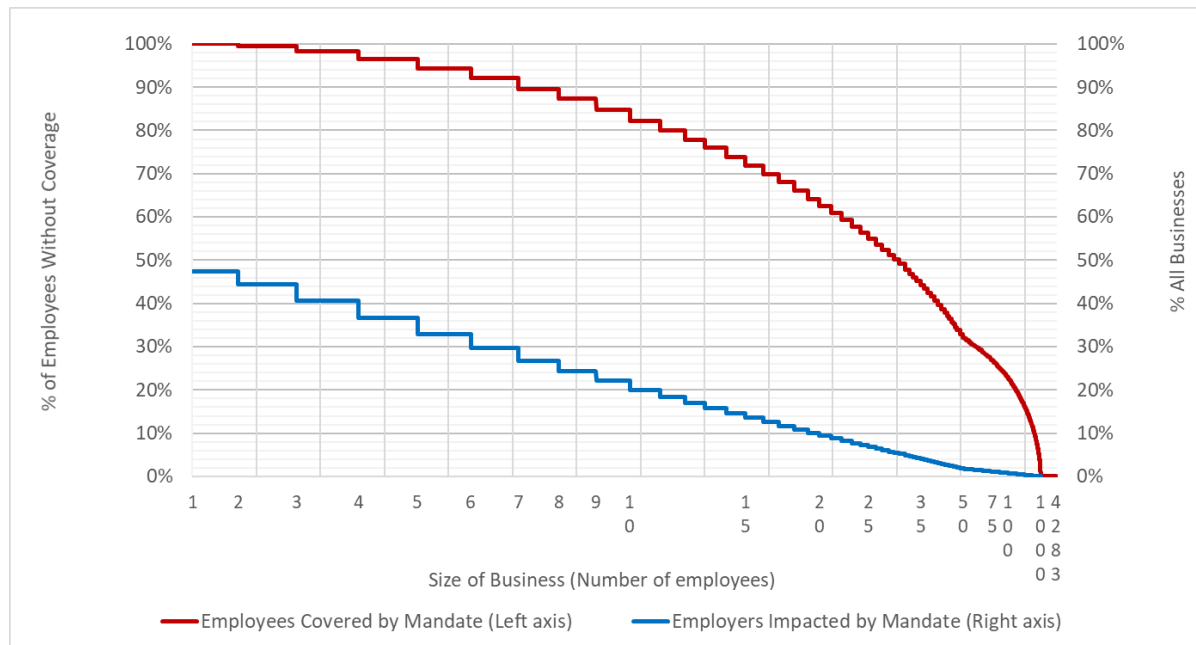
Source: NM DWS Unemployment Insurance Wage Records; BBER.

**Figure 2. Number of employers and employees currently without paid leave that would be covered under City ordinance, by size of employer**



Source: NM DWS Unemployment Insurance Wage Records; BBER.

**Figure 3. Percentage of all employers and employees currently without paid leave that would be covered under City ordinance, by size of employer**



Source: NM DWS Unemployment Insurance Wage Records; BBER.

## B. Costs of City-mandated paid sick leave by businesses

There are two primary costs of PSL to businesses – the direct cost of wages and the indirect costs due to administration and, with a mandated program, compliance. It is reasonable to assume that indirect costs per employee would diminish with business size, as employers with larger payrolls are able to save with more sophisticated payroll systems.

Estimates of annual direct (wage), indirect (administrative) and total costs of paid leave benefits for employers of different sizes are summarized in Table 6 and Figures 4 and 5. In Table 6, Column 1 is the direct or wage cost of a paid leave program of 5 days per year, equal to 2% of annual payroll. Wages for persons working less than full-time are prorated. The direct or wage cost is based on NM DWS's federally mandated Unemployment Insurance Wage Records.

Column 2 shows the indirect or administrative costs and is based on BBER's survey of businesses. In this survey, owners and managers were asked to estimate the time they spend each month administering PSL/PTO programs or, where PSL/PTO was not available, administering Social Security payments. A total of 54 businesses provided estimates. On average, businesses estimate an average of 2.9 hours per employee per year administering programs<sup>17</sup>.

<sup>17</sup> No distinction is made between full- and part-time employees, thus assuming the cost of administering a program for part-time employees is the same as for full-time employees.

In Figure 4, survey responses are indicated by the blue dots. Using regression analysis, BBER estimated the time spent on administration of PSL/PTO or Social Security for businesses with one through 50 employees<sup>18</sup>. The cost of administrative time was based on Bureau of Labor Statistics hourly wage data for accountants employed in the Albuquerque MSA<sup>19</sup>.

The cost of administering payroll programs per employee is higher for smaller businesses, with a significant savings as business size increases to 25 employees. According to this analysis of survey data, a business with one employee spends just under 8 hours per year, or 40 minutes per month, managing an employee benefit (PSL/PTO or SS). The additional time spent on program administration for each additional employee declines by 15 minutes per year. Thus, a business with 5 employees will spend an average of 7 hours per year (35 minutes per month) per employee; with 10 employees, a business owner/manager will spend an average of 5.75 hours per employee (29 minutes per month); with 25 employees, about 2 hours per employee (10 minutes per month).

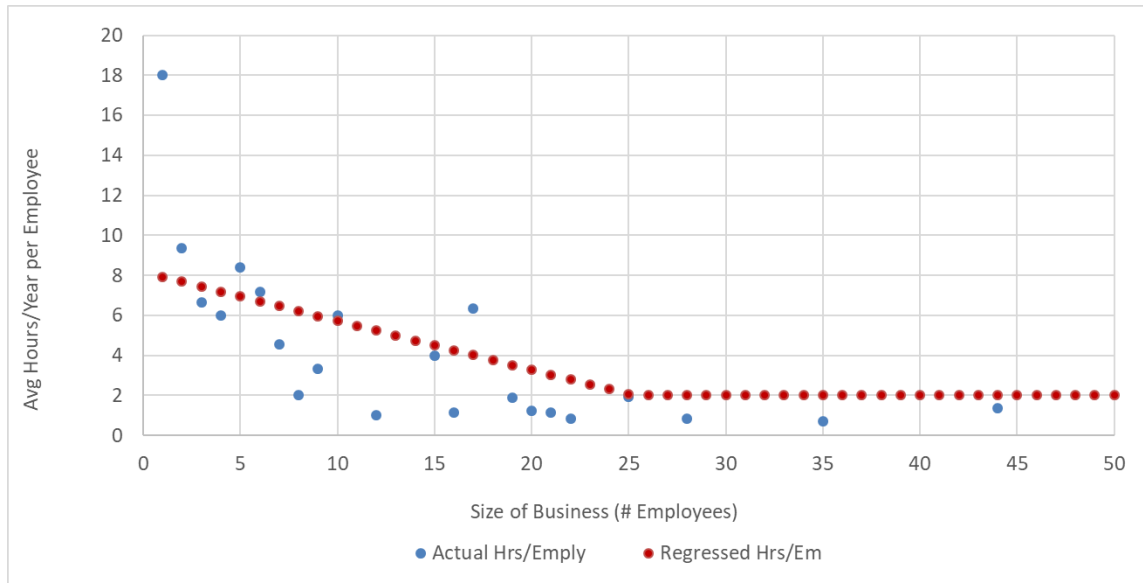
Column 3 of the cost table adds the wage and administrative costs of a paid leave program per employee for businesses of different sizes. Because of the relatively high administrative cost, businesses with fewer than 5 employees are estimated to incur a total cost of \$993 per employee; almost one-third of the total employment costs are administrative costs. Administrative costs for employers with 5 to 9 employees are lower, but the overall cost of paid leave is only slightly lower because these businesses have the highest average wages. Businesses with 10 to 19 employees again see a decline in administrative costs per employee, which are about one-third lower than those of the smallest businesses. The most significant decline in costs is for employers with 20 or more employees. Administrative costs for these businesses is more than two-thirds lower than those of the smallest businesses; 88% of the cost of leave is paid to employees. The decline in the wage and administrative costs as the size of the business increases is shown in Figure 5.

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<sup>18</sup> The survey included a small number of businesses with more than 25 employees, and therefore regression analysis was limited to responses of businesses with 25 or fewer employees. BBER assigned a value of 2 hours of administrative time per employee per year for all businesses with more than 25 employees. This is likely an overestimate given that larger businesses gain economies of scale from the common practice of outsourcing payroll administration.

<sup>19</sup> BLS Occupational Employment Statistics, May 2017.  
[https://www.bls.gov/oes/current/oes\\_10740.htm#13-0000](https://www.bls.gov/oes/current/oes_10740.htm#13-0000)

**Figure 4. Estimated administrative costs of mandated paid leave, by size of business**



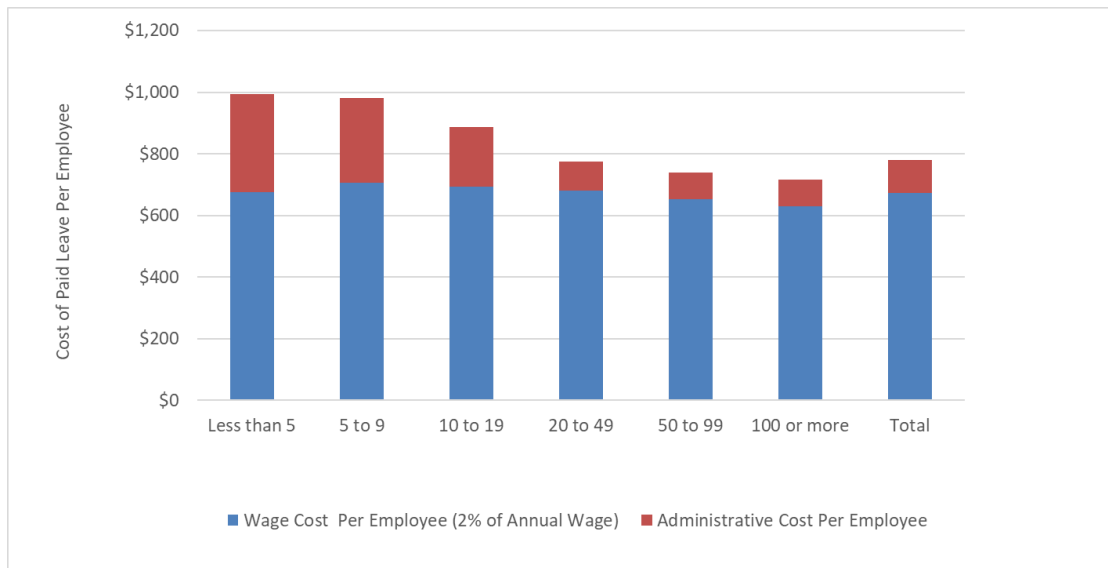
Source: BBER survey of owners and managers of Albuquerque businesses.

**Table 6. Wage and administrative costs of mandated paid leave, by size of business**

	(1)	(2)	(3)	(4)
		Administrative		
Size of Business	Wage Cost Per	Cost Per Employee	Cost per Employee	Administrative /
(# Employees)	Employee (\$)	(\$)	(\$)	Total Cost
Less than 5	674	318	993	32%
5 to 9	706	274	980	28%
10 to 19	694	192	886	22%
20 to 49	681	93	775	12%
50 to 99	652	87	739	12%
100 or more	630	86	716	12%
<b>Total</b>	<b>\$672</b>	<b>\$109</b>	<b>\$780</b>	<b>14%</b>

Source: NM DWS Unemployment Insurance Wage Records; BBER.

**Figure 5. Wage and administrative costs of mandated paid leave, by size of business**



Source: NM DWS Unemployment Insurance Wage Records; BBER.

## 9. Concluding Comments

Based on surveys of employers and employees and federally mandated administrative data, BBER estimates that 100,595 employees (36%) of private businesses in the City of Albuquerque do not have Paid Sick Leave (PSL) benefits. Persons most likely to be without paid sick leave benefits work in the leisure & hospitality and retail industries; for firms with fewer than 10 employees; for franchises; and are employed part-time.

The problem is by no means limited to Albuquerque, though the percentage of those without the benefit is higher than in other parts of the country. In the past few years, 10 states and more than two dozen municipalities, including many of the largest cities in the country, have established laws that require businesses to provide the benefit. Most of the research on the impact of these laws has been conducted or funded by advocacy groups that support or oppose such legislation. On balance, the research is inconclusive.

Laws mandating PSL are structured by guidelines regarding coverage, terms and rates of accrual and use, and rules for compliance. In general, guidelines are designed to balance: 1) needs of employees for convalescence and care of loved ones; 2) concern for public health; and 3) the interests of businesses to control costs and maintain operational flexibility. Despite disagreements among employers and employees, most would agree that the needs for care, public health and business success are all valid. The question is a matter of balance and efficacy – establishing laws that best meet the needs of the community while imposing the lowest possible costs.

In our surveys, most owners and managers of businesses in Albuquerque, whether offering PSL benefits or not, acknowledge the needs of their employees for convalescence and care of loved ones, and the importance of limiting the spread of illness at the workplace. At businesses without formal PSL, most reference their flexibility, including allowance for unpaid leave, as an effective strategy.

The fundamental problem is that most employees without PSL can neither afford leave without pay nor to pay others to care for loved ones when they are ill. As this report documents, the majority of employees in Albuquerque without PSL live in households with incomes less than \$30,000 per year, or less than the full-time equivalent of a single wage earner who earns \$15.00 per hour. Moreover, the majority of persons without PSL who report having gone to work sick or having sent their child to school sick in the past year live in households with the single-wage equivalent of less than \$15.00 per hour.

A mandate requiring that businesses offer unpaid leave can provide flexibility and job security to employees who can afford the leave. Efficacious policy, which allows for care and promotes public health while limiting the costs to businesses, should also extend PSL policies to benefit those unable to take unpaid leave, including all employees earning less than \$15.00 per hour.

