

# City of Saint Paul Earned Safe and Sick Leave Task Force



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Welcome!

Thank you for agreeing to serve on the City of Saint Paul Earned Sick and Safe Time (ESST) Task Force. Your participation is vital and integral in shaping an earned sick and safe time policy that reflects the values of the City of Saint Paul.

The ESST Task Force is expected to develop an earned sick and safe time recommendation to the Saint Paul Human Rights and Equal Economic Opportunity (HREEO) Commission, who will in turn make recommendations to the City Council and Mayor in June.

Please plan to attend all Earned Sick and Safe Time Task Force meetings. Task force meetings will be at the Wellstone Center (179 Robie Street) on the following dates:

- March 8, 2016, Tuesday 6:00 p.m. - 8:30 p.m.
- March 15, 2016, Tuesday 6:00 p.m. - 8:30 p.m.
- March 22, 2016, Tuesday 6:00 p.m. - 8:30 p.m.
- March 29, 2016, Tuesday 6:00 p.m. - 8:30 p.m.
- April 12, 2016, Tuesday 6:00 p.m. - 8:00 p.m.
- April 26, 2016, Tuesday 6:00 p.m. - 8:30 p.m.
- May 17, 2016, Tuesday 6:00 p.m. - 8:30 p.m. (recommendation to HREEO Commission)

Your input and assistance on the ESST Task Force will create an earned sick and safe time that works for all businesses, residents, and employees. We look forward to working with you on this important policy discussion.

Sincerely,

Jessi Kingston  
Director of HREEO

JaPaul Harris  
Chair of HREEO Commission



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### **Jessi Kingston**

Director Department Human Rights and Equal Economic Opportunity

Ms. Kingston, a successful executive professional with extensive knowledge and experience in human rights, contract and price negotiations, and procurement, has 20 years of experience working at various levels of leadership in private sector companies such as Digital River, General Electric and ING.

As a former member and chair of the Edina Human Rights Commission Ms. Kingston has been in front of a range of municipal and state-wide human and civil rights issues and proved to be a leader in the human rights arena. In 2012, Ms. Kingston was appointed Director of Human Rights and Equal Economic Opportunity (HREEO) for the City of Saint Paul. In this role, Ms. Kingston has spearheaded several innovative large-scale change initiatives that have better positioned HREEO to fulfill its mission of championing justice and equity by confronting issues of discrimination and providing innovative avenues for accessibility and economic opportunities for all residents and businesses.

Ms. Kingston is a Certified Six Sigma Green Belt, holds a bachelor's degree from Macalester College, a master's degree from Metropolitan State University and is a graduate of St. Kate's Leaders of the New Millennium program.

### **JaPaul Harris**

Human Rights and Equal Economic Opportunity Commission Chair

Mr. Harris is an attorney with comprehensive experience in human rights, discrimination, and employment law. He is currently a referee with the Fourth Judicial District Court, and has worked for Minneapolis Public Schools, was an adjunct professor at Hamline Mitchell of Law, and an attorney with Mid Minnesota Legal Aid and Southern Minnesota Regional Legal Services.

Since 2009, Mr. Harris has served as the Chair of the City of Saint Paul HREEO Commission. As an attorney and commissioner, Mr. Harris has tirelessly advocated for human rights and social justice issues.

Mr. Harris received his undergraduate degree from the University of Syracuse, Juris Doctor from Hamline University School of Law, and was a policy fellow at the University of Minnesota.

**Requesting that the Human Rights and Equal Economic Opportunity Commission convene a task force to recommend a proposed ordinance that requires earned sick and safe time for workers in Saint Paul.**

WHEREAS, earned sick and safe time refers to accrued hours of paid leave provided by an employer to an employee for purposes of addressing their health and safety needs or those of family members for whom they are responsible; and

WHEREAS, national data indicate that 22 percent of full-time employees and 74 percent of part-time employees lack access to earned sick and safe time; and

WHEREAS, those who don't have the benefit of earned sick and safe time are disproportionately employed in occupations that require workers to have contact with large numbers of people, including those related to food preparation, hospitality, personal care, construction and cleaning/maintenance; and

WHEREAS, at least 208 outbreaks of foodborne illness in Minnesota between 2004 and 2013 were linked to employees working while sick; and

WHEREAS, annually, the City of Saint Paul receives an estimated 8,487 domestic violence related 911-calls; and

WHEREAS, those who don't have the benefit of earned sick and safe time are concentrated in low-paid occupations and are disproportionately Hispanic, African American, American Indian, Asian and other workers of color; and

WHEREAS, access to earned sick and safe time has been shown to help workers recover more quickly when sick, visit their health care provider for curative and preventative care, provide critical care for children and other dependent family members and seek assistance related to domestic violence, stalking or sexual assault; and

WHEREAS, legislation requiring varying levels of earned sick and safe time have been passed in four states, 21 cities and one county in the U.S.; and

WHEREAS, having a healthy and safe workforce is a public health issue of interest to the wider Saint Paul community; and

WHEREAS, the City of Saint Paul shall extend earned sick and safe time to part time City government employees not currently receiving the benefit by 2017; and

WHEREAS, many employers in Saint Paul already provide earned sick and safe time to their employees, citing benefits to both public health and internal organizational health; and

WHEREAS, the Mayor has also requested that the Human Rights and Equal Economic Opportunity Commission, with the benefit of extensive community and business engagement, shape a recommendation with respect to all workers in the city accruing earned sick and safe time; now, therefore, be it

RESOLVED, that the Mayor and Saint Paul City Council support earned sick and safe time for all employees who work in Saint Paul; and be it

FURTHER RESOLVED, that the City Council and the Mayor request that the Human Rights and Equal Economic Opportunity Commission convene a task force appointed by the Mayor and approved by the Council that is representative of the city's businesses of all sizes and types, employees, organized labor, advocacy organizations and residents to engage the broader community in a conversation around the specifics of requiring employers to offer earned sick and safe time benefits to their employees; and be it

FURTHER RESOLVED, that the Task Force meet and make a determination regarding the following salient issues to be incorporated into the recommendation including:

- scope of the ordinance, such as what employers and workers are covered, the exclusion of sole proprietorships, and the treatment of independent contractors, part-time, seasonal, student, and temporary workers, and those provided by employment agencies;
- clarification on issues such as the status of employees covered by collective bargaining agreements and provisions with respect to payout of unused sick time and the portability of sick and safe time hours;
- conditions of use, such as covered events, eligible family members, and any requirements for advance notice and documentation;
- accrual details, such as when accrual begins, accrual rate, maximum accrual, the effect of employee transfers, rehires, and employer succession, and any effect of employer size;
- and how workers and employers doing business in the city will understand their rights and responsibilities under the ordinance, such as notice, posting, and community outreach; and be it
- recommendation on an enforcement mechanism

FURTHER RESOLVED, that the Task Force present their recommendation to Human Rights and Equal Economic Opportunity Commission on or before May 17, 2016, to get their insights and/or revisions and hear public testimony; and be it

FINALLY RESOLVED, that the Human Rights and Equal Economic Opportunity Commission present their recommended ordinance including the Task Force's recommendations and their proposed enforcement policy to the Mayor and City Council on or before June 1, 2016 so that an ordinance may be implemented in 2017.

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# Primary Components of Earned Sick & Safe Time Law

- 1) Will the proposed ordinance treat all employers similarly, or will there be gradations in applicability of the ordinance based on employer size?
- 2) How will family businesses be treated?
- 3) Business exclusions (e.g., small business exclusion, non-profit exclusion, seasonal business, restaurants, family businesses, certain CBAs, etc.)
- 4) Will the number of employees, for purposes of determining what employers are covered by the proposed ordinance, be defined by number of workers within city limits, or total number of workers the employer has both inside and outside city?
- 5) Rate of Accrual of paid sick by employees.
- 6) Number of paid sick hours that can be used by an employee in a year.
- 7) Total amount of ESST time that can be taken by an employee per year.
- 8) Will employees be allowed to carry over unused hours into the next applicable period (calendar or fiscal)?
- 9) What is the minimal increment amount of time that can be used by a worker?
- 10) What will be the applicable period: calendar year, fiscal year?
- 11) Waiting time for new employee to use ESST once hired.
- 12) How much ESST can be earned in a year?
- 13) Waiting time to earn to ESST time.
- 14) What kinds of workers will ESST cover (e.g., all FT and PT, seasonal, student workers, “occasional basis”)?
- 15) How will the number of Full Time employees be determined (e.g., monthly, yearly, the same calendar week used the previous year)?
- 16) If “occasional basis” employees are treated differently, what will be the minimal amount of time they must work in the city to be subject to the ordinance?
- 17) How will seasonal businesses be treated?
- 18) What constitutes sick time?
- 19) What constitutes safe time?
- 20) What kind of notice will an employee be required to provide to their employer when they want to use ESST?
- 21) Must an employee provide documentation that they’re sick? If so, under what circumstances?
- 22) What will be the records retention requirement for the employer?
- 23) What will be the penalties for employers that violate the ordinance?
- 24) The enforcement mechanism and process.
- 25) Will there be an employee retaliation provision/protection?
- 26) Statute of limitations for reporting violation.
- 27) Will there be a grace period before the ordinance takes affect? If so, how long?

- 28) Front loading allowed (will employer be allowed to provide a set amount of time per employee at the beginning of the reporting period to ease reporting burden)?
- 29) Definition of employee
- 30) How will hourly pay determined for tipped employees, commission-based employees and employees whose pay is otherwise based on performance?
- 31) How much notice must an employee provide to the employer to use sick time?
- 32) Definition of "family member" – how expansive?



**Question 1 – How would “earned sick and safe time” benefit or negatively impact you?**

1. Catch 22: It's a great benefit for employees. Good for morale, but can impact the bottom line. Costs are needed for substitute teachers, etc. Hard to find the cash flow.
2. As a Park's employee with sick time, it would be nice to have the staff that don't have sick not come to work sick and get everyone else sick passing around colds.
3. Sick time can make the difference between bouncing back from hard times and losing a job. Having paid sick time gives permission to employees to stay home and get better knowing the time they stay home will be job protected and paid. Especially important in a restaurant industry where it's a struggle to find someone to take your shift if you wake up sick last minute.
4. Paid sick time will be a huge economic blow to small businesses. Businesses with unpredictable cash flow make it hard to cover paid sick time. Gave the example of a slow night in a restaurant. It might be enough of a deterrent that business owners may consider locating their business just outside of Saint Paul.
5. As a small business owner, I have four permanent employees, but I do bring in temps as needed. It would be tough for me as a small business if I'd have to pay sick time for the temps. I'm involved in small business organizations and the colleagues I know would say “dump it”
6. Will not affect me
7. New law will not change or affect anyone in the restaurant industry
8. Not personally but will with others
9. Not sick and handle other people's clothing (dry cleaning)
10. Current job has no sick time, can't take day off to rest due to illness
11. Very hard to see son to go work when he is sick.
12. Encourages him to stay home when he is sick but he can't
13. It is not right way for company to treat their employees
14. Company already offered ESST, blanket ESST
15. Looking at ways to implement ESST for 'casual employees'
16. Will not support policy that gives employees less ESST benefits that what they are currently getting.
17. Undue hardship for employers requiring employees to get Doctor's note for cold instead of allowing employees to rest at home until they are better to return to work. This creates additional undue burden to employees.
18. Concerned about small businesses - do they have the staff coverage if someone takes off sick?
19. Are all employers going to be required?
20. A lot of people in the east side neighborhood who are struggling to get adequate health care, but also a lot of small businesses that are struggling to survive- must balance
21. Positives and Negative for Health Partners:
  - a. The majority of employees do have access to PTO
  - b. Care about keeping sick people at home as a health care organization
  - c. Cost is attached
  - d. Concerned about different policies across different jurisdictions- administrative burden

- e. Collective bargaining agreements—make sure that ordinance recognizing different structures
  - f. Make sure ordinance recognizes different names for PTO or ESST
  - g. High # of people who work part-time because they want to (not always the case)- how are they covered?
  - h. People who play different roles—work different jobs in same organization—both a manager and a staffer? Who pays? Difference?
  - i. Is there a current “safe time” policy? No, don’t think so. PTO doesn’t distinguish.
  - j. Health Partners is based in Bloomington, but clinics all around. People move around. Site location outside of the City but they are assigned outside of the city?
  - k. Has Health Partners looked at this issue from a health standpoint? Health Partners has not but there is some research that has shown it makes a difference if people have access to ESST. It may reduce health care costs because they are able to seek preventative care, not just emergency care. Maybe even seen that there is less public program dollars (Medicare, etc.) because people are able to take better care of themselves.
  - l. If low wage workers have to work sick (need to be at work to pay bills) we are doing a disservice to workers and most likely workers of color—equity issue and a public health issue.
  - m. Those people who get a call “you need to pick up your kid from school.” Can you do that? Do you need to call someone? Do you need to not get paid?
22. Negatively impact is \$100,000/year if everyone takes sick time, property taxes, already paid sick time to employees and don’t want them to take time off if they know
- a. If employees call in sick, they get paid for the time
23. PTO is part of the sick time, if they don’t use PTO the lose it
- a. Anticipating to lose \$200k per year
  - b. Concerned that ESST will be added to PTO package that he already provides
  - c. Concerned that employees will accrue it year to year
  - d. Concerned that the city will be coming in to tell business how to write benefit package
  - e. Why would you come to St. Paul if you need to provide ESST
24. Government standard, they are considered small business
25. There’s no turnover at their business currently.
26. Benefit packages are competitive already because it’s what they can afford to pay
27. Not everyone is honest and they will use sick time and employer will have to pay for it.
28. “Stay the hell out of my business”
29. The City shouldn’t set standard for business
30. There’s no base line for good or bad business.
31. Worked 7 days a week and never took a sick day; the city never helped him, and operating business is costly, it’s not right the city is telling them what to do
32. I will have to change my benefits; for example I will have to put less in retirement for my employees if I have to provide ESST.
33. Who does this affect? It’ll impact low-wage workers; is there a place in the city? No.

34. What are the benefits businesses are already giving?
35. How can we throw every business into the same pot?
36. If my employee calls in sick, I have to replace someone else. I can't afford to shut my operations done.
37. What do you think about sick employees coming in sick? I think it's overblown; people come to work sick already.
38. Does your perspective change if they're in different industries, for example the food safety? In a utopic world, people will stay home.
39. There are different categories of businesses that we should consider for the ESST
  - a. For example, child care workers need it.
  - b. "Get another job"
40. What about the average person?
41. Why is it the city's problem? Aren't there other laws? It's not the city's job to put a base line benefit package.
42. Businesses shouldn't be discouraged from operating in St. Paul.
43. How do you encourage more businesses to become good actors? You can't because there will be bad actors. You can't pass an ordinance that will dictate businesses how to operate.
44. I don't want the city to tell me what to do.
45. How do we make sure people get treated well? Is there a way the city can say that they want businesses to treat people well, how do we encourage the businesses to act that way?
46. Maybe the city should talk about how to get more taxes from other sources; 1/3 of the city doesn't pay for it.
47. \$15/hour will make people happy with the pay; honestly, if they are going to work, then it won't bother me.
48. Not everyone is ambitious; you can't legislate ambition.
49. What's the likelihood of people using the ESST because I have accumulated so much vacation time?
50. People will use it because they'll go ice-fishing and call in sick; or the super bowl
51. People will abuse the benefits
52. What if the city came in to say that you need to provide some type of benefit?
  - a. If I can't afford it, then I won't provide it.
  - b. It's a part of the business cost already, though.
53. What about guys like my business? They keep coming at me with taxes.
54. We will have a problem if the city gets involved.
55. Business takes up space, and if there are no businesses, we have detroit.
56. It's a deterrent to opening up space in St. Paul.
57. ESST will add to my benefits package.
58. Wouldn't it pertain more to workplaces that have small businesses?
59. For smaller businesses it's going to be harder for them to do this.
60. How can you make every business fit the same shoe? My employees are happy and I would like the city to come in and ask them how they're doing.
61. Is it even legal?

62. I look at my employees as my children. I treat them that way and I don't want anyone to tell me what to do.
63. I have a moral obligation to my employees.
64. I don't think an ordinance will fix it or it will be oriented.
65. Are we citizens morally obligated to make sure this happens?
  - a. If it did, it's outside of city hall.
66. If you call me and you're sick, you get the day off and get paid.
67. Do you think a policy creates abuse? No, because it's based on what they have because it's all together.
68. If this comes into being, I'll have to move to PTO.
69. I still don't think you should legislate a baseline; for example, jobs at Taco Bell was never made to support a family.
70. If we give people too much, they'll lose the incentive to do the job.
71. It's only the problem for people on welfare.
72. The city should not be in the business of setting policy about businesses.
73. There are so many different facets of businesses that we cannot tell them what to do.
74. Brother works for Lutheran Social Services and don't have ESST, and have to take time off to be brother's daycare.
75. Times to be home to take care of kids.
76. Gone to restaurant and got sick.
77. Health issues.
78. I have sick time and it is very helpful.
79. It is a good benefit to have it.
80. Being able to stay home to take care of self.
81. Huge impact on employees with children and caretakers
82. Employees are better off home when they are sick than to go to work.
83. With ESST, sister who has two kids under 3 years old and when her kids got sick she will be able to go home and take care of her kids.
84. Currently have PTO. Preferred PTO over separate Sick and Vacation benefits because not sick enough to use the Sick Time Off benefit.
85. Concerns about cost and productivity with employer.
86. Employees needs to be present for work productivity
87. Company procedures for filling in for sick employees.
88. Nice to have a uniform policy and procedure – St Paul and Minneapolis needs to have uniform policy and procedure or it will not work and/or be very difficult for company with offices in both cities.
89. Better if it is a State policy.
90. Concerned with food handler safety (especially in an elder care setting); if worker's are sick in this environment it may be detrimental to the food safety
91. Is concerned about a general societal decline in quality of benefits offered to employees
92. Specifically concerned with the safety of having sick food handlers and medical caregivers in the community

93. Concerned with overall detriment to community synergy if workers must come in to perform their duties while sick. Mentioned that “when we all do better, we all do better” – a quote he believes may be attributable to Paul and Sheila Wellstone.
94. Access to sick leave may keep sick employees from coming in and getting colleagues sick
95. It’s a public health issue, and is also important for people only a day or two away from losing jobs (due to absence from work). Would allow workers to be out when they are sick and not force them to go to work and potentially pass illness on to others.
96. As a small employer, it can be difficult. From the human side, workers are more effective when they are valued. If you take care of employees they will do an outstanding job. From a public health perspective it is good not to have people at work when they are sick.
97. In the food service industry, there have been issues with low staffing and it can be difficult to fill positions. Employees worry about losing money or being disciplined if they have to be absent due to illness or emergency. It’s been estimated that sick/safe time would cost the employer less than workman’s comp.
98. There is the impression (as a constituent) that not a lot of companies are aware of what ‘safe time’ is. But it is real and it happens.
99. Re: safe time – individuals charged with an offense, whether they are guilty or not, need time to deal with the legal system (bail hearings, etc.) There is a catch 22 for people caught up in the legal system. Some people don’t qualify for a public defender because they have a job, but then lose that job because they need time off to deal with their legal issue. Many people don’t have time off to use, which could in turn cost them their job.
100. How much safe time is appropriate?
101. Would it be like FMLA? Would proof be required? (doctor’s note?) We are asking for input right now, nothing has been drafted for the resolution yet.
102. Is it legal to ask for why time off is needed? Does someone have to tell their employer why they are sick, or even that they’re sick? Is proof required? Would requirement of ‘proof’ be included in the proposal?
103. How onerous would it be to require a doctor’s note for sick time taken? Would it result in more sick time being taken than is needed? Possible HIPAA/privacy violations?
104. Lynn is a tax payer and works for a non-profit. Her work is in the line of union advocacy. Advocate for employees that don’t have sick leave.
105. Vicki is also in the same line of work as Lynn. They are Pro-ESSL.
106. Thinks that ESSL is important for someone without chronic conditions not getting paid.
107. Understand that ESSL might receive negative feedback from Employers.
108. This will help with employees that have difficulty caring for sick kids.
109. One example was a sick waitress that was not suited to serve food at a restaurant patronized by Vicki.
110. Vicki strongly believes that there is an important public health factor involved.
111. Consumer sickness and public health is her concern.
112. Even packing places, food handling, or just meeting the public, there should be caution to refrain from spreading the sickness.
113. Not all business owners will be impacted by this.

114. The benefits of ESSL outweigh the cost.
115. The benefits are likely to create a positive working relationship so the employees are likely to stay with the employers. This is a huge positive for the employers.
116. ESSL will stop people from sharing/spreading illness.
117. Not currently employed, but have 3 adult children who are employed who are not getting paid sick leave. Two work in service industry- at restaurants. One was sick the other day and she had to go into work. She has to pay rent, pay for groceries, so she had to go in sick. I've been blessed to have had employers who have provided earned sick and safe time. I think that as a person of faith we need to treat all people with dignity"
118. "I have been blessed to have ESST my whole career. I also have an income that could buffer that. So this wouldn't necessarily affect me but it affects my greater community, the community of god. When my neighbor hurts, I hurt."
119. "I think this would be good for employers as well. Small employers know their employees and should want what's best. Also, as a member of ISAIH's Domestic Violence Prevention Task Force I don't know if people realize that if people miss their court dates or can't go talk to a lawyer or police- that their chance to get out of that relationship is ruined."
120. "The people who make the least amount of money are the ones who are least likely to have it. We don't want people going to work who are going to sneeze on our sandwiches. This is a serious public health concern."- Nurse
121. "My husband is sick right now. We both have great jobs, so he's able to take time off. But he works for SEIU where they currently have a janitor's strike because they are not making livable wages. How long is infectious period for flu and colds? Flu is seven days and cold is as long as you are showing symptoms. Much longer than what I thought."
122. Serving people with greatest challenges
123. Work will be more successful to serve a population that fits the need
124. Safe time is when people have PTO
125. Employer n employees like that you don't have to disclose to employer
126. Create a fund for extended leave so employer does not need to pay
127. Safe time should be a state law that makes safe time available. Support safe time,
  - a. How much additional Time?
128. Good benefit for employees. Might have small cost for business. Neutral. ESST above and beyond what is already emplaced (PTO)
129. ESST good, what about sick leave for parental care? Care for children n elderly, sees how it would hurt small business.
130. Worried about funding through grants and doesn't know how it would affect funding from the city, tax, and grants. (coming from a small non-profit)
131. Difficulty in professionalism in staff. Staff are youths so unsure about how it would impact workers. Professionalism- sometimes don't show up to work, excuses, etc, getting life straight
132. Not so much affect (non-profit) majority provide degrees of ESST already. Hardest is healthcare, disability (different unit of government),
133. Find difficult for business sector with small employers (low funding & hardest hit), majority of nonprofits already provide benefits but Sick Safe Time would create a little harder space to

- operate business. Is supportive of ESST but also needs fit in specifics (how many hours/ compensation/ rules and regulations/ doctor's note etc.).
134. Have provided data, moral support and operational anxiety.
135. Exempts?
136. Base is in St. Paul but operates outside of St. Paul. Personally, doesn't impact, but employees would take advantage.
137. Concerns, contractor, based in STP, revenue in outside of STP. Does not work in STP. Will it affect employees? What is requirement? Expense, sees that it might drive businesses out of STP, "if they have it, they will use it", requirements (report)?
138. worker's comp. system created will require funding. (Which he will pay for), Worker's comp, started as complaint bias and it's not that effective. How many hours to consider for Safe Time (none) , doesn't see a need, current policy, 2 weeks accumulated, 5 paid holidays, 15 days off for FTE, PTO package is sufficient. And does not want to pay for Safe Time-should be PTO, if domestic report-have a real document to identify real issues. Create a minimum standard. Doesn't need to know what situation is but wants a follow-up. - not enough employee's perspective
139. PTO will become sick time, change policy (employees like) based in STP, work in many other communities also. Record keeping? Track hours how many in St. Paul? Solve one problem, find another problem.
140. Many are for PTO vs Sick Time, PTO sounds more like progress, this brings administrative burden, provide minim and report, complaint based system, exempt from PTO situations (if exceed, make exempt), enforcement mech. code of enforcement? Complaint based system until scammed =compliance based system.
141. MN Nurses Assoc. allows for FMLA and other leave pursuant to law. She has seen results of individuals marginalized that don't have available sick time that became public health concerns.
142. e.g., a man at a restaurant collapsed at work and he was taken to the hospital. Turns out, he's sick with a disease, including HIV and Hepatitis A that he did not know about because he could not access medical care. While he was at the hospital, he died in the elevator on the way to get a scan.
143. There is a huge risk to the public as far as public health is concerned.
144. The table agreed that if an employee gets sick and out of work, there is huge domino effect on the family members that depends on that employee for support.
145. Thinks that we should do unto other as we would like to unto us and that is why she is flexible with her workforce.
146. What about seasonal or part-time employees?
147. Believes that if the employees are happy, then the work environment is good.
148. ESSL is good and supports it. She believes this is good for both employees and for employers in the long time too.
149. Every big firm or employer should do it.
150. This is also a very good message to send to businesses in St. Paul.
151. Worked for big law firm and does not even have sick leave. Believes this mentally affected him because he has never been to the doctor. Also states that his wife is a teacher in St. Paul and there are a lot of sick students. If employees are not allowed to get sick time off, they will not be