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## Appendix A. National Paid Sick Leave Data

**Table A1. Access to paid sick leave in the U.S. by employer and employee characteristics**

<b>All workers</b>		<b>71%</b>	
<b>Worker characteristics</b>		<b>Establishment characteristics</b>	
Management, professional, and relat	90	Goods-producing industries	68
Management, business, and finan	94	Service-providing industries	71
Professional and related occupatic	87	Education and health services	84
Service occupations	52	Educational services	81
Protective service occupations	60	colleges, universities	86
Sales and office occupations	74	Health care & social assistance	84
Sales and related occupations	65		
Office and administrative support	81	1 to 99 workers	62
Natural resources, construction, and	63	1 to 49 workers	60
Construction, extraction, farming,	50	50 to 99 workers	66
Installation, maintenance, and rep	75	100 workers or more	82
Production, transportation	65	100 to 499 workers	79
Production occupations	63	500 workers or more	87
Transportation and material movi	68		
		Geographic areas	
Full time	82	Northeast	75
Part time	39	New England	78
		Middle Atlantic	74
Union	83	South	67
Nonunion	70	South Atlantic	67
		East South Central	62
Average wage within the following		West South Central	71
Lowest 25 percent	45	Midwest	64
Lowest 10 percent	31	East North Central	64
Second 25 percent	73	West North Central	65
Third 25 percent	83	West	81
Highest 25 percent	90	Mountain	69
Highest 10 percent	92	Pacific	86

Source: US Bureau of Labor Statistics, Selected paid leave benefits: access (March 2018) <https://www.bls.gov/news.release/pdf/ebs2.pdf>

**Table A2. Cost of paid sick leave in the us by employer and employee characteristics**

	Hourly cost of PSL	PSL as % of Total Compensation	Total Compensation
All Workers	\$0.29	0.90%	\$32.22
Mgt, Professional & Related	\$0.66	1.10%	\$60.00
Sales & Office	\$0.20	0.80%	\$25.00
Service	\$0.08	0.50%	\$16.00
Natural Resources, Construction	\$0.19	0.50%	\$38.00
Production, Transportation	\$0.20	0.70%	\$28.57
All goods- producing	\$0.26	0.7%	\$37.14
All Construction	\$0.14	0.4%	\$35.00
Manufacturing	\$0.31	0.8%	\$38.75
All service-providing	\$0.30	0.9%	\$33.33
Trade, transp, utilities	\$0.23	0.8%	\$28.75
Information	\$0.60	1.0%	\$60.00
Financial activities	\$0.53	1.1%	\$48.18
Professional & business services	\$0.36	0.9%	\$40.00
Education and health services	\$0.41	1.1%	\$37.27
Leisure and hospitality	\$0.06	0.4%	\$15.00
Other services	\$0.21	0.8%	\$26.25
Union	\$0.48	1.0%	\$48.00
Non-Union	\$0.28	0.8%	\$35.00
Establishment Size			
1 to 49	\$0.19	0.7%	\$27.14
50 to 99	\$0.22	0.7%	\$31.43
100 to 499	\$0.30	0.9%	\$33.33
500 or more	\$0.57	1.2%	\$47.50
Northeast	\$0.41	1.0%	\$41.00
South	\$0.25	0.8%	\$31.25
Midwest	\$0.23	0.7%	\$32.86
West	\$0.35	0.9%	\$38.89
Mountain	\$0.29	0.9%	\$32.22

Source: US Bureau of Labor Statistics, Selected paid leave benefits: access (March 2018) <https://www.bls.gov/news.release/pdf/ebs2.pdf>

# Appendix B. Laws in US States and Municipalities<sup>20</sup>

Overview of Paid Sick Time Laws in the United States									
As of May 2018, 9 states, 30 cities, 2 counties, and Washington D.C. have paid sick time laws on the books. This document provides an overview and comparison of these 42 laws, with the exceptions of the paid sick time laws recently passed in Maryland and in Austin, Texas. <sup>1</sup>									
Section I provides a comparison of paid sick time laws that are—or will soon be—in effect at the statewide level (with the exception of Maryland's law), as well as Washington D.C.'s law.									
Section II provides a comparison of the seven local paid sick time laws that are—or will soon be—in effect in California.									
Section III provides a comparison of paid sick time laws that are—or will soon be—in effect at the county and city level, with the exceptions of Austin, Texas, and the seven California cities in Section II. Section IV provides a brief overview of the paid sick time laws in Maryland and Austin, Texas, and additional paid sick time laws that are narrower than the ones covered in this chart.									
I. Statewide and Washington D.C.'s Paid Sick Time Laws									
	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Vermont <sup>4</sup>	Arizona	Washington State <sup>5</sup>	Rhode Island <sup>6</sup>
Who is covered?	Hourly employees in certain "service" occupations working for a business with 50 or more workers. Certain manufacturers and non-profit organizations are exempted, as are temporary and day laborers.	Workers employed in CA for 30 or more days a year. Flight deck/cabin crews subject to Railway Labor Act with comparable paid time off are exempted. Workers who provide in-home supportive care are exempted until July 1, 2018, when they begin to accrue sick leave.	Workers employed in the state. Workers employed by cities and towns are only covered if the law is accepted by vote or appropriation as provided in the State Constitution.	Workers employed in Oregon are covered. Independent contractors, certain work study students, certain railroad workers, and individuals employed by their parent, spouse, or child are exempted.	Workers employed by an employer within Washington, D.C. are covered with the following exemptions: independent contractors; students; health care workers choosing to participate in a premium pay program; unpaid volunteers engaged in the activities of an educational, charitable, religious, or nonprofit organization; and casual babysitters.	Employees employed on average more than 18 hours per week during a year. Exempted are workers under 18; workers in a job scheduled to last 20 or fewer weeks; certain State workers excluded from the State classified service; certain per diem or intermittent employees at a health care or long-term care facility or who only work when indicating availability; certain substitute educators under no obligation to work a regular or long-term schedule; and certain sole proprietors/partner owners of an unincorporated business.	Workers employed by an employer in Arizona are covered. State government, but not local government, workers are exempted. Also exempted are individuals employed by a parent or a sibling or those performing babysitting services in the employer's home on a casual basis.	Workers employed by an employer in Washington are covered. Workers exempt from the state minimum wage law are also exempt from the paid sick time law.	Workers employed in Rhode Island are covered. Independent contractors, subcontractors, work study participants, apprenticeships and interns; certain employees licensed to practice nursing, and state and municipal workers are exempted. Workers exempt from the state minimum wage law are also exempt from the paid sick time law.
Can sick time be used to care for loved ones?	Yes: children and spouses	Yes: children; parents; grandchildren; spouses; registered domestic partners; parents of a spouse or domestic partner; and siblings	Yes: children; spouses; parents; or parents of a spouse	Yes: children; spouses; same-sex domestic partners; parents; parents of a spouse or same-sex domestic partner; grandparents; and grandchildren	Yes: children; grandchildren; spouses of children; siblings; spouses of siblings; parents; parents of a spouse/domestic partner; spouses; registered domestic partners; and people in a committed (mutual, familial) relationship with a shared a mutual residence for at least the preceding 12 months	Yes: children; parents; parents-in-law; grandparents; spouses; grandchildren; and siblings	Yes: children; parents; parents of a spouse or registered domestic partner; spouses; registered domestic partners; grandparents, grandchildren, or siblings (of the employee or the employee's spouse/registered domestic partner); and any other individual whose close association with the employee is the equivalent of a family relationship	Yes: children; parents; parents of a spouse or registered domestic partner; spouses; registered domestic partners; grandparents; grandchildren; and siblings	Yes: children; parents; spouses; parents-in-law; grandparents; grandchildren; domestic partners (broadly defined); siblings; care recipients; and members of the worker's household. A "care recipient" is any person for whom the worker is responsible for providing or arranging health or safety related care.
How is "child" defined?	Biological, foster, or adopted children, stepchildren, legal wards, or the child of a worker standing in loco parentis to the child. The child must be under 18 or incapable of self-care because of a mental/physical disability.	Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, a legal ward, or a child of a person who has assumed the responsibilities of parenthood	Biological, adopted, or foster child, or a child of a worker standing in loco parentis to the child. According to current regulations in Oregon, this definition of child also includes a stepchild or the child of a same-sex domestic partner.	Biological children, foster children, grandchildren, or a child who lives with the worker and for whom the worker permanently assumes and discharges parental responsibility	Undefined. The law specifically covers care of a child or foster child.	Biological, adopted or foster children, stepchildren or legal wards, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor	Biological, adopted, or foster children, stepchildren, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status	Biological, adopted, or foster child, stepchild, legal ward, a child of a domestic partner, or a child of a worker standing in loco parentis to the child

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<sup>20</sup> A Better Balance <http://www.abetterbalance.org/web/ourissues/sickleave>

## Overview of Paid Sick Time Laws in the United States

### I. Statewide and Washington D.C.'s Paid Sick Time Laws

	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Vermont <sup>4</sup>	Arizona	Washington State <sup>5</sup>	Rhode Island <sup>6</sup>
Can sick time be used for specific “safe time” purposes (related to domestic violence, sexual assault, or stalking)? (See endnote 16.)	Yes, but only when the worker is the victim	Yes, but only when the worker is the victim	Yes, but only when the worker or the worker's dependent child is the victim	Yes, but only when the worker or the worker's minor child or dependent is the victim	Yes, when the worker or the worker's family member is the victim	Yes, when the worker or the worker's family member is the victim	Yes, when the worker or the worker's family member is the victim	Yes, when the worker or the worker's family member (for safe time purposes: a child, spouse, parent, parent-in-law, grandparent, or person with whom the worker has a dating relationship) is the victim	Yes, when the worker or the worker's family member is the victim.
Can sick time be used under the law to bond with a new child and/or deal with a family member's death? (See endnote 17.)	No.	No.	No.	Yes: 1) to bond with a newborn, newly adopted, or newly placed foster child under age 18; or 2) to deal with the death of a family member (including to attend the funeral, grieve, make arrangements).	No.	No.	No.	No.	No
Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public	No.	No.	No.	Yes.	No.	Yes, for public health or safety reasons.	Yes.	Yes, when closed for any health-related reasons (not only public health emergencies).	Yes
Rate at which workers earn paid sick time?	1 hour for every 40 hours worked	1 hour for every 30 hours worked	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	1 hour for every 30 hours worked or 1 and 1/3 hours for every 40 hours worked (for both paid and unpaid sick time, as described below)	If 24 or fewer workers: 1 hour for every 87 hours worked. If 25-99 workers (and workers in a restaurant or bar with 1-99 workers who regularly receive tips to supplement a base wage below the minimum wage): 1 hour for every 43 hours worked. If 100 or more workers: 1 hour for every 37 hours worked	1 hour for every 52 hours worked	1 hour for every 30 hours worked	1 hour for every 40 hours worked	1 hour for every 35 hours worked (for both paid and unpaid sick time, as described below)
Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a <i>minimum</i> requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)	Up to 40 hours of paid sick time a year	Employers may cap the amount of paid sick time a worker <i>earns</i> at 48 hours or 6 days and they may also cap the amount of paid sick time a worker can <i>use each year</i> at 24 hours or 3 days.	Workers in businesses with 11 or more workers: up to 40 hours of paid sick time a year. Workers in businesses with fewer than 11 workers: up to 40 hours of <i>unpaid</i> sick time a year	<b>Larger businesses:</b> Workers in businesses with at least 10 or more workers: up to 40 hours of paid sick time a year. <b>Smaller businesses:</b> up to 40 hours of <i>unpaid</i> sick time a year. If a business is located in Portland and has at least 6 workers anywhere in Oregon, workers have the right to earn up to 40 hours of paid sick time a year. Home health care workers whose compensation is funded by the State, county or a public agency, have up to 40 hours of paid time off.	Workers in businesses with 24 or fewer workers, up to 24 hours a year. Workers in businesses with 25-99 workers (and workers in a restaurant or bar with 1-99 workers who regularly receive tips to supplement a base wage below the minimum wage), up to 40 hours a year. Workers in businesses with 100 or more workers: up to 56 hours a year. Where number of workers is determined by the average monthly number of full-time equivalents in the prior year.	<u>From 1/1/2017 to 12/31/2018:</u> Up to 24 hours a year. <u>After 12/31/2018:</u> Up to 40 hours a year. New businesses will not be subject to the paid sick time law for a period of one year after hiring their first worker.	Workers in businesses with 15 or more workers: 40 hours. Workers in businesses with fewer than 15 workers: 24 hours.	No explicit cap on how much sick time can be earned or used in a year. However, Employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year.	In 2018, if 18 or more employees, 24 hours of paid sick time; if business has less than 18 workers, 24 hours of <i>unpaid</i> sick time. In 2019, with 18 or more workers, up to 32 hours of paid sick time while workers in businesses with fewer than 18 earn up to 32 hours of <i>unpaid</i> sick time. After 2019, workers in businesses with 18 or more workers can earn up to 40 hours of paid sick time; those in businesses with less than 18 workers, up to 40 hours of <i>unpaid</i> sick time.



Overview of Paid Sick Time Laws in the United States									
I. Statewide and Washington D.C.'s Paid Sick Time Laws									
	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Vermont <sup>4</sup>	Arizona	Washington State <sup>5</sup>	Rhode Island <sup>6</sup>
<b>When do workers begin to earn paid sick time?</b>	At the commencement of employment, but workers aren't entitled to use paid sick time until the 680th hour of employment.	At the commencement of employment, but workers aren't entitled to use paid sick time until the 90 <sup>th</sup> day of employment.	At the date of hire, but workers aren't entitled to use sick time until the 90th calendar day following commencement of employment.	At the commencement of employment or January 1, 2016, whichever is later. If employed on the law's effective date of January 1, 2016, earned sick time may be used as it is earned. If began employment after January 1, 2016, workers aren't entitled to use earned sick time until the 91st calendar day of employment.	At the commencement of employment, but workers aren't entitled to use paid sick time until after 90 days of service with his or her employer.	At the commencement of employment or when their employer becomes covered by the law, whichever is later, but workers can be required to wait up to 1 year before using their accrued paid sick time. See endnote 4 on page 6 for more.	At the commencement of employment or July 1, 2017, whichever is later. Earned paid sick time can be used as it is accrued, except that an employer may require a worker hired after July 1, 2017, to wait until the 90th calendar day after commencing employment before using accrued earned paid sick time.	Although not specified, reads as if accrual begins at the commencement of employment. Workers are entitled to use accrued paid sick time beginning on the 90th calendar day after the commencement of employment.	At the commencement of employment or July 1, 2018, whichever is later (for both paid and unpaid sick time). Workers aren't entitled to use sick time until after 90 days of employment and temporary workers cannot use sick time until the 180th calendar day of their employment. Seasonal workers are entitled to use sick time beginning on the 150th calendar day of their employment.
<b>Does unused sick time carry forward to the subsequent year?</b>	Workers are entitled to carry forward up to 40 hours of unused paid sick time, but employers are not required to allow use of more than 40 hours of paid sick time a year.	Workers are entitled to carry forward unused paid sick time, but employers aren't required to allow use of more than 24 hours (or three days) of paid sick time per year. Carry forward is not required if the full amount of paid sick time is provided at the beginning of each year.	Workers are entitled to carry forward up to 40 hours of unused sick time, but employers aren't required to allow use of more than 40 hours of sick time a year. Per regulations, employers may choose to pay out workers up to 40 hours of unused sick time at the end of the year. If an employer pays out a worker for 16 hours or more of unused sick time, they must provide 16 hours of unpaid sick time up front in the new year; if they pay out less than 16 hours, they shall provide an equivalent amount of unpaid sick time up front in the new year. In either case, this unpaid sick time is replaced by paid sick time as the worker earns it.	Workers are entitled to carry forward up to 40 hours of unused sick time. An employer may adopt a policy: limiting the amount of sick time that can be earned to no more than 80 hours; or limiting use of sick time to no more than 40 hours a year. Carry forward is not required if the following elements are met: 1) the worker and the employer <i>mutually</i> agree not to carry forward the time; 2) the employer credits the worker with an amount of sick time that meets the law's requirements up front at the start of the subsequent year; <i>and</i> 3) if the employer has 10 or more workers in OR, the employer pays the worker for all unused paid sick time at the end of the year in which it is earned.	Per regulations, workers can carry forward unused paid sick time, but employers aren't required to allow use of more than: 56 hours of paid sick time a year (for businesses with 100 or more workers); 40 hours of paid sick time a year (for businesses with at least 25 and fewer than 100 workers)—this presumably will also be the rule for tipped workers in a restaurant or bar with 1-99 workers); or 24 hours of paid sick time a year (for business with fewer than 25 workers).	Workers are entitled to carry forward unused paid sick time and shall continue to accrue paid sick time, but employers aren't required to allow use of more than 24 hours (from 1/1/2017 to 12/31/2018) or 40 hours (after 12/31/2018) a year. However, employers are not required to carry it forward if they choose to pay a worker for unused paid sick time at the end of the year. If an employer offers a paid time off (PTO) policy or is party to a CBA that provides at least the full amount of PTO required by the paid sick time law at the beginning of each year and it can be used for the law's purposes at any time during the year, it shall not carry forward.	Workers are entitled to carry forward unused paid sick time, but employers aren't required to allow annual accrual or use of more than: 40 hours of paid sick time a year (for businesses with 15 or more workers); or 24 hours of paid sick time a year (for businesses with fewer than 15 workers). In lieu of carryover of unused earned paid sick time from one year to the next, an employer may pay a worker for unused paid sick time at the end of a year and provide the worker with an amount of paid sick time that meets or exceeds the law's requirements that is available for the worker's immediate use at the beginning of the subsequent year.	Workers are entitled to carry forward unused paid sick time, except that an employer is not required to allow a worker to carry over paid sick time in excess of 40 hours.	Workers are entitled to carry forward unused paid sick time, but employers aren't required to allow use of more than 24 hours of paid sick time in 2018, 32 hours of paid sick time in 2019, and 40 hours of paid sick time each year after 2019. In lieu of carryover of unused earned paid sick time from one year to the next, an employer may pay a worker for unused paid sick time at the end of a year and provide the worker with an amount of paid sick time that meets or exceeds the law's requirements that is available for the worker's immediate use at the beginning of the subsequent year.
<b>Private Right of Action to go to Court?</b>	No	The State Labor Commissioner or Attorney General may bring a civil action in Court against an employer or person violating the article. The law does not explicitly address whether a worker may bring a civil action in Court.	Yes, after filing with the Attorney General	Yes	Yes	Yes	Yes	Yes	Yes

Overview of Paid Sick Time Laws in the United States									
I. Statewide and Washington D.C.'s Paid Sick Time Laws									
	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Vermont <sup>4</sup>	Arizona	Washington State <sup>5</sup>	Rhode Island <sup>6</sup>
<b>Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)? (See endnote 18.)</b>	No specific language regarding waivers or exemptions for workers covered by a CBA	Construction industry workers covered by a CBA providing certain wage/hour/working conditions and expressly waiving the law's provisions in clear and unambiguous terms are exempted. Otherwise, workers covered by a CBA providing for comparable paid time off and certain wage/hour/working conditions are exempted.	No specific language regarding waivers or exemptions for workers covered by a CBA	The law exempts workers whose terms and conditions of employment are covered by a CBA <i>if</i> their employment-related benefits are provided by a joint multi-employer-employee trust or benefit plan and they are employed through a hiring hall or similar referral system operated by the labor organization or third party.	The law's paid sick time requirements won't apply to workers in the building/construction industry covered by a CBA that expressly waives the requirements in clear and unambiguous terms. Otherwise, the law's paid sick time requirements can't be waived in the written terms of a CBA for less than 3 paid leave days.	No specific waivers or exemptions for workers covered by a CBA	All or any part of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms.	No specific waivers or exemptions for workers covered by a CBA	No (although the law exempts construction workers covered by a CBA until July 1, 2018, that is the same day the law goes into effect)
<b>What Agency or Official Enforces the Law?</b>	The Connecticut Department of Labor	The California Labor Commissioner's Office, also known as the California Division of Labor Standards Enforcement (DLSE)	The Massachusetts Attorney General	The Oregon Bureau of Labor and Industries	Washington D.C. Department of Employment Services	Vermont Department of Labor	Industrial Commission of Arizona	Washington Department of Labor and Industries	The Rhode Island Department of Labor and Training
<b>For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?</b>	Not explicitly addressed in the paid sick time law	Yes. The CA law does not preempt or limit other laws/policies that provide greater	Not explicitly addressed in the paid sick time law	No. The Oregon law preempts—or prohibits—cities from passing their own paid sick time laws. However, Portland more generous law is applicable if at least 6 workers	N/A	Not explicitly addressed in the paid sick time law	Yes (under litigation)	Yes	No. The Rhode Island law preempts—or prohibits—cities from requiring employers to provide sick time benefits in excess of those required by the state law.

Local Paid Sick Time Laws in California							
	San Francisco	Oakland	Emeryville	Santa Monica	San Diego <sup>7</sup>	Los Angeles	Berkeley <sup>8</sup>
<b>Who is covered?</b>	Workers employed within the geographic boundaries of San Francisco are covered.	Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Oakland and who are entitled to minimum wage under California law are covered.	Workers who, in a calendar week, perform at least 2 hours of work within the geographic boundaries of Emeryville and who are entitled to minimum wage under California law are covered.	Workers who, in a calendar week, perform at least 2 hours of work within the geographic boundaries of Santa Monica and who are entitled to minimum wage under California law are covered. Government and school district employees are exempted.	Workers who, in at least one calendar week of the year, perform at least 2 hours of work within San Diego are covered. Exempt are independent contractors, certain workers authorized under State law to be paid less than the minimum wage, certain providers of in-home supportive services under State law, workers employed under a publicly subsidized summer or short-term youth employment program, and any student employee, camp or program counselor of an organized camp.	Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Los Angeles and who are entitled to minimum wage under California law are covered. To be entitled to paid sick time, workers must also work in Los Angeles for the same employer for 30 days or more within a year from the commencement of employment.	Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Berkeley and who are either entitled to minimum wage under California law.
<b>Can paid sick time be used to care for loved ones?</b>	Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; siblings; and if a worker has no spouse/domestic partner, a designated person of the worker's choice. As of January 1, 2017, the parents of a spouse/domestic partner will also be covered.	Yes: children; parents; grandchildren; grand-parents; spouses; registered domestic partners; siblings; and, if a worker has no spouse/domestic partner, a designated person of worker's choice	Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; parents of a spouse or domestic partner; siblings; and, if a worker has no spouse/domestic partner, a designated person of the worker's choice. Paid sick time can also be used to care for a guide dog, signal dog, or service dog of the worker or worker's family member or designated partner.	Yes: children; parents; grandchildren; grand-parents; spouses; registered domestic partners; parents of a spouse or domestic partner; and siblings	Yes: children; parents; grandchildren; grandparents; spouses; domestic partners (registered under state/local law or with the internal registry of at least one partner's employer); parents of a spouse/domestic partner; and siblings	Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; parents of a spouse or domestic partner; siblings; and any individual related by blood or affinity whose close association with the worker is the equivalent of a family relationship	Yes: children; parents; grandchildren; grand-parents; spouses; registered domestic partners; siblings; and, if a worker has no spouse/domestic partner, a designated person of worker's choice
<b>How is "child" defined?</b>	Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child	Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child; stepchild; child of a domestic partner; legal ward; or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child	Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child
<b>Can paid sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?</b>	Yes, but only as of January 1, 2017, and only when the worker is the victim.	No, not beyond what is provided under the State's paid sick time law.	No, not beyond what is provided under the State's paid sick time law.	Yes, but only when the worker is the victim.	Yes, when the worker or the worker's family member is the victim.	Yes, but only when the worker is the victim.	No, not beyond what is provided under the State's paid sick time law.
<b>Can paid sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?</b>	No.	No.	No.	No.	Yes.	No.	No.
<b>Rate at which workers earn paid sick time?</b>	1 hour for every 30 hours worked	1 hour for every 30 hours worked	1 hour for every 30 hours worked	1 hour for every 30 hours worked	1 hour for every 30 hours worked	1 hour for every 30 hours worked	1 hour for every 30 hours worked

Local Paid Sick Time Laws in California							
	San Francisco	Oakland	Emeryville	Santa Monica	San Diego <sup>7</sup>	Los Angeles	Berkeley <sup>8</sup>
<b>Amount of paid sick time that can be earned under the law per year?</b> (Note: All of these paid sick time laws make it clear that these laws establish a <i>minimum</i> requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)	Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 workers: up to 40 hours *	Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 workers: up to 40 hours *	Workers in businesses with more than 55 workers: up to 72 hours. Workers in businesses with 55 or fewer workers: up to 48 hours *	Workers in businesses with 26 or more workers: up to 40 hours (from 1/1/2017 to 12/31/2017) or 72 hours (after 12/31/2017) a year. Workers in businesses with 25 or fewer workers: up to 32 hours (from 1/1/2017 to 12/31/2017) or 40 hours (after 12/31/2017) a year.	Employers may cap the amount of paid sick time a worker <i>earns</i> at 80 hours. Employers may also cap the amount of paid sick time a worker can <i>use each year</i> at 40 hours.	Up to 48 hours a year	Workers in businesses with 25 or more workers: up to 72 hours. Workers in businesses with fewer than 25 workers: up to 48 hours
<b>When do workers begin to earn paid sick time?</b>	90 calendar days after the commencement of employment. For workers hired on or after January 1, 2017, paid sick time begins to accrue at the commencement of employment, but workers aren't entitled to use paid sick time until the 90 <sup>th</sup> day of employment.	On the first day of employment, but workers aren't entitled to use paid sick time until after 90 calendar days of employment.	Although not explicitly stated in the law and future regulations may address it, paid sick time will likely be earned in the same manner as the State's paid sick time law: workers begin to earn paid sick time at the commencement of employment, but aren't entitled to use paid sick time until the 90th day of employment.	At the commencement of a worker's employment with the employer, but workers aren't entitled to use paid sick time until after the first 90 days of employment (or sooner if provided for in the employer's policies).	At the commencement of employment or July 11, 2016, whichever is later, but workers aren't entitled to use paid sick time until 90 calendar days following the commencement of employment or on July 11, 2016, whichever is later.	On the first day of employment or July 1, 2016, whichever is later. A worker is entitled to <i>use</i> paid sick time beginning on the 90th day of employment or July 1, 2016, whichever is later. As noted earlier, the law covers a worker when the worker, on or after July 1, 2016, works in Los Angeles for the same employer for 30 days or more within a year from the commencement of employment.	On the first day of employment or October 1, 2017, whichever is later, but workers aren't entitled to use paid sick time until 90 calendar days after commencement of employment.
<b>Does unused paid sick time carry forward to the subsequent year?</b>	Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with 10 or more workers) or 40 hours of unused paid sick time (in businesses with fewer than 10 workers), but employers are not required to allow workers to earn more than these 72-hour or 40-hour caps.	Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with 10 or more workers) or 40 hours of unused paid sick time (in businesses with fewer than 10 workers), but employers are not required to allow workers to earn more than these 72-hour or 40-hour caps.	Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with more than 55 workers) or 48 hours of unused paid sick time (in businesses with 55 or fewer workers), but employers are not required to allow workers to earn more than these 72-hour or 48-hour caps.	Workers are entitled to carry forward unused paid sick time to the following year, until their paid sick time reaches the annual caps described in the chart on the prior page (depending on business size and year). Carry forward is not required if the full amount of paid sick time required by the law is received by the worker at the beginning of each year (calendar	Workers are entitled to carry forward unused paid sick time. An employer may satisfy the law's carry-over provisions if the employer provides a worker with at least 40 hours of paid sick time at the beginning of each benefit year, regardless of whether the employee is full-time, part-time, or temporary.	Workers are entitled to carry forward unused paid sick time to the following year, but employers may cap it at 72 hours.	Workers are entitled to carry forward unused paid sick time. However, employers with fewer than 25 workers may limit <i>use</i> of paid sick time to 48 hours per year; larger employers may not limit the <i>use</i> of paid sick time (only the <i>accrual</i> , or amount <i>earned</i> , as described earlier).
<b>Private Right of Action to go to court</b>	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
<b>Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)? (See endnote 18.)</b>	Workers covered by a CBA may waive all or part of the law to the extent that the CBA sets forth the waiver in clear and unambiguous terms.	Workers covered by a CBA may waive all or part of the law to the extent that the CBA sets forth the waiver in clear and unambiguous terms.	All or any portion of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms showing that the parties intend the waiver.	All or any part of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms.	No specific language regarding waivers or exemptions for workers covered by a CBA.	No specific language regarding waivers or exemptions for workers covered by a CBA.	Workers covered by a CBA may waive all or part of the law to the extent that the CBA sets forth the waiver in clear and unambiguous terms.
<b>What Agency or Official Enforces the Law?</b>	San Francisco Office of Labor Standards Enforcement	No particular agency specified in the law. The Contracts and Compliance Division of the City Administrator's Office has been authorized to take complaints.	No specific agency authorized. The City itself has authority under the law to issue rules and regulations, as well as to enforce the law through administrative citations and/or remedies.	The Santa Monica Finance Director is authorized to adopt administrative regulations consistent with the law.	San Diego's Office of the City Treasurer (although the Mayor may designate another office/department under the Mayor's authority)	Los Angeles Office of Wage Standards (within the Department of Public Works' Bureau of Contract Administration)	No particular agency specified in the law (although the separate minimum wage law passed at the same time will be enforced by the Berkeley Department of Finance or other city department/agency as designated by the City by resolution).