- able to care for their sick children and it could be worst for everyone. It is a good start for St. Paul.
152. I have good benefits in role with my employer. But asks the questions, who will pay for ESSL?
153. Believes the government should let the business run its own business and if the employees need sick time off, then allow for it.
154. What about season employee? How will they or their employers be affected by this?
155. Managed businesses in the past and states that he had to sacrifice himself to keep good employees. He believes women works more now-a-days because the middle class are under financial stress.
156. There is also a concern for public health. Look what Chipotle had to go through.
157. States that her organization conducted a survey at 5 schools and asked respondents to list issues of importance and ESSL came up as one of the most important issues.
158. There have been rumors that sick and safe time at the states legislature will get shot down and nothing will happen at the state level. All will happen at the City level.
159. Even though AEDA supports ESSL, it is concerned for what will happen to all of the small businesses that are operating on the University Avenue quarter that have low profit margins. These businesses may not afford to keep these employees.
160. Participant can see ESSL benefiting in the long term but in the short term, could lead to the closing of businesses with low profit margin.
161. Strong supporter of ESSL because she was personally affected by sick time when she was hospitalized for an illness and does not know what she would have done if she did not have sick time.
162. States that ESSL is very important. Works in the schools so she understands that kids are often sick and parents need to take time off to care for their kids.
163. States that he has a daughter that works 40-50 hours a week and knows that his daughter has good cause to support ESSL. Praised St. Paul as taking the lead on ESSL. If a family member gets sick, other family members can be affected by it.
164. Would like to see if the City can get their message through to these businesses and see if these businesses are willing to participate in the program.
165. Individual said whatever is passed, the time required to be given as sick/safe time would need to be enough to make it worthwhile. She was concerned about outbreaks and viruses, and noted that employees fear losing their jobs if they're not at work. She understands some business reality in the situation, but believes employees should be allowed to take a full day off if they need to. She said employees should get something like a health savings account she got as a State employee—you earn time, bank it, and can use it until it's gone.
166. Individual brought up the situation where parents or kids are sick, and being able to care for them. This individual doesn't think hourly employees should have to choose between their job and family.
167. Individual said that, as a community member, Catholic Charities is supportive of idea. The main concern is differences across regions. They hope to see similar or identical policies in Minneapolis and Saint Paul.
168. Individual talked about his clients' transient workforces (construction labor). This also brings a need for regional similarity, because some employees may work for the same employer in both



- cities in the same month, week, or even on the same day. Regional differences would make for a reporting and recordkeeping headache and ultimately increase the cost of doing business.
169. Individual said that he operates in a low-margin industry. He has already dealt with increases in the minimum wage. He is concerned that the measure would force businesses to either pull out of Saint Paul or pass the cost on to consumers.
170. Individual responded that Saint Paul is in a crisis and that we should all pay to solve the problem. (This individual seemed to be referring to racial disparities.)
171. Individual noted that the forgotten piece in these discussions is often the safe time aspect. She noted that employers should want employees to be safe. She urged everyone not forget the safe time component, which has real life implications.
172. Individual noted the impact the policy would have on the workforce given the aging of the workforce. The workforce will likely become sick more frequently, and we need to pre-plan for that and build a culture of trust between employers and their employees.
173. Individual mentioned that she has basically always had some level of PTO/Sick time, and that this is becoming less common with the growth of part time, low-wage work. She noted that there are implications with the age of the workforce. She also noted that in low-wage work, people of color are a greater percentage of the workforce, so this policy would have an impact on racial disparities in St. Paul. She mentioned that she had read that 4 in 10 people have no PTO. She noted that the taskforce should consider looking at the growing issue of who it is that isn't enjoying PTO benefits.

**Question 2 – What key elements would you like to see included in an “earned sick and safe time” policy for the City of Saint Paul?**

1. I'd like to see if capped for the number of hours. I worked somewhere where it was capped for the total number of hours. I had my time capped at 60 hours and the rule was use it or lose it at the end of the year. Employees were not allowed to roll the hours to the next year
2. I think it's better to have to justify sick time because there is less abuse. If you lose it, people are incentivized to call in sick.
3. It would be important for the Ordinance to figure out how to build in parameters for what qualifies as sick time.
4. Considerations would be necessary for the minimum number of employees/size of the business to determine whether the Ordinance would apply.
5. It would be important to define Safe Time and be clear about how many hours, whether to lump safe and sick time or not
6. Employers should be allowed to request documentation for safe time.
7. Whatever the paid sick and safe leave is, employer and employee should be agreed to prior to employment. I don't think it should be for a part time job. I think employers should take \$2 hours out of an employee's paycheck to go towards a healthcare savings account. This savings would be portable if the employee went to a different job. This solution is better because it wouldn't burden the employer or tax payers. This idea would charge a little more to customers, but it would be earned time.
8. How does the safe time element factor into the job? How would you substantiate it?
9. It would be hard to burden a domestic violence victim to prove the reason for being gone. Should also consider where employees are being harassed by other employees or by bosses, they wouldn't understand domestic violence issue.
10. It would be good to let the employer know if there is a domestic violence situation to take precautions to protect the other staff. This could be a liability for the employer so they should know if an employee is requesting safe time.
11. Would the Ordinance prohibit retaliation for exercising that right to use paid sick time? Who would enforce the Ordinance?
12. Contributions to an employee's health savings account would prevent all of these issues and offset questions and second-guessing since the employee would be using his/her own earned time.
13. Consider schools – they get all summer off, paid holidays, and weeks off during the school year.
14. Consider and recognize the flexibility that small business owners can offer their employees that would be different than in a large institution.
15. To figure out how many hours of paid sick/safe leave to offer – the City should refer to the CDC, Department of Labor and State Department to see the quantifiable public health impact to determine number of hours needed.
16. Hard to develop a blanket ESST policy across industrial employers
17. Multiple factors are needs to be taken into consideration. IE: PT, teens,
18. ESST needs to be tailor to the sizes of the employers. Not sure how.

19. Examples: certain industrial, employees can trade shift with other employees but not sure how this can work with ESST.
20. Loopholes companies used to deny ESST to employees
21. Companies that requires sick employees to find coverage. Example: Employee called in sick at 3AM. Employee is required to find coverage to take the day off. This creates additional work for a sick employee and many times less time to rest to get better.
22. ESST restrictions to certain job classification
23. There should be no exemption for employees to receive ESST. Example: union workers.
24. "Frustrated with ESST. It's a public health issue, employees shouldn't be afraid to talk about it and to stay home when they are sick"
25. Part time versus full time? What's the minimum number of hours of work to qualify?
26. Earn hours based on work hours? Or just get # per year?
27. Looking for base minimum requirement- not meant to cover ALL people and ALL instances- chronic illnesses, long term domestic abuse issues- maybe those have other tools (short term disability, etc.)
28. Hours cap per year?
29. Size of the businesses that are covered? Or changes based on size of business? Will the City provide any subsidy for small businesses?
30. In small businesses, there is more a chance that everyone will get sick—hurt the business and productivity
31. Students and interns covered? Residents? Employee exemptions? Contracted employees?
32. Look at other communities? Try to make the ordinances as similar as possible to neighboring jurisdictions? Like Minneapolis?
33. What is the minimum number of ESST hours that would be offered?
34. Is this mandate going to be universal? For all folks?
35. Would the city be in a position to or consider subsidizing small businesses?
36. What revenue stream pays for that?
37. Businesses that already provide PTO benefit needs to be recognized and not add a separate system to complicate their current benefits system.
38. A simple minimum standard policy that is applied broadly
39. Is it enforceable?
40. Less generous and enforced or stricter and not enforce?
41. Someone at the City needs to be in charge of ESST policy
42. People/workers are their best enforcer, they should report if they are not receiving benefits
43. Construction workers
44. Universal policy with neighboring cities
45. Ease of use, ease of application for employees and companies
46. Education is important so employees and companies understand what the rules are, what it means, why and how it works.
47. Wants clarification regarding how many hours would be needed to qualify for these benefits
48. Wants to see that a future ordinance would apply to anyone operating business in Minnesota, not simply companies that are Minnesota –owned
49. Specifically wants heavy equipment operators to be addressed, because she is concerned with ill operators that are using heavy equipment

50. Wants to see that everyone is covered, in all types of jobs, in all types of environments (e.g. entry level jobs to professional employees in non-profit, for profit, and religious institutions)
51. Recognize the difference between full-time vs. part-time workers.
52. Status shouldn't matter, everyone gets sick. Should be based on hours worked.
53. How often can it be used? vs. abused? How would it be determined if someone is abusing it? Can it be enforced? Duration – how many hours per year can be taken?
54. What would cutoff date be? (Would there be a limit of hours that could be accumulated? Or would it be 'Use it or lose it'?)
55. Would ESST roll over from year to year? How much would have to be provided? How many employees does employer have to have to provide ESST? A guideline or employee number cutoff should be established. For only 1 to 2 employees it would be difficult to provide and have coverage. Perhaps for 5+ or 10+ employees?
56. If an employee doesn't show up for an extended period of time, can't really afford to keep paying for the position if a worker isn't there.
57. There is a concern with having exceptions for small employers – everyone should receive ESST no matter who their employer is.
58. Re: viability of enforcement —if there are only 2 employees, and one is out, how is it enforced? How to have staff coverage when people are out?
59. Create a policy that considers everyone. Possibly scale depended on size of employer. Will it kill jobs and businesses?
60. There is the impression that most small businesses cannot afford it.
61. If there are more than 5 employees it might work. But with less than 5 employees it may not work due to staffing issues.
62. If ESST were calculated hourly it would be most fair to workers.
63. How many hours would be appropriate to provide for safe time?
64. Safe time should just be classified as 'time off'. There really is no difference between sick or safe time.
65. Should 'safe' time be separated from 'sick' time? It would not be different from an employer's perspective. The employee would still be unexpectedly absent from work.
66. What are the benefits of vacation time and sick time being separate? Vacations are planned, sick time is not planned.
67. Would like to see sick time roll over from year to year, with a capped number of hours.
68. Sick/safe = emergency (unplanned) time off
69. Sick/safe time should be earned.
70. How do you set a guideline for number of employees? Everyone gets sick, everyone should get the benefit.
71. Set a standard for the city as a whole. Whatever part-time/temporary/seasonal City workers get in 2017 should be the same standard set citywide. If it is good enough for City of Saint Paul employees it is good enough for workers citywide.
72. Believe the City should look at size standards of the employer.
73. Do we assume safe and sick time would cover kids/family too?

74. ESSL should be earned and should carry over so it would defeat employees who are not sick but are trying to benefit from unused ESSL.
75. Domestic Violence can be immediate and is something that cannot wait.
76. Should separate safe and sick time.
77. "Earned" should be accrued based on how much you work
78. Should be part-time and full-time employees. My son who works in the service industry has to work two part-time jobs because that's how scheduling and service work works.
79. Need a cap—can't hold business to an infinite amount.
80. Need to be wary of differences between small and big businesses. Don't think it will have a big impact because the big businesses won't pull back on what they already offer because they need to be competitive. Google realized they needed to offer more because they were losing female employees.
81. Dignity issue.
82. Common sense adjustments—sole proprietors. They shouldn't need to provide. Family businesses?
83. Nurse: no set limit on number of call ins—only have a certain amount of sick time. But not disciplined for taking the time- unless there is a pattern
84. Payouts? I don't think that's necessary
85. Concern about abuse of policy- people prefer to spend the day with children rather than go to work
86. It should be transferrable and there should be a savings account that you use or get at the end of the year. Would decrease the abuse.
  - a. They need to have the amount
  - b. How many people actually face abuse? Is that really common? I've been an employer for the last several years- I would always let them have the day off.
  - c. Ok- but some employers don't do that.
  - d. Then those employees shouldn't work for those employers.
  - e. Not everyone has the option to get up and change employers.
  - f. Why not?
  - g. If we put this on employers we won't have growth in the city- it will stifle abuse.
  - h. I would move my business (Ryan) if we imposed this in a heartbeat.
    - i. Physically located vs. doing business in the City of Saint Paul
87. I think that the proposal should not mandate that people need to share personal information or prove that you are sick and or abused
  - a. My sister took her 10 day old baby to the doctor. The doctor was sick and she found out that the doctor couldn't take a day off because she had used them all.
  - b. We all get sick sometimes—we should have that without explanations
  - c. Maybe if you take over a certain amount then you need a doctor's note—but everyone gets sick a couple of days a year
88. I think that this policy will build trust and employee satisfaction with their jobs.
89. I think it is the government's job in certain dignity issues to provide rules across the board. Like child labor—we said that's not ok. We need to do the same thing with us as well.

90. We all have bodies. We all get sick. We should just acknowledge the human reality
91. Responding to abuse concerns:
  - a. This would not preclude employers from taking action against abuse.
  - b. There is always a “the sky is falling” concern with things like this. But the economy has changed. With the change in the minimum wage the economy is booming.
92. Need money for outreach
93. Inform people that this is a policy
94. Protect folks who are not getting it
95. Enforcement
  - a. Who takes the lead
  - b. Clearly defined and adequately funded
96. Documentation? Business owner, no doc. Doesn’t want to record/report every hour or location (operates out of saint Paul, based in St. Paul)
97. Sees this as a State issue, not a city issue. Legislature created to provide certain power. For cities to follow
98. Wants to send something to the state level. Provide policy statement to all city of work is ridiculous.
99. Wants existing PTO to be honored and should not be submitted for approval. Wants city to provide Public education instead of employers so employees can understand system.
100. Set up 1 system to have the policy. Wants to see partnership with PRO or healthcare (complaint based and comply, workers comp)
101. Graduated process. Benchmarks to receive these benefits, aligning with healthcare so we don’t have multiple thresholds (employee number) create threshold for (something like affordable health care) because it affects all, FMLA? Minimum wage? –adding one more employee would mean large affects as in adding employee benefits and policy and such.
102. fitness instructor, had to have surgery and had no pay and had to get his own coverage for the classes that he teaches. Working by-the-hour for multiple employers for NO benefits, no income, and no coverage. (not full time) What can be done for these workers?
103. Independent contractors? Avoid legal action. Employers avoid coverage.
104. What kind of business environment that the city is creating. Changing environment that changes employers from paying
105. City shouldn’t promote independent contractor also. More and more situations that employers are “bending the rules”
106. Business will try to wiggle out of it paying ESST
107. It would be difficult to limit the employees to a certain number before the ordinance applies to them. The purpose of the ordinance is to provide protection for those that are in need of sick time off. Most big employers will already have sick time benefits.
108. There is also a worry about distortion if you put a limit on the number of employees before the ordinance applies.
109. Believes that workers still need to have some dignity too.
110. It would also be good to have a cap on a certain number of days the employee can take off.
111. Employees cannot substitute sickness for vacation.
112. Concern that there will be abuse but other jurisdictions that currently implement this law have not found abuse.

113. States that she sees the other side (the side of the worker) because she hires a lot of new people coming in and she is always trying to get everyone to work harder.
114. ESSL could mimic PTO.
115. This young workforce will not be perfect and will be challenging to get them to show up to work.
116. Safe time needs to be very confidential because that is a sensitive issue that employees might not want to disclose.
117. What is reasonable sick time? How much time off can employees take in a year? In my shop, if they are sick they get a day off.
118. Thinks that ESSL does not necessarily have to apply only to sickness. It can be meshed with PTO.
119. Thinks the key element is PTO. Instead of just sick time, have it clear that once you have used that time, you lose it and have to earn it back.
120. Accrued time can roll over to next year.
121. Meaning of Safe time has to be clear.
122. Safe time can be confidential and sensitive.
123. If being sick does not affect the job, it would be a great thing to do.
124. How does this blanket law (ESSL) affect other benefits that may already be in place?
125. One participant suggested that if your child is sick, you should automatically get 3 days.
126. Would like to have an option like vacation donation where other employees can donate if someone seriously needs sick time but has no other paid time off available.
127. Allow employees to cover for one another.
128. Individual said the policy should pay particular attention to how the employee interacts with the law. That is, do people know how to use their time off? What's the burden of proof someone has to show to "prove" that they are sick or in danger? Is the way people interact with the policy a barrier to their enjoyment of the policy? This individual also noted privacy concerns with safe time. This individual urged pragmatism with constructing a burden of proof, noting that bad actors are going to find a way to abuse any system. Finally, she noted that with the increasing immigrant population, the question of how an employee accesses the benefit will be of particular concern.
129. Individual mentioned that she had experience in 24 hour (or on-call) jobs, and that certain "essential" positions, or positions that require someone to staff it 24/7, are particularly challenging when it comes to sick/safe time.
130. Individual mentioned on-call employees, and wondered how they factor. He mentioned that his employer, Catholic Charities, employees many people who work one or two times per month. Would those people be included? If so, it would greatly impact the work of his organization. Furthermore, he noted that his on call employees generally are employed elsewhere in addition to Catholic Charities. He suggested a policy that would exempt on-call employees. If they are covered, there would be an increased burden in cost and administration.
131. Individual noted that all employees of the employers he represents are collectively-bargained for. He also noted that there would need to be some floor of a minimum number of hours worked by an employee in a month or year to be tracked. He again mentioned transient workforces. He suggested a minimum number of hours worked as well as a maximum number of hours worked to qualify. He also wondered how this proposal would impact prevailing wage.
132. Individual suggested considering the model of the Affordable Care Act and said that the model of that law suggests that collectively-bargained employees could be exempt from a policy. With

- the ACA, if you have employer coverage, you can keep it, but if you prefer something else, you can opt-out and enjoy the ACA law as well.
133. Individual said she had heard the same issue when Minneapolis tried to institute a similar policy. There are a class of employers who meet or exceed the standard, and they perhaps shouldn't be required to report.
  134. Individual said that certain employers don't have a disincentive to offer these benefits, and they should be exempt from a policy.
  135. Individual brought up the issue of how this would be enforced. He noted that bad actors are bad actors and will get around the system, but that enforcement will often hurt the good actors more than the bad. How do you deal with someone who is noncompliant?
  136. Individual asked about job sharing
  137. Individual responded that some employers already do job sharing, and mentioned the FMLA law. Employers in construction have a fluid workforce. Job sharing is the norm.
  138. Individual brought up the issue of appointment-based employees, and thought some consideration should be made to culture within an employer or industry group—do they do flex time, are they a consultant, are they appointment-based? How should irregular schedules factor into this policy?
  139. Individual speculated that we may see an increase in independent contractors, especially if a Saint Paul policy differs from Minneapolis.
  140. Individual said that most of those employees work more than one job
  141. Individual said the policy should be based on hours worked – as you work more, you accrue time, so the more you work the more you get.
  142. Individual asked if the City of Seattle has studied how many employees cycle workers to avoid the 29 hour trigger for providing sick time. He speculated that Saint Paul would see more employees cycling to avoid costs and administration.
  143. Individual said her daughter works in the City of Chicago where there is a policy, and no one works more than 29 hours/week.
  144. Individual talked about the service industry—what do you do if company A provides benefits and company B doesn't? Don't punish the good employers.



**Question 3 – What barriers do you see that would negatively impact implementation on an “earned sick and safe time” policy for the City of Saint Paul?**

1. Need to think about the size of the team. An employee that comes to work gets revenue for the company. Already missing that opportunity for revenue when the employee is sick.
2. Paid sick time is an incentive to be sick. Why should the City implement something to be abused?
3. Small businesses already spend thousands in DSI’s fees that increase incrementally every year to pay for City employee’s sick time. Business have to pass these costs on to consumers
4. If the City implements sick leave, make it a subject between employee and employer to figure out the terms.
5. Is sick time really that big of a dilemma?
6. Employers will give good employees a pass and the benefit of the doubt. It’s the bad employees that employers won’t give a second chance. This Ordinance seems to be protecting the crappy employees.
7. One side fit all will not work.
8. Every employer must provide ESST
9. Why would employer have to pay for ESST if an employee is out sick 5 days or more?
10. How will ESST work for business/employers that has establishment in two cities?
11. Concerns about tracking and administrating ESST for employees in multiple locations, employees with mobile stations, employees who works from home or via satellite.
12. The City of Minneapolis is also considering similar ESST. It will be very important and crucial for both cities to consider similar implementation and ordinances otherwise it will be very tricky and difficult for employers to comply.
13. Who are we trying to help? How do we get there?
14. Lots of questions about operation, management of ESST
15. Consideration is needed for Nursing home and LTC home. Stated funded with strict funding per person therefore ESST is very limited and will impact employees in this industry.
16. Employer should not ask what employee use PTO for.
17. How will City ensure and enforces compliance ESST
18. Concerns about how employer intentionally classifies employees to avoid providing benefits.
19. What will the city do to make sure employer comply?
20. Cost
21. Productivity
22. Back staffing?
23. Does this “mandate” inadvertently punish smaller businesses more? Because the big businesses are already providing whatever the “floor” will be.
24. What about the City though—they were not abiding with interns and part time workers—I think it really depends on the business. – How do we define interns?
25. How are contractual employees handled by the City of Saint Paul? How will they be handled?
26. Is this more common than it used to be?
27. Most negative for small businesses that are not providing benefits: do they cut jobs?

28. Enforcement: how do we know who is not following the rules? But would it create a level playing field?
29. HCMC is a County Hospital, so wouldn't apply in Minneapolis- creates an uneven playing field. How does this apply to other groups that work in Saint Paul—high number of State, Federal, County buildings and offices?
30. Concerned about businesses leaving to go somewhere where this is not a requirement
31. Education
32. Awareness
33. Extra paperwork
34. Who is cover, who is not, how is it being track?
35. Implementation of ESST policy
36. Will ESST create a different business landscape for small business
37. Advantage to chain stores but not to small and family operated stores
38. Many jurisdictions did this, find out what works for them and what doesn't work – did small business close shop due to ESST policy?
39. Cannot be impose on Ramsey County and State
40. Restaurant culture of not calling in sick including manager
41. Nursing home – culture of not calling in sick
42. Wage theft issues/concerns – employees working but not getting paid, it is against the law so how will it be enforce?
43. The cost to the employer and to the employee would be a negative impact
44. There may be potential for abuses of “use it or lose it” time
45. Implementation of this a sick and safe time policy may cause businesses to avoid doing business in St. Paul, as the cost may be prohibitive
46. Small businesses may need to be exempted due to hardship
47. The City may need to consult experts to determine how this will be implemented. How would it be enforced with employers?
  - a. City would need more staffing for enforcement.
  - b. Enforcement could be complaint-driven.
  - c. What if there is retaliation from employers for those that make complaints?
  - d. Would be hard to enforce.
  - e. How would enforcement be funded?
48. The goal is for Saint Paul and Minneapolis to work together and ultimate goal is that ESSL would go statewide.
49. Business will think that it will cost them more money but this is the cost of doing business, they just have to manage the people that work for them.
50. Enforcement is going to be costly. Currently property taxes are prohibitive. Will this increase those taxes. A lot of people are already moving out of the city because of this.
  - i. The jobs that are being created are not the jobs that we want. The feeder system we have right now through our public schools is devastating. Kids are coming out of school with no skills.
  - ii. We keep layering these rules and regulations on top of businesses in Saint Paul
  - iii. We've been in Frogtown since 1951.

- iv. There's going to be
  - v. We work in a primarily low income neighborhood. And I'm having to choose whether to help people with bad plumbing and not getting paid or letting them
51. What about having health insurance—will people be able to get in to get the help they need when they need time off?
  52. I think people are willing to pay to stay in Saint Paul. It's our responsibility to make sure people have these benefits to do their jobs.
  53. Good communication about the law on the front end
    - a. All languages
    - b. All businesses
    - c. For everyone
  54. Confusion about sub-contracting. Who is liable?
  55. An increased minimum wage would help everyone as well.
  56. Restaurant Industry:
    - a. Confusing if someone is cobbling together multiple part time jobs—it would be better in one pool. What if those jobs are in different cities with different rules?
  57. Healthcare field:
    - a. With homecare workers or healthcare workers- often they are taking care of someone who is vulnerable and unable to take care of themselves. If there's no one to cover their shift they can't leave or they might lose their license. How do we ensure there is backup if you are sick so you can take that earned time.
  58. What about other businesses that are not based in Saint Paul, but does work in Saint Paul? How do you regulate it? Do you look at the location of the work or the location of the employer?
  59. What about the need for enforcement?
  60. What about businesses doing business with the City?
  61. Sick day plans, how many sick days? Should start on the low end and gradually see how it turns out.
  62. My son got surgery and he's a 4 year old, he needs me. I don't know what I would have done if I could not be there for him. If I don't have sick time off, I don't know what I would have done.
  63. What about job protection for non-paying time off?
  64. If you are really sick, employer can expect you to be off.
  65. If people come to work contagious, then can go home.
  66. Small business will not be able to sustain it.
  67. Some employers donate time from employee to other employees that might need the sick time off.
  68. Overall, this is a much better process than Minneapolis.
  69. Asian businesses are scared about being displaced.
  70. Individual mentioned the definition of a dependent. Who can you take sick time for? Who are you caring for?
  71. Individual mentioned administration and doing business in multiple municipalities.
  72. Individual talked about business owners: she feels for those who would have to close. She wondered what we could do to support business owners after enactment of a policy.