III. County and City Paid Sick Time Laws (Other than the Local California Laws in Section II)						
	Montgomery County, Maryland	Cook County <u>and</u> Chicago, IL <sup>9</sup>	Seattle, WA	New York City, NY <sup>10</sup>	Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield <u>and</u> Morristown, NJ <sup>11</sup>	Tacoma, WA <sup>12</sup>
Can sick time be used under the law to bond with a new child and/or deal with a family member's death? (See endnote 17.)	No.	If a worker is subject to the federal Family and Medical Leave Act (FMLA), s/he may carry forward up to 40 hours of unused paid sick time to be used for leave covered by the FMLA, which includes bonding with a new child (as well as certain military family needs). Paid sick time can't be used to deal with a family member's death.	No	No	No	Paid sick time can be used to deal with a family member's death.
Rate at which workers earn paid sick time?	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	1 hour for every 40 hours worked	In businesses with 250 or more workers, 1 hour for every 30 hours worked. In businesses with more than 4 and fewer than 250 workers, 1 hour for every 40 hours worked	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	1 hour for every 30 hours worked	1 hour for every 40 hours worked
Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a <i>minimum</i> requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)	Workers in businesses with 5 or more workers: up to 56 hours a year. Workers in businesses with fewer than 5 workers: up to 32 hours of <i>paid</i> sick time and 24 hours of <i>unpaid</i> sick time.	Up to 40 hours a year	There is no limit on how much workers can <i>earn</i> , but workers can only <i>use</i> the following amounts of paid sick time a year: <b>Tier 1</b> (businesses with > 4 but < than 50 full-time workers/equivalents—FTEs): up to 40 hours. <b>Tier 2</b> (businesses with 50 to < 250 full-time workers or FTEs): up to 56 hours. <b>Tier 3</b> (workers in businesses with 250 or more full-time workers or FTEs): up to 72 hours, or up to 108 hours if the employer has a universal paid time off policy.	Workers in businesses with 5 or more workers: up to 40 hours a year. Workers in businesses with fewer than 5 workers up to 40 hours of <i>unpaid</i> sick time a year. All workers in certain chain businesses or franchises will be counted together to determine size.	Workers in businesses with 10 or more workers (and all child care, home health care, and food service workers, regardless of the size of their employer): up to 40 hours a year. Workers in businesses with fewer than 10 workers: up to 24 hours a year.	No explicit cap on how much sick time can be earned or used in a year. However, as described below, employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year.
When do workers begin to earn paid sick time? When can they use?	At the commencement of employment, or October 1, 2016, whichever is later, but workers can be required to wait 90 days before using their sick time.	On the first calendar day after the worker commences employment or July 1, 2017, whichever is later, but workers can be required to wait to use accrued paid sick time for up to 180 calendar days after commencement of employment.	At the commencement of employment, but workers aren't entitled to use paid sick time until the 180th calendar day after employment commenced.	At the commencement of employment, but workers aren't entitled to use sick time until the 120th calendar day following commencement of employment.	On the first day of employment, but workers aren't entitled to use paid sick time until the 90th calendar day of employment (except Plainfield, which is the 100th calendar day of employment).	At the commencement of employment, but workers aren't entitled to use paid sick time until the 90th calendar day after employment commenced.
Does unused sick time carry forward to the subsequent year?	Workers are entitled to carry forward up to 56 hours of unused sick time and <i>may use up to 80 hours of sick time a year when they have sick time that is carried forward</i> . However, employers are not required to allow carry forward if, at the beginning of the new year, they award the full amount of sick time that the worker would earn over that year.	Workers are entitled to carry forward half of their unused paid sick time, up to a maximum of 20 hours, but employers aren't required to allow use of more than 40 hours of paid sick time a year. However, as described earlier in this chart, workers subject to the FMLA may carry forward up to 40 hours of unused paid sick time for FMLA purposes.	Workers are entitled to carry forward the following amount of unused paid sick time: <b>Tier 1</b> : up to 40 hours; <b>Tier 2</b> : up to 56 hours; <b>Tier 3</b> : up to 72 hours (or up to 108 hours if the employer has a universal paid time off policy). Employers aren't required to allow <i>use</i> of more time in a year than as outlined above, according to business size.	Workers are entitled to carry forward up to 40 hours of unused paid sick time, but employers aren't required to allow use of more than 40 hours of sick time a year. Carry forward is not required if a worker is paid for unused sick time at the end of the year <i>and</i> the employer provides the worker with an amount of paid sick time that meets or exceeds the law's requirement on the first day of the subsequent year.	Workers are entitled to carry forward up to 40 hours of unused paid sick time, but employers aren't required to allow use of more than 40 hours of paid sick time a year. In all of these cities <i>except Jersey City</i> , carry forward is not required if a worker is paid for any unused sick time at the end of the year in which it is earned.	Workers are entitled to carry forward 40 hours of unused paid sick time to the following benefit year.

III. County and City Paid Sick Time Laws (Other than the Local California Laws in Section II)							
	Montgomery County, Maryland	Cook County <u>and</u> Chicago, IL <sup>9</sup>	Seattle, WA	New York City, NY <sup>10</sup>	Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield <u>and</u> Morristown, NJ <sup>11</sup>	Tacoma, WA <sup>12</sup>	
Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA) or bargaining unit? (See endnote 18.)	No specific language regarding waivers or exemptions for workers covered by a CBA	Workers in the construction industry covered by a CBA are exempt. After July 1, 2017, the law's requirements may be waived in a CBA if the waiver is set forth in clear and unambiguous terms.	The law's provisions won't apply to any workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms.	The law's provisions won't apply to workers in the construction or grocery industry covered by CBA if the law's provisions are expressly waived in the CBA. The law's provisions won't apply to other workers covered by a CBA if the provisions are expressly waived in the CBA and the CBA provides a comparable benefit.	Members of a construction union covered by a CBA are exempted. Otherwise, all or any part of the law's requirements do not apply to workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms.	The law's provisions won't apply to any workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms.	
Private Right of Action to go to Court?	No	Yes	No	No	Yes	No	
What Agency or Official Enforces the Bill?	County Office of Human Rights. The County Executive may also delegate enforcement to a legally authorized State agency.	<u>Cook County</u> : Cook County Commission on Human Rights <u>Chicago</u> : Chicago Department of Business Affairs and Consumer Protection	Seattle Office for Civil Rights	New York City Department of Consumer Affairs	<u>Newark</u> : Newark Department of Child and Family Well- Being <u>Passaic</u> : Passaic Department of Human Services, Division of Health	The Finance Director or his or her designee	
					<u>Irvington</u> : Irvington Department of Neighborhood Services		
					<u>Plainfield</u> : Plainfield Department of Administration and Finance, Division of Health & Social Services		
					<u>Morristown</u> : Morristown Department of Administration		
					The laws in: <u>East Orange</u> , <u>Paterson</u> , <u>Trenton</u> , <u>Montclair</u> , <u>Bloomfield</u> , <u>Jersey City</u> , and <u>Elizabeth</u> are enforced by the relevant city's Municipal Department of Health and Human Services		

III CONTINUED. County and City Paid Sick Time Laws (Other than the Local California Laws in Section II)					
	Spokane, WA <sup>13</sup>	Philadelphia, PA	Pittsburgh, PA <sup>14</sup>	Minneapolis, MN	Saint Paul, MN <sup>15</sup>
<b>Who is covered?</b>	Workers employed in Spokane for more than 240 hours a year are covered. Exempted are work-study students (under a state/federal program), those employed by certain firms engaged in construction work, seasonal workers (expected employment of less than 1 year and which is intermittent or recurring annually), independent contractors, domestic workers in a private home by an employer with less than 2 employees regularly employed 40 or more hours per week, a person employed to do gardening, maintenance, or repair at the employer's private home, and government workers.	Workers employed in Philadelphia for at least 40 hours in a calendar year are covered. The following workers are exempted: independent contractors; seasonal workers (hired for a temporary period of not more than 16 weeks a year); adjunct professors; interns (students working for the institution where enrolled); workers hired for a term of less than 6 months; and health care professionals who only work when indicating they are available and have no obligation to work when they do not indicate availability.	Workers employed in Pittsburgh are covered. Independent contractors and seasonal workers (those hired for a temporary period of not more than 16 weeks and given written notification at time of hire that employment is limited to beginning/end of seasonal dates as determined by employer) are exempted.	Workers who perform work for an employer within Minneapolis for at least 80 hours in a year for that employer are covered. Independent contractors are exempted.	Workers who perform work for an employer within Saint Paul for at least 80 hours in a year for that employer are covered. Independent contractors are exempted.
<b>Can sick time be used to care for loved ones?</b>	Yes; spouses; domestic partners; children; grandchildren; parents; and grandparents	Yes; children; parents; parents-in-law; spouses; grandparents; the spouse of a grandparent; grandchildren; siblings; the spouse of a sibling; and a life partner (a long-term committed relationship between two unmarried individuals of the same sex or gender identity who meet certain, specified requirements)	Yes; children; parents; parents of a spouse or domestic partner; spouses; domestic partners; grandchildren; grandparents; the spouse or domestic partner of a grandparent; siblings; and any individual for whom the worker received oral permission from the employer to care for at the time of the worker's request to make use of sick	Yes; children; parents; parents-in-law; spouses; registered domestic partners; grandchildren; grandparents; siblings; and members of the worker's household	Yes; children; parents; parents-in-law; spouses; registered domestic partners; grandchildren; grandparents; siblings; and any individual related by blood or affinity whose close association with the worker is the equivalent of a family relationship
<b>How is "child" defined?</b>	Children who are under 18 years of age, or 18 or older but incapable of self-care because of a mental/physical disability	Biological, adopted or foster children, stepchildren, legal wards, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, guardian, or ward	Biological, adopted, or foster child, or a stepchild.
<b>Are specific "safe time" purposes included? (See endnote 16.)</b>	Yes, when the worker or worker's family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the worker has a dating relationship) is the victim	Yes, when the worker or the worker's family member is the victim	No	Yes, when the worker or the worker's family member is the victim	Yes, when the worker or the worker's family member is the victim
<b>Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?</b>	Yes	No	Yes	Yes. Also includes need to care for family member whose school/place of care is closed due to inclement weather, loss of power/heating/water, or other unexpected closure.	Yes. Also includes need to care for family member whose school/place of care is closed due to inclement weather, loss of power/heating/water, or other unexpected closure.
<b>Can sick time be used under the law to bond with a new child and/or deal with a family member's death? (See endnote 17.)</b>	Paid sick time can be used to deal with a family member's death.	No	No	No	No
<b>Rate at which workers earn paid sick time?</b>	1 hour for every 30 hours worked	1 hour for every 40 hours worked (for both paid and unpaid sick time, as described below)	1 hour for every 35 hours worked	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	1 hour for every 30 hours worked
<b>Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a <i>minimum</i> requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)</b>	There is no explicit limit on how much workers can <i>earn</i> , but workers can only <i>use</i> the following amounts of earned paid sick time a year: Workers in businesses with 10 or more workers: up to 40 hours a year. Workers in businesses with fewer than 10 workers: up to 24 hours	Workers in businesses with 10 or more workers: up to 40 hours a year. Workers in businesses with fewer than 10 workers: up to 40 hours of <i>unpaid</i> sick time a year. Certain chain establishments must provide paid sick time regardless of the number of workers in an establishment.	Workers in businesses with 15 or more workers: up to 40 hours a year. Workers in businesses with fewer than 15 workers: up to 24 hours a year, <i>although in the first year after the law goes into effect, this time will be unpaid</i> (thereafter it will be 24 hours of <i>paid</i> sick time a year for workers in these small businesses).	Workers in businesses with 6 or more workers: up to 48 hours a year. Workers in businesses with 5 or fewer workers: up to 48 hours of <i>unpaid</i> sick time a year. New employers, other than certain chain businesses, only have to provide <i>unpaid</i> sick time in their first 12 months after hiring their first worker (this "new business" provision only applies for 5 years after the law's effective date).	Up to 48 hours a year. New employers only have to provide <i>unpaid</i> sick time in their first 6 months after hiring their first worker (this "new business" provision only applies until January 1, 2023).



III CONTINUED. County and City Paid Sick Time Laws (Other than the Local California Laws in Section II)					
	Spokane, WA <sup>13</sup>	Philadelphia, PA	Pittsburgh, PA <sup>14</sup>	Minneapolis, MN	Saint Paul, MN <sup>15</sup>
<b>When do workers begin to earn paid sick time? When can they use?</b>	On the first day of employment, but employers can require workers to wait up to 90 days after employment begins before using paid sick time.	At the commencement of employment, but workers aren't entitled to use sick time until after 90 calendar days of employment.	At the commencement of employment or the law's effective date, whichever is later, but workers aren't entitled to use sick time until the 90th calendar day after employment commenced.	At the commencement of employment or the law's effective date, whichever is later, but workers aren't entitled to use sick time until the 90th calendar day after commencement of employment.	At the commencement of employment or the law's effective date, whichever is later, but workers aren't entitled to use sick time until the 90th calendar day after commencement of employment.
<b>Does unused sick time carry forward to the subsequent year?</b>	Workers are entitled to carry forward up to 24 hours of unused paid sick time to the following year	Workers are entitled to carry forward unused sick time, but employers are not required to allow use of more than 40 hours of sick time per year. Carry forward isn't required if the employer chooses to provide at least 40 hours of sick time at the beginning of each calendar year.	Workers are entitled to carry forward unused sick time, but employers aren't required to allow use of more than 40 hours of paid sick time a year (for businesses with 15 or more workers) or more than 24 hours of sick time a year (for businesses with fewer workers). Carry forward is not required if the employer provides the worker with an amount of paid sick time that meets or exceeds the law's requirement on the first day of the subsequent year.	Workers are entitled to carry forward unused sick time and shall continue to accrue sick time <i>up to a total of 80 hours at any time</i> . There is otherwise no limit on how much earned sick time can be used in a year.	Workers are entitled to carry forward unused paid sick time and shall continue to accrue paid sick time up to a total of 80 hours at any time. There is otherwise no explicit limit on how much paid sick time can be used in a year. Carry forward is not required if the employer provides at least 48 hours of paid sick time following the initial 90 days of employment during the first year and at least 80 hours beginning each subsequent year.
<b>Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA) or bargaining unit? (See endnote 18.)</b>	No specific language regarding waivers or exemptions for workers covered by a CBA.	The law's provisions do not apply to workers covered by a bona fide CBA.	Members of a construction union covered by a collective bargaining unit are exempted.	An employer may opt to satisfy the law for construction employees by paying at least the State prevailing wage <i>or</i> the rate required in an applicable registered apprenticeship agreement (regardless of whether working on private or public projects).	An employer may opt to satisfy the law for construction employees by paying at least the State prevailing wage <i>or</i> the rate required in an applicable registered apprenticeship agreement (regardless of whether working on private or public projects).
<b>Private Right of Action to go to Court?</b>	Possibly. The law requires the City Council and the Administration to jointly determine enforcement procedures, which must be in effect by October 1, 2016.	Yes. Can go directly to court in the first 120 days after May 13, 2015, the law's effective date. After that, workers may go to Court only after receiving a final decision from the agency or 180 days after filing a complaint, whichever is earlier.	No	No	Yes
<b>What Agency or Official Enforces the Bill?</b>	City of Spokane Contract and Business Standards Compliance Office	The Philadelphia Managing Director's Office	The Office of the City Controller or a Department or entity designated by the Mayor's Office	Minneapolis Department of Civil Rights	Saint Paul Department of Human Rights and Equal Economic Opportunity

1. Please note that this chart does not provide an exhaustive overview of these state, county, and city paid sick time laws, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment (such as welfare participants, for example). City paid sick time laws cannot cover state government workers, and neither city nor state paid sick time laws are able to cover federal government workers.
2. California's statewide paid sick time law took effect in July 2015. On April 4, 2016, the Governor signed into law minimum wage legislation that also expanded the existing paid sick time law to cover providers of in-home supportive care, beginning July 1, 2018. For these newly covered domestic workers, paid sick time usage and carry forward will differ from what is described in this chart, and the law directs a workgroup to issue guidance in 2017; officials are also likely to issue related regulations prior to July 1, 2018. The California statewide law explicitly states that it establishes minimum requirements on sick time and does not preempt or limit other laws or policies that provide for more favorable paid sick time rights to workers. Therefore, the more expansive San Francisco, Oakland, Emeryville, Santa Monica, Los Angeles, San Diego, and Berkeley paid sick time laws will still apply to workers covered by those laws, and other cities or counties in California may continue to pass broader paid sick time laws.
3. Oregon's Legislature passed a statewide paid sick time law on June 12, 2015, and the law went into effect on January 1, 2016. The law preempts—or prohibits—local governments from passing paid sick time laws. As a result, Eugene's paid sick time law—passed in July 2014 and originally scheduled to go into effect on July 1, 2015—did not take effect. On the other hand, Portland passed a paid sick time law in March 2013, and it went into effect on January 1, 2014, prior to passage of the statewide law. Although Oregon's paid sick time law blocked localities from passing paid sick time laws and preempted Portland's law, the Portland law influenced a key provision of the statewide law. As described in this chart, the employer size threshold for providing paid sick time is lower for employers who are located in Portland (including maintenance of any office, store, restaurant, or establishment in the city). As described in the chart, an employer located in Portland that employs at least six workers anywhere in Oregon must provide its workers with paid sick time, and smaller employers located in Portland must provide unpaid sick time. For employers who are not located in Portland, the size threshold for providing paid sick time is 10 or more workers (with smaller employers providing unpaid sick time). Eugene and Portland have been removed from this comparison chart.
4. On February 17, 2016, the Vermont Legislature provided final passage of a paid sick time bill, and the Governor signed it into law on March 9, 2016. With the exception of provisions around small business planning/implementation assistance and a business survey that took effect earlier, Vermont's paid sick time law became effective for employers with more than 5 workers (employed for

an average of no less than 30 hours per week) on January 1, 2017; these employers could have required workers who existed on January 1, 2017 to wait up to December 31, 2017 before using paid sick time accrued during this first year. An employer with 5 or fewer workers (employed for an average of no less than 30 hours per week) became subject to the paid sick time law on January 1, 2018; these employers may require workers who existed on January 1, 2018 to wait up to December 31, 2018 before using paid sick time accrued during this first year. Also, as described in the chart, new businesses will not be subject to the paid sick time law for a period of one year after hiring their first worker.