73. Individual talked about season factors, and said that negative impacts on business need to be weighed against benefits to the individual.
74. Individual mentioned barriers among markets, particularly the tracking and administration in the construction industry between different cities. Lack of uniformity could put St. Paul employers/contractors at a disadvantage and they would be less competitive. This individual would strenuously argue for an exemption for businesses that have entered a collective bargaining agreement with their employees.
75. Individual mentioned that the PTO structure as a possible problem. Employees sometimes use up all PTO on vacation and don't plan ahead—what do you do when the unexpected happens?
76. Individual said the presumption can't be to assume all employers would be unreasonable.
77. Individual said that she had been in a situation where she was allowed to "borrow" PTO when she didn't have it and "pay it back" as she worked and accrued time. This was the result of a positive relationship with her payroll department, but she said that benefit shouldn't depend on such a relationship.
78. Individual brought up the point that there are laws in place to guard against bad managers, like unemployment insurance.
79. Individual noted that the majority of employers are small businesses and may not have someone to keep track. Who would keep track? Administration is a barrier to implementation.
80. Individual said that employers could simply add a column on their ledger sheet to comply—doesn't have to be overly complex.
81. Individual noted that there should be flexibility, and any law should recognize good employers who are over the bar.

**Question 4 – What would having paid sick and safe leave mean for you, you employees, family and/or business? Or, if you already have it, how does it affect you, your employees, family and/or business?**

1. I think the Employees would be happy to have paid time off and it would minimize turnover
2. It would be good for morale and quality of life. There would be no gray zone. The employee and employer agree.
3. Sick time is good not only for the pay, but also for the job protection it offers
4. The City doesn't have a policy for all staff. It's the unions that take care of the paid sick time now.
5. I knew a guy that needed a couple days off for kidney stones. He was in the trades and committed to the trades, so I let him have some extra work later to make it up for it.
6. I would not have employees around if sick and gone for a week and I didn't help. I'd help them out and then let them make it up later.
7. You need to keep your employees happy so you can have good customer service
8. Price increases
9. Employees have a sense of security. Employees can feel secure that their family comes first.
10. Employer sees employee as a person
11. Employees without ESST are mostly low-income group
12. Ordinance will create better city, city that values employees
13. ESST is a community issues.
14. Everyone has a role to make changes
15. Community should pay higher prices to make changes for the community
16. What financial assistance will the city provides to business for the ESST?
17. Do not derail ESST over minor concerns by employers.
18. Interest in cost increase for employer.
19. In the perfect world we would have four more people at this table from the community. Whose voice is not being heard? We are not hearing this story with the people who are able to attend this meeting.
20. The parents who can't pick up their sick kids—kids getting sicker, getting the rest of the school sicker, having to stay home alone
21. As a grad student teacher, PTO is a bit weird, there is a culture of pride with professional – it is ok to be sick and not go to work but feels like asking for something not deserved so many professional work through being sick for professional glory and/or because they are the sole provider for the family
22. Challenge for companies
23. Universal rules
24. What are the consequences for companies that don't comply
25. Can the City solicit opinions and suggestions from city office where local business comes to apply for business certification, license, etc? Example and DSI solicit opinion from business that goes to apply to permit. Can City inspector solicit opinion from business they conduct inspection? Questions: If the City passes an ESST Ordinance, how will it affect you? Your business?
26. How will policy affect non-profit and religious organization? How are they how will they treat their employees.

27. Enjoyed being able to take sick time to provide care for family
28. Saw the negative impact of insufficient paid sick time when she was a school bus driver. She saw other bus drivers working while sick and getting many of the children sick as a result
29. Expressed concern about people operating heavy equipment while ill. Al pointed out that if the operator were, in fact, an owner-operator, he or she would not be paid for a job if he or she could not complete the job due to illness. So, Al effectively stated that unpaid sick time is a risk for entrepreneurs.
30. As an employee it takes a lot of stress off.
31. As a kid, my mom worked as a laborer and didn't have sick leave. Missing work meant possibly not making rent for the month.
32. As an employer, we are implementing it now including rollover. It is ultimately a benefit to the employer to take care of their employees.
33. It is important to take care of yourself first.
34. Schools and daycares are breeding grounds for illness so you have to look after your kids too.
35. In restaurants, if people are getting really sick, then we don't want to be going backwards and have them spread their illness to the consumers.
36. Seeing the Governor doing sick leave, I'm so proud of Saint Paul taking the lead on this.
37. Look at the problem Chipotle had. If people got the flu and they serve food, they put everyone in danger.
38. Vicki states that San Francisco has a \$15 minimum wage and ESSL and no businesses are fleeing San Francisco. We can make that work right here too.
39. Health. As a consumer, as a person in this world we need to keep everyone healthy. What is more important than our health?
40. It's the right thing to do. The decent thing to do. To be treated like a human being who has needs. To be treated like a responsible person who won't abuse the system and is respected by their employer and who respects hard work and their job. I don't think that people will abuse that. The relief knowing that that is available to you? That's huge. And takes away stress.
41. When I had to take time off- it was to take care of sick kids. They wouldn't let kids go to school. I shouldn't lose pay or my job for that. This is a policy for families.
42. As an employer I am considerate towards my employees. They make about \$100k a year. We don't employ minimum wage workers. I don't want to pay them a \$60/hour salary for 2-3 days off. I think it's important to have a good relationship between you and your employer. If you don't have that, find a new job. If you have this you don't need to have these rules. This shouldn't be a one size fits all. Someone has to pay for that. If you go into the grocery store you see that you are getting a lot less for your money.
43. Looking at starting a family. They look at "pregnancy" as an illness, disability, a pre-existing condition—brings up how important family leave is
  - a. More women are in our economy now. We have dual income households where men don't make enough to cover both people.
  - b. Doctors recommend taking 5 weeks off after birth—how would you do that if you make \$12/hour?

44. Similar situation—my daughter had a baby. She was able to take time off- not paid. Her husband took time off and ended up losing his job. The relationship turned abusive and by the time she went back to work they were behind on rent and other bills. I had to go pick her up and move her home. Maybe if she had paid time off that wouldn't have happened.
45. This is a basic policy. We aren't talking about something huge. Just a base. Employers can offer more, but we don't mandate that.
46. Other jurisdictions like Seattle and San Francisco are different from St. Paul and what goes on there will be different from what goes on here.
47. Wants to have ESSL and let that roll-over each year.
48. Some participants felt that the City is rushing to implement ESSL too fast.
49. Why aren't some stake holders here at this meeting? C
50. Concern regarding employers hiring independent contractors instead of to avoid having to adhere to this law.
51. Has always had PTO, has 2 kids and is healthy. She used sick/PTO for day care, ear aches, etc. She has had to take time off and has really benefited from PTO. She said it's always been a priority to find a job with those benefits. She said this issue drives a lot of racial disparities, because jobs that offer PTO/Sick time are more predominantly white.
52. Individual noted the need for balancing. Catholic Charities has great benefits but low pay. Employees do need sick time but they also need things like a living wage. There should be a middle ground.
53. Question: What are the bulk of Catholic Charities employees doing in their work for Catholic Charities?
  - a. Answer: Diverse. Therapists, social work, some very basic jobs and some that require masters' degrees.
54. We should consider the tradeoff. Think of people in the service industry. If your garbage doesn't get emptied one day, is that inconvenience so great as to outweigh the benefit that the janitor enjoys by having sick & safe time? "I'm ok waiting a few extra minutes at Davanni's."
55. Has been fortunate in his career. He used leave & PTO, and used it to care for his kids. Tradeoff was that he made less to make it happen. He currently has aging parents.
56. Aging parents is going to be a huge issue.
  - a. [Agreement among participants that aging parents will be a big issue in the coming years.]
57. Always had PTO, except for entry level jobs. He had an entry level technician job where he made decent money but didn't get PTO and didn't expect it, because a lot of people can do that job. They just wanted someone who was interested and would do a good job. He currently has PTO and uses it, has 4 kids, and he and his wife have decided that she will stay home and care for the kids, and they make a lot less money because of it.
58. Consider people in poverty. The middle class are a paycheck away from poverty. Emphasis should be on work and education in the work place, but what makes you sick? We should uplift the employee, not tear them down.

59. *Note: At one point one participant made the point that there should be consideration of the age of employees who get ESST—that is, there is less need for teenagers to enjoy the benefit than there is for parents or people caring for their parents.*

60.



**Additional Comments / Questions**

1. What is earned sick and safe time? Sick time is one side, but we need to shed some light on safe time as well. We need to take a step back and define these terms.
2. Common definition of sick time?
3. MN Legislature and other communities are looking at it like time you can use if you are sick and/or need to care for a dependent family member when they are sick
4. Safe time represents a public safety issue
5. One is a public health issue and public safety issue
6. Most of us can imagine being sick, but not all of us can imagine being domestically abuse
7. Sick and safe are such separate issues. Should they be treated differently?
8. "Earned"- you have a right to this benefit as an employee
9. "Like the good old days of 2 weeks' vacation"—But not everyone has that. We need to be mindful that there are a lot of people who don't have ESST.
10. The hours you work pay for the earned sick and safe time
11. City needs to keep in mind the specific needs requirement of restaurants.
12. The City must be careful not to apply a blanket policy applicable to every type of employer
13. What will be the policy for FT vs PT employees? Will they be different?
14. Some employers have different kinds of employees, such as PT, FT, seasonal, independent contractors, "casual" employees, etc. how would an ESST law apply to each group?
15. Will Vacation and ESST be combined into one kind of time off (e.g., PTO-personal time off)? Sometimes employers take advantage of this.
16. One advocate of the law had concerns that some employers will make technical loopholes, such as requiring an employee that calls in sick be forced to find their replacement, which might be unfeasible if they realize they're sick at 4:30 in the morning the day of their illness.
17. One person stated she does not want to see exceptions based on size of employer.
18. One person expressed concern that Minneapolis and St. Paul will have different requirements, which will confuse local businesses that operate in both cities. Suggestion: coordinate with mpls to make at least some of the requirements sync.
19. If we classify ee's "occasional basis" (like Seattle) how would we figure out the hours worked/used within the City? For example, mileage tracking.
20. How will temp employees hired from temp firms treated? Who would be responsible for record-keeping?
21. One person expressed concern over enforcement; the law wouldn't be useful if it didn't have strong enforcement powers.
22. One person, an MD, expressed real concern over the food industry. He said he doesn't eat out anymore because of his fears over sick workers preparing his food.
23. He also states that people who stay home to rest will get better sooner, compared with people who must go into work and therefore their illness lasts longer.
24. A concern came up that employers might classify their workers as PT in order to avoid FT requirements, were the law only to apply to FT workers, or the equivalent.
25. Include small business representatives on the Task Force

26. Concerned about how it would be determined when a person can use safe time (e.g. documentation or proof). For example, if an employee were to call in using safe time saying something to the effect that he or she would be out of town for a couple days because he or she is staying away from his or her partner to avoid domestic abuse, would there be some kind of verification required.
27. Does safe time apply to internal threats, external threats, or both? For example, if an employee felt threatened by colleagues on the job, would this merit use of safe time? Or, would safe time be enacted when a threat is from outside of the workplace?
28. What is the definition of "safe time"?
29. Public Health is my main concern. Also Employers may see that their workers don't get sick and are more production if ESSL is enacted.
30. No is not an option.
31. Food and restaurant- industry voices? – earned sick time and food borne illness. Depends on data.
32. Adolescent to early adult concerns? Not so much voices from age 16-30yr old
33. Needs to keep FTE and subs, wants to continue FTE instead of 1099, trades are also being tight, creating barriers for business from keeping FTE. ESST would be a barrier since they have to pay for ESST and stop from hiring another employee. ESST is limiting.
34. Set scheduling? Would it hurt? Benchmarks? 1 more think on the plate is a large thing. Restraints? (Profit, income, outcome, respond to need, respond to competition?)
35. Will this go to ballots?
36. More incentive based program? Low minimum requirements to see this as partnership with city. (e.x. Gold Star award)
37. Carrot dangler instead of stick Wacker. (How to pay?) PR benefit, PR for city? (incentive based)
38. Wants to see more research

# Earned Sick and Safe Time

*Please answer the following survey regarding earned sick and safe time.*

All Responses sorted chronologically

As of February 29, 2016, 4:11 PM



*As with any public comment process, participation in Open Saint Paul is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.*

# Earned Sick and Safe Time

*Please answer the following survey regarding earned sick and safe time.*

As of February 29, 2016, 4:11 PM, this forum had:

Attendees: 356

All Responses: 212

Hours of Public Comment: 10.6

This topic started on February 1, 2016, 9:50 AM.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

### Responses

How would “earned sick and safe time” benefit or negatively impact you?

Answered 171

Skipped 41

all also **benefit** benefits **business** care casual community could day **do**  
earned **employees** family food **from** he **health** home  
impact make more off **paid** paul pay **people** public s safe **sick**  
st **stay** t they **time** which **who work** workers

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What key elements would you like to see included in an “earned sick and safe time” policy for the City of Saint Paul?

Answered 157

Skipped 55

able **all** also **businesses** care days earned **employees**  
employers family from **hours** include **leave** like needs none off one  
**paid** part people policy s safe **see** sick t take they think **time**  
use used what **who work** worked **workers** year

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What barriers do see that would negatively impact the implementation of an “earned sick and safe time” policy for the City of Saint Paul?

Answered 151

Skipped 61

also any **benefits** business **businesses** **cost** costs could

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

do ~~don~~ earned employee **employees** employer employers from  
more need owners ~~paul~~ pay **people** safe see **sick** **small**  
some **st** such **t** **they** think **time** too want what **who** work workers

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### How would "earned sick and safe time" benefit or negatively impact you?

Name not available (unclaimed)  
February 3, 2016, 12:39 PM

If I owned a business in Saint Paul, I'd want to take a close look at the details and would want the Chamber to do a cost-benefit analysis.

Name not available (unclaimed)  
February 3, 2016, 12:44 PM

We offer general paid time off (PTO) to all employees. That time accrues with hours worked. PTO can be taken for any reason - sickness, sick kids/parents, or just don't want to work day. Mandating "earned sick and safe time" will force us to reduce the amount of PTO we currently offer and force the burden onto our employees to prove that they indeed are sick OR have a personal emergency that requires time off for their personal safety. We don't think that responsible employees should be required to get a note from a medical provider or law enforcement officer, but with this mandate, we would require that.

Name not available (unclaimed)  
February 3, 2016, 12:46 PM

Our company already has a policy regarding these issues.

Name not available (unclaimed)  
February 3, 2016, 12:55 PM

As an employer, I would relocate my business to surrounding suburbs

Name not available (unclaimed)  
February 3, 2016, 1:03 PM

This would be one more reason to stop doing business in St Paul

Name not available (unclaimed)  
February 3, 2016, 1:16 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

I would be happy to know the people I interact with are less likely to be sick

Name not available (unclaimed)  
February 3, 2016, 1:30 PM

It would not negatively impact us. We already provide paid sick leave to regular employees. Our policy states regular employees earn 1/2 sick day each month of their anniversary year, for a total of six sick days each anniversary year.

Name not available (unclaimed)  
February 3, 2016, 1:38 PM

The only way would be via increased costs of services and goods.

Name not available (unclaimed)  
February 3, 2016, 2:59 PM

Positive

Name not available (unclaimed)  
February 3, 2016, 3:58 PM

My PTO would be reduced

Name not available (unclaimed)  
February 3, 2016, 4:01 PM

As a city employee accrued benefits are part of our negotiated contract and reflect in our rate of pay. Most of the employees who would receive accrued sick as temps are not covered by a contract and therefore are earning more per hour than certified employees who pay fair share union dues - not fair to certified city employees

Name not available (unclaimed)  
February 3, 2016, 5:06 PM

Added expense for business. My company is based in St Paul but does business throughout the metro area. I would consider moving my headquarters if this requirement is not specific to earnings in St Paul.

Name not available (unclaimed)  
February 3, 2016, 5:17 PM

Already have a portion of this program in our benefits package where I work.

Lenny Russo inside Ward 2 (on forum)

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

February 3, 2016, 5:41 PM

We do not see it as a benefit to our workforce since those who work more than four days per week are granted unlimited sick time. Everyone else has enough in their schedules to allow for sick time without adversely affecting their incomes.

Ryan Bierwerth inside Ward 7 (on forum)

February 4, 2016, 5:28 AM

It would not help me personally. It would hurt my business and the businesses that I patronize in St. Paul.

David Bice outside Saint Paul (on forum)

February 4, 2016, 5:47 AM

I give my non union employees 10 days already for my union employees I would have to ask the union how this would work?

Thomas Dobbs inside Ward 7 (on forum)

February 4, 2016, 9:45 AM

This will place an undo burden on employers in the City and hurt their competitiveness. Why start a business in St Paul knowing there will be extensive additional HR costs to do business in St. Paul. It's a jobs killer.

Name not available (unclaimed)

February 4, 2016, 6:01 PM

Benefit by keeping my food being prepared, served, and handled by infectious sick people.

Name not available (unclaimed)

February 4, 2016, 7:10 PM

We have a standard business program at our company. Anything more would be a great negative, anything less would not be considered.

Name not available (unclaimed)

February 4, 2016, 8:30 PM

A necessary benefit for public health

Name not available (unclaimed)

February 4, 2016, 8:43 PM

It's crazy that we not only allow people to work when ill but require them to work when ill. They are a hazard to everyone in the community! Having gotten sick from food I've eaten out on several occasions, I now always



## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

wonder if I'm going to get sick from a worker who passed their illness to me because of their need for the paid hours or their fear of losing their job.

Name not available (unclaimed)

February 4, 2016, 9:02 PM

It would cost jobs and cause more to be moved out of the city.

Name not available (unclaimed)

February 4, 2016, 9:23 PM

People who are sick won't bring there illness to work and infect Co workers

Arline Datu inside Ward 2 (on forum)

February 5, 2016, 10:25 AM

It would positively benefit my three adult children and daughter-in-law, all of whom work without sick pay. My one son has an 8-month-old child to support. All of them have to go into work sick because they can't afford to miss a day and not be able to pay their rent, buy their groceries or pay their utility bills.

Lars Negstad inside Ward 4 (on forum)

February 5, 2016, 11:38 AM

I work in St. Paul and my daughter attends pre-school in St. Paul. We also live nearby and often dine and shop in St. Paul with the rest of our family. Passing earned sick and safe time will benefit us all by keeping us safe from flu epidemics and exposure to other health risks.

Steve Durand inside Ward 4 (on forum)

February 5, 2016, 12:57 PM

As a business owner in St. Paul this policy would impact my business by basically adding paid time off to our current benifit package.

Name not available (unclaimed)

February 5, 2016, 1:30 PM

it would benefit saint paul employers by making workplaces safer and more family friendly

Name not available (unclaimed)

February 5, 2016, 5:22 PM

Benefit as people who are sick could care for themselves. That is an important value of mine.

Name not available (unclaimed)

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

February 5, 2016, 5:23 PM

Would be positive. I'll people should stay and not infect the rest of us. Moms should stay homes with their chn.

Name not available (unclaimed)

February 5, 2016, 6:59 PM

Reduce the risk that I would get sick from a sick worker.

Sarah Gleason inside Ward 2 (on forum)

February 6, 2016, 7:54 AM

Keep illness at home, out of restaurants and workplaces, classrooms

Name not available (unclaimed)

February 6, 2016, 9:22 AM

It would make me proud to live in a city that offers humane working conditions.

Name not available (unclaimed)

February 6, 2016, 9:52 AM

I work in St. Paul, and shop and eat every single day in the city. Ensuring everyone in the city has sick time would mean I am not afraid my server or the person checking me out at the store is sick. It also would mean our city is a leader in treating people with fairness and dignity.

Name not available (unclaimed)

February 6, 2016, 12:08 PM

I am a teacher employed hourly at the International Institute of Minnesota. I am about to have surgery and will be off work for close to 3 weeks but have to take unpaid time beause I have no sick leave.

Name not available (unclaimed)

February 6, 2016, 3:05 PM

Uncertain at this time, but it makes no sense to have multiple jurisdictions have different rules as we have employees and locations throughout the region

Name not available (unclaimed)

February 6, 2016, 11:04 PM

I am retired

Mike Pickett inside Ward 3 (on forum)

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

February 7, 2016, 8:24 AM

It would be an accrued liability.

Name not available (unclaimed)

February 7, 2016, 10:54 AM

It would make the salaried employees less productive.

Name not available (unclaimed)

February 7, 2016, 11:32 AM

I am a long time resident and business owner. With one store in St. Paul currently and negotiating a second location any requirements of this nature would kill this deal. I'm very serious on that.

Padraic McGuire inside Ward 3 (on forum)

February 7, 2016, 11:58 AM

It would generally be a negative. This is a policy that will be abused. It is not offered in the private sector.

Joel Anderson inside Ward 4 (on forum)

February 8, 2016, 12:25 PM

It would benefit me by providing my neighbors with benefits I already have from my employer.

Name not available (unclaimed)

February 8, 2016, 12:39 PM

I am fortunate to have paid sick time through my job, but I know many people who don't have it. Economic security and health are human rights under the Universal Declaration of Human Rights. Everyone benefits when we have a society that upholds those rights.

Name not available (unclaimed)

February 8, 2016, 12:58 PM

Public Health would improve and my health would improve

Name not available (unclaimed)

February 8, 2016, 12:59 PM

Earned sick and safe time would directly benefit me, my family, and my neighbors by providing an important resource that could help prevent domestic violence, and guarantee that whoever our employer was, we had access to sick time- this would help ensure everyone able to take time off to be healthy and that a greater safety net is available in case of catastrophic illness.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)

February 8, 2016, 1:15 PM

Failure to pass such an ordinance could affect my health, as I might be served in a food establishment by a sick employee who had to come to work because he/she strongly needed the money. Failure to provide ESST for all St. Paul workers also offends my sense of fairness and justice, and is counter to my faith, which calls for treating all people with dignity and respect. I am lucky to work for an employer who provides paid sick leave--I believe all workers deserve this right.

Stuart Knappmiller inside Ward 6 (on forum)

February 8, 2016, 1:42 PM

It would make the city look like the non profit where I have been a board member

Michael Banks inside Ward 4 (on forum)

February 8, 2016, 1:44 PM

I am a Child Protection Worker. S&SL would not benefit me personally but would benefit my lower income employed clients, most of whom do not have any kind of paid time off now. It would also make it more convenient for clients who need orders for protection to get them if they are employed.

Name not available (unclaimed)

February 8, 2016, 2:02 PM

It depends on the conditions. Earned sick and safe time are defined here but generally nearly all of our employees have sick time and vacation time.

Name not available (unclaimed)

February 8, 2016, 2:15 PM

I become a recipient of the benefits of a more stable workforce. When St Paul impliments this policy its workers will not fear taking time to insure they are not spreading infectious disease in the workplace

Janice Hallman outside Saint Paul (on forum)

February 8, 2016, 3:57 PM

Benefit when workers do not pass disease to others, and have time to take care of pressing personal business.

Name not available (unclaimed)

February 8, 2016, 4:26 PM

Earned sick and safe time would make such a big difference in my family's life. I live in St. Paul. I have plenty of paid sick time, but I'm a union member. My husband doesn't have any. He's been in his job for five years, and when he catches a cold or the flu, he can't take one day off to rest without worrying about losing income or risking a negative response from his employer. So he goes in sick anyway, and it kills me to watch him drag

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

himself off to work when he's coughing and his nose is running and his face is red. He also works in a service industry, so he interacts with not only coworkers but the general public as customers. Ensuring that he could stay home when he's sick would help prevent sicknesses from spreading. When I enter a business to purchase goods or services, I don't want to worry about the staff there getting me sick.

T McNeil inside Ward 3 (on forum)  
February 9, 2016, 6:31 AM

Its humain, a policy that greatly effects service workers and low income folks. I would like to go to a restaurant and be assured my server doesn't have diareah

Name not available (unclaimed)  
February 9, 2016, 7:52 AM

I am retired and I am writing on behalf of a young mentee who is working to support herself while she is attending college. She also assists in caring for 3 younger siblings because their mother abuses alcohol and drugs. When she is sick or caring for a sick sibling, loss of income upsets her delicately balanced budget.

Name not available (unclaimed)  
February 9, 2016, 11:10 AM

My son lives in St. Paul, and in his current employment he is without benefits, including earned sick and safe time. It would be great if he could get these benefits.

Name not available (unclaimed)  
February 9, 2016, 11:20 AM

It wouldn't affect me as a salaried professional worker.

Name not available (unclaimed)  
February 9, 2016, 11:31 AM

I have sick leave now and I don't know how I would get along without it. My two daughters have special health needs and I have had lots of doctor appointment

Name not available (unclaimed)  
February 9, 2016, 3:02 PM

I do not have this now. Would allow workers to be paid when sick.

Name not available (unclaimed)  
February 9, 2016, 3:15 PM

It would cost my company and force it to trim costs in other areas

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 9, 2016, 3:43 PM

Improved public health is a common good.

Name not available (unclaimed)  
February 9, 2016, 6:33 PM

No effect

Name not available (unclaimed)  
February 9, 2016, 6:35 PM

It would make St. Paul a better place to live by making sure those who are sick can stay home. I would be exposed to fewer germs. It would also allow parents to stay home with their sick children and keep them out of the schools.

Name not available (unclaimed)  
February 9, 2016, 7:54 PM

It would benefit me in that retail and food workers would be able to stay home and recover their health, not share their illness with me.

Name not available (unclaimed)  
February 9, 2016, 9:24 PM

Earned sick and safe time would benefit me because it would reduce public health outbreaks caused by food service and hospitality workers working while sick.

Adam Miller inside Ward 5 (on forum)  
February 9, 2016, 11:10 PM

Benefit would be healthier employees

edward conlan inside Ward 2 (on forum)  
February 10, 2016, 9:36 AM

I don't think "protected" public employees need or deserve more generous benefits than their counterparts in the private sector.

Name not available (unclaimed)  
February 10, 2016, 9:41 AM

It would not personally impact me, but I believe it is very important.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 10, 2016, 10:37 AM

I was covered when I worked for a major corporation and I would very much like to see other workers have the same benefit. It will benefit the workers and the public.

Name not available (unclaimed)  
February 10, 2016, 10:40 AM

Benefit me as it helps sick people get well and not spread their illness to others.

Mary WArD inside Ward 5 (on forum)  
February 10, 2016, 12:03 PM

It would benefit fit me to have earned sick time separated from my vacation time. Currently my accrued time off is combined so in order to perserve my "paid time off" I seldom call in sick even though I may be just to be sure I have enough time to use for planned trips etc..

Name not available (unclaimed)  
February 10, 2016, 5:33 PM

Benefit me if i need to take time of to care for a family member and not lose pay.

Name not available (unclaimed)  
February 10, 2016, 6:44 PM

Sick people not spreading Germs

Name not available (unclaimed)  
February 11, 2016, 9:26 AM

N/A we already offer a generous PTO package to employees.

Mike Schumann inside Ward 1 (on forum)  
February 11, 2016, 9:40 AM

More mandated costs and bureacracy for our small business. We have a flexible working environment for our employees that works well. We don't need government mandates screwing that up. If this kind of meddling keeps up, it's going to push us over the edge to retire, close our business (putting a dozen people out of work), selling our home in St. Paul, and moving to Florida.

RUTHENA FINK inside Ward 2 (on forum)  
February 11, 2016, 9:49 AM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

It would create an administrative nightmare for my small retail business of 6 employees who are primarily part time and students and may stay for just a couple of years.

Beth Bergman inside Ward 3 (on forum)  
February 11, 2016, 10:13 AM

we have existing benefits at our business

Name not available (unclaimed)  
February 11, 2016, 11:34 AM

Negatively

Nick Closmore inside Ward 2 (on forum)  
February 11, 2016, 12:37 PM

It would negatively impact my business by increasing costs to us as the employer.

Name not available (unclaimed)  
February 11, 2016, 2:10 PM

The benefit would be not worrying about getting sick, or family emergency and losing my job.

Name not available (unclaimed)  
February 11, 2016, 2:50 PM

benefit-I feel good about the people it will help

Name not available (unclaimed)  
February 11, 2016, 6:05 PM

It would hurt our already limping along Co.

Trudy Cretsinger inside Ward 3 (on forum)  
February 11, 2016, 8:37 PM

It would benefit me right along with the whole community for our lower wage workers in high contact with the general public to be able to afford to stay home when they are sick (or to stay home with their children when they are sick) and not help spread infections to the people they have contact with as they do their jobs (or other kids in the schools).

Name not available (unclaimed)  
February 11, 2016, 9:20 PM



## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Indirectly, it benefits me as a community member, because when workers have fair and equitable sick and family leave, we will be building a stronger community. People who are sick can stay home and keep others from getting sick as well. Parents can stay home with sick children, so schools are healthier as well. Finally, I think that we will have better work productivity. This is a good thing!

Name not available (unclaimed)  
February 12, 2016, 10:37 AM

It would benefit me by giving my fellow citizens increased job security. This would strengthen the St. Paul community as a whole.

Carsten Slostad inside Ward 1 (on forum)  
February 12, 2016, 10:58 AM

little if any impact

Name not available (unclaimed)  
February 12, 2016, 11:09 AM

It would not impact us negatively.

Patrick Shebeck inside Ward 1 (on forum)  
February 12, 2016, 11:12 AM

It would not impact us negatively.

Name not available (unclaimed)  
February 13, 2016, 9:23 AM

It would benefit me as a St. Paul citizen by knowing that we are treating our employees with respect and dignity. It would also benefit me knowing that the employees I interact with are healthy and not unduly stressed because of a sick family member they left at home.

Sara Gjerdrum inside Ward 3 (on forum)  
February 13, 2016, 9:27 AM

It would benefit me knowing that the employees I interact with are healthy and not unduly stressed because of a sick child or family member they are worrying about at home. It would also benefit me by giving me another reason to be proud of living in St. Paul, where we treat workers with dignity and respect.

Name not available (unclaimed)  
February 13, 2016, 1:03 PM

Benefit for my husband's work: currently earns no sick time, so when he is sick, we lose any income he might

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

have earned.

Margaret Schuster inside Ward 4 (on forum)  
February 13, 2016, 1:05 PM

Benefit for my husband's work: currently earns no sick time, so when he is sick, we lose any income he might have earned.

Gretchen Vanderlinden-Wang inside Ward 5 (on forum)  
February 14, 2016, 3:36 PM

Earned sick and safe time would personally benefit me because it would reduce the number of public health outbreaks caused by sick employees being forced to work and sick children being forced to go to school..

Name not available (unclaimed)  
February 14, 2016, 8:30 PM

As a small business with only 3 part-time employees, earned sick time would significantly increase the cost of having employees and affect my ability to promote them to full-time employees

Mollie Fragnito inside Ward 4 (on forum)  
February 14, 2016, 11:39 PM

We would all be healthier if people could afford to stay home when they are sick.

Name not available (unclaimed)  
February 15, 2016, 11:54 AM

abc

Name not available (unclaimed)  
February 15, 2016, 11:58 AM

It would help my brother who has no sick time and who works handling produce

Name not available (unclaimed)  
February 15, 2016, 1:40 PM

It would benefit me as it would enable people who are ill or who have children who are ill to stay home and not spread their illness when working with food, day care, school, adult day care, etc. Also, in case of a safety emergency. People can do their business and not lose their pay.

Myrna Nelson inside Ward 2 (on forum)  
February 15, 2016, 1:43 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

It would benefit me as it would enable people who are ill or who have children who are ill to stay home and not spread their illness when working with food, day care, school, adult day care, etc. Also, in case of a safety emergency. People can do their business and not lose their pay.

Name not available (unclaimed)  
February 15, 2016, 4:41 PM

It would benefit me , because I work for a privately held company in St. Paul. The company does not offer PTO, sick time or health insurance benefits.

Gaye Sorenson inside Ward 7 (on forum)  
February 15, 2016, 4:45 PM

It would make St. Paul a better place to work for family, friends and everyone.

Name not available (unclaimed)  
February 16, 2016, 12:03 PM

It would benefit me by making the community healthier, safer and more "just."

Julian Kittelson-Aldred inside Ward 4 (on forum)  
February 16, 2016, 2:06 PM

It wouldn't directly affect me one way or the other, but I would feel prouder to live in a city that prioritizes the quality of life for all workers. Paid sick time is a crucial part of that.

Name not available (unclaimed)  
February 16, 2016, 2:22 PM

It would be impossible for part time staffing to impliment as I would require a doctors note on every sickness or sick day

Name not available (unclaimed)  
February 16, 2016, 2:32 PM

With part time workers not in a set schedule it would be hard to impliment.

Name not available (unclaimed)  
February 17, 2016, 1:52 PM

It would positively impact me because I run a day care and parents do not have enough sick time to stay home and take care of their sick kids, which then leads to everyone in my home and the day care getting sick!

Name not available (unclaimed)

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

February 17, 2016, 4:24 PM

Negative impact of additional dollars spent in labor on top of the state minimum guidelines changes already in place

Polly Nemec inside Ward 2 (on forum)

February 17, 2016, 5:10 PM

It could cost our company thousands of dollars more per year.

Mary Vitcenda inside Ward 3 (on forum)

February 17, 2016, 5:19 PM

I would benefit from seeing all St. Paul workers receive paid sick leave as I do in my current job and have always received in past jobs. I believe this is an issue of fairness and justice. Providing paid sick leave to all St. Paul workers also strengthens families and communities and supports public health--all of which benefit me personally.

Mary Louise Klas inside Ward 2 (unverified)

February 18, 2016, 10:39 AM

It would make my community healthier and more just.

Larry Reinsch inside Ward 3 (on forum)

February 18, 2016, 12:21 PM

I earn 104 hours a year of sick leave, the unused balance of which accumulates year after year, so I believe it is only fair that all workers receive at least some fraction of what I am blessed with on my job.

Stacey Gassman inside Ward 4 (unverified)

February 18, 2016, 1:22 PM

I would be able to take time off work in my food service job. As it is I cannot afford not to work.

Elizabeth Lienesch inside Ward 4 (on forum)

February 18, 2016, 2:39 PM

Earned sick time would mean my community, family, workplace, neighborhood and city would be healthier and more productive.

Name not available (unclaimed)

February 18, 2016, 3:20 PM

We have children living in St. Paul that this could impact.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 18, 2016, 3:45 PM

I already have earned sick time so I know how important it is

Name not available (unclaimed)  
February 18, 2016, 3:47 PM

I already have earned sick time so I know how important it is and I support it

Name not available (unclaimed)  
February 18, 2016, 4:03 PM

I am concerned that legislation may cause unneeded cost and administration complexities that do not fit or benefit my employer.

Name not available (unclaimed)  
February 18, 2016, 4:20 PM

I am retired...but if not it would help families

Mark Gilbert inside Ward 3 (on forum)  
February 18, 2016, 4:20 PM

I could be a better father to my son.

Name not available (unclaimed)  
February 18, 2016, 4:33 PM

Having city employees be able to take care of themselves and thier families with pay would increase moral and dedication of the workers who would interact with me at thier jobs.

Name not available (unclaimed)  
February 18, 2016, 5:21 PM

It keeps people who are sick the ability to stay home and get better instes

Name not available (unclaimed)  
February 18, 2016, 5:28 PM

It will benefit me by ensuring that staff who are ill can stay home from work and avoid spreading disease. It would benefit me because it would improve community health and reduce health care costs.

Judy Gibson inside Ward 4 (on forum)

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

February 18, 2016, 6:02 PM

Among other things hopefully it would mean I would never be waited on at restaurant by some one who was sick.

Kimberly Howard inside Ward 7 (on forum)

February 18, 2016, 7:19 PM

I work for a privately held company in St. Paul that does not offer earned sick time , safe time or PTO. The company does not offer health insurance either.

Name not available (unclaimed)

February 18, 2016, 9:47 PM

Earned sick and safe time would benefit me because it prioritizes the appropriate care, time and dedication towards building a healthier community.

Name not available (unclaimed)

February 19, 2016, 8:12 AM

make me less stressed when dealing with family illnesses and difficult times

Name not available (unclaimed)

February 19, 2016, 10:24 AM

no benefit. it will make goods and services go up in price

Name not available (unclaimed)

February 19, 2016, 11:46 AM

It would not affect me, but is good for society.

Name not available (unclaimed)

February 19, 2016, 2:46 PM

Not directly at this tiime. I am retired

Colleen McGuire inside Ward 2 (on forum)

February 19, 2016, 3:25 PM

It would not personally affect me at all.

Name not available (unclaimed)

February 19, 2016, 3:38 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Give me a peace of mind knowing that I am still Guaranteed pay even when natural causes (that I have absolutely no control over) cause me to stay home from work.

Name not available (unclaimed)

February 19, 2016, 3:47 PM

benefit food workers stay home, worker stays home with sick child, abused women able to go to court date or see advocate and not get fired

Name not available (unclaimed)

February 19, 2016, 8:20 PM

Sick students would not be sent to school and could remain with a parent at home, not infecting other students.

Julie Holmen inside Ward 5 (on forum)

February 19, 2016, 8:22 PM

I am happy to pay more taxes to grant workers sick/safe time.

Leigh Hoffert inside Ward 1 (on forum)

February 20, 2016, 2:34 PM

It wouldn't impact me personally

Name not available (unclaimed)

February 21, 2016, 5:56 PM

Benefiting me as well as keeping my coworkers healthy as well, one or two days of lost wages can mean difficulty paying the rent, my family's transportation and child care costs. It's means stability and health.

Tom Whaley inside Ward 2 (on forum)

February 22, 2016, 12:05 PM

Benefit: Harmonization of benefits among salaried and hourly employees. Negative impact: increased payroll costs

Rick Varco inside Ward 3 (unverified)

February 22, 2016, 5:16 PM

I would be protected from getting infected by sick workers and would have a healthier community.

Name not available (unclaimed)

February 22, 2016, 7:44 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

It would benefit me by knowing that sick people were not handling or serving food to me.

Name not available (unclaimed)  
February 22, 2016, 9:33 PM

no impact directly as I'm retired. I do believe it impacts me by having a city that respects employees and has reasonable level of sick and safe time. Employees less likely to miss work/pay which can impact financial stress and it limits the number of sick people in the public work space that could spread illness.

Roxanne Young Kimball inside Ward 2 (on forum)  
February 23, 2016, 2:19 PM

I don't see any negative impacts. I think the positive impacts would be knowing that the people I interact with every day have the option to stay home - particularly in the case of food service workers, I think from a public health standpoint earned sick and safe time is a must have. Facing a choice between financial security from a shift when your sick and taking care of your health to stay home/lose income is a false choice with no winners.

Name not available (unclaimed)  
February 23, 2016, 9:20 PM

I would benefit from not being exposed to infection from food workers who come to work sick because they have no sick time.

Name not available (unclaimed)  
February 24, 2016, 9:23 AM

As a business owner, this would put me at a considerable disadvantage to surrounding suburbs. This would be problematic for the city to enforce so why put the unnecessary burden on the owner when most already offer this to most employees.

Ann Blumer-LaMotte inside Ward 2 (unverified)  
February 24, 2016, 11:17 AM

Paid time off would allow individuals time to care for family members or themselves when sick. A healthier workforce (physically and emotionally) benefits the entire city because they employee is able to provide a higher quality of service, better judgment and increased efficacy to their tasks.

Kim Howard outside Saint Paul (on forum)  
February 24, 2016, 2:38 PM

I work with school district who use substitute educators who are often called in last minute and can accept or decline offers of employment. This is another burden on employers, as far as tracking is concerned, like "ACA" and a financial burden to school districts that are on a tight budget.



## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Kia Moua inside Ward 2 (on forum)  
February 24, 2016, 3:38 PM

It would impact my life because I am in the sandwich generation.

Yingya Vang inside Ward 7 (unverified)  
February 24, 2016, 3:59 PM

It would GREATLY benefit me! I am a daughter of 9 kids and both of my parents work FT. Being a FT college student working 2 part time jobs and supporting my family alongside my parents is no joke. I have had to call-in work because my parents couldn't tend to my sibling's needs when they were sick. ESST would allow me to support my siblings and pay for bills that I am in charge of without worrying what type of cuts am I going to make when its time to pay bills.

Name not available (unclaimed)  
February 24, 2016, 4:12 PM

If this is only allowed for FTE, then it would mean nothing to me. Being a Youth (22) and recent graduate, It is hard to find a FT position.

Name not available (unclaimed)  
February 24, 2016, 4:22 PM

It would negatively impact our business in St. Paul. We would seriously consider moving our business.

Christopher Xiong outside Saint Paul (unverified)  
February 24, 2016, 4:29 PM

It would benefit me, because as a part-timer, I need benefit too incase of an emergency.

Name not available (unclaimed)  
February 24, 2016, 5:59 PM

Being able to assure my employees that they can safely recover and return to work faster without losing all of their potential income would not only be just and sensible, but proactive in that this would also prevent the spread of more disease to other employees, and the public. I would be able to retain good employees and relieve some stress (which would likely help them return to work faster). Our margins are already slim, and facing a big jump in labor cost with wages due to rise, but we still feel that this would benefit us in the long run, provided we did not have to shoulder the whole cost of it. Since it is a public health issue this should be partly funded in this frame.

Name not available (unclaimed)  
February 24, 2016, 6:30 PM

My family runs a reputable staffing firm that w2's around 4000 employees a year. This would severely negatively

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

impact our business. We do offer vacation, holiday pay, etc. Just like most other companies but after good standing tenure. Employee's should earn the right, just like everyone else.

Name not available (unclaimed)  
February 24, 2016, 6:43 PM

It would negatively impact our small staffing firm. I have been in this business for over 25 years. We cannot afford to do this & secondly I do feel this would be exploited rather than properly utilized for people that actually need it. We do give holiday, vacation time for good standing record & tenure. We work w/ entry level positions. We would have to limit the people we would employ

Name not available (unclaimed)  
February 24, 2016, 7:52 PM

It wouldn't.

Name not available (unclaimed)  
February 25, 2016, 4:12 AM

My employer would stop paying and giving holidays off. I would earn less vacation time.

Thomas Tehle inside Ward 1 (on forum)  
February 25, 2016, 4:25 AM

Less vacation time or none at all. Say good bye to paid Holiday's

Char Sokatch inside Ward 5 (on forum)  
February 25, 2016, 9:44 AM

Especially at restaurants and would just make society better

Name not available (unclaimed)  
February 25, 2016, 12:37 PM

The earned sick time would have little impact on the 'bottom line' of my company. It would allow for my employees to not worry about coming in sick.

Christine Brinkman inside Ward 4 (on forum)  
February 25, 2016, 2:36 PM

Little impact as I do not work within the City of Saint Paul

Michael Skillrud inside Ward 3 (on forum)  
February 25, 2016, 6:20 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Negative. The cost of living in and running a business will increase. This will make Saint Paul less attractive in recruiting new businesses and residents - who pay the taxes.

Name not available (unclaimed)

February 25, 2016, 6:55 PM

I can already see my taxes going up..

Stephen Kelly inside Ward 3 (on forum)

February 25, 2016, 8:06 PM

As a taxpayer it would cost me more money.

Benita Warns inside Ward 4 (on forum)

February 25, 2016, 10:06 PM

It would make it more difficult for me to create a job once my business is viable to do so.

Joel Abrahamson inside Ward 1 (on forum)

February 25, 2016, 10:50 PM

This policy would benefit me as a resident of St. Paul. My family would be less likely to catch a sickness from someone who came to work under duress, especially in schools my child would attend. In the long run, a policy like this would benefit me as a community member by decreasing forces of family instability and poverty. When parents have to choose between working and taking care of their families, it increases chances of job or paycheck loss, which can lead to housing instability, food insecurity, family stresses and breakups. These factors negatively affect my community through crime, homelessness, and lower educational achievement, so eventually a earned sick and safe time policy would benefit us by fighting those problems. At present I do not work in St. Paul, but such a policy would make me more likely to look for employment within St. Paul. Ultimately, it's about fairness and quality of life.

Name not available (unclaimed)

February 25, 2016, 11:19 PM

Drive more businesses from St.Paul

Jane Sevald inside Ward 3 (on forum)

February 26, 2016, 8:25 AM

Benefit: let's value all human labor, time, health, families...

Daniel Reese inside Ward 7 (on forum)

February 26, 2016, 11:28 AM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Mandatory legislation of this issue would make adding new employees more costly and difficult to justify. We do offer benefits like paid sick leave as an employer, but this should be a voluntary benefit which is earned by the employee based on their job performance, dictated by the free market. This also rewards employees and employers who develop that, as opposed to a governmental edict of an unalienable right. Leave is a benefit which has to be earned and paid for by customers, not a constitutional right. It will increase costs of service to customers, this isn't a tax subsidized benefit with private employers. Consumers generally want services to be as efficient and cost effective as possible, not as costly as possible.

Name not available (unclaimed)  
February 26, 2016, 1:05 PM

This requirement would drive up costs to all employers. We are still trying to determine how to pass along costs for the ACA, now another cost.

Name not available (unclaimed)  
February 26, 2016, 5:03 PM

As healthcare providers, we absolutely support the notion that it is important for employees to have access to paid sick time, which is why we provide the benefit and provide the supports that allow people to take it in a 24/7 care environment.

Name not available (unclaimed)  
February 26, 2016, 6:03 PM

It would make the city of St. Paul a healthier city and is important to all workers.

Ed Stuart inside Ward 3 (on forum)  
February 26, 2016, 6:40 PM

Earned Sick and Safe Time benefits me because it benefits the common good. I thrive when my community thrives. A standard and modest floor for earned sick time would improve the health and well-being of my fellow citizens. It gives those that can least afford time off without pay the opportunity to improve themselves which benefits our economy. A strong economy benefits all, including business. It also promotes healthy and strong families by allowing parents the ability to care for a sick member.

Doug Swalboski inside Ward 7 (unverified)  
February 26, 2016, 10:09 PM

Negatively. 1. My company offers sick time to our fulltime Team Members currently. This is a competitive edge I have over my competitors. 2. If we would have to cover all Team Members with this benefit it would add too much expense of doing business and my profit margin is too small already. 3. I would have to raise my prices to cover the additional cost that I would incur and my business is only 2 blocks away from Maplewood, higher prices puts me at a disadvantage with my neighboring businesses. It should be looked at on a state level verse a City level.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 26, 2016, 11:47 PM

We support "earned sick and safe time." Currently, we provide generous paid time off to our regularly scheduled employees who work above a .5 FTE. As a healthcare provider we recognize the importance of ensuring that our employees have the option to not come into work when they are sick. In addition to our regularly scheduled employees, as a healthcare provider, we employ a number of casual employees, which we define as someone employed in the healthcare industry that does not have regularly scheduled work hours/appointment as indicated on both the payroll and employment records, but who works on a voluntary sporadic or "as needed" basis. Casual employees have complete discretion over which shifts they volunteer to work. Accrued paid time off does not apply to employees who choose to work voluntary, casual shifts. Employers may have requirements that a casual employee work a minimum number of hours in order to be considered a casual employee, and it is the responsibility of the employee to be familiar with their employer's requirements. Some of our casual employees are able to earn bonuses. The bonus program is in place to encourage casual employees to pick up additional shifts as the acuity, complexity and census within the organization rises. There is the potential for "earned sick and safe time" to decrease satisfaction for our casual employees. Devoting resources to "earned sick and safe time" would require us to allocate resources from somewhere else. This could result in cuts to our number of casual employees or some casual employees losing the opportunity to earn bonuses. For these employees the bonus would likely have a higher value to them than "earned sick and safe time" as, for the most part, our casual employees are casual employees by choice and have opportunities for regularly scheduled employment but prefer the flexibility that comes with being a casual employee. The majority of our casual employees make over \$30 per hour. Our current arrangement benefits both the casual employees and our organization as they have control over their schedule and can choose to work when they see fit, and we have employees that we can turn to when members of our regularly scheduled workforce are unavailable to work, or when we have times of high patient census and require additional staff to meet patient needs. A requirement to provide "earned sick and safe time" for casual employees could also have a negative impact on our regularly scheduled employees as finding the resources to cover would require a budgetary impact that may have a direct impact on all employees.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

**What key elements would you like to see included in an “earned sick and safe time” policy for the City of Saint Paul?**

Name not available (unclaimed)

February 3, 2016, 12:39 PM

Not mandated for certain small business level

Name not available (unclaimed)

February 3, 2016, 12:44 PM

I don't want any part of this policy. It's a paperwork nightmare and would undo years of hard work.

Name not available (unclaimed)

February 3, 2016, 12:46 PM

None

Name not available (unclaimed)

February 3, 2016, 12:55 PM

None

Name not available (unclaimed)

February 3, 2016, 1:03 PM

Leave it alone. Everything is already more expensive in St Paul than in the suburbs. This would reduce our competitiveness even more.

Name not available (unclaimed)

February 3, 2016, 1:05 PM

Just give them paid time off (PTO) days. How they use them is up to them.

Name not available (unclaimed)

February 3, 2016, 1:16 PM

It needs to cover full and part time people so that it includes everyone.

Name not available (unclaimed)

February 3, 2016, 1:30 PM

Clearly defined rules are necessary.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 3, 2016, 2:59 PM

proof of sickness

Name not available (unclaimed)  
February 3, 2016, 3:58 PM

Small employer / less than 50 waiver

Name not available (unclaimed)  
February 3, 2016, 4:01 PM

a limit as to who qualifies for benefits Temps are hire to fill vacancies on an as needed basis and if temps are gone then who covers for them....more temps?