5. Washington State voters overwhelmingly approved a paid sick time law on November 8, 2016. The law took effect on January 1, 2017, and the right to begin earning paid sick time began on January 1, 2018. The statewide law in Washington explicitly states that it establishes minimum requirements on sick time and does not preempt or limit other laws or policies that provide for greater accrual or use of paid sick time. Therefore, the local paid sick time laws in Seattle, Spokane, Tacoma, and SeaTac (described in part IV below) remain in effect, and other localities in Washington may continue to pass broader paid sick time laws.
6. Rhode Island's Legislature passed a statewide paid sick and safe time bill on September 19, 2017, and the Governor signed it into law on September 28, 2017. Workers will begin earning paid sick and safe time on July 1, 2018.
7. In July 2014, the San Diego City Council passed a paid sick time and minimum wage ordinance and then voted to override the mayor's veto of the ordinance on August 18, 2014. However, opponents collected signatures to put the paid sick time and minimum wage ordinance to a vote in a June 2016 referendum, and the law was delayed from going into effect. On June 7, 2016, voters in San Diego approved the paid sick time and minimum wage ordinance. The law went into effect on July 11, 2016. An implementing ordinance that made some amendments was passed by the Council and later approved by the Mayor on August 3, 2016. The implementing ordinance took effect on September 2, 2016.
8. On August 31, 2016, the Berkeley City Council unanimously passed a paid sick time ordinance, which was signed by the Mayor the following day. As described in greater detail in the chart, workers will begin earning paid sick time under the Berkeley law beginning on October 1, 2017.
9. The Chicago City Council unanimously adopted a paid sick time law, with the Mayor's support, on June 22, 2016. In addition to the description of covered workers in the chart, note that the Chicago law exempts certain categories of short-term, temporary, or irregularly employed individuals who are not subject to the city's minimum wage law—and who likely would not be employed for long enough to earn and then use sick time under the law (for example, certain day/temporary laborers, certain seasonal camp counselors, and certain learners as designated by the State Department of Labor). Also, workers who, in any 2-

week period, perform fewer than 2 hours of work while physically present within Chicago are exempted. Following the passage of Chicago's law, the Cook County Board of Commissioners approved a paid sick time law on October 5, 2016. In addition to the information in the chart, please note as well that the following workers are not covered by the Cook County Law: workers who, in any 2-week period, perform fewer than 2 hours of work while physically present within Cook County; and workers who are employed in municipalities within Cook County that have opted out of the law.

10. On October 17, 2017, the New York City Council passed an ordinance amending its sick time law to 1) allow workers to use earned sick time for "safe time" purposes (see endnote 16, below), when the worker or the worker's family member has been the victim of a family offense matter, sexual offense, stalking, or human trafficking; and 2) allow workers to use earned sick time (and safe time) to care for any individual whose close association with the worker is the equivalent of a family relationship. The Mayor signed the ordinance into law on November 6, 2017. It will take effect on May 5, 2018.
11. All of the local paid sick time laws in New Jersey are now in effect. In December 2015, the city of New Brunswick passed a narrower paid sick and safe time law that departs from the more comprehensive laws in the other 11 New Jersey cities listed in the chart. In covered businesses with 10 or more workers: full-time workers (averaging 35 hours/week) are entitled to earn up to 40 hours of paid sick/safe time per year, while part-time workers (averaging 20-35 hours/week) are entitled to earn up to 24 hours. In covered businesses with more than 5 full-time equivalent workers but fewer than 10 workers, workers are entitled to earn up to 24 hours a week. However, the law excludes all workers employed for an average of less than 20 hours per week. The law also exempts all government and board of education workers, independent contractors, individuals who work from home, and certain "per diem" hospital workers who work on a flexible, "as needed" basis to cover for other absent hospital workers. The New Brunswick law is now in effect. For more, go to:  
<http://thecityofnewbrunswick.org/planninganddevelopment/paid-sick-safe-time-in-new-brunswick>
12. On September 26, 2017, the Tacoma City Council adopted an ordinance amending its paid sick time law to align with the minimum requirements of Washington State's paid sick time law, which took effect on January 1, 2018.
13. On January 11, 2016, the Spokane City Council passed a paid sick time law by a vote of 6-1. The Council then passed the bill into law over the Mayor's veto on January 25, 2016. However, businesses that received their first business registration in Spokane after the enactment of the law—but before the law's effective date of January 1, 2017—are not subject to the law until 1 year after the date of their first business registration.

14. On August 3, 2015, the Pittsburgh City Council passed a paid sick time law by a vote of 7-1. Although lower courts ruled against the law based on a unique provision in Pennsylvania law, the city is in the process of appealing the decision to the state's Supreme Court.
15. On September 7, 2016, the Saint Paul City Council unanimously passed a paid sick time ordinance. For employers with 24 or more workers, the law became effective July 1, 2017. For employers with 23 or fewer workers, the law became effective January 1, 2018.
16. "Safe time" refers to time off for purposes related to domestic violence, sexual assault or stalking (like the need for time off to obtain protective orders, relocate, etc.). Note that a victim of domestic violence, sexual abuse, or stalking can use sick time to attend to medical/preventive health issues like any other worker, and workers may use sick time related to the medical/preventive health issues of a family member. Also, some of these laws may only cover safe time if the domestic violence, sexual assault and/or stalking occurs between certain individuals (such as family members, household members, dating relationships, etc.).
17. Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.
18. All of these paid sick time laws include language making it clear that these laws establish a minimum requirement and employees can receive greater paid sick time rights through a contract, CBA, employment benefit plan, policy, standard, or other agreement.

#### IV. Additional Paid Sick Time Laws

On February 16, 2018, the City Council in Austin, Texas voted to pass a paid sick time ordinance covering private sector employees. On March 1, 2018, the City Council passed a resolution to effectively expand the ordinance to cover all City employees as well. Workers who have worked within the City of Austin for at least 80 hours in a calendar year are covered. Independent contractors and unpaid interns are exempted. Beginning on October 1, 2018, individuals who work for employers with more than 15 employees can earn up to 64 hours of paid sick time per year, while individuals who work for employers with 6 to 15 employees can earn up to 48 hours of paid sick time per year. Beginning on October 1, 2020, individuals who work for employers with 5 or fewer employees can also earn up to 48 hours of paid sick time per year. Sick time is accrued at a rate of 1 hour of paid sick time for every 30 hours worked. New employees can be required to wait 60 days before using sick time, if the employer establishes that the employee's term of employment is at least one year. However, workers can begin accruing paid sick time upon the commencement of their employment or on the applicable effective date, whichever is later. Workers can carry over to the following year unused earned sick time up to the applicable yearly cap. Earned sick time can be



used to care for family members including an employee's spouse, child, parent, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship. Earned sick time can also be used for "safe time" purposes when the worker or the worker's family member is a victim of domestic violence, sexual assault, or stalking. Workers do not have a private right of action to file a lawsuit in court to redress violations of the law.

On January 12, 2018, the Maryland Legislature voted to override Governor Hogan's veto of a paid sick time bill passed by the Legislature in 2017. The right to begin earning paid sick time began on February 11, 2018. Workers who work for employers with at least 15 employees can earn up to 40 hours of paid sick time per year, at a rate of 1 hour of sick time for every 30 hours worked. Those who work for employers with fewer than 15 employees can earn the same amount of unpaid, job-protected sick time at the same rate. New employees can be required to wait 106 days before using sick time, though they begin accruing it as soon as they start working. Workers are entitled to carry forward up to 40 hours of unused sick time to the following year, but employers are allowed to cap the total amount of earned sick time accrued at 64 hours per year. Likewise, employers aren't required to allow use of more than 64 hours of sick time per year. Workers do not have a private right of action to file a civil action in court to redress violations of the law (although they may file a civil action to enforce an order issued by the enforcement agency). Earned sick time can be used to care for family members including children, parents, parents-in-law, legal guardians, spouses, grandparents, siblings, and any individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor. Earned sick time can also be used for maternity or paternity leave, or for "safe time" purposes when the worker or the worker's family member is a victim of domestic violence, sexual assault, or stalking. All Maryland workers are covered except for the following: agricultural workers; realtors; workers under the age of 18; workers employed by a temporary services agency to provide temporary staffing services to another person; workers directly employed by an employment agency to provide part-time or temporary services to another person; workers that regularly work less than 12 hours per week; workers in the construction industry covered by a collective bargaining agreement waiving sick and safe leave in clear and unambiguous terms; workers that are on-call in the health or human services industry that can reject or accept a shift, not guaranteed to be called for work, and not employed by a temporary staffing agency.

In November 2013, voters in SeaTac, Washington passed a law that gives certain hospitality and transportation workers a variety of new labor rights, including the right to earn paid sick time (at a rate of 1 hour for every 40 hours worked). Covered employers are required to pay eligible workers a lump sum payment at the end of the calendar year equivalent to the compensation due for any unused compensated time. The law also raises the minimum wage for these workers, gives them a right to keep their tips, and requires hospitality and transportation employers to offer additional hours to part-time workers before they may hire new part-time staff.

In November 2012, the voters of Long Beach, California approved a measure to guarantee a living wage and paid sick time to certain hotel workers in the city. Under the law, hotels with 100 or more rooms are required to pay workers a minimum of \$13 an hour (adjusted for increases in the federal minimum wage or cost of living) and allow workers to earn a minimum of 5 paid sick days a year.

For more detailed information on the sick time laws and bills described in this document, see:

A Better Balance's website at <http://www.abetterbalance.org/web/ourissues/sickleave>

### States

Connecticut: <http://www.ctdol.state.ct.us/wgwkstnd/SickLeave.htm>

California: <http://www.dir.ca.gov/DLSE/ab1522.html>

Massachusetts: <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/earned-sick-time/>

Oregon: <http://www.oregon.gov/BOLI/TA/pages/index.aspx>

Washington D.C.: <http://does.dc.gov/service/wage-and-hour-compliance>

### Municipalities

San Francisco: <http://sfgsa.org/index.aspx?page=419>

Oakland:

<http://www2.oaklandnet.com/government/o/CityAdministration/d/MinimumWage/index.htm>

Seattle: <http://www.seattle.gov/laborstandards/paid-sick-and-safe-time>

New York City: <http://www.nyc.gov/PaidSickLeave> and A Better Balance's website: <http://www.abetterbalance.org/web/nycpaysick>

Newark: <http://www.ci.newark.nj.us/government/departments/health-and-community-wellness/paid-sick-leave/>

East Orange: <http://eastorange-nj.gov/earned-sick-time/>

Trenton: <http://www.trentonnj.org/trentonpaysickleave>

Montclair:

[http://www.montclairnjusa.org/index.php?option=com\\_content&view=category&layout=blog&id=341&Itemid=880](http://www.montclairnjusa.org/index.php?option=com_content&view=category&layout=blog&id=341&Itemid=880)

Bloomfield: <http://www.bloomfieldtwpnj.com/main/press-release/bloomfield-first-nj-town-year-mandate-paid-sick-leave>

Jersey City: <http://www.jerseycitynj.gov/business.aspx?id=13851>

San Diego: <https://www.sandiego.gov/treasurer/minimum-wage-program>

Tacoma: <http://www.cityoftacoma.org/cms/one.aspx?objectId=75860>

Philadelphia: <http://www.phila.gov/MDO/Pages/PaidSickLeave.aspx>

Emeryville: <http://www.ci.emeryville.ca.us/1024/Minimum-Wage-Ordinance>

Spokane: <https://my.spokanecity.org/citycouncil/items-of-interest/sick-leave/>

Santa Monica:

[https://www.smgov.net/departments/HED/Economic\\_Development/Minimum\\_Wage\\_Proposal.aspx](https://www.smgov.net/departments/HED/Economic_Development/Minimum_Wage_Proposal.aspx)

Minneapolis: <http://www.minneapolismn.gov/sicktimeinfo/index.htm>

Los Angeles: <http://wagesla.lacity.org/>



Saint Paul: <https://www.stpaul.gov/departments/human-rights-equal-economic-opportunity/earned-sick-and-safe-time>

For more detailed information on the sick time laws and bills described in this document, see:

San Francisco Code Chapter 12W; D.C. Code § 32-131.01 et seq.  
Seattle Code § 14.16.010 et seq.  
Conn. Gen. Stat. § 31-57r et seq.  
NYC Code § 20-911 et seq.  
Jersey City Code § 3-350 et seq.  
Newark Legislation File # 13-2010, Version 6  
San Diego Municipal Code § 39.0101 et seq.  
Cal. Lab. Code § 245 et seq.  
Long Beach Code § 5.48.010 et seq.  
Oakland Code § 5.92.010 et seq.  
Massachusetts General Laws Chapter 149, §§ 148C, 148D  
Tacoma Code § 18.10.010 et seq.  
Philadelphia Code § 9-4101 et seq. Or. Rev. Stat. §§ 653.256 et seq., 659A.885  
Emeryville Code § 5-37.01 et seq.  
Montgomery County Code Chapter 27, Article XIII  
Pittsburgh Code § 626 et seq.  
Spokane Municipal Code § 09.01.010 et seq.  
Vermont Statutes § 481 et seq.  
Santa Monica Code § 4.62 et seq.  
Minneapolis Code § 40.10 et seq.  
Los Angeles Code § 187.00 et. seq. and § 188.00 et. seq.  
San Diego Code § 39.0101 et seq.  
Chicago Code § 1-24-010 et seq.  
Berkeley Code § 13.100.010 et seq.  
Saint Paul Code § 233.01 et seq.  
Morristown Ordinance O-35-2016  
Cook County Code § 42-1 et seq.  
Ariz. Rev. Stat. § 23-364 and 23-371 et seq.  
Washington Initiative No. 1433 (to be codified in Wash. Rev. Code Chapter 49.46).