Lenny Russo inside Ward 2 (on forum)  
February 3, 2016, 5:41 PM

There must be some determination of of who qualifies. Does everyone qualify no matter how many hours per week a person works/ in other words, does someone working ten or twenty hours per week qualify for benefits that would be more fairly earned by someone working fulltime? What about tipped employees? should they be compensated at the minimum wage or at some estimate of that plus might earn in tips, and how would that be calculated in order to be fair to all parties concerned? Is earned sick time transferable from one employer to another? Does earned sick time accumulate from year to year, or does it sunset? How would earned sick time affect businesses that have collective bargaining agreements in place?

Ryan Bierwerth inside Ward 7 (on forum)  
February 4, 2016, 5:28 AM

I don't think that the policy should exist.

David Bice outside Saint Paul (on forum)  
February 4, 2016, 5:47 AM

I think the earned sick and safe time would have to accumulate to hours worked

Thomas Dobbs inside Ward 7 (on forum)  
February 4, 2016, 9:45 AM

Let employers determine what is best for their employees.

Name not available (unclaimed)  
February 4, 2016, 6:01 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

That employees can call in sick without fear of losing a job.

Name not available (unclaimed)

February 4, 2016, 7:10 PM

None, government has no right doing this!

Name not available (unclaimed)

February 4, 2016, 8:30 PM

Paid time off for worker to tend to their health or that of a family member

Name not available (unclaimed)

February 4, 2016, 8:43 PM

Parents are able to use sick days when their child is sick.

Name not available (unclaimed)

February 4, 2016, 9:23 PM

Penalties for employers who harass their employees for using their sick days

Arlene Datu inside Ward 2 (on forum)

February 5, 2016, 10:25 AM

I would like to see all employees, full-time and part-time, covered with no exceptions. One of my children has had to hold down a couple of jobs, both of them part-time, because those are the jobs made available by employers.

Lars Negstad inside Ward 4 (on forum)

February 5, 2016, 11:38 AM

I would like to make sure it as comprehensive as possible in covering all workers, especially in foodservice, healthcare and childcare. I hope there will be strong enforcement of such a policy to make sure the most vulnerable workers have access to it and are not subject to retaliation or fear for their jobs. Also I hope the leave is generous to allow for workers who have children to take enough time off over the course of a year to meet their needs and their children's needs.

Steve Durand inside Ward 4 (on forum)

February 5, 2016, 12:57 PM

We already have an FMLA law. I'm not against the time off, only the mandated accrual and pay.

Name not available (unclaimed)



## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

February 5, 2016, 1:30 PM

covers all workers- both full-time and part-time

Name not available (unclaimed)

February 5, 2016, 6:59 PM

"Portable" from job to job. Include all people.

Sarah Gleason inside Ward 2 (on forum)

February 6, 2016, 7:54 AM

ALL workers including part time, able to use for care of family members

Name not available (unclaimed)

February 6, 2016, 9:52 AM

It cover every single person who works in the city. Also that is enough days (7-9) that makes sure people aren't scared to take their days if they are sick. A small amount of days (5 or less) would mean people would hoard the days for fear a worse sickness would come along.

Name not available (unclaimed)

February 6, 2016, 12:08 PM

I think it's key that both full-time and part-time workers can earn pro-rated sick leave. I would like people to be able to bank hours over the course of two years to handle longer times of sickness. I also think it's important to think about how very small businesses,, perhaps under 10 employees, might need to be treated differently than large employees.

Name not available (unclaimed)

February 6, 2016, 3:05 PM

None

Name not available (unclaimed)

February 6, 2016, 11:04 PM

Number of days allowed and under what conditions. Why not call it peronal leave time to include sickness. I don't now what safe time means.

Mike Pickett inside Ward 3 (on forum)

February 7, 2016, 8:24 AM

Abolition of the concept.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 7, 2016, 10:54 AM

Not for it to happen.

Name not available (unclaimed)  
February 7, 2016, 11:32 AM

None. This is local government over reach

Padraic McGuire inside Ward 3 (on forum)  
February 7, 2016, 11:58 AM

None

Joel Anderson inside Ward 4 (on forum)  
February 8, 2016, 12:25 PM

Earned sick/safe time to provide workers flexibility in getting medical care, and supporting their families.

Name not available (unclaimed)  
February 8, 2016, 12:39 PM

It must be paid and it must be available to everyone, regardless of their job or the size of their employer.

Name not available (unclaimed)  
February 8, 2016, 12:58 PM

All employers would have comply. Employee would earn by length of service

Name not available (unclaimed)  
February 8, 2016, 12:59 PM

The right for all workers in the City of St. Paul to have access to earned sick and safe time, regardless of their position or income.

Name not available (unclaimed)  
February 8, 2016, 1:15 PM

Allowance for all workers to accrue paid time off to use to care for themselves or for family members when sick, as well as to deal with issues stemming from domestic violence.

Stuart Knappmiller inside Ward 6 (on forum)  
February 8, 2016, 1:42 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Use by date.

Michael Banks inside Ward 4 (on forum)  
February 8, 2016, 1:44 PM

All employees are entitled to S&SL. All employees who currently have sick leave should be able to use it for filing for orders for protection and for court hearings on those orders.

Name not available (unclaimed)  
February 8, 2016, 2:02 PM

exempt employees under a collective bargaining agreement

Name not available (unclaimed)  
February 8, 2016, 2:15 PM

ability to stay out of the work environment to complete a recommended treatment without loss of pay

Janice Hallman outside Saint Paul (on forum)  
February 8, 2016, 3:57 PM

Ability to use time at employee discretion for self and family.

Name not available (unclaimed)  
February 8, 2016, 4:26 PM

One important aspect is guaranteed access. Some workplaces require someone calling out sick to find their own replacement. When you wake up at 6 AM sick, it's hard enough to find a coworker willing to answer the phone at that hour, let alone cover your shift.

T McNeil inside Ward 3 (on forum)  
February 9, 2016, 6:31 AM

Minimum benefits for all.

Name not available (unclaimed)  
February 9, 2016, 7:52 AM

Paid time off for illness, medical appointments, and court or administrative proceedings for self and dependents.

Name not available (unclaimed)  
February 9, 2016, 11:10 AM

It would be acceptable to have this benefit earned by the employee according length of time employed.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 9, 2016, 11:20 AM

Limit potential abuse by employees who might use the time for last-minute schedule changes not related to sick or safe time issues.

Name not available (unclaimed)  
February 9, 2016, 11:31 AM

I like getting hours of sick leave each pay period based on hours worked and I like being able to carry them over from year to year

Name not available (unclaimed)  
February 9, 2016, 3:02 PM

Available based on hours worked versus a status like part-time or seasonal.

Name not available (unclaimed)  
February 9, 2016, 3:15 PM

I wouldn't like to see it adopted

Name not available (unclaimed)  
February 9, 2016, 3:43 PM

Covers everyone, especially low-income and part-time workers.

Name not available (unclaimed)  
February 9, 2016, 6:33 PM

Include everyone

Name not available (unclaimed)  
February 9, 2016, 6:35 PM

I'd like to see it made available to all works in St. Paul, with no exemptions--that's the only way to make it fair. I would also like to see it accrue at what has become something of a national standard, one hour of sick time for every thirty hours worked.

Name not available (unclaimed)  
February 9, 2016, 7:54 PM

I would like to see the policy written in such a way that employers are not required to pay sick time for someone who is working another job or who is malingering. While I want workers to be able to get well without penalty, I

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

also know that some people will abuse their privileges.

Name not available (unclaimed)  
February 9, 2016, 9:24 PM

The policy should cover all workers, including part time workers. Many part time workers work 2 or 3 jobs and are the least likely to have benefits.

Adam Miller inside Ward 5 (on forum)  
February 9, 2016, 11:10 PM

Additional maternity and/or paternity time off

edward conlan inside Ward 2 (on forum)  
February 10, 2016, 9:36 AM

I think the city should concentrate on providing services for the citizens--like fixing our roads.

Name not available (unclaimed)  
February 10, 2016, 9:41 AM

I think it should apply as broadly as possible so that most people benefit, even hourly wage workers.

Name not available (unclaimed)  
February 10, 2016, 10:40 AM

That it be a earned sick and safe time. Provide sick time according to hours worked.

Mary WArD inside Ward 5 (on forum)  
February 10, 2016, 12:03 PM

What element that would help is being able to earn sick time at a higher rate than vacation time and also being able to use sick time hourly. At my current job I'm only allowed to take time off 8 hours at a time.

Name not available (unclaimed)  
February 10, 2016, 6:44 PM

No terminations for sick calls

Name not available (unclaimed)  
February 11, 2016, 9:26 AM

That employees are paid for time off for leisure as well as can afford to not work when ill. I think the PTO model, has been proven by research to be more effective and mutually beneficial. I would like to see that city move to

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

that model.

Mike Schumann inside Ward 1 (on forum)  
February 11, 2016, 9:40 AM

None.

RUTHENA FINK inside Ward 2 (on forum)  
February 11, 2016, 9:49 AM

I think a few of the things that should be looked at are: size of business (number of employees), their age, if they are students, if they are part time, what are other benefits that the business may provide their employees, and to what degree is the business dealing with a major health risk for a large number of people.

Beth Bergman inside Ward 3 (on forum)  
February 11, 2016, 10:13 AM

I do not want another level of government after federal and state making requirements upon my business

Nick Closmore inside Ward 2 (on forum)  
February 11, 2016, 12:37 PM

Would like for each individual business to have their own policy not mandated by the city

Name not available (unclaimed)  
February 11, 2016, 2:10 PM

Time off for family or own sickness.

Name not available (unclaimed)  
February 11, 2016, 2:50 PM

Include all elements in our community. All workers including tax exempt organizations including political parties.

Name not available (unclaimed)  
February 11, 2016, 6:05 PM

tax breaks

Trudy Cretsinger inside Ward 3 (on forum)  
February 11, 2016, 8:37 PM

Earned in proportion to work (at least 5 days per year), paid at same wage as work, NOT require proof of clinic

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

visit, used when worker or dependent is ill OR when worker needs time off to preserve safety (safety defined as four walls and a roof; if it concerns the worker's/famiyy's housing or shelter, it's a safety matter)

Name not available (unclaimed)

February 11, 2016, 9:20 PM

I don't have any specific knowledge to add. I just support this work benefit.

Name not available (unclaimed)

February 12, 2016, 10:37 AM

A simple, clear, and transparent "employee bill of rights" around the new policy.

Carsten Slostad inside Ward 1 (on forum)

February 12, 2016, 10:58 AM

That it is a PTO and can be accumulated. Also a provision for folks to donate some of their PTO to a worker in dire need of it.

Name not available (unclaimed)

February 12, 2016, 11:09 AM

Worker's rights, dignity in work, and allowance for family time.

Patrick Shebeck inside Ward 1 (on forum)

February 12, 2016, 11:12 AM

Dignity for work, trust of employees.

Sara Gjerdrum inside Ward 3 (on forum)

February 13, 2016, 9:27 AM

I would like ot see the policy include the need to care for the illness of an immediate family member. I would also like to see a sick leave bank available for disastrous illnesses and a wellness incentive for employees.

Margaret Schuster inside Ward 4 (on forum)

February 13, 2016, 1:05 PM

Either a certain % of sick/safe time earned for every hour worked OR an averaged amount earned per year based on working history.

Gretchen Vanderlinden-Wang inside Ward 5 (on forum)

February 14, 2016, 3:36 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Ensure that all workers can earn 1 hour for every 30 hours worked; include all full and part time employees; in the definition of caring for sick family, include both one's children and elderly parents

Name not available (unclaimed)

February 14, 2016, 8:30 PM

Earned time should be based on the number of full-time employees in a company, with small businesses (<10 employee) exempt or significantly reduced requirements

Mollie Fragnito inside Ward 4 (on forum)

February 14, 2016, 11:39 PM

Required sick only time for everyone

Name not available (unclaimed)

February 15, 2016, 9:03 AM

a way for small businesses to manage the bookwork of tracking earned time and time taken

Name not available (unclaimed)

February 15, 2016, 11:54 AM

abc

Name not available (unclaimed)

February 15, 2016, 11:58 AM

Include the safe time

Myrna Nelson inside Ward 2 (on forum)

February 15, 2016, 1:43 PM

Employees have sick or safe time when the need arises. It should cover all people who are employed in St. Paul no matter the industry, business, non-profit, etc. No one segment left out.

Name not available (unclaimed)

February 15, 2016, 4:41 PM

Increase the number of hours accruing as of date of hire. Unused earned sick time/safe time should cover over into each calendar year for all employees.

Gaye Sorenson inside Ward 7 (on forum)

February 15, 2016, 4:45 PM



## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

I would like to see all employees included.

Name not available (unclaimed)  
February 16, 2016, 12:03 PM

It must contain the "safe" provisions which are homicide preventatives.

Julian Kittelson-Aldred inside Ward 4 (on forum)  
February 16, 2016, 2:06 PM

There should be a minimum of 2 weeks, and workers should be able to use it at their discretion - no advance notice or doctor's note necessary (in the case of short-term/emergency illness).

Name not available (unclaimed)  
February 16, 2016, 2:22 PM

Kept to City of St Paul public Staff

Name not available (unclaimed)  
February 16, 2016, 2:32 PM

Kept strictly for public staff

Name not available (unclaimed)  
February 17, 2016, 1:52 PM

I would like sick time to be able to be used to care for a child or relative that requires care (regardless of age)

Name not available (unclaimed)  
February 17, 2016, 4:24 PM

Only if there is no existing company policy for Paid Time Off. Only for full time employees

Polly Nemec inside Ward 2 (on forum)  
February 17, 2016, 5:10 PM

I do not think the City has any right to impose a policy like this.

Mary Vitcenda inside Ward 3 (on forum)  
February 17, 2016, 5:19 PM

- Allow employees who have been employed for at least 30 days to accrue one hour of sick or safe time/ 30 hours worked.
- "Sick Time" may be used to recover from any illness (mental or physical) or to seek medical care (preventive or immediate)
- "Sick Time." may also be used for the care of one's family members (child,

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

parent, etc.) • “Safe time” may be used in the event of stalking or sexual assault and may be used to recover or to see a sexual assault/ domestic violence specialist, counselor etc. •• “Safe Time” may also be used to relocate in the event of domestic violence. \* Accommodate small businesses' special needs.

Mary Louise Klas inside Ward 2 (unverified)  
February 18, 2016, 10:39 AM

Adequate provisions for victims of violence to seek advice, help and healing.

Larry Reinsch inside Ward 3 (on forum)  
February 18, 2016, 12:21 PM

I would only suggest modeling it after the numerous policies already in place in other progressive cities, advanced nations, government agencies, and Fortune 500 businesses.

Stacey Gassman inside Ward 4 (unverified)  
February 18, 2016, 1:22 PM

I would like to see all business give employees earned sick time, regardless of full or part time status. This is especially important because the jobs that most impact public safety by not having earned sick time are often jobs that don't offer benefits to part time employees

Elizabeth Lienesch inside Ward 4 (on forum)  
February 18, 2016, 2:39 PM

I believe a policy should be robust and generous with the accrued sick time hours for workers. I would like it to cover both workers' own illness, as well as their ability to take time off to care for a family member. I would like it to cover ALL workers in the city, including home care workers and other workers often left out. Finally, I would want it to be well enforced and resourced so that people can actually access the time they earn.

Name not available (unclaimed)  
February 18, 2016, 3:20 PM

Paid sick leave should include caring for a sick child or parent.

Name not available (unclaimed)  
February 18, 2016, 3:45 PM

Let people bank time and carry it over one year to the next if it is not used

Name not available (unclaimed)  
February 18, 2016, 3:47 PM

Being able to bank accrued time and carry it over one year to the next if not used

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 18, 2016, 4:03 PM

Exemption for hospitals/healthcare/physicians

Mark Gilbert inside Ward 3 (on forum)  
February 18, 2016, 4:20 PM

Time off for taking care of kids.

Name not available (unclaimed)  
February 18, 2016, 4:33 PM

Time off earned for hours accrued at work, define "safe time" to minimize potential of abuse or misinterpretation. Phrase as needed for household sick time, to include domestic partners, unrelated children, and others in the household.

Name not available (unclaimed)  
February 18, 2016, 5:28 PM

A minimum amount guaranteed to all workers with more time for those with children or dependent adults.

Judy Gibson inside Ward 4 (on forum)  
February 18, 2016, 6:02 PM

Sick time for self, child or parent. Time to arrange for safety.

Kimberly Howard inside Ward 7 (on forum)  
February 18, 2016, 7:19 PM

A plan that covers private employees that offers earned sick time for all.

Name not available (unclaimed)  
February 18, 2016, 9:47 PM

paid family leave for the birth, death, adoption and care for self and family members in need

Name not available (unclaimed)  
February 19, 2016, 8:12 AM

paid sick leave for family members

Name not available (unclaimed)  
February 19, 2016, 10:24 AM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

non - if you want to be less competitive than the surrounding cities you should do this

Name not available (unclaimed)

February 19, 2016, 11:46 AM

Sick people should stay home and not spread disease

Name not available (unclaimed)

February 19, 2016, 2:46 PM

I would like to see a collaborative plan to help small businesses who could not do this on their own

Colleen McGuire inside Ward 2 (on forum)

February 19, 2016, 3:25 PM

I would hope to see more than just several days of earned sick and safe time passed. Families, especially working single parents with no backup need additional time to tend to children and parents beyond vacation time. Employers, no matter what size of employer (1-10,000+ employees) must adhere to the provisions, and face a fine if they do not.

Name not available (unclaimed)

February 19, 2016, 3:38 PM

Employers can not punish those who do take the "earned sick and safe time" such as taking from future paychecks or reduced hours.

Name not available (unclaimed)

February 19, 2016, 3:47 PM

remember the safe time element it should be tied to hours worked

Name not available (unclaimed)

February 19, 2016, 8:20 PM

I would like the same system that St. Paul school teachers get re: sick days.

Julie Holmen inside Ward 5 (on forum)

February 19, 2016, 8:22 PM

similar to that in St. Paul School's teachers' contract

Leigh Hoffert inside Ward 1 (on forum)

February 20, 2016, 2:34 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

That people currently not eligible would have the benefit - I am not familiar enough to provide key elements

Name not available (unclaimed)

February 21, 2016, 5:56 PM

The ability to deal with my own illnesses, injuries, or health conditions including but not limited to mental health and substance abuse treatment. To take care of a family member (including my partner) with an illness, injury or medical appointment. Also for reasons related to domestic violence, sexual assault, or stalking. When my work has been closed by order of a public official for health reasons.

Tom Whaley inside Ward 2 (on forum)

February 22, 2016, 12:05 PM

Exemption for smaller and seasonal employers, Phase-in over 2-3 year period, probationary period prior to accrual, much discussion/precise definition of "safe time", annual cap on hours earned/paid, no/limited roll-over year to year

Rick Varco inside Ward 3 (unverified)

February 22, 2016, 5:16 PM

Be consistent with other municipal standards, including covering most workers, allowing workers to accrue a real benefit, and providing for real enforcement.

Name not available (unclaimed)

February 22, 2016, 7:44 PM

7 days of paid sick leave for all full and parttime employees. The paid amount for each day of sick leave would be the average number of hours worked in the previous work week.

Name not available (unclaimed)

February 22, 2016, 9:33 PM

policy should be equitable and available to all. It should be a reasonable amount of time that doesn't burden employers and gives employees some opportunity to take care of critical needs without stress of lost pay.

Roxanne Young Kimball inside Ward 2 (on forum)

February 23, 2016, 2:19 PM

I'd like it to be as broad as possible and include as many businesses as possible. I think there is no scenario where omissions for large corporations/franchises should be considered (i.e. Target, Walmart, Starbucks, etc.). In an ideal world, I'd love for there to also be an inclusion for paid family leave. I'd like there to be specific efforts to seek feedback from some of the immigrant owned businesses in Saint Paul - particularly the Hmong businesses in Frogtown/along University and Latino/Spanish businesses in the West and East Sides. They will be very effected by the decision and should be sure to be included in the process.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 23, 2016, 9:20 PM

Workers earn one day per month paid sick leave that can be used for personal illness (physical/emotional/mental), illness of a spouse, child, parent or other dependent person, or to take refuge from abuse.

Name not available (unclaimed)  
February 24, 2016, 9:23 AM

This shouldn't be a policy mandated by the city.

Ann Blumer-LaMotte inside Ward 2 (unverified)  
February 24, 2016, 11:17 AM

I recommend not creating too many sweeping G policy decisions that tie the hands of individual employees and their supervisors to be able to utilize paid time off that best serves each person's unique situation.

Kim Howard outside Saint Paul (on forum)  
February 24, 2016, 2:38 PM

They would have to work full time, if they have days off it may be of their own choosing.

Kia Moua inside Ward 2 (on forum)  
February 24, 2016, 3:38 PM

I would like to see it open to all family birth to after death.

Yingya Vang inside Ward 7 (unverified)  
February 24, 2016, 3:59 PM

I would like ESST to be allowed for PT workers. I know that some employers do not have FTE's because of having to pay FTE benefits. This would be most important because I don't work "professional" jobs yet or FT.

Name not available (unclaimed)  
February 24, 2016, 4:12 PM

To be allowed for ANY employee regardless of age and job description and accessible to PT workers.

Name not available (unclaimed)  
February 24, 2016, 4:22 PM

None. I would not like to see this program implemented.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Christopher Xiong outside Saint Paul (unverified)  
February 24, 2016, 4:29 PM

To help single-parents, who, are working full time; and students who are part time.

Name not available (unclaimed)  
February 24, 2016, 5:59 PM

It needs to be a partnership with government in funding and should not become another burdensome bureaucratic morass that seems to happen here. It clearly would be a facet of improving the common good, and as such needs to be a part of what the CITY does as much as an employer. There needs to be plenty of input from all ranges of small businesspeople on how this should be put together and implemented-- and that means more than just the MRA, MLBA, Chamber of Commerce and those who can afford lobbyists.

Name not available (unclaimed)  
February 24, 2016, 6:43 PM

I don't think this is a good idea at all, but if it must happen, it should be capped & limited to those who have clearly earned it after and only a perfect attendance record after 6mo's-1 year of employment.

Name not available (unclaimed)  
February 24, 2016, 7:52 PM

None.

Name not available (unclaimed)  
February 25, 2016, 4:12 AM

None. Don't need it. Every one wants some thing for nothing. You get sick use your earned vacation time.

Thomas Tehle inside Ward 1 (on forum)  
February 25, 2016, 4:25 AM

None. Don't need it. Every one wants some thing for nothing. You get sick use your earned vacation time.

Char Sokatch inside Ward 5 (on forum)  
February 25, 2016, 9:44 AM

To include paid parental leave and all kinds of sicknesses

Name not available (unclaimed)  
February 25, 2016, 12:37 PM

That the city implement the same initiative or an even more progressive one. Lead by example.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Christine Brinkman inside Ward 4 (on forum)  
February 25, 2016, 2:36 PM

Flexibility for both employee and employer. Sometimes over regulation actually hurts the person intended to be helped/

Michael Skillrud inside Ward 3 (on forum)  
February 25, 2016, 6:20 PM

I don't want it.

Name not available (unclaimed)  
February 25, 2016, 6:55 PM

No changes to existing policy

Stephen Kelly inside Ward 3 (on forum)  
February 25, 2016, 8:06 PM

I would like to see a cost benefit analysis done and our elected officials take great care before adding an additional cost to citizens and businesses.

Benita Warns inside Ward 4 (on forum)  
February 25, 2016, 10:06 PM

Do not include contingent or seasonal employees of private businesses.

Joel Abrahamson inside Ward 1 (on forum)  
February 25, 2016, 10:50 PM

(1) Earned time may be used to take care of oneself, spouse, children, or parents (at least); (2) no retaliation against employees for actually using their earned time; (3) some degree of rollover – earned time should not expire for at least one or two years; (4) reasonable rate of time earning, say, ballpark 40 hrs/year, accrued monthly; (5) no advance notice requirement for employees – you don't know when you will get sick! (6) consider eventual expansion to include preventative medical care appointments as a qualifying reason to take earned time.

Name not available (unclaimed)  
February 25, 2016, 11:19 PM

Bad idea if not done at a state level

Jane Sevald inside Ward 3 (on forum)  
February 26, 2016, 8:25 AM



## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Full-time, part-time

Daniel Reese inside Ward 7 (on forum)

February 26, 2016, 11:28 AM

It should not be a requirement. It should be voluntarily offered by the employer's decision without government intervention. Businesses who value it will, and do, offer it... but within a structure that makes sense for their business. Legislation cannot anticipate and be flexible enough to accommodate the plethora of business needs and structures to make policy work for this issue.

Name not available (unclaimed)

February 26, 2016, 1:05 PM

Requiring staffing agencies to offer earned sick and safe time should not be dictated by the government. Let the company decide what benefits it can afford to offer. Let the company determine if they have an edge to recruiting if they offer the benefit.

Name not available (unclaimed)

February 26, 2016, 5:03 PM

Any proposed city regulation should factor in the unique mission and flexibility needs of health care providers. We would like accommodations to continue to have casual employees. A casual employee is a voluntary worker who controls their own schedule, commonly used in health care to supplement normal front\_line caregiving staff. Casual employees are well compensated, but do not accrue benefits because of their voluntary status. Any regulation should recognize existing PTO or sick/vacation programs. Our programs are designed to help us be an attractive and competitive employer.

Name not available (unclaimed)

February 26, 2016, 6:03 PM

Mandatory number of earned sick and safe time days required of all employers; regular scheduling.

Ed Stuart inside Ward 3 (on forum)

February 26, 2016, 6:40 PM

Key elements should include: paid time off is earned by hours worked and paid time off is capped; ESST provided to all workers, regardless of whether they work full or part time and regardless of business size; paid time off allowed to care for family sick members; no rules regarding advance notice and restrictions on when medical documentation required to return to work.

Doug Swalboski inside Ward 7 (unverified)

February 26, 2016, 10:09 PM

None. The City should worry about their own employee's and let the privately owned businesses of St. Paul

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

take care of theirs.

Name not available (unclaimed)

February 26, 2016, 11:47 PM

We would like to ensure that paid time off currently provided is considered “earned sick and safe time” so that employers would not need to track “earned sick and safe time” separately from paid time off. Additionally, we would like to see a policy that takes into account the unique and important role of casual employees in healthcare settings. This could be accomplished by exempting casual employees in healthcare, or by stating that the “earned sick and safe time” benefits begin to accrue for employees working at least 240 hours per year. An alternative option could be to require “earned sick and safe time” only for employees making less than \$30.00 per hour. We would also like to see exemptions for students, interns, unpaid volunteers, independent contractors, and workers hired for a term of less than six months.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

**What barriers do see that would negatively impact the implementation of an “earned sick and safe time” policy for the City of Saint Paul?**

Name not available (unclaimed)

February 3, 2016, 12:39 PM

It could be seen by the Business Community as a negative to their operational budgets; if mandated, it would be another "business unfriendly" factor in Saint Paul and possibly deter additional business in the City

Name not available (unclaimed)

February 3, 2016, 12:44 PM

How will this be mandated? Based on where the company headquarters are? Or physical location? What about an employee that lives in a different city or state? What about organized labor? The city needs to stop telling businesses how to do business and do what they do best - run a city.

Name not available (unclaimed)

February 3, 2016, 12:46 PM

Many employees that work in the City of Saint Paul do not live in the City of Saint Paul.

Name not available (unclaimed)

February 3, 2016, 12:55 PM

The only way this would work is on a statewide level, not a city by city basis

Name not available (unclaimed)

February 3, 2016, 1:16 PM

Costs to small businesses, scheduling issues

Name not available (unclaimed)

February 3, 2016, 1:30 PM

Not sure.

Name not available (unclaimed)

February 3, 2016, 1:38 PM

people would abuse the benefit and budgets would need to increase for many orgaizations.

Name not available (unclaimed)

February 3, 2016, 2:59 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

People will use it even if not I'll.

Name not available (unclaimed)  
February 3, 2016, 3:58 PM

Loss of small business

Name not available (unclaimed)  
February 3, 2016, 4:01 PM

increased cost to give temps benefits that certified employees have been denied through union negotiations because there is no money and now the city has money to give temps benefits?

Name not available (unclaimed)  
February 3, 2016, 5:06 PM

Another barrier to doing business in St Paul

Name not available (unclaimed)  
February 3, 2016, 5:17 PM

It would drive the cost of business up. This benefit currently amounts to 4% of our companies benefits package.

Lenny Russo inside Ward 2 (on forum)  
February 3, 2016, 5:41 PM

I believe I have answered that above, but, to add to my comment above the affect it would have on collective bargaining, even if a union shop is exempted by virtue of an existing employment contract, what happens when the contract expires? If earned sick time is a bargaining chip during negotiations, that chip has already been taken off the table prior to the negotiations.

Ryan Bierwerth inside Ward 7 (on forum)  
February 4, 2016, 5:28 AM

It would raise the costs yo St. Paul businesses that I patronize, this raising the costs to me.

David Bice outside Saint Paul (on forum)  
February 4, 2016, 5:47 AM

every company would have to be on board to make sure it is fair to all employers

Thomas Dobbs inside Ward 7 (on forum)  
February 4, 2016, 9:45 AM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Additional costs to operate a business in St. Paul will dissuade business from starting or staying in the city.

Name not available (unclaimed)

February 4, 2016, 6:01 PM

None

Name not available (unclaimed)

February 4, 2016, 7:10 PM

See above

Name not available (unclaimed)

February 4, 2016, 8:30 PM

People believing that it would negatively impact business. It hasn't, anywhere.

Name not available (unclaimed)

February 4, 2016, 8:43 PM

The biggest barrier I see is the belief by many elected officials and business owners that businesses should be allowed to do what they want without considering the community and without any interference from the government. Only by believing and acting on the truth that we are all connected will anything change.

Name not available (unclaimed)

February 4, 2016, 9:02 PM

Businesses are going to move jobs to locations that are more friendly and an benefits to employees will be minimal.

Name not available (unclaimed)

February 4, 2016, 9:23 PM

Big business using their influence to stop progress

Arline Datu inside Ward 2 (on forum)

February 5, 2016, 10:25 AM

Doubt and skepticism by the business community that they would be able to implement it without it hurting their businesses. But studies have shown that in the long run, this kind of policy will only help their businesses as it can boost employee retention and morale. Also, there might be some hesitation about the changes it would effect in terms of keeping track of hours. But, I understand there are software programs that might help with that concern. And it is the right thing to do to recognize the human dignity of each and every worker.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Lars Negstad inside Ward 4 (on forum)  
February 5, 2016, 11:38 AM

A lack of protection for workers who need to use such leave would diminish its effectiveness significantly. Also if any workers or industries are left out, that endangers us all.

Steve Durand inside Ward 4 (on forum)  
February 5, 2016, 12:57 PM

Businesses now have to finance additional benefits if choosing to have a business in St. Paul not to mention the ones that won't move to St. Paul because of it. The city has voted to spend \$100,000.00 per year to implement this policy city wide out of our tax dollars. Private business doesn't have that opportunity, it has to come from somewhere.

Name not available (unclaimed)  
February 5, 2016, 1:30 PM

false cries of economic ruin by corporate tools

Name not available (unclaimed)  
February 5, 2016, 5:22 PM

Businesses thinking it would be a negative but in the long term I know ow they would find value to their business with health workers.

Name not available (unclaimed)  
February 5, 2016, 5:23 PM

Small businesses might have trouble paying for this. A happy employee makes a good employee.

Name not available (unclaimed)  
February 5, 2016, 6:59 PM

Employers must recognize the "soft" cost savings of this.

Name not available (unclaimed)  
February 6, 2016, 9:52 AM

Reactionary business lobbying groups who care more about their profits than the health of families in our community.

Name not available (unclaimed)  
February 6, 2016, 12:08 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

I think having to pay people for accrued sick time when they leave could impose further opposition to the bill. Let's just make it so that people don't have to go to work sick or when their kids are sick as a first step.

Name not available (unclaimed)

February 6, 2016, 3:05 PM

uncertain

Name not available (unclaimed)

February 6, 2016, 11:04 PM

People might misuse their days.

Mike Pickett inside Ward 3 (on forum)

February 7, 2016, 8:24 AM

More businesses leaving St. Paul, fewer interested in being here. We have become a bedroom community to Mpls with zero job growth and rising taxes as our neighbors benefit from record job growth. This is no way to treat the lower income class.

Name not available (unclaimed)

February 7, 2016, 10:54 AM

The taxpayers revolting.

Name not available (unclaimed)

February 7, 2016, 11:32 AM

As stated above, I can assure you this will affect other employers plans to expand to St. Paul

Padraic McGuire inside Ward 3 (on forum)

February 7, 2016, 11:58 AM

It will lead to lower city employee productivity. Likely lead to reductions in earned benefits offered in private sector too.

Joel Anderson inside Ward 4 (on forum)

February 8, 2016, 12:25 PM

Employer resistance.

Name not available (unclaimed)

February 8, 2016, 12:39 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Opponents will decry such a policy as government interference, but such arguments were used in the past against child labor and other protections that are now unquestioned. It would be better if we had a statewide policy but we can't always wait for others to act.

Name not available (unclaimed)  
February 8, 2016, 12:58 PM

Not giving workers a voice and only listen to business people.

Name not available (unclaimed)  
February 8, 2016, 12:59 PM

Opposition by the Chamber of Commerce, which is focused more on profit by business-owners over the well-being of all Minnesotans who desperately need access to this social safety net.

Stuart Knappmiller inside Ward 6 (on forum)  
February 8, 2016, 1:42 PM

It can be a problem to let the time allowed build up over the years.

Michael Banks inside Ward 4 (on forum)  
February 8, 2016, 1:44 PM

Cheap employers who will oppose this.

Janice Hallman outside Saint Paul (on forum)  
February 8, 2016, 3:57 PM

If micromanaged by employer.

Name not available (unclaimed)  
February 8, 2016, 4:26 PM

I think any policy would have to be as simple and clear as possible, and the policy would need to be well-communicated to workers and businesses. I think any ordinance should also set an "at least" minimum, allowing for the fact that some businesses will choose to offer more paid sick time than the ordinance requires and not penalizing them for doing that.

T McNeil inside Ward 3 (on forum)  
February 9, 2016, 6:31 AM

Buisness owners saying it will cost too much. It will cost, but perhaps the smallest buisness owners can get a tax credit?



## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 9, 2016, 7:52 AM

Business and employer resistance.

Name not available (unclaimed)  
February 9, 2016, 11:10 AM

Lack of vision by employers who can't see that this benefit will result in greater productivity of their employees.

Name not available (unclaimed)  
February 9, 2016, 11:20 AM

Potential cost burden on businesses.

Name not available (unclaimed)  
February 9, 2016, 11:31 AM

Just needs to be done.

Name not available (unclaimed)  
February 9, 2016, 3:02 PM

employer resistance

Name not available (unclaimed)  
February 9, 2016, 3:15 PM

See No. 1 above

Name not available (unclaimed)  
February 9, 2016, 3:43 PM

No barriers that outweigh the benefits!

Name not available (unclaimed)  
February 9, 2016, 6:33 PM

It will make everything a little more expensive

Name not available (unclaimed)  
February 9, 2016, 6:35 PM

Business owners who are fearful that this will cut into their bottom line.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 9, 2016, 7:54 PM

The barriers I see are businesses unwilling to pay wages for sick time. It is expensive to give people benefits, but the employees who are worth having are also worth paying, even to stay home and get healthy.

Adam Miller inside Ward 5 (on forum)  
February 9, 2016, 11:10 PM

Defining which employees qualify e.g. part-time, contract worker

edward conlan inside Ward 2 (on forum)  
February 10, 2016, 9:36 AM

Your question sounds like you want advice to help implement it--not get input on whether or not to consider it.

Name not available (unclaimed)  
February 10, 2016, 9:41 AM

I imagine some business persons might be opposed, but it is too important to the wellbeing of workers to not work through business hurdles.

Name not available (unclaimed)  
February 10, 2016, 10:40 AM

This should apply to all workers, not selected groups, that work in St. Paul.

Mary WArD inside Ward 5 (on forum)  
February 10, 2016, 12:03 PM

None at this time. I worked at a past job with separate earned sick and vacation time and there seem to be less occurrences of people using sick time.

Name not available (unclaimed)  
February 10, 2016, 6:44 PM

Big business not sharing profits

Name not available (unclaimed)  
February 11, 2016, 9:26 AM

None. This has to happen. We have to treat employees with dignity and respect and offer them these very basic benefits or we are left with a very discontent, overburdened workforce.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Mike Schumann inside Ward 1 (on forum)  
February 11, 2016, 9:40 AM

This would just chase more businesses out of the city and make it harder to attract new business to open here.

RUTHENA FINK inside Ward 2 (on forum)  
February 11, 2016, 9:49 AM

The cost factor of such a program could result in businesses having to lay off employees. This could further hurt the businesses if it depends on a lot of personal service to it's customers if staff is reduced. The monitoring of such a program likely would have an administrative cost, particularly for small independent businesses.

Beth Bergman inside Ward 3 (on forum)  
February 11, 2016, 10:13 AM

amending in place programs to comply with city rules; time spent reporting on said compliance, another level of inspection and then fees to file such

Nick Closmore inside Ward 2 (on forum)  
February 11, 2016, 12:37 PM

Cost of doing business would increase dramatically.

Name not available (unclaimed)  
February 11, 2016, 2:10 PM

Do not see any negative impacts

Name not available (unclaimed)  
February 11, 2016, 2:50 PM

The city already does it. If all organizations do it I don't see much negative impact.

Trudy Cretsinger inside Ward 3 (on forum)  
February 11, 2016, 8:37 PM

There will be a hue and cry from the Chamber of Commerce and protests from business leaders that they might have to cut jobs if this passes. But employers don't hire people unless they must in order to meet the demands for their business. Far from costing jobs, it is more likely ESST will improve worker performance and retention, saving businesses the costs associated with employee turnover.

Name not available (unclaimed)  
February 11, 2016, 9:20 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Small businesses thinking that this will negatively affect their budget. I believe that this would actually increase work productivity.

Name not available (unclaimed)  
February 12, 2016, 10:37 AM

Mixed messages and inconsistent communication from the city to employers and residents.

Carsten Slostad inside Ward 1 (on forum)  
February 12, 2016, 10:58 AM

scare tactics presented about the cost to do this.

Name not available (unclaimed)  
February 12, 2016, 11:09 AM

The Chamber of Commerce? They're evil.

Patrick Shebeck inside Ward 1 (on forum)  
February 12, 2016, 11:12 AM

Those corporations and entities that see this as a treat to their profits. You're making more money than ever; it is time to treat workers with the dignity and economic security they deserve.

Sara Gjerdrum inside Ward 3 (on forum)  
February 13, 2016, 9:27 AM

The only barrier is including it in the budget for the first time.

Margaret Schuster inside Ward 4 (on forum)  
February 13, 2016, 1:05 PM

Planning for these changes into the City and employer's budgets

Gretchen Vanderlinden-Wang inside Ward 5 (on forum)  
February 14, 2016, 3:36 PM

Exempting certain sectors or business types would create an uneven playing field for businesses

Name not available (unclaimed)  
February 14, 2016, 8:30 PM

Difficult to track and regulate

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Mollie Fragnito inside Ward 4 (on forum)  
February 14, 2016, 11:39 PM

Finances

Name not available (unclaimed)  
February 15, 2016, 9:03 AM

might affect mom and pop businesses, especially as they start up a business

Name not available (unclaimed)  
February 15, 2016, 11:54 AM

abc

Name not available (unclaimed)  
February 15, 2016, 11:58 AM

Businesses claim that it costs them too much, but I know several small businesses who have made it work

Myrna Nelson inside Ward 2 (on forum)  
February 15, 2016, 1:43 PM

The perceived cost. I would not mind paying more for services if it benefited me and everyone else and pay for itself in the long run.

Name not available (unclaimed)  
February 15, 2016, 4:41 PM

Some employers may not want to provide earned sick time/safe time. Employers could be unfair in the distribution of these earned benefits.

Gaye Sorenson inside Ward 7 (on forum)  
February 15, 2016, 4:45 PM

Businesses who don't feel a responsibility toward their employees health and well-being.

Name not available (unclaimed)  
February 16, 2016, 12:03 PM

the opposition of business owners who should see the ultimate benefits of this policy.

Julian Kittelson-Aldred inside Ward 4 (on forum)  
February 16, 2016, 2:06 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

I'm worried that business owners won't want to provide paid sick leave if they haven't done so in the past. There should not be any wiggle room in those cases: plain and simple, if you employ people in St. Paul, you must provide a minimum amount of earned sick time. There needs to be some kind of oversight or follow-through to ensure that businesses don't find a way to avoid giving sick time.

Name not available (unclaimed)  
February 16, 2016, 2:22 PM

Part time workers call in sick about 20% of their shifts and I would require them to have a note from a doctor.

Name not available (unclaimed)  
February 16, 2016, 2:32 PM

Part time staff routinely call in sick when they just don't feel like coming in and I would require them for a doctors note if I had to pay for their sick days

Name not available (unclaimed)  
February 17, 2016, 1:52 PM

Any barriers are far outweighed by the necessity of such a measure.

Polly Nemeck inside Ward 2 (on forum)  
February 17, 2016, 5:10 PM

Cost to employers who are already having a hard time with inflated wages, sick leave, vacation, etc. Employers who want to keep their good employees will offer what they can-- if employees don't like it, they can choose another employer who offers something better. This is already happening. Supply & demand are driving this. Employers are struggling to hire good employees and are paying a premium for them in wages, added PTO, etc. We do not need the government to impose any more regulations on the businesses who are trying to keep their businesses thriving so that they can continue to hire employees.

Mary Vitcenda inside Ward 3 (on forum)  
February 17, 2016, 5:19 PM

Any special needs of small businesses. Make sure they are part of crafting the ordinance.

Mary Louise Klas inside Ward 2 (unverified)  
February 18, 2016, 10:39 AM

Continued opposition from the chamber of commerce.

Larry Reinsch inside Ward 3 (on forum)  
February 18, 2016, 12:21 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

The same as always, which is the corporate elites and the powerful wealthy class not wanting to do anything to raise up living standards of the working class.

Stacey Gassman inside Ward 4 (unverified)  
February 18, 2016, 1:22 PM

I think we need this policy. While it may have an effect on businesses bottom line, I don't think we can afford not to have this policy in place.

Elizabeth Lienesch inside Ward 4 (on forum)  
February 18, 2016, 2:39 PM

I think it's critical that people understand how this policy will help residents in our city -- stories need to be told from people who benefit from sick time now and people who don't. I want small businesses who already do the right thing to be involved from the beginning. I also want to make sure this law is well publicized and enforced.

Name not available (unclaimed)  
February 18, 2016, 3:20 PM

Some in the business community will oppose the measure. They always oppose benefits for workers.

Name not available (unclaimed)  
February 18, 2016, 3:45 PM

fiscal impact on businesses

Name not available (unclaimed)  
February 18, 2016, 3:47 PM

fiscal impact on smaller businesses

Name not available (unclaimed)  
February 18, 2016, 4:03 PM

Administration complexities; i.e. St. Paul employer that has employees work in St. Paul and other communities.

Mark Gilbert inside Ward 3 (on forum)  
February 18, 2016, 4:20 PM

There would be a cost to employers, but there would also be benefits in morale and retention.

Name not available (unclaimed)  
February 18, 2016, 4:33 PM

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Plan would have to be implemented with full understandings so supervisors cant misinterpret rules. Record keeping would be more time consuming. Define what safe time is...

Name not available (unclaimed)

February 18, 2016, 5:28 PM

Increased costs for small businesses

Judy Gibson inside Ward 4 (on forum)

February 18, 2016, 6:02 PM

Mostly negative attitudes because it is a new requirement.

Kimberly Howard inside Ward 7 (on forum)

February 18, 2016, 7:19 PM

Some privately owed companies will not want to offer sick time or PTO to their employee's

Name not available (unclaimed)

February 18, 2016, 9:47 PM

none

Name not available (unclaimed)

February 19, 2016, 8:12 AM

companies not wanting dole out the money

Name not available (unclaimed)

February 19, 2016, 10:24 AM

too much trouble for to little return for busniess owners

Name not available (unclaimed)

February 19, 2016, 11:46 AM

It possibly could increase the budget a little

Name not available (unclaimed)

February 19, 2016, 2:46 PM

Chamber of Commerce and Business associtions

Colleen McGuire inside Ward 2 (on forum)



## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

February 19, 2016, 3:25 PM

Small employers asking for a reprieve from the law, or part time employees not being included in the provision. There must be consistency.

Name not available (unclaimed)

February 19, 2016, 3:38 PM

I can see people abusing the policy such as taking time off when they aren't actually sick and making income elsewhere (possibly at their second job)

Name not available (unclaimed)

February 19, 2016, 3:47 PM

employers fearful of cost and not recognizing cost of sick or stressed workers

Julie Holmen inside Ward 5 (on forum)

February 19, 2016, 8:22 PM

not sure

Leigh Hoffert inside Ward 1 (on forum)

February 20, 2016, 2:34 PM

The city should do what is right regardless of barriers

Name not available (unclaimed)

February 21, 2016, 5:56 PM

Employers refusing to comply, a lack of knowledge about the requirement of implementing "earned sick and safe time" by employees that have time earned

Tom Whaley inside Ward 2 (on forum)

February 22, 2016, 12:05 PM

Harmonization of rate of accrual over a variety of business types, potential exemption for businesses with an organized labor agreement in place, potential of "safe time" to subject employers to reporting requirements or liability

Rick Varco inside Ward 3 (unverified)

February 22, 2016, 5:16 PM

It should be kept as simple as possible for a business to administer.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)  
February 22, 2016, 7:44 PM

NONE

Name not available (unclaimed)  
February 22, 2016, 9:33 PM

employer resistance; potential of some employees taking advantage of the opportunity, although I want to trust that most people would be honest.

Roxanne Young Kimball inside Ward 2 (on forum)  
February 23, 2016, 2:19 PM

I think there will be a significant challenge bringing very small or immigrant owned businesses along. I also think it's likely that there will be a concern about loss of profit/revenue and threats to pull business out of Saint Paul. I really encourage policy makers to look at data from other cities that have earned sick and safe time policies to see whether that threat is credible - from what I've read it isn't.

Name not available (unclaimed)  
February 23, 2016, 9:20 PM

Reluctance of some employers to include workers' full real costs of living in determining the wages they'll pay. If an employer can't pay livable wages -- including earned sick and safe time -- they shouldn't be in business, any more than if they couldn't pay their water bill or property taxes or their insurance coverages etc. Livable wages and benefits are cost of doing business in a civilized society.

Name not available (unclaimed)  
February 24, 2016, 9:23 AM

Enforcement would be very difficult.

Kim Howard outside Saint Paul (on forum)  
February 24, 2016, 2:38 PM

The tracking of this so called "benefit" would have to be programmed into computer systems and since this is a city policy I am sure there are reports to be presented in a timely manner to Government entities, It takes money and time to implement changes. Budgets are tight!,

Kia Moua inside Ward 2 (on forum)  
February 24, 2016, 3:38 PM

Management/admin/HR finding loopholes around the policy as an option and not mandatory.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Yingya Vang inside Ward 7 (unverified)  
February 24, 2016, 3:59 PM

The only barrier that I see is the funding. Where will the funding for this come from? I am totally in support of raising taxes if it means I have a sick and safe time to tend to my family when emergencies occur.

Name not available (unclaimed)  
February 24, 2016, 4:12 PM

One barrier would be the increase of taxed. Im not too worried about it.

Name not available (unclaimed)  
February 24, 2016, 4:22 PM

Many privately owned businesses like ours would exit the city.

Christopher Xiong outside Saint Paul (unverified)  
February 24, 2016, 4:29 PM

Nothing.

Name not available (unclaimed)  
February 24, 2016, 5:59 PM

If we had to implement and pay for the whole thing we would either go broke or lose employees. Either way we would be worse off. Enforcement is an issue in that we probably don't have the staff to get that going on the City level. I have fears of the sort of thing that Minneapolis almost pulled off with their efforts a few months ago, with well-meaning people thinking they knew better than employers , coming up with ideas that would have ruined many small businesses.

Name not available (unclaimed)  
February 24, 2016, 7:52 PM

I don't know

Name not available (unclaimed)  
February 25, 2016, 4:12 AM

Say good bye to earned vacation time.Say good bye to payed holidays.

Thomas Tehle inside Ward 1 (on forum)  
February 25, 2016, 4:25 AM

Business not coming into the city and Business moving out.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Char Sokatch inside Ward 5 (on forum)  
February 25, 2016, 9:44 AM

None, every employer in the state should have to provide sick time to their employees

Name not available (unclaimed)  
February 25, 2016, 12:37 PM

None.

Christine Brinkman inside Ward 4 (on forum)  
February 25, 2016, 2:36 PM

I worry about small employers not being able to make it work in their budgets.

Michael Skillrud inside Ward 3 (on forum)  
February 25, 2016, 6:20 PM

See above. It's not a competitive way to move the city forward.

Name not available (unclaimed)  
February 25, 2016, 6:55 PM

My wallet

Stephen Kelly inside Ward 3 (on forum)  
February 25, 2016, 8:06 PM

Cost.

Benita Warns inside Ward 4 (on forum)  
February 25, 2016, 10:06 PM

Businesses cannot afford to pay for that and also pay a decent wage. Businesses would need to raise prices to consumers to cover added expenses.

Joel Abrahamson inside Ward 1 (on forum)  
February 25, 2016, 10:50 PM

Fair treatment of small employers (< 30 or 50, maybe?); scheduling gets more challenging as one has fewer people to try to cover. Also, differing policies with neighboring cities, especially Minneapolis, and how to handle employers that have sites in multiple cities.