## Appendix C. Stakeholder Meetings

### Proponents Meeting

Date: September 4, 2018

Location: 625 Silver Av. SW, Albuquerque NM 87102

### Questions

**1. Please offer a rebuttal to each of the following arguments in opposition to a paid sick leave proposal.**

- A City-mandated paid sick leave policy would increase costs of doing business in Albuquerque, resulting in higher prices to local consumers.
- A City-mandated paid sick leave policy would increase costs, putting local businesses at a competitive disadvantage against both neighboring communities such as Rio Rancho and larger out-of-state cities such as Denver.
- Albuquerque has had a difficult time attracting business to the city. A City-mandated sick leave policy sends the wrong message to businesses that may be interested in locating in Albuquerque.
- A City-mandated policy would limit the flexibility of employer-employee relations, interfering with the ability of employers to meet individual demands of employees, for example higher salaries.
- A City-mandated sick leave policy that applies to businesses with a minimum number of employees will discourage some businesses from expanding so that they remain below the employment threshold.

**2. Please suggest arguments in opposition to the proposal that should be posed to opponents.**

**3. What are key issues or deal-breakers that would require you to oppose the proposal?**

## Meeting Summary

### A. How would you rebut the following arguments in opposition of a paid sick leave proposal?

1. Rebuttal of Argument “A City-mandated paid sick leave policy would increase the costs of doing business in Albuquerque, resulting in higher prices to local consumers.”
  - The cost for employers to offer PSL to keep dependable and qualified employees is less than the costs of vacancy, which includes the hiring and training of new employees. (El Centro, Ole)
  - A study from the Institute of Women’s Policy Research shows that in the city of Austin, \$4.5 million in net savings per year for business would be produced with the city’s proposed earned sick leave policy through “reduced turnover, reduced spread of contagious disease in the workplace, increased productivity, fewer short-term nursing-home stays, and reduced norovirus outbreaks in nursing homes.” (Ole, *Valuing Good Health in Austin, Texas: The Costs and Benefits of Earned Sick Days*, Institute for Women’s Policy Research, [https://iwpr.org/wp-content/uploads/2018/02/B371\\_Valuing-Good-Health-in-Austin\\_PSD.pdf](https://iwpr.org/wp-content/uploads/2018/02/B371_Valuing-Good-Health-in-Austin_PSD.pdf))
  - The sick leave policy will allow employers who would want to offer PSL but are fearful it could put them at a competitive disadvantage to other local employers that have a race to the bottom strategy with no benefits and high turnover. (NMWFP, Ole, Voices for Children)
  - Similar arguments have been made about the negative effects on business with other proposed city ordinances in the past, such as the smoking ban and previous minimum wage increases, yet the city has yet to see these significant negative effects on business. (NMWFP, El Centro)
2. Rebuttal of Argument “A City-mandated paid sick leave policy would increase costs, putting local businesses at a competitive disadvantage against both neighboring communities such as Rio Rancho and larger out-of-state cities such as Denver.”
  - Businesses use a multitude of factors to decide where to locate their business, including (1) the number of skilled employees who can perform the job required, and (2) the wages and benefits package required to hire and keep these employees. Albuquerque is already competitive to other cities in the Southwest with a low cost of living. However, young, skilled professionals are moving to other cities, such as Seattle and Austin, because of the job opportunities that offer better benefits and a more attractive work environment.
  - In order to keep quality talent to stay in Albuquerque, and subsequently, attract new businesses, offering benefits, such as PSL, will increase the competitiveness of businesses in the city, compared to other cities that do not offer these benefits. (Enlace Comunitario, Ole, El Centro)
3. Rebuttal of Argument “A city-mandated policy would limit the flexibility of employer-employee relations, interfering with the ability of employers to meet individual demands of employees, for example, higher salaries.”
  - Labor laws are needed to create minimum protections for employees, and the current PSL proposal still allows flexibility if employers would want to provide better benefits packages. (El Centro, Ole)

- A PSL policy can help parents and caregivers of children, elderly family members, and other individuals with special needs the flexibility to provide effective care, instead of relying on more costly alternatives or sending their children to school sick. (Jesse Barnes, MD; NMWFP; Ole; Strong Families NM)
  - A robust PSL policy can also benefit victims of domestic violence who currently do not take leave for personal healing and dealing with legal issues, even though the state requires that businesses give these individuals time off because it is currently not paid time off. (Enlace)
4. Rebuttal of Argument “A City-mandated sick leave policy that applies to businesses with a minimum number of employees will discourage some businesses from expanding so that they remain below the employment threshold.”
    - The decision to hire employees is not solely based on labor costs but instead is based almost entirely on the demand for a business’s products and/or services. If the city has a good quality of life and a vibrant economy, business will likely thrive, and will sequentially, hire new employees. (Ole)

**B. Please suggest arguments in support of the proposal that should be posed to opponents.**

1. Even within the business community, many small business owners and nonprofit organizations that have fewer than 50 employees are currently supporting this PSL policy. (NMWFP, Ole, Nexus Brewery)
2. The absence of a PSL policy could create a significant public health issue, especially when employees who are contagious go to work and infect, not only other employees but also customers. (Jesse Barnes, MD; DeAndre Brown, Community Member; Enlace Comunitario; Ole)
3. Even though some businesses state in their policy that if an employee is sick, they should not report to work, employees will still do so because of the need to earn a living and the fear of discipline by the employer (i.e. termination of employment, reduction of hours). (Jesse Barnes, MD; DeAndre Brown, Community Member; Enlace Comunitario; Ole)
4. Patients who do not have access to PSL will likely delay medical care and are more likely to present with advanced disease, increasing the cost of their care and worsening their long-term health and productivity. (Jesse Barnes, MD)
5. Out of approximately 200 thousand employees in Albuquerque, 107 thousand employees currently do not have access to PSL. In terms of PSL coverage, the highest amount of coverage comes from mandates, instead of just voluntary participation. (NMWFP)
6. Have individual businesses actually compared the costs of vacancy (searching and training new employers) with the cost of cover PSL under this policy? (Voices for Children, Ole)
7. How can businesses ensure that human worth of the employee is maintained, and not just take them solely as economic commodities? (El Centro)

## C. What are key deal-breakers that would require you to oppose the proposal?

1. The current employee eligibility requirements that call for employees to work at least 20 hours per week on average is inadequate as certain employers may schedule hours to point where employees are not eligible for PSL. (Voices for Children)
2. The minimum firm size that would exempt employers with fewer than 50 employees in Albuquerque is inadequate, and the supporters believe that there should be no firm size exemption, but there should be a one-year deferment for new businesses. (Ole)

### Amendments to Proposed Sick Leave Ordinance

*As it stands, the proposed ordinance will not cover 94% of workers in Albuquerque and will undermine the integrity of earned paid sick leave for all. The following amendments can rectify the issues and ensure all Albuquerque families will benefit.*

ISSUE	SANCHEZ & HARRIS	AMENDMENT
Which employees are covered?	Only employees who work an average of 20 hours a week, excluding day laborers and temporary workers.	All employees who work at least 56 hours per year for a business or nonprofit with a physical premises in Albuquerque. Similar to MWO.
Which employers are excluded?	At least 94% of business in Albuquerque are exempt because they have fewer than 50 employees working in CABQ or are nonprofits. Even a business w/ hundreds of employees is exempt if it has fewer than 50 in ABQ.	Small business startups. Small businesses may obtain an exemption in their first business registration filing for their first year of business.
Can sick leave be used to care for loved ones?	Only the "nuclear" family. An employee may use earned leave to care for a spouse or child (either under 18 or an adult child with severe disability).	Coverage for a spouse, domestic partner, child, sibling, parent, grandparent, grandchild, or any other individual or relative whose close association with the employee or employee's spouse or domestic partner is the equivalent of a family relationship.
Accrual & use rate	No rights for employees of small business; one hour per 40 hours worked, capped at 40 hours for employees of large businesses	One hour per 30 hours worked, capped at 40 hours for employees of small businesses and 56 hours for employees of large businesses.
Earliest date sick time can be used?	720th hour of work (18 weeks for employees working 40 hours a week, 36 weeks for employees working 20 hours a week)	90th calendar day following first day of employment (13 weeks for all employees)
Notice, record-keeping, & enforcement.	Does not incentivize compliance. <ul style="list-style-type: none"> <li>Enforcement process (hearing with no investigation) is designed to clear violators instead of identifying and fixing violations.</li> <li>Without private right of action, City must process all claims, needlessly spending public dollars.</li> <li>No damages to employees means no employer compliance incentive.</li> </ul>	Strong compliance incentive. <u>mirroring MWO process</u> <ul style="list-style-type: none"> <li>Employees may request a CABQ investigation, or may file in court with their own attorneys.</li> <li>Attorneys' fees reduce the financial burden of enforcement on the City by incentivizing private enforcement.</li> <li>Damages to employees incentivizes employer compliance.</li> </ul>

Source: Olé

5. The probationary period that allows PSL to be used only after 720 of work hours is inadequate because work may be intermittent, and if there is a break in employment, the number of hours worked is reset. The supporters would recommend allowing employees to take sick leave after the 90<sup>th</sup> calendar day. (Ole)
6. A tough documentation requirement may create an obstacle that would prevent people from taking their PSL time, especially if the employee needs to stay home to take care of the family member. Since the current PSL proposal is earned and capped, employers should not be required to gather documentation as it could be burdensome and costly for both employers and employees. (NMWFP, Ole)

### CABQ PSL Proponents Participants

<u>Name</u>	<u>Organization</u>
Melanie Aranda	Center for Civic Policy
Oriana Sandoval	Center for Civic Policy
DeAndre Brown	Community Member
Edgar Salinas-Flores	El Centro de Igualdad y Derechos (El Centro)
Rachel Lazar	El Centro
Juliann Salinas	Enlace Comunitario
Claudia Medina	Enlace Comunitario
Adrian Carver	EQNM
James Jimenez	NM Voices for Children
Eric Griego	NMWFP
Arther Bazan	Ole
Kris Buchmann	Ole
Cece Guidi	Ole
Terry Storch	Ole
Eric Shimamoto	Ole
Martha Gamboa	Ole
Ernesto Ortiz	Ole
Traeshaun Buffin	Ole
Damion Galbraith	Ole
Aaron Fernandez	Ole
Miles Tokunow	Ole
Matthew Henderson	Ole
Ken Carson	Ole / Nexus Brewery (45 employees)
Cecy Velasco	Strong Families NM
George Lujan	SWOP
Jesse Barnes, MD	Family Medicine

## Opponents Meeting

September 5, 2018

Location: 1309 4<sup>th</sup> Street, SW, Albuquerque NM 87102

### Questions

**1. Please offer a rebuttal to each of the following arguments in support of a paid sick leave proposal.**

- Albuquerque and New Mexico have had a difficult time attracting and retaining a highly-qualified labor force. Mandatory PSL would improve the city's image as a worker-friendly place, helping to reverse the negative population / labor force trends.
- An argument opposing PSL is that, like minimum wage increases, PSL will put Albuquerque at a competitive disadvantage vs. our neighbors. However, many neighboring states and cities have put in place more expansive labor policies and yet continue to grow at a much stronger rate.
- Mandatory PSL would improve public health, as workers would be able to avoid spreading contagious disease without losing pay.
- Long probationary periods and the loss of accrued PSL upon a break in employment, as allowed in Sanchez-Harris, would give employers opportunity to avoid the law without consequence.
- Studies have shown that recruitment and training of employees is a significant component of total labor costs, whereas one week of PSL would add less than 3% to payroll.

**2. Please suggest arguments in opposition to the proposal that should be posed to supporters.**

**3. What are key issues or deal-breakers that would require you to oppose the proposal?**



## Meeting Summary

### A. Please offer a rebuttal to the following arguments in support of a paid sick leave proposal?

1. Rebuttal of Argument “Albuquerque and New Mexico have had a difficult time attracting and retaining a highly-qualified labor force. Mandatory PSL would improve the city’s image as a worker-friendly place, helping to reverse the negative population / labor force trends.”
  - ABQ is already not a business-friendly place, so this mandate adds to the reasons for business not to expand here and locate here. (NAIOP)
  - Jobs is the key to attracting and retaining a highly-qualified labor. A mandatory PSL bill will increase costs and not create jobs. (RGF; NMHA; NMHCA)
  - Millennials value a city that can offer good entertainment and a good night life. Mandatory PSL will increase business (especially restaurants), the entertainment culture will suffer as business will have a harder time staying open thus being able to offer less to the younger crowd who will then be more incentivized to leave. (NMHA).
  - Employees may not value sick leave as the highest priority for them staying at a job. The City should take a more holistic approach and allow employers to determine what their employees value the most; i.e more money, work/personal life balance, retirement plans, paid vacations, health insurance, etc. (NMHA; NMHCA; NAIOP).
  - The City should focus its efforts on the retention and expansion of existing business. Economic development is a key driver for attracting and retaining high skilled employees, however, offering sick leave will not spur development. (NMHA)
  - Business and individual are already leaving places like Washington and which have implemented PSL. ABQ’s economy will suffer because ABQ’s economy is not the size of California or Washington’s, as many businesses will relocate to Rio Rancho. However, restaurants do not have the flexibility to easily relocate. (NMRA)
  - The impact of PSL is “anti-cultural & anti-local” because larger companies and larger chain restaurants already have PSL; rather a PSL bill would target smaller local business that cannot afford them, forcing them out of business. The City wants to promote people buying local and cultural things, however, the City will stymie the local/cultural initiative by driving them out of business, therefore lessening the cultural appeal for our state. This inevitably thwarts efforts of recruiting potential out of state employees because our city is only left with large chain companies, which does not have the same level of uniqueness that local business can provide. (AHCC)
2. Rebuttal of Argument “like minimum wage increases, PSL will put Albuquerque at a competitive disadvantage vs. our neighbors. However, many neighboring states and cities have put in place more expansive labor policies and yet continue to grow at a much stronger rate.”
  - Other cities and states who already have sick leave, have much more vibrant economies, with better social and educational institutions than New Mexico. Hard

- to determine whether these cities or municipalities are doing better as a result of sick leave or a combination of other factors, such as lower crime rates, better infrastructure, etc. (NMRA; RGF).
- PSL cannot be understood in isolation of other regulatory requirements, such as Right to Work. Sometimes an overall business-friendly environment have benefits that outweigh the benefit of individual regulations such as PSL (RGF).
  - Mandatory PSL will require that businesses increase prices to consumers. References an Employment Policy Institute study in Seattle study that shows around 15% of service-industry employers raised prices in response to the law; 18% of employers reduced hours of staff; and 17% either required employees to pay more for benefits or eliminated benefits altogether (<https://www.epionline.org/studies/paid-sick-leave-in-seattle/>).
  - Any PSL Ordinance that has a business size requirement discourages employment growth, because if the law says that a business with more than 50 employees must provide a benefit businesses will intentionally remain below that threshold.
3. Rebuttal of Argument “Mandatory PSL would improve public health, as workers would be able to avoid spreading contagious disease without losing pay.”
    - A study by the Urban Institute in 2009 shows PSL in San Francisco had minimal public health benefits. Few employers reported any early benefits from reduced absenteeism, lower turnover, or improved employee morale as a result of the PSL ordinance. (RGF).
    - Most businesses allow workers to make up time missed when sick.
  4. Rebuttal of Argument “Long probationary periods coupled with the loss of accrued PSL upon a break in employment, as allowed in Sanchez-Harris’ proposed ordinance, would give employers the opportunity to avoid the law without consequence.”
 

In the restaurant industry, it can cost up to \$6,000 to train an employee, so it would be illogical to invest the money in training an employee just to lay the employee off to avoid a sick leave mandate (NMRA; NMHCA).

    - This would be against the self-interest of an employer. Recruitment and retention of good employees are the most important and hardest things for businesses. Letting employees go for this reason would give a business would give a bad reputation and make it more costly for them in the long run (NMHA; NAIOP; NMRA; RGF).
  5. Rebuttal of Argument “Studies have shown that recruitment and training of employees is a significant component of total labor costs, whereas one week of PSL would add less than 3% to payroll.”
    - The costs are unlikely to be the same throughout every industry. Every industry is different, and has different margins and different operational costs. Some industries may be better suited to absorb the costs than other industries (NMHA; NMRA; NMHA).
    - 3% is an unrealistic estimate as it overlooks the cost of administration and compliance of a City ordinance.
  6. Rebuttal of Argument “Current law allows businesses to provide PSL, but many don’t because they are concerned that they will be at a disadvantage with local competitors. A

mandatory PSL policy would remove this disincentive, putting all employers on an even playing field.”

- Fringe benefits such as PSL are meant to give employers competitive advantages in hiring and retention of good employees. Business are in a better position to determine than the government to decide whether the company will be at a competitive advantage or disadvantage (RGF).
- Businesses who can provide sick leave do provide sick leave. If a business can do something, they will do it. The current mandate will pit local business against chain restaurants who can easily afford the mandate. (NMRA).

**B. Please suggest arguments in opposition to the proposal that should be posed to supporters.**

1. PSL could stunt employment growth, as some business may not want to go above a certain employee threshold to avoid a costly mandate. These mandates can cost jobs as some employers may not choose to hire (NMRA).
2. Most business startups rely on credit cards to finance their business, and often lose money in the initial stages; therefore, a mandatory PSL policy would drive startups into a deeper financial burden (GACC).
3. Mandate can inhibit business expansion throughout the city and discourage national companies from moving their firms to ABQ. (NMRA; NMHA).
4. The costs could trickle down to citizens in terms of losing services that the public benefits from. For example, small business may have to cut skilled staff in small law firms, and small immigration firms (firms who whose jobs are to aid the public) (NMHA).
5. The city should be tackling other issues such as crime, homelessness, education, etc. as well as bettering our tax structure to add more money to the General Fund (NMRA; NMHA).

**C. What are key deal-breakers that would require you to oppose the proposal?**

1. Compliance requirements (RGF)
2. What is the minimum size of the business that will be required to comply (NMRA)
3. What is the definition of “immediate family” in terms of for who the sick can the used for (GACC).
4. The mandate itself is the deal-breaker; there can be other ways to promote family friendly policies other than PSL (NMHCA).
5. How will local companies be promoted under PSL (NMHA; AHCC)?

## CABQ PSL Opponents Participants

<u>Name</u>	<u>Organization</u>
Lynne Anderson	Commercial Real Estate Development Association (NAIOP)
Sherman McCorkle	Greater Albuquerque Chamber of Commerce
Kathy Komoll	New Mexico Hospitality Association (NMHA)
Antonette Vigil	New Mexico Hospitality Association (NMHA)
Jason Weats	New Mexico Hospitality Association (NMHA)
Jason Espinoza	New Mexico Health Care Association (NMHCA)
Carol Wight	New Mexico Restaurant Association (NMRA)
Paul Gessing	Rio Grande Foundation (RGF)
John Garcia	Home Builders Association of Central New Mexico (HBACNM)
Ernie C'de Baca	Albuquerque Hispano Chamber of Commerce (AHCC)

## Appendix D. City of Albuquerque Paid Sick Leave Employee Survey

Question: QA. Are you employed within the Albuquerque city limits?

- 1 Yes
- 2 No/don't know/won't say

Question: QB. Are you self-employed or do you work for a company or organization?

- 1 Self-employed/don't know won't say
- 2 Work for a company or organization
- 3 Both

Question: QC. Are you employed by a federal, state or local government, including any public schools, colleges or National Lab?

- 1 Yes/don't know/won't say
- 2 No

Question: Q01. Not including holidays, do you receive any paid time off or paid sick leave from your employer (any job)?

- 1 Yes, either one
- 2 No

Question: Q02. Do you receive paid sick leave from your employer that is...

- 1 Completely separate from other forms of paid vacation or personal time off
- 2 Paid time off (PTO) that combines your sick leave and personal time off all in one.
- 3 Don't know/won't say

Question: Q03. Do you currently have more than one paid job? (Among those who receive paid sick leave separate from other forms of time off.)

- 1 Yes
- 2 No
- 3 Won't say

Question: Q04. How many jobs do you have? (Among those who have more than one paid job and receive paid sick leave separate from other forms of time off.)

- 99 Don't know/won't say

Question: Q05. Do each of these jobs offer paid sick leave? (Among those who have more than one paid job and receive paid sick leave separate from other forms of time off.)

- 1 Yes
- 2 No/don't know

Question: Q06. How many hours of paid sick leave do you receive per year? (Among those who receive paid sick leave separate from other forms of time off.)  
999 Don't know/won't say

Question: Q07. How many hours of paid sick leave have you used in the past two months? (Among those who receive paid sick leave separate from other forms of time off.)  
998 None  
999 Don't know/won't say

Question: Q08. What was/were the reasons you used paid sick leave in the past two months? (Among those who have used some sick leave in the past two months and receive paid sick leave separate from other forms of time off.)

- 1 I was sick
- 2 I was injured at work
- 3 I was injured outside of work
- 4 Pregnancy/childbirth
- 5 Appointment with healthcare provider/doctor/dentist
- 6 To care for a child/children
- 7 To care for a family member (other than child)
- 8 Loss of family member or loved one
- 9 Mental health/fatigue
- 10 Vacation
- 11 Emergency room visit
- ...
- 98 No reason in particular
- 99 Don't know/won't say

Question: Q09. Do you limit your use of sick leave out of concern that it could negatively impact your employment such as being fired, reduced hours or pay, changes in job responsibilities, or other negative consequences? (Among those who receive paid sick leave separate from other forms of time off.)

- 1 Yes
- 2 Sometimes
- 3 No
- 4 Don't know/won't say

Question: Q10. If paid sick leave was NOT available to you as an employee benefit, would you definitely, probably, probably not, or definitely not look for a different job? (Among those who receive paid sick leave separate from other forms of time off.)

- 1 Definitely
- 2 Probably
- 3 Probably not
- 4 Definitely not
- 5 Don't know/not sure/depends
- 6 Won't say

Question: Q11. In addition to paid sick leave, what types of benefits, if any, does your employer provide? These can include things such as health and insurance benefits, maternity leave, retirement plans, paid holidays, other forms of paid time off or other benefits. (Among those who receive paid sick leave separate from other forms of time off.)

- 1 Maternity leave
- 2 Health insurance
- 3 Dental insurance
- 4 Vision insurance
- 5 Retirement plan/401k/pension
- 6 Health savings account
- 7 Paid holidays
- 8 Paid vacation/personal time off
- 9 Legal services
- 10 Parking permits
- 11 Profit sharing
- 12 Discounts with various companies
- 13 Comp time
- 14 Life insurance
- 15 Paid training
- 16 Bereavement leave
- 17 Bonus gift
- 18 Company car
- 19 Work from home
- 20 Daycare
- 21 Company phone
- 22 Low loan rates
- ...
- 98 None
- 99 Don't know/won't say



Question: Q12. Do you currently have more than one paid job? (Among those who have paid time off that combines sick leave and personal time off all in one.)

- 1 Yes
- 2 No
- 3 Won't say

Question: Q13. How many jobs do you have? (Among those who have more than one paid job and have paid time off that combines sick leave and personal time off all in one.)

- 99 Won't say

Question: Q14. Do each of these jobs offer paid time off or PTO? (Among those who have more than one paid job and have paid time off that combines sick leave and personal time off all in one.)

- 1 Yes
- 2 No/don't know

Question: Q15. How many hours of paid time off do you receive per year? (Among those who have paid time off that combines sick leave and personal time off all in one.)

- 999 Don't know/won't say

Question: Q16. How many hours of paid time off have you used in the past two months? (Among those who have paid time off that combines sick leave and personal time off all in one.)

- 998 None
- 999 Don't know/won't say

Question: Q17. What was/were the reasons you used paid time off in the past two months? (Among those who have used some sick leave in the past two months and have paid time off that combines sick leave and personal time off all in one.)

- 1 I was sick
- 2 I was injured at work
- 3 I was injured outside of work
- 4 Pregnancy/childbirth
- 5 Appointment with healthcare provider/doctor/dentist
- 6 To care for a child/children
- 7 To care for a family member (other than child)
- 8 Loss of family member or loved one
- 9 Mental health/fatigue

10 Vacation

11 Personal time (i.e. moving, home maintenance/delivery, family events, etc.)

12 "Use it or lose it" - PTO was going to expire

...

98 No reason in particular

99 Don't know/won't say

Question: Q18. Do you limit your use of paid time off out of concern that it could negatively impact your employment such as being fired, reduced hours or pay, changes in job responsibilities or other negative consequences? (Among those who have paid time off that combines sick leave and personal time off all in one.)

1 Yes

2 Sometimes

3 No

4 Don't know/won't say

Question: Q19. In the past two months, have you gone to work sick because you wanted to save paid time off for a vacation or a day off when you felt well? (Among those who have paid time off that combines sick leave and personal time off all in one.)

1 Yes

2 No

3 Don't know/won't say

Question: Q20. If paid time off was NOT available to you as an employee benefit, would you definitely, probably, probably not, or definitely not look for a different job? (Among those who have paid time off that combines sick leave and personal time off all in one.)

1 Definitely

2 Probably

3 Probably not

4 Definitely not

5 Don't know/not sure/depends

6 Won't say

Question: Q21. In addition to paid time off, what types of benefits, if any, do you have from your employer? These can include things such as health and insurance benefits, maternity leave, retirement plans, paid holidays, or other benefits. (Among those who have paid time off that combines sick leave and personal time off all in one.)

1 Maternity leave

2 Health insurance

- 3 Dental insurance
- 4 Vision insurance
- 5 Retirement plan/401k/pension
- 6 Health savings account
- 7 Paid holidays
- 8 Health insurance reimbursement
- 9 Life insurance
- 10 Long and/or short-term disability
- 11 Educational reimbursement
- 12 Supplemental insurance
- 13 Daily incentives
- 14 Company phone
- 15 Free golf
- 16 Extra health coverage for family
- 17 Employee discounts
- ..
- 98 None
- 99 Don't know/won't say

Question: Q22. Are you the primary caregiver for any children under the age of 16? (Among those who receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

- 1 Yes
- 2 No
- 3 Don't know/won't say

Question: Q23. How many children under the age of 16 do you care for? (Among those who are the primary caregiver for any children under the age of 16, and receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

99 Don't know/won't say

Question: Q24. Is the child, or children, you care for related to you, not related to you, or both? (Among those who are the primary caregiver for any children under the age of 16, and receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

- 1 Related
- 2 Not related
- 3 Both
- 4 Don't know/won't say

Question: Q25. Are you the primary caregiver for anyone who is elderly? (Among those who receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

- 1 Yes
- 2 No
- 3 Don't know/won't say

Question: Q26. How many elderly people do you provide care for? (Among those who are the primary caregiver for anyone who is elderly, and receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

99 Don't know/won't say

Question: Q27. Is this person/people related to you, not related to you, or both? (Among those who are the primary caregiver for anyone who is elderly, and receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

- 1 Related
- 2 Not related
- 3 Both
- 4 Don't know/won't say

Question: Q28. Do you provide care for anyone who is disabled? (Among those who receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

- 1 Yes
- 2 No
- 3 Don't know/won't say

Question: Q29. How many disabled people do you care for? (Among those who provide care for anyone who is disabled, and receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

99 Don't know/won't say

Question: Q30. Is this person/people related to you, not related to you, or both? (Among those who provide care for anyone who is disabled, and receive EITHER paid time off that combines sick leave and personal time, OR who receive paid sick leave separate from other forms of time off.)

- 1 Related
- 2 Not related

- 3 Both
- 4 Don't know/won't say

Question: Q31. Do you currently have more than one paid job? (Among those who do not receive any paid time off or sick leave from any employer.)

- 1 Yes
- 2 No
- 3 Don't know/won't say

Question: Q32. How many jobs do you have? (Among those who have more than one paid job and do not receive any paid time off or sick leave from any employer.)

- 99 Won't say

Question: Q33. Are you the primary caregiver for any children under the age of 16? (Among those who do not receive any paid time off or sick leave from any employer.)

- 1 Yes
- 2 No
- 3 Don't know/won't say

Question: Q34. How many children under the age of 16 do you care for? (Among those who do not receive any paid time off or sick leave from any employer.)

- 99 Don't know/won't say

Question: Q35. Is the child, or children, you care for related to you, not related to you, or both? (Among those who are the primary caregiver for any children under the age of 16, and do not receive any paid time off or sick leave from any employer.)

- 1 Related
- 2 Not related
- 3 Both
- 4 Don't know/won't say

Question: Q36. The last time the child/children you care for was/were sick, and you were scheduled to work, what did you do? (Among those who are the primary caregiver for any children under the age of 16, and do not receive any paid time off or sick leave from any employer.)

- 1 Sent the child to school or daycare while he/she was sick
- 2 Called in (sick) without pay
- 3 Had child stay home alone
- 4 Spouse/partner stayed home with child

- 5 Other family member/friend looked after child
- 6 Hired someone to take care of the child
- 7 Took child to work with me

...

- 98 Not applicable/has not happened
- 99 Don't know/won't say

Question: Q37. How much did you pay per hour to hire a caregiver? (Among those who are the primary caregiver for any children under the age of 16, and stated they "hired someone to take care of the child", and do not receive any paid time off or sick leave from any employer.)

- 99 Don't know/won't say

Question: Q38. Are you the primary caregiver for anyone who is elderly? (Among those who do not receive any paid time off or sick leave from any employer.)