Name not available (unclaimed)

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

February 25, 2016, 11:19 PM

Bad idea that businesses will resent

Jane Sevald inside Ward 3 (on forum)

February 26, 2016, 8:25 AM

People in positions of power not seeing the bigger picture of truly healthy communities; people not remembering Paul Well

Daniel Reese inside Ward 7 (on forum)

February 26, 2016, 11:28 AM

Legislation would be too uniform and inflexible to be able to be adapted to different business models and sizes, making policy not the answer for this issue.

Name not available (unclaimed)

February 26, 2016, 1:05 PM

Large cost to employers - does not promote the growth that St. Paul is looking for

Name not available (unclaimed)

February 26, 2016, 5:03 PM

Any compliance should be streamlined to reduce additional administrative burden to avoid diverting limited patient care resources to reporting. Many of our employees travel between multiple sites inside/outside of St Paul and our payroll systems are not set up for geographic variations.

Name not available (unclaimed)

February 26, 2016, 6:03 PM

Opposition by large businesses; I think small businesses should be involved in shaping this policy.

Ed Stuart inside Ward 3 (on forum)

February 26, 2016, 6:40 PM

Barriers could be tracking and enforcement.

Doug Swalboski inside Ward 7 (unverified)

February 26, 2016, 10:09 PM

The added cost to the Employers. Which in turn will have to be passed onto the consumer. This would be a deterrent to attract and kept businesses in St. Paul.

## Earned Sick and Safe Time

Please answer the following survey regarding earned sick and safe time.

Name not available (unclaimed)

February 26, 2016, 11:47 PM

It is important to acknowledge that “earned sick and safe time” could pose a hardship for non-profits to implement. Non-profits work within tight margins and this will add additional expense that will likely require changes in budgets and potentially impact service. The largest single expense to non-profit healthcare organizations is labor, and therefore implementation of an “earned sick and safe time” program would need to remain budget neutral to avoid negative impact to positions for regularly scheduled staff. We feel that successful implementation requires addressing the issue of casual employees. Casual employees are critical for healthcare organizations as they are available to pick up shifts to cover our regularly scheduled employees, and when there is an unanticipated rise in census. Casual employees have the ability to decline shifts that are offered to them. We hold that voluntary, casual employees in healthcare benefit from their choice to work as they want and fill an important role in giving healthcare organizations flexibility and helping to manage costs while at the same time ensuring quality care. A policy change which hampers that relationship could have negative impacts.

	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
<b>Rate of accrual</b>	<p>TIER ONE ER's: 5 to 49 FT equivalent employees: 1 hour for every 40 hours worked.</p> <p>TIER TWO ER's: 50 to 249 FT equivalent employees: 1 hour for every 40 hours worked.</p> <p>TIER THREE ER's: 250+ employees: 1 hour for every 30 hours worked.</p> <p>(ER's with 4 or less FT equivalent employees are exempt from ordinance).</p>	<p>1 hours for every 30 worked.</p>	<p>1 hour for every 30 worked. *It accrues only in 1 hour increments.</p>	<p>ER's with 24 or fewer employees: 1 hour for every 87 hours worked.</p> <p>ER's with 25 to 99 employees: 1 hour for every 43 hours worked.</p> <p>ER's with 100 or more employees: 1 hour for every 37 hours worked.</p> <p>NOTE: Restaurant and bar ee's exempt from law).</p>	<p>1 hour for every 30 hours worked.</p> <p>(no ee can be paid less than \$8.75 in paid sick time under this law).</p>	
<b>Number of hours that can be used each year</b>	<p>TIER ONE ER's: up to 40 hours.</p> <p>TIER TWO ER's: up to 56 hours.</p> <p>TIER THREE ER's: up to 72 hours.</p>	<p>24 hours (3 days) per year.</p>	<p>40 hours (5 days).</p>	<p>24 or fewer employees: up to 3 days.</p> <p>25-99 employees: up to 5 days.</p> <p>100+ employees: up to 7 days.</p> <p>Never to exceed 7 days per year.</p>	<p>If employer has 5 or more employees: up to 40 hours of PAID time.</p> <p>If employer has 1 to 4 employees: up to 40 hours of UNPAID time.</p> <p>If employee is a domestic worker, 16 hours per year of PAID time.</p>	

	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
Does PSST carry over to next year?	<p><b>Seattle</b></p> <p><u>TIER ONE ER:</u> Employee may carry over up to 40 hours.</p> <p><u>TIER TWO ER:</u> Employee may carry over up to 56 hours.</p> <p><u>TIER THREE ER:</u> Employee may carry over up to 72 hours.</p>	<p><b>California</b></p> <p>Can carry over, but not use, more than 24 hours (3 days) per year.</p>	<p><b>San Francisco</b></p> <p>ERs with 10 or more employees: 72 hours. ERs with fewer than 10 employees: 40 hours.</p>	<p><b>Washington DC</b></p> <p>ERs with 100 or more employees: all unused PSST time carries over, but the ER isn't required to allow use of more than 56 hours per year. ERs with 25 to 99 employees: same as above, except it's 40 hours. ERs with fewer than 25 workers: same as above, except it's 24 hours.</p>	<p><b>NYC</b></p> <p>Employees may carry over up to 40 hours of unused sick time per year.</p>	
How much PSST time can be earned per year?	<p>No theoretical limit. However, amount that can be USED is restricted-see above.</p>	<p>Employees can earn up to 48 hours (six 8 hour days), but ER can limit usage to no more than 24 hours (3 days).</p>	<p>ERs with 10 or more employees: up to 72 hours. ERs with fewer than 10 employees: up to 40 hours.</p>	<p>ERs with 24 or fewer employees: up to 24 hours (3 days) per year. ERs with 25 to 99 employees: up to 40 hours per year. ERs with 100+ employees: up to 56 hours per year.</p>	<p>ERs with 5 or more employees: up to 40 hours. ERs with fewer than 5 employees: up to 40 hours UNPAID sick time per year.</p>	
Waiting time before employee can use PSST time?	<p>180 day (6 month) waiting period. *If new ER, waiting period is 24 months before first employee can use PSST time.</p>	<p>90 day (3 month) waiting period. *Employee must work for same employer for at least 30 days within a year to qualify.</p>	<p>Can be used immediately upon accrual.</p>	<p>90 days.</p>	<p>120 days (4 month).</p>	



	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
When do workers begin to earn PSST?	As soon as they're hired.	As soon as they're hired.	90 days after being hired.	As soon as they're hired.	As soon as they're hired.	
Differentiation made between FT and PT employees?	No-both types are covered.	No-both types are covered.	No-both types are covered.	Covers employees who work at least 1,000 hours per year.	No-both types are covered.	
Allowances made for employees not regularly employed in City?	Employees who work on an "occasional basis" in Seattle are covered by the law if they perform at least 240 hours (six weeks) of FT work <u>within the City</u> in a given calendar year. However, if an employee who previously worked outside the city limits begins <u>working regularly</u> within the City on a regular schedule, he or she will no longer be considered an "occasional" employee. At that point, they will start to accrue their PSST hours immediately. Whether someone is an "occasional basis" employee is determined by whether they are scheduled on a "regularly scheduled basis" within Seattle.	Covers any employee that works in California for 30 days (160 hours) or more within the fiscal year from the beginning of employment.	All employees are covered under the law, regardless of whether they're temporary employees or only work a few hours within the city limits per year.	"Employee" includes workers who, after meeting the 1,000 hour requirement, also spend 50% + of their time within the D.C. area.	Employee covered under the law if he or she works more than 80 hours in a year within NYC.  The law covers delivery/truck drivers.	

	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
What is the minimum amount of PSST time that may be used?	No limit.	No limit? One hour?	No limit? One hour?	Silent.	Employers can set minimal daily increment of four hours.	
What if employee leaves for an extended time/quits and comes back at a later date, or is a seasonal employee?	If an employee quits his or her job, but returns within 7 months, their previously accumulated hours are reinstated.	If the employee is rehired within one year from date of separation, the employer must reinstate previously accrued PSST immediately upon rehire.	If employee separates after becoming eligible to accrue sick time, and is rehired within one year of separation, the employee is not subject to the 90-day eligibility period. However, the employer is not required to reinstate previously accrued sick time.  If the employee is transferred to work outside the city, use of accrued sick time can be prohibited, but accrued hours remain in the bank for four years.	Amended ordinance will allow workers who come back within one year of employment.	If an employee comes back within 6 months employer must reinstate previous accrual.	

	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
What constitutes "sick time?"	<p>Employee's mental or physical illness, need for medical diagnosis, or preventative care.</p> <p>Dental exams.</p> <p>Eye exams.</p> <p>An employee providing care for a family member with an illness, including domestic partners and grandparents.</p> <p>Care of a child over the age of 18 if that child has a mental or physical impairment such that they're unable to take care of themselves.</p> <p>Can be used to take care of SICK child after childbirth.</p> <p>It CANNOT be used for "mother-child" bonding (FMLA and MN equivalent offers unpaid leave here).</p>	<p>Employee's mental or physical illness, need for medical diagnosis, or preventative care.</p> <p>An employee providing care for a family member with an illness, including domestic partners and grandparents.</p> <p>Also, if an employee has no spouse/domestic partner, they may designate person of their choice.</p>	<p>Employee's mental or physical illness, need for medical diagnosis, or preventative care.</p> <p>Dental exams.</p> <p>Eye exams.</p> <p>An employee providing care for a family member with an illness, including domestic partners and grandparents.</p> <p>Also, any person whom the employee has had a committed relationship with and has shared a mutual residence with for at least the preceding 12 month period before the request.</p>	<p>Employee's mental or physical illness, need for medical diagnosis, or preventative care.</p> <p>Dental exams.</p> <p>Eye exams.</p> <p>An employee providing care for a family member with an illness, including domestic partners and grandparents.</p> <p>Care of a child over the age of 18 if that child has a mental or physical impairment such that they're unable to take care of themselves.</p> <p>Can be used to take care of SICK child after childbirth.</p> <p>It CANNOT be used for "mother-child" bonding (FMLA and MN equivalent offers unpaid leave here).</p>		

	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
What is allowed for safe time?	Employee is victim of domestic abuse, sexual assault, or stalking. Family member is victim of domestic abuse, sexual assault, or stalking. An employee's workplace, or child's school, has been temporarily closed due to safety or health reasons.	Employee is victim of domestic abuse, sexual assault, or stalking.	Does not have allowances for safe time.	Employee is victim of domestic abuse, sexual assault, or stalking. Family member is victim of domestic abuse, sexual assault, or stalking. Legal assistance related to safe leave is also covered under the law.	Does not have allowances for safe time. An employee's workplace, or child's school, has been temporarily closed due to safety or health reasons.	
What are employee requirements regarding providing notice for sick time?	Employee is expected to provide a notice of at least 10 days in the form of a written request. If the leave is unforeseeable, the employee must provide notice as soon as is practical. The employee is expected to comply with the employer's notice policy so long as it doesn't frustrate the intent of the law. If the employee is absent for more than 3 consecutive days, an employer may require documentation.	An employee may be required to provide a "reasonable" notification of an absence from work if foreseeable. Statute does not say anything about whether doctor's note is required.	An employee may be required to provide a "reasonable" notification of an absence from work if foreseeable. If the employee is absent for more than 3 consecutive days, an employer may require documentation.	10 days if foreseeable. If unforeseeable, at least before the start of the employee's shift. If gone for more than 3 days or more employer may require doctor's note, or officer of the court if safe time.	7 days if foreseeable. If unforeseeable, "as soon as practical." Employer may require doctor's note if more than 3 days.	

	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
Written notice of law posted on premises required?	<p>Employer must provide notice in one of the following forms:</p> <ol style="list-style-type: none"> <li>1) Written copy in handbook;</li> <li>2) Distribute notice at time of hire to each employee;</li> <li>3) Display a poster, provided by City.</li> </ol> <p>Also, employer must delineate amount of PSST hours available to the employee on each paycheck.</p>	<p>Poster must be posted in conspicuous place at work.</p> <p>A boilerplate form, provided by the state, must also be provided to new hires.</p> <p>Also, employer must delineate amount of PSST hours available to the employee on each paycheck.</p>	<p>Poster must be posted in conspicuous place at work.</p>	<p>Poster must be posted in conspicuous place at work.</p>	<p>Notice must be provided to employee, but poster in workplace isn't required.</p>	
Length of records retention	<p>Three years (as part of 2016 amendment)</p>	<p>Three years.</p>	<p>Four years.</p>	<p>Three years.</p>	<p>Three years.</p>	
Can unused PSST hours be cashed out?	<p>Not mandatory, but permissible.</p> <p>Use it or lose it approach.</p>	<p>Not mandatory, but permissible.</p> <p>Use it or lose it approach</p>	<p>Not mandatory, but permissible.</p> <p>Use it or lose it approach.</p>	<p>Not mandatory, but permissible.</p> <p>Use it or lose it approach</p>	<p>Not mandatory, but permissible.</p> <p>Use it or lose it approach.</p>	

	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
How are FLSA OT exempt professionals treated?	They do not accrue PSST hours beyond 40 hours per week. Hourly ees not paid OT PSST time on OT.	Hourly ees not paid OT PSST time on OT.	Undetermined.	They do not accrue PSST hours beyond 40 hours per week.	They do not accrue PSST hours beyond 40 hours per week. Hourly ees not paid OT PSST time on OT.	
What penalties exist for violation of the law?	1 <sup>st</sup> violation: \$125.00; All subsequent violations: \$250.00. NOTE: money goes to the City, not aggrieved employee(s).	See below.	See below.	1 <sup>st</sup> violation: \$500.00; 2 <sup>nd</sup> violation: \$750.00; 3 <sup>rd</sup> violation: \$1,000 NOTE: money goes to the City, not aggrieved employee(s).	Up to \$500 per ee for 1 <sup>st</sup> time violation; Up to \$750 per ee for 2 <sup>nd</sup> violation within 2 years; Up to \$1,000 for more than 2 violations within 2 years. Up to \$50 per ee if no notice provided to ees of law.	
What remedies are available to the employee?	Reinstatement, Attorney fees.	Employee may recover penalty equal to the paid sick leave x3 or \$250, whichever is greater (never more than \$4,000); Penalty of \$50 per day violation continued.	Employee may recover penalty equal to the paid sick leave x3 or \$250, whichever is greater (never more than \$4,000); Penalty of \$50 per day violation continued.	None.	Any of the following: 3x wages that should have been paid or \$250, whichever is greater; \$500 each time ee was denied; Up to \$2,500.00 and equitable relief.	
Misc enforcement issues	Up to \$500.00 in civil penalties. No right to private cause of action.	\$100.00 for each violation of posting requirement.		Private cause of action allowable under recent amendments		
Employer retaliation provision?	Yes.	Yes.	Yes.	Yes.	Yes.	

	Seattle	California	San Francisco	Washington DC	NYC	Minneapolis
<b>Exemptions?</b>	CBAS Paid interns are covered; unpaid interns are not. Students excluded. Franchises excluded if fee # satisfied.	CBAS "home support" workers. Airline flight attendants.	CBAs	CBAS Paid interns are covered; unpaid interns are not. Students excluded.	CBAS Physical therapists, speech pathologists. Special category for domestic workers.	
<b>Are independent contractors covered?</b>	No. Labor Standards Unit decides via usual factors whether worker is an employee or independent contractor.	No.	No.	No.	No.	
<b>Are family members working together covered by the ordinance?</b>	Yes, if they satisfy definition of "employee."	Yes.	Doesn't appear to exempt family members.	Doesn't appear to exempt family members.	Doesn't appear to exempt family members.	
<b>SOL for reporting violation?</b>	180 days from occurrence of violation.	Three years.	Three years.	60 days from occurrence of violation.	Two years.	
<b>City population:</b>	625,000.	38 Million.	1 million.	658,000.	8.5 million.	
<b>How is number of FT employees determined?</b>	Average number of FT equivalent employers in past year.			Average number of FT employees in previous month.	Average number of employees that worked last year during week-in-question.	
<b>HIPPA and SS info disclosure restrictions?</b>	Yes.	Yes.	Yes.	Yes.	Yes.	



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

Four states, 20 cities, and one county across the United States have paid sick time laws on the books. This document provides an overview and comparison of these laws.<sup>1</sup>

Section I provides a comparison of paid sick time laws that have been passed at the statewide and countywide level, as well as Washington D.C.’s law.

Section II provides a comparison of paid sick time laws that have been passed at the city level.

Section III provides a brief overview of additional paid sick time laws that are narrower than the ones covered in this chart.

### I. Statewide, Countywide, and Washington D.C.’s Paid Sick Time Laws

	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Montgomery County, Maryland <sup>4</sup>
<b>Who is covered?</b>	Hourly workers in certain “service” occupations in Connecticut are covered, if they work for a business with 50 or more employees. For the full list of which professions are covered “service” occupations, go to <a href="http://www.ctdol.state.ct.us/wgwkstnd/SickLeaveLaw.htm">www.ctdol.state.ct.us/wgwkstnd/SickLeaveLaw.htm</a> and look at the definition of “service worker” (Sec. 31-57r(7)). Certain manufacturers and non-profit organizations are exempted, as are temporary and day laborers.	Workers employed in California for 30 or more days a year after commencement of employment, including state and local public workers, are covered. Workers who provide in-home supportive care are exempted. Flight deck/cabin crews subject to Railway Labor Act with comparable paid time off are exempted.	Workers employed in Massachusetts are covered. 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, including state and local public workers, are covered. Independent contractors, certain work training program participants, certain work study students, certain railroad workers, and individuals employed by their parent, spouse, or child are exempted.	Individuals employed by an employer within Washington, D.C. The following individuals are exempted: 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.	Workers employed in Montgomery County are covered, but they must regularly work more than 8 hours each week. Independent contractors are exempted. Workers are also exempted if <i>all</i> of the following apply: 1) they don’t have a regular work schedule with the employer; 2) they contact the employer for work assignments and are scheduled to work those assignments within 48 hours later; 3) they have no obligation to work for the employer if they don’t contact the employer for assignments; <b>and</b> 4) they’re not employed by a temporary placement agency.
<b>Can sick time be used to care for loved ones?</b>	Yes: children and spouses	Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; 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 a person with whom the worker has a committed (mutual, familial) relationship and has shared a mutual residence for at least the preceding 12 months	Yes: children; parents and legal guardians of the worker; spouses; grandparents; the spouse of a grandparent; grandchildren; siblings; and the spouse of a sibling
<b>How is “child” defined?</b>	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 18 years of age and older but 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	Biological, adopted, or foster child; stepchild; child for whom the worker has legal or physical custody or guardianship; child for whom the employee is the primary caregiver





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	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Montgomery County, Maryland <sup>4</sup>
<b>Can sick time be used for specific “safe time” purposes (related to domestic violence, sexual assault, or stalking)?*</b>	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
<b>Can sick time be used under the law to bond with a new child and/or deal with a family member’s death?†</b>	No.	No.	No.	Oregon’s law allows paid sick time to be used: 1) to bond with a newborn, newly adopted, or newly placed foster child under age 18; and 2) to deal with the death of a family member (including attending the funeral, making arrangements, and grieving).	No.	No.
<b>Rate at which workers earn paid sick time?</b>	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)	In businesses with 24 or fewer employees: 1 hour for every 87 hours worked. In businesses with 25-99 employees (and workers in a restaurant or bar with 1-99 employees who regularly receive tips to supplement a base wage below the minimum wage): 1 hour for every 43 hours worked. In businesses with 100 or more employees: 1 hour for every 37 hours worked	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)
<b>Amount of paid sick time that can be earned under the law per year?</b>	Up to 40 hours of paid sick time a year	Workers can <i>earn</i> up to 48 hours or 6 days of paid sick time, but an employer isn’t required to allow <i>use</i> of more than 24 hours or 3 days of paid sick time a year	Workers in businesses with 11 or more employees: 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 employees: up to 40 hours of paid sick time a year <b>Employers located in Portland:</b> If a business is located in Portland (including maintaining any office, store, restaurant, or establishment in the city) and has at least 6 employees anywhere in Oregon, workers have the right to earn up to 40 hours of paid sick time a year. <b>Smaller businesses:</b> Workers in businesses with fewer than 10 workers (or fewer than 6 workers if the business is located in Portland): up to 40 hours of <i>unpaid</i> sick time a year. <b>Special rule for some home care workers:</b> Certain home care workers who are hired directly by the client but whose compensation is funded in whole or part by payments from the State, county, or a public agency must receive up to 40 hours of paid time off a year (including but not limited to sick time).	Workers in businesses with 24 or fewer employees: up to 24 hours a year. Workers in businesses with 25-99 employees (and workers in a restaurant or bar with 1-99 employees 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 employees: up to 56 hours a year. The number of employees is determined by the average monthly number of full-time equivalents in the prior year.	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.

\* “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/health issues like any other worker. 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.).

† 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.



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	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Montgomery County, Maryland <sup>4</sup>
<b>When do workers begin to earn paid sick time?</b>	At the commencement of employment, but paid sick time can't be used until the 680th hour of employment.	At the commencement of employment, but paid sick time can't be used until the 90 <sup>th</sup> day of employment. As noted earlier, the law covers a worker when the worker, on or after July 1, 2015, works in California for more than 30 days within a year from the commencement of employment.	At the date of hire, but sick time can't be used until the 90th calendar day following commencement of employment.	At the commencement of employment or January 1, 2016, whichever is later. For a worker employed on the law's effective date of January 1, 2016, earned sick time may be used as it is earned. For workers who begin employment after the effective date of January 1, 2016, earned sick time can't be used until the 91st calendar day of employment with the employer.	At the commencement of employment, but paid sick time can't be used until after 90 days of service with his or her employer.	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.
<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 (24 hours, or three days) 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 employees); or 24 hours of paid sick time a year (for business with fewer than 25 workers).	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.
<b>Are there waivers/exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?*</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 <b>and</b> 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 <b>and</b> 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 <b>if</b> their employment-related benefits are provided by a joint multi-employer-employee trust or benefit plan <b>and</b> 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 language regarding waivers or exemptions for workers covered by a CBA
<b>Private Right of Action to go to Court?</b>	No	No, but the State Labor Commissioner or Attorney General may bring a civil action in Court against an employer or person violating the article.	Yes, after filing with the Attorney General	Yes	Yes	No

\* 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.



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	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Montgomery County, Maryland <sup>4</sup>
<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 law	Yes. The California law does not preempt or limit other laws or policies that provide for greater earning or use of paid sick time. Therefore, the more expansive San Francisco, Oakland, and Emeryville (as well as San Diego, once passed, as described in Section III) paid sick time laws will still apply to workers covered by those laws, and other cities in California may continue to pass broader paid sick time laws.	Not explicitly addressed in the law	No. The Oregon law preempts—or prohibits—cities from passing their own paid sick time laws. However, in response to Portland’s more generous paid sick time law (in effect when the state bill was passed), the statewide paid sick time law requires that employers located in Portland with at least 6 employees (anywhere in Oregon) must provide paid sick time to their workers.	N/A	N/A
<b>What Agency or Official Enforces the Bill?</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	Montgomery County Office of Human Rights. The County Executive may also delegate enforcement authority to any legally authorized State agency.

## II. City Paid Sick Time Laws<sup>5</sup>

	San Francisco	Seattle	New York City	Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, <i>and</i> Elizabeth NJ <sup>6</sup>	Oakland, CA	Tacoma, Washington <sup>7</sup>	Philadelphia	Emeryville, CA	Pittsburgh <sup>8</sup>
<b>Who is covered?</b>	Workers employed within the geographic boundaries of San Francisco are covered.	Workers employed by a business with more than 4 employees, if they perform more than 240 hours of work in Seattle within a calendar year, are covered. Work-study students are exempted.	Workers who have worked within NYC for more than 80 hours in a calendar year are covered. Domestic workers will receive some paid sick time. Work-study students, certain hourly speech/physical/occupational therapists, independent contractors, and government employees are exempted.	Workers employed in the relevant city (Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, or Elizabeth) for at least 80 hours in a year are covered. Workers employed by any government or a New Jersey School District or Board of Education are exempted. In Newark and Jersey City, workers employed by Rutgers and its subdivisions are exempted.	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 employed in Tacoma are covered, but must perform work in Tacoma for more than 80 hours within a calendar year. Work-study students, independent contractors, single-person businesses, and government workers are exempted.	Workers employed in Philadelphia for at least 40 hours in a calendar year are covered. City workers 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 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 employed in Pittsburgh are covered. City workers 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.