- 1 Yes
- 2 No
- 3 Don't know/won't say

Question: Q39. How many elderly people do you provide care for? (Among those who are the primary caregiver for anyone who is elderly, and do not receive any paid time off or sick leave from any employer.)

- 99 Don't know/won't say

Question: Q40. Is this person/people related to you, not related to you, or both? (Among those who are the primary caregiver for anyone who is elderly, and do not receive any paid time off or sick leave from any employer.)

- 1 Related
- 2 Not related
- 3 Both
- 4 Don't know/won't say

Question: Q41. The last time the elderly person you care for was sick, and you were scheduled to work, what did you do? (Among those who are the primary caregiver for anyone who is elderly, and who do not receive any paid time off or sick leave from any employer.)

- 1 Called in sick without pay
- 2 Had person stay home alone
- 3 Spouse/partner stayed home with person
- 4 Other family member/friend looked after the person
- 5 Hired someone to take care of the person

...

98 Not applicable/has not happened

99 Don't know/won't say

Question: Q42. How much did you pay per hour to hire a caregiver? (Among those who are the primary caregiver for anyone who is elderly, stated they "hired someone to take care of the person", and do not receive any paid time off or sick leave from any employer.)

99 Don't know/won't say

Question: Q43. Do you provide care for anyone who is disabled? (Among those who do not receive any paid time off or sick leave from any employer.)

1 Yes

2 No

3 Don't know/won't say

Question: Q44. How many disabled people do you care for? (Among those who provide care for anyone who is disabled, and who do not receive any paid time off or sick leave from any employer.)

99 Don't know/won't say

Question: Q45. Is this person/people related to you, not related to you, or both? (Among those who provide care for anyone who is disabled, and who do not receive any paid time off or sick leave from any employer.)

1 Related

2 Not related

3 Both

4 Don't know/won't say

Question: Q46. The last time the disabled person you care for was sick, and you were scheduled to work, what did you do? (Among those who provide care for anyone who is disabled, and who do not receive any paid time off or sick leave from any employer.)

1 Called in sick without pay

2 Had person stay home alone

3 Spouse/partner stayed home with person

4 Other family member/friend looked after the person

5 Hired someone to take care of the person

...

98 Not applicable/has not happened

99 Don't know/won't say



Question: Q47. How much did you pay per hour to hire a caregiver? (Among those who provide care for anyone who is disabled, answered "hired someone to take care of the person", and who do not receive any paid time off or sick leave from any employer.)

999999 Don't know/won't say

Question: Q48. In the past year, approximately how many times did you go to your primary job when you were sick? (Among those who do not receive any paid time off or sick leave from any employer.)

999 Don't know/won't say

Question: Q49. In the past year, approximately how many times did you go to work when there was a risk of you spreading an illness? (Among those who answered they went to work sick in the past year at least once, and who do not receive any paid time off or sick leave from any employer.)

999 Don't know/won't say

Question: Q50. Do you believe that if you missed work at your primary job because of an illness or to care for a child or family member that it would affect you negatively, such as being fired, having your hours or pay reduced, or having changes made in job responsibilities? (Among those who do not receive any paid time off or sick leave from any employer.)

1 Yes

2 Depends/maybe

3 No

4 Don't know/won't say

Question: Q51. Which of the following best describes the industry you work in?

1 Retail

2 Food Services, Hospitality

3 Arts, Entertainment, Recreation

4 Professional & Business Services

5 Education, Healthcare, Social Assistance

6 Construction

7 Manufacturing

8 Biotechnology

9 Transportation

...

99 Don't know/won't say

Question: Q52. How long have you been in your current job (if more than one job, at primary job)?

- 1 Less than one year
- 2 1 to 3 years
- 3 4 to 6 years
- 4 7 to 10 years
- 5 More than 10 years
- 6 Don't know/won't say

Question: Q53. Do you work full time or part time (if more than one job, at primary job)?

- 1 Full time
- 2 Part time
- 3 Don't know/won't say

Question: Q54. How many hours do you work in an average week (if more than one job, at primary job)?

- 99 Don't know/won't say

Question: Q55. Are you paid hourly, receive a salary, or paid by commission only?

- 1 Hourly
- 2 Salary
- 3 Commission Only
- 4 Base salary/hourly plus commission
- 5 Don't know/won't say

Question: Q56. How many wage earners are there in your household?

- 1 1
- 2 2
- 3 3 or more
- 4 Don't know/won't say

Question: Q57. Are you the primary wage earner in your household? (Among those who answered there is more than one wage earner in their household.)

- 1 Yes
- 2 Joint
- 3 No
- 4 Don't know/won't say

Question: Q58. Approximately how many full and part-time employees are employed where you work?

- 1 Less than 5
- 2 5 to 9
- 3 10 to 19
- 4 20 to 49
- 5 50 to 99
- 6 100 or more
- 7 Don't know/won't say

Question: Q59. Is the company you work for a ...

- 1 National or regional corporation
- 2 A franchise
- 3 A locally owned independent business
- 4 Don't know/won't say

Question: Q60. How satisfied are you with your employer (if more than one job, at primary job)? Would you say you are ...

- 1 Very satisfied
- 2 Somewhat satisfied
- 3 Somewhat dissatisfied
- 4 Very dissatisfied
- 5 Don't know/won't say

Question: Q61. Into what age category do you fit?

- 1 18 to 24 years old
- 2 25 to 34 years old
- 3 35 to 44 years old
- 4 45 to 54 years old
- 5 55 to 64 years old
- 6 65 years or over
- 7 Don't know/won't say

Question: Q62. What is your household income?

- 1 Less than \$15,000
- 2 \$15,000 to \$24,999
- 3 \$25,000 to \$34,999
- 4 \$35,000 to \$49,999
- 5 \$50,000 to \$74,999
- 6 \$75,000 to \$99,999
- 7 \$100,000 or more
- 8 Don't know/won't say

Question: Q63. What is the highest level of education you have attained?

- 1 Some high school
- 2 High school graduate
- 3 Some college/associate degree/vocational certificate
- 4 College graduate (4 years)
- 5 Graduate degree (M.D., Ph.D., J.D., Masters)
- 6 Won't say

Question: Q64. Do you consider yourself to be:

- 1 Hispanic
- 2 Anglo/Caucasian
- 3 Black/African-American
- 4 Native American Indian
- 5 Other descent
- 6 Won't say

Question: Q65. How would you evaluate your health? Would you say it is ...

- 1 Excellent
- 2 Good
- 3 Fair
- 4 Poor
- 5 Very poor
- 6 Don't know/won't say

Question: Q66. If a law was enacted in the City of Albuquerque, that would require employers to provide at least 5 days of paid sick leave to employees each year, would you definitely, probably, probably not or definitely not support this law?

- 1 Definitely
- 2 Probably
- 3 Not sure
- 4 Probably not
- 5 Definitely not
- 6 Don't know/won't say

Question: Gender

- 1 Male
- 2 Female

## Appendix E. City of Albuquerque Paid Sick Leave Employer Survey

### Methodology

BBER conducted a survey of private for-profit and not-for-profit employers located in the City of Albuquerque. The survey did not include employees of federal, state or local government entities, including public schools and colleges/universities, and a national lab.

The survey was conducted in July and August 2018. In total, BBER made calls to 403 businesses. BBER was unable to contact 249 businesses and 47 declined to participate; 107 completed the survey. Businesses with fewer than 5 employees were under-represented in the survey, and thus the survey results were weighted by size of business to provide representative results.

- 1) Not including holidays, do your employees receive any paid time off or paid sick leave?
  - a. Yes
  - b. No
  - c. Don't know/Won't say

**If “No” go to Q24.**

**If “don't know/won't say” end survey.**

- 2) Do you provide a paid sick leave that is separate from other forms of paid vacation or personal time off, or do you grant paid time off (PTO) that combines your sick leave and personal time off all in one?
  - a. Sick leave that is separate from other forms of paid leave
  - b. Paid time off that combines sick leave and personal time off
  - c. Don't know/Won't say

**If “PTO” go to Q14.**

**If answer “don't know/won't say” end survey.**

## PAID SICK LEAVE

- 3) How long has this paid sick leave policy been in effect?
  - a. Within the last year
  - b. Between 1 year and 5 years
  - c. Between 5 years and 10 years
  - d. Greater than 10 years
- 4) What type of employees are eligible for sick leave under your policy? (Check all that apply)
  - a. Full time, salaried
  - b. Part time, salaried
  - c. Full time hourly
  - d. Part time hourly
  - e. Commissioned
  - f. Other (please specify)
- 5) What is the rate that paid sick leave hours are accumulated? (X number of days granted annually or hour earned per every X number of hours worked, only answer those that apply) (e.g., \_ hours worked to earn one hour of sick leave)
  - a. Full time (put hours worked)
  - b. Part time (put hours worked)
  - c. Other (please specify)
- 6) What is the maximum number of paid sick leave hours/days an employee can earn in a year? (Only answer hours or days)
  - a. Full time (put max hours or days earned)
  - b. Part time (put max hours or days earned)
  - c. Other (please specify)
- 7) Are employees able to roll over unused sick leave days to the next fiscal year?
  - a. Yes
  - b. No
- 8) An employee is required to give proof of illness for paid sick leave on
  - a. First day
  - b. Second day
  - c. Third day
  - d. Fourth day
  - e. Fifth or after
  - f. No proof required

- 9) About how many hours per month is spent administering the sick leave program (tracking accrued leave, reviewing leave requests, etc.)?
- 10) What are the advantages of the paid sick leave policy to your business? (Check all that apply)
- a. Reduced absenteeism
  - b. Reduced staff turnover
  - c. Able to hire higher quality employees
  - d. Has improved image of business with customers
  - e. Increased productivity of workers
  - f. No or only minimal impact
  - g. Other (please specify)
- 11) What are the disadvantages of the paid sick leave policy to your business? (Check all that apply)
- a. Decreased flexibility with employees
  - b. Diminishes other benefits already provided
  - c. Increases cost of doing business
  - d. Increases days taken off for the sick leave
  - e. Decreased productivity of workers
  - f. No or only minimal cost
  - g. Other (please specify)
- 12) How many days did employees miss because of sickness last month?
- 13) What additional benefits do you provide? (Check all that apply)
- a. Health insurance
  - b. Disability Insurance
  - c. PTO
  - d. Paid vacation leave
  - e. Life insurance
  - f. Retirement/Pension plans
  - g. Flexible spending accounts
  - h. Compensation for unused sick leave
  - i. Compensation for unused PTO
  - j. Childcare subsidy
  - k. Other (please specify)

**Go to Q30.**



## PAID TIME OFF

- 14) How long has this paid time off policy been in effect?
- a. Within the last year
  - b. Between 1 year and 5 years
  - c. Between 5 years and 10 years
  - d. Greater than 10 years
- 15) What type of employees are eligible for paid time off under your policy? (Check all that apply)
- a. Full time, salaried
  - b. Part time, salaried
  - c. Full time hourly
  - d. Part time hourly
  - e. Commissioned
  - f. Other (please specify)
- 16) What is the rate that paid time off hours are accumulated? (X number of days granted annually or hour earned per every X number of hours worked, only answer those that apply) (e.g., \_ hours worked to earn one hour of paid time off)
- a. Full time (put hours worked)
  - b. Part time (put hours worked)
  - c. Other (please specify)
- 17) What is the maximum number of paid time off hours/days an employee can earn in a year? (Only answer hours or days)
- a. Full time (put max hours or days earned)
  - b. Part time (put max hours or days earned)
  - c. Other (please specify)
- 18) Are employees able to roll over unused paid time off days to the next fiscal year?
- a. Yes
  - b. No
- 19) About how many hours per month is spent administering the sick leave program (tracking accrued leave, reviewing leave requests, etc.)?

20) What are the advantages of the paid time off policy to your business? (Check all that apply)

- a. Reduced absenteeism
- b. Reduced staff turnover
- c. Able to hire higher quality employees
- d. Has improved image of business with customers
- e. Increased productivity of workers
- f. No or only minimal impact
- g. Other (please specify)

21) What are the disadvantages of the paid sick leave policy to your business? (Check all that apply)

- a. Decreased flexibility with employees
- b. Diminishes other benefits already provided
- c. Increases cost of doing business
- d. Increases days taken off for PTO
- e. Decreased productivity of workers
- f. No or only minimal cost
- g. Other (please specify)

22) How many days of PTO did employees use last month?

23) What additional benefits do you provide? (Check all that apply)

- a. Health insurance
- b. Disability Insurance
- c. Paid vacation leave
- d. Life insurance
- e. Retirement/Pension plans
- f. Flexible spending accounts
- g. Compensation for unused sick leave
- h. Compensation for unused PTO
- i. Childcare subsidy
- j. Other (please specify)

**Go to Q30.**

## NO PAID LEAVE

- 24) What are the reasons for not offering paid leave benefit? (Please check all that apply)
- a. Our business allows unpaid sick leave
  - b. Our business is able to attract and rating quality employees without providing sick leave
  - c. Our business is too small to offer paid sick leave benefit
  - d. It would increase costs and make our business less competitive
  - e. Concerned about abuse of the policy by employees
  - f. Absent employees work can't be managed by remaining employees
  - g. Other (please specify)
- 25) How would your business benefit from a city-mandated paid sick leave policy? (if it were enacted)
- a. It would reduce absenteeism
  - b. It would help maintain a heathier workforce
  - c. It would reduce staff turnover
  - d. It would increase productivity of employees
  - e. Would be able to hire higher quality employees
  - f. May improve the image of the business with customers
  - g. No benefits
  - h. Other (please specify)
- 26) What additional cost do you think will arise from a city-mandated paid sick leave policy?
- a. Reading and understanding of the laws and regulation of the new policy
  - b. Tracking of accrued sick leave of employees
  - c. Legal oversight
  - d. Decreased flexibility with employees
  - e. It may diminish other benefits already provided
  - f. It may force you to cut down employment due to increased costs
  - g. It may make Albuquerque a less attractive business environment for employers
  - h. Other (please specify)
- 27) How many hours per month does your business spend on administering social security filings on behalf of your employees?
- 28) How many days did employees miss because of illness last month?

29) Do you provide any additional benefits? (Check all that apply)

- a. Health insurance
- b. Disability Insurance
- c. Life insurance
- d. Retirement/Pension plans
- e. Flexible spending accounts
- f. Childcare subsidy
- g. Other (please specify)

### **ALL RESPONDENTS**

30) How would a city-mandated paid sick leave law affect your business?

- a. Strongly positive
- b. Slightly positive
- c. Not at all
- d. Slightly negative
- e. Strongly negative
- f. Not sure

31) Would you support a city enacted law that would require business to provide paid sick leave up to one week per year?

- a. Strongly support
- b. Somewhat support
- c. Indifferent/ I don't care
- d. Somewhat opposed
- e. Strongly opposed

32) How many employees do you currently employ?

- a. Full time salaried
- b. Part time salaried
- c. Full time hourly
- d. Part time hourly
- e. Commissioned
- f. Other (please specify)

33) Please enter your business information below

- a. Business Name
- b. Business Address
- c. Business Phone Number

34) Do you have any additional comments?