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	San Francisco	Seattle	New York City	Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, and Elizabeth NJ <sup>6</sup>	Oakland, CA	Tacoma, Washington <sup>7</sup>	Philadelphia	Emeryville, CA	Pittsburgh <sup>8</sup>
<b>Can sick time be used to care for loved ones?</b>	Yes: children; parents; siblings; grandparents; grandchildren; spouses; registered domestic partners; and, if a worker has no spouse/domestic partner, a designated person of the worker's choice	Yes: children; parents; parents-in-law; grandparents; spouses; and registered domestic partners	Yes: children; spouses; registered domestic partners; parents; grandchildren; grandparents; siblings; and the parents of a spouse or domestic partner	Yes: children; parents; parents of a spouse or domestic/civil union partner; spouses; domestic/civil union partners; grandchildren; grandparents; the spouse or domestic/civil union partner of a grandparent; and siblings	Yes: children; parents; siblings; grandparents; grandchildren; spouses; registered domestic partners; and, if a worker has no spouse/domestic partner, a designated person of the worker's choice	Yes: children; parents; grandparents; spouses; domestic partners (local or state registries)	Yes: children; parents; parents-in-law; spouses; grandparents; the spouse of a grandparent; grandchildren; siblings; the spouse of a sibling; 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; grandchildren; grandparents; spouses; registered domestic partners; 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; 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 employee received oral permission from the employer to care for at the time of the employee's request to make use of sick time
<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	Biological, adopted or foster children, stepchildren, legal wards, or the child of a worker standing in loco parentis. The child must be under 18 or 18 years of age and older but incapable of self-care because of a mental/physical disability	Biological, adopted, or foster children, legal wards, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster children, stepchildren, legal wards, children of a domestic partner or civil union partner, 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 children, stepchildren, legal wards, or the child of a worker standing in loco parentis. The child must be under 18 years of age or 18 and 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, 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
<b>Are specific "safe time" purposes included?*</b>	No	Yes, when the worker or the worker's family member is the victim	No	No	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	No	No
<b>Rate at which workers earn paid sick time?</b>	1 hour for every 30 hours worked	In businesses with 250 or more employees, 1 hour for every 30 hours worked. In businesses with more than 4 and fewer than 250 employees, 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 30 hours worked	1 hour for every 40 hours worked	1 hour for every 40 hours worked (for both paid and unpaid sick time, as described below)	1 hour for every 30 hours worked	1 hour for every 35 hours worked

\* "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/health issues like any other worker. 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.).



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<b>Amount of paid sick time that can be earned under the law per year?</b>	Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 workers: up to 40 hours*	There is no 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: <b>Tier 1</b> (workers in businesses with more than 4 but fewer than 50 full-time workers or full-time equivalents—FTEs): up to 40 hours. <b>Tier 2</b> (workers in businesses with at least 50 but fewer than 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 <b>unpaid</b> 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.	Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 employees: up to 40 hours*	Up to 24 hours a year	Workers in businesses with 10 or more workers: up to 40 hours a year. Workers in businesses with fewer than 10 employees: up to 40 hours of <b>unpaid</b> sick time a year. Certain chain establishments must provide paid sick time regardless of the number of employees in an establishment.	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 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).
<b>Does unused 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 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 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 sick time, but employers aren't required to allow use of more than 40 hours of 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 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 24 hours of unused paid sick time to the following year, and <i>may use hours carried forward up to a total not to exceed 40 hours in a year.</i>	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 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 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.

\* The enforcing agencies in San Francisco and Oakland have interpreted the laws to cap how much paid sick time can be earned—but *not* on an annual basis. Once a worker reaches his or her earnings cap (i.e., banks the maximum amount of earned sick time as indicated in the chart) and uses paid sick time, the worker once again begins to earn paid sick time back up to this same cap. Since the language is similar in Emeryville, it is likely that the city's law will be interpreted the same way.



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<b>When do workers begin to earn paid sick time?</b>	90 calendar days after the commencement of employment.	At the commencement of employment, but paid sick time can't be used until the 180th calendar day after employment commenced.	At the commencement of employment, but sick time can't be used until the 120th calendar day following commencement of employment.	On the first day of employment, but paid sick time can't be used until the 90th calendar day of employment.	On the first day of employment, but paid sick time can't be used until after 90 calendar days of employment.	At the commencement of employment or February 1, 2016, whichever is later, but paid sick time can't be used until the 180th calendar day after employment commenced.	At the commencement of employment, but sick time can't be used 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 paid sick time can't be used until the 90th day of employment.	At the commencement of employment or the law's effective date, whichever is later, but sick time can't be used until the 90th calendar day after employment commenced.
<b>Are there waivers/exemptions for workers covered by a valid Collective Bargaining Agreement (CBA) or bargaining unit?<sup>9</sup></b>	All or any part of the law doesn't 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.	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.	Workers may enter into a written CBA waiving a provision of the law if such 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 do not apply to workers covered by a bona fide CBA.	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.	Members of a construction union covered by a collective bargaining unit are exempted.
<b>Private Right of Action to go to Court?</b>	Yes	No	No	Yes	Yes	No	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.	Yes	No

\* 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.



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<b>What Agency or Official Enforces the Bill?</b>	San Francisco Office of Labor Standards Enforcement	Seattle Office for Civil Rights	New York City Department of Consumer Affairs	<p><u>Newark</u>: Newark Department of Child and Family Well-Being</p> <p><u>Passaic</u>: Passaic Department of Human Services, Division of Health</p> <p><u>Irvington</u>: Irvington Department of Neighborhood Services</p> <p>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.</p>	No particular agency specified in the law. The Contracts and Compliance Division of the City Administrator's Office has been authorized to take complaints from workers.	The Finance Director or his or her designee.	The Mayor shall designate the agency.	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 Office of the City Controller or a Department or entity designated by the Mayor's Office

<sup>1</sup> Please note that this chart does not provide an exhaustive overview of these 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.

<sup>2</sup> On August 29, 2014, the California Legislature passed a statewide paid sick time law. The law took effect in July 2015. **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 greater accrual or use of paid sick time. Therefore, the more expansive San Francisco, Oakland, and Emeryville (and San Diego, once passed, as described on the following page) 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.**

<sup>3</sup> Oregon's Legislature passed a statewide paid sick time law on June 12, 2015. The law will go 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—will no longer take effect. On the other hand, Portland's City Council unanimously passed a paid sick time law in March 2013, and it has been in effect since January 1, 2014. Although Oregon's new paid sick time law has blocked localities from passing paid sick time laws, Portland's law will survive for some limited purposes. As described in the chart's overview of Oregon's paid sick time law, the employer size threshold for providing paid sick time will remain 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 employees (with smaller employers providing unpaid sick time), as described in the chart.

<sup>4</sup> On June 23, 2015, the Montgomery County Council passed a paid sick time law, which will go into effect on October 1, 2016.

<sup>5</sup> As described in the previous footnote, the paid sick time law in Eugene (OR) will not go into effect due to passage of the statewide paid sick time law in Oregon. The paid sick time law in Portland (OR) will survive for the limited purposes described in the previous footnote. As a result, Eugene and Portland have been removed from this comparison chart.

<sup>6</sup> On October 28, 2015, the City Council of Jersey City voted to expand the city's paid sick time ordinance (the first paid sick time law to pass in New Jersey). The law will take effect 60 days after enactment. The information in this chart reflects the expanded paid sick time law. If you have questions about the original paid sick time law in Jersey City, see <http://www.jerseycitynj.gov/business.aspx?id=13851>. On November 3, 2015, more than 84% of voters in Elizabeth voted in support of a paid sick time ballot initiative, which will take effect in 2016 (exact date unavailable at this time). The other city paid sick time laws in New Jersey are in effect.

<sup>7</sup> On January 27, 2015, the Tacoma City Council passed a paid sick time law by a vote of 8-1. The law will take effect on February 1, 2016.

<sup>8</sup> On August 3, 2015, the Pittsburgh City Council passed a paid sick time law by a vote of 7-1. The law is expected to take effect in early 2016, pending resolution of a lawsuit filed by opponents of the legislation.



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### III. Additional Paid Sick Time Laws

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 referendum, so implementation of the law will be delayed until a vote in June 2016. Once the San Diego paid sick time law is passed, city workers and most private-sector workers will be entitled to use up to 40 hours of paid sick time a year to recover from their own illness, care for sick family members, or address certain needs related to domestic violence, sexual assault or stalking.

In October 2014, Los Angeles approved an ordinance guaranteeing paid sick time to certain hotel workers in the city. Under the law, hotels with 150 or more rooms must allow certain non-managerial/non-supervisory full-time workers to earn up to 96 hours of paid time off per year (for sick leave, vacation, or personal necessity use) and, following use of that time, up to 80 hours of additional unpaid sick time for personal or immediate family health needs. Covered part-time hotel workers will earn time proportionally.

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 employees 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>
- San Francisco Office of Labor Standards Enforcement: <http://sfgsa.org/index.aspx?page=419>
- Washington D.C. Department of Employment Services: <http://does.dc.gov/service/wage-and-hour-compliance>
- Seattle Office for Civil Rights: <http://www.seattle.gov/laborstandards/paid-sick-and-safe-time>
- Connecticut Department of Labor: <http://www.ctdol.state.ct.us/wgwkstnd/SickLeave.htm>
- New York City Department of Consumer Affairs Website: <http://www.nyc.gov/PaidSickLeave> and A Better Balance's website: <http://www.abetterbalance.org/web/nycpaysick>
- Jersey City Municipal Website: <http://www.jerseycitynj.gov/business.aspx?id=13851>
- Newark Municipal Website: <http://www.ci.newark.nj.us/government/departments/health-and-community-wellness/paid-sick-leave/>
- Montclair Municipal Website: [http://www.montclairnjsa.org/index.php?option=com\\_content&view=category&layout=blog&id=341&Itemid=880](http://www.montclairnjsa.org/index.php?option=com_content&view=category&layout=blog&id=341&Itemid=880)
- East Orange Municipal Website: <http://eastorange-nj.gov/earned-sick-time/>
- SeaTac Municipal Website: <http://www.ci.seatac.wa.us/index.aspx?page=681>
- Massachusetts Attorney General's Website: <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/earned-sick-time/>
- Emeryville Municipal Website: <http://www.ci.emeryville.ca.us/1024/Minimum-Wage-Ordinance>
- 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.; New York City 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.; Los Angeles Code § 186.00 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.



## Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline

Jurisdiction	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: documentation	Usage: increments	Usage: how counted (accrual rate)	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Accrual: carryover	Usage: relationship to PTO
CA - state	All	<p>All employees that work with the same employer for at least 30 days/year (including part-time, per diem and temp.)</p> <p>Also includes employees of a staffing agency so whoever is the employer or joint employer is required to provide paid sick leave</p> <p>Also includes seasonal workers if they work with the same employer within 12 months of their separation and otherwise meet 30 day requirements</p> <p>Excludes:</p> <ul style="list-style-type: none"> <li>Providers of publicly-funded In-Home Supportive Services (IHSS)</li> <li>Employees covered by collective bargaining agreements with specified provisions</li> <li>Individuals employed by an air carrier as a flight deck or cabin crew member, if they receive compensated time off at least equivalent to the requirements of the new law</li> <li>Retired annuitants working for governmental entities</li> </ul>	Includes parents, child, spouse, registered domestic partner, grandparent, grandchild, and sibling	<p>Physical/mental illness, injury or condition</p> <p>Safe time: yes (both employee and family members)</p>	Not addressed	Employer can set a “reasonable minimum increment,” not to exceed 2 hours, for the use of paid sick leave	<p>Allows for two options:</p> <p>Accrual policy: 1 hour for every 30 hours worked</p> <p>No accrual/up front policy: full amount of leave available at beginning of year, except for new hires who need to wait 120 days [note: inconsistency within same Dept. Of Industrial Relations FAQ]</p>	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	<p>Law allows employers to limit an employee’s <u>use</u> of paid sick leave to 24 hours-3 days/year</p> <p>Accrual cap of no more than 48 hours-6 days/year</p>	Yes, but employers are able to cap by policy	<p>If employer already offers PTO or sick time that meets requirements of new law, policy does not change</p> <p>According to CA FAQ: each plan must satisfy the accrual, carryover, and use requirements of the new law.”</p> <p>Accrual method can vary, but must provide at least 1 hour for every 30 hours worked and must allow for accrual that results in no less than 24 hours accrued sick leave/PTO by the end of 120<sup>th</sup> calendar day of employment, or each calendar year, or in each 12 month period.</p> <p>Law also provides a “grandfather” clause which allows those with sick/PTO policies in existence prior to Jan. 1, 2015 to maintain them and be deemed in compliance as long as they meet the following::</p> <ul style="list-style-type: none"> <li>Policy provides no less than 1 day or 8 hours of accrued paid sick/PTO within 3 months of employment per year</li> <li>The employee was eligible to earn at least 24 hours-3days sick leave/pto within 9 months of employment</li> </ul> <p>Sick leave provided to governmental employees pursuant to either certain Government Code provisions or a memorandum of understanding presumed to meet the accrual requirements</p>
CA - San Francisco	All	<p>Employees employed in the city. Includes temp. and part-time workers</p> <p>Also includes occasional employees who work within the city for at least 56 hours or more/year</p> <p>Excludes:</p> <ul style="list-style-type: none"> <li>CBA covered employees if CBA waives it in clear</li> </ul>	Includes children; parents; siblings; grandparents; grandchildren; spouses; registered domestic partners; and, if a worker has no spouse/domestic partner, a designated person of the worker’s choice	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	Employer <u>may</u> require if sick time used past 3 consecutive days	Not addressed by ordinance  Under city FAQ: employers can allow for leave in 1 hour increments, in less than 1 hour if the employer so chooses, and	1 hour for every 30 hours worked	For qualified employees before effective date, starts immediately  For new employees after effective date, after 90 days of employment.	Immediately upon accrual	<p>72 hours/ year: employers with 10+ employees</p> <p>40 hours/year: employers with less than 10 employees</p> <p>Note: cap is “floating”: when an employee’s</p>	Yes up to yearly caps	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance (more expansive than just complying with state law) – must meet accrual and use requirements at a minimum

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		and unambiguous terms				imposes a “reasonableness” requirement in others: “In most employment situations, a requirement that an employee take off more hours than requested would not be considered reasonable.”				accrued leave drops below the cap due to usage, the employee begins to accrue again.		
CA – Emeryville	All	Employees employed in the city who work at least 2 hours of work/week and who are entitled to min. wage under CA law  Excludes: <ul style="list-style-type: none"> <li>Employees covered by a CAB expressly waiving the benefit</li> </ul>	Yes – same as San Fran + time can also be used to care for a guide dog, signal dog, or service dog of the employee/ family member/ designated partner	Physical/mental illness, injury or condition  Safe time: no (med issues relating to dom. viol would count as regular use of sick time)	Not addressed	Not addressed	1 hour for every 30 hours worked	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	55 or less employees: 48 hours/year  55+ employees: 72 hours/year  [Note: size of employer is based on # of employees who work in Emeryville]	Yes, but employers are able to cap by policy	Not addressed so state law applies
CA – Oakland	All	Employees employed in the city who work at least 2 hours of work/week and who are entitled to min. wage under CA law  Excludes: <ul style="list-style-type: none"> <li>Employees covered by a CAB expressly waiving the benefit</li> </ul>	Yes – same as San Fran	Physical/mental illness, injury or condition  Safe time: no (med issues relating to dom. viol would count as regular use of sick time)	Employer <u>may</u> require if sick time used past 3 consecutive days  If employer suspects abuse, <u>may</u> require documentation to verify subsequent uses of sick leave even if less than 3 days  May not require an employee to incur expenses larger than \$5 to show eligibility of sick leave	Time may be used in increments of 1 hour or even less	1 hour for every 30 hours worked	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	10 or less employees: 48 hours/year (originally had 40, but had to expand to meet state law)  10+ employees: 72 hours/year  [Note: size of employer is based on # of employees regardless of location]	Yes up to yearly caps	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance  From Oakland’s City Attorney FAQ: must allow for same purposes as specified in law and must meet accrual requirements
CT - state	Any employer with 50+	All service workers as defined by law (per state classification and must be	Includes child and spouse	Physical/mental illness, injury or condition	3 days or more, employer <u>may</u> require	Not addressed	1 hour for every 40 hours worked	At start of employment or at effective date	After 680 hours of employment (or from law’s	40 hours/year	Yes – 40 hours per year regardless of	Employers in compliance if existing policy meets min. requirements of accrual rate and use

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline

Jurisdiction	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: documentation	Usage: increments	Usage: how counted (accrual rate)	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Accrual: carryover	Usage: relationship to PTO
	employees in CT  Excludes: Certain industrially classified businesses, 501(c)(3) organizations that provide recreation, child care and educational services	paid on hourly basis and not exempt from min. wage/OT reqs.  Excludes: <ul style="list-style-type: none"> <li>Day or temp. workers (work per diem or on occasional/irregular basis)</li> </ul>		Safe time: yes (both employee and family members)	“reasonable documentation”  If foreseeable, employer <u>may</u> require advance notice not to exceed 7 days.  If not, notice as soon as practicable.			of law for current employees	effective date for current employees), and then can only use if worked an average of 10 hours/week in most recently completed quarter		how many accrued	Per FAQ: employers will be deemed to be in compliance with this law if they offer paid time off that either meets or exceeds the requirements of the act, meaning accrual and use rates, and reasons for the need for leave, etc.
DC – Washington	All	All employed within city limits  Excludes: <ul style="list-style-type: none"> <li>Independent contractors</li> <li>Students</li> <li>Health care workers choosing to participate in a premium pay program</li> <li>Unpaid volunteers engaged in the activities of an educational, charitable, religious, or nonprofit organization</li> <li>Casual babysitters</li> <li>Bar and restaurant workers who work for a combination of wages and tips</li> <li>Workers in the building and construction industry covered by a CBA that expressly waives the requirement</li> </ul>	Includes children; spouse; parents (in-laws); grandchildren; children’s spouses; siblings; and spouses; persons sharing residence with employee for at least 12 preceding months	Physical/mental illness, injury or condition  Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive days	Not specifically addressed, but city FAQ states that time should be used in accordance with employer’s policy and that generally, a requirement making an employee take off more hours than requested would not be considered reasonable	1 hour for every 87 worked: employers with 24 or less employees  1 hour for every 43 worked: employers with 25-99 employees  1 hour for every 37 worked: employers with 100+ employees	At start of employment (or if already employed at ordinance’s effective date)  Accrued hours for tipped restaurant or bar employees do not apply prior to Feb 2014 amendment	After 90 calendar days of employment	24 hour/year: employers with 24 or less employees  40 hours/year: employers with 25-99 employees  56 hours/year: Employers with 100+ employees	Yes up to yearly caps	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance  “An existing compensated leave policy shall be presumed to be equivalent to requirements of the Act if the policy allows the employee to: (a) Access and accrue compensated leave at the same rate or greater than the hours of leave provided in § 3201 of this Chapter; or (b) Use the compensated leave for the same purposes as those set forth in § 3203.” [3203 specifies medical, mental health and safe time usages]
MD - Montgomery County	All operating within county	All employees within county  Excludes: <ul style="list-style-type: none"> <li>Employees who do not have a regular work schedule with an employer, contact the employer for assignments and are scheduled for work within 48 hours of</li> </ul>	Includes children; parents and legal guardians; spouses; grandparents (and spouses); grandchildren; siblings (and spouses)	Physical/mental illness, injury or condition  Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive days	Time may be used in the smallest increment that the employer’s payroll system uses to account for absences or work time, except that an employee must not be required	1 hour for every 30 hours worked ( <i>but see cap</i> )	At start of employment (or if already employed at ordinance’s effective date)	Employer may opt to limit access until after 90 days of employment  Employer also allowed to “front load” hours	56 hours/year  For businesses with less than 5 employees, only 32 hours must be paid and 24 can be provided on an unpaid basis	Yes up to yearly caps (though can use up to 80 hours/year if they have that amount when time has been carried over)  Employers that provide “front	Not addressed

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		<p>contact, have no obligation to work for the employer without having initiated contact, and are not employed by a temp. agency</p> <ul style="list-style-type: none"> <li>• Employees working less than 8 hours/week</li> <li>• Independent contractors</li> </ul>				to take earned sick and safe time in an increment of more than 4 hours [was originally 1 hour, but subsequently amended]					loaded” time need not allow carryover	
NJ - Jersey City Newark Passaic East Orange Paterson Irvington Trenton Montclair Bloomfield Elizabeth	All operating within city	<p>Employees employed in the city who work 80 hours/year</p> <p>Excludes: Employees of any govt., NJ school district, Bd. of Ed., &amp; Rutgers U.</p>	Includes children; parents; parents of a spouse or domestic/civil union partner; spouses; domestic/civil union partners; grandchildren; grandparents; the spouse or domestic/ civil union partner of a grandparent; and siblings	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	Employer <u>may</u> require if sick time used past 3 consecutive days	Time may be used in the smaller of hourly increments of the smallest increment that the employer’s payroll system uses to account for absences or use of other time.	1 hour for every 30 hours worked (for both paid and unpaid sick time)	At start of employment (or if already employed at ordinance’s effective date)	After 90 days of employment	<p>40 hours/year: employers with 10+ employees</p> <p>40 hours of <i>unpaid</i> sick time/year: employers with less than 10 employees</p>	Yes up to yearly caps	<p>Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance</p> <p>Jersey City: must meet total annual accrual requirements and allow for it to be used for same purpose and under the same conditions as ordinance</p>
NY – New York City	<p>Employers with 5+ employees</p> <p>Employers with 1+ domestic workers who have worked for the employer for at least a year and who work 80+ hours/year must provide paid sick leave</p> <p>[Note: Employers with 4 or less employees must</p>	<p>Employees employed in the city who work more than 80 hours/ year are covered. Domestic workers included where they’ve worked for the same employer for at least 1 year and over 80 hours/year. Includes part-time, temp., per diem and on call, undocumented, and transitional job program employees. Also includes telecommuters provided they qualify as working within the city</p> <p>For franchises, where owner/principal of multiple locations owns at least 30% of each location and they operate under same franchise agreement, total number of employees includes all employees in NYC provides the collective locations employ at least 5 employees all together</p>	Includes children; spouses; registered domestic partners; parents; grandchildren; grandparents; siblings; and the parents of a spouse or domestic partner	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	Employer <u>may</u> require if sick time used past 3 consecutive days	Allows employers to set a “reasonable” minimum daily increment, but the minimum cannot be more than 4 hours per day unless otherwise permitted by state/federal law.	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	<p>At start of employment (or if already employed at ordinance’s effective date)</p> <p>If covered by a CAB that is in effect at time of law, employees accrue under new ordinance on the date the CBA terminates</p> <p>Though not required, employer <u>may</u> allow for “front loading” in advance of accrual</p>	After 120 days of employment	<p>40 hours/year: employers with 5+ or employees</p> <p>40 hours of <i>unpaid</i> sick time/year: employers with less than 5 employees</p>	Yes up to yearly caps	<p>Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance</p> <p>Minimum requirements:</p> <ul style="list-style-type: none"> <li>• Must apply to all covered employers as per scope</li> <li>• Must meet accrual requirements</li> <li>• Must allow for use of at least 40 hours within 12 month period</li> <li>• Must allow for use requirements as per law (self and family)</li> <li>• Cannot impose limitations or conditions beyond those in law</li> <li>• Allows for carry over of 40 hours (unless employer allows front loading)</li> <li>• Provides that employees are paid at least their regular hourly rate, but no less than \$9/hour (min. wage) for paid leave</li> <li>• Allows employees to use without retaliation and does not interfere with the right to file a complaint</li> </ul>

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	provide <u>unpaid</u> sick time]	Excludes: <ul style="list-style-type: none"> <li>• Work-study students</li> <li>• Certain hourly speech/physical/occupational therapists</li> <li>• Independent Contractors</li> <li>• Participants in Work Experience Programs</li> <li>• Government employees</li> <li>• Certain employees subject to CAB's</li> </ul>										
OR - state	All that employ 10+ employees  [Note: Employers with 9 or less employees must provide <u>unpaid</u> sick time]  Excludes federal employees	Employees within state including part-time and temp.  Excludes: <ul style="list-style-type: none"> <li>• Certain employees who are covered by a CAB, employed through a hiring hall and whose benefits are provided by a joint multi-employer-employee trust or benefit plan</li> </ul>	Includes child; spouse; same-gender domestic partner; parent (in-laws); parent of an employee's same-gender domestic partner; grandparent or grandchild; person with whom the employee is or was in a relationship of in loco parentis	Physical/mental illness, injury or condition  Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive days.	Employees must use accrued sick time in hourly increments unless to do so would pose an undue hardship to the employer, in which case the employer may require sick time to be taken in minimum increments of 4 hours	1 hour for every 30 hours worked or 1 1/3 hour for every 40 hours worked	At start of employment (or if already employed at ordinance's effective date)  Employers can opt to "front load" 40 hours of sick time at beginning of the year or track hours worked	After 90 calendar days of employment	40 hours/year	Yes – up to 40 hours though employers may adopt policies that limit accrual to no more than 80 hours or usage to no more than 40 hours/year	Employers in compliance if their plan is "substantially equivalent" to the minimums of the law established  Per Notice poster: "Substantially equivalent" means that employees are allowed to use at least the same number of hours for the same purposes under the same or more generous rules as outlined in this notice."
OR - Portland	All except federal, state and other subdivision of city/county/state gov't. that employ at least 6= employees  [Note: Employers with 5 or less employees must provide <u>unpaid</u> sick time]	Employees employed in the city who work 240 hours+/year (regardless of employer location); includes temp. employees, staffing agencies and telecommuters (latter depends on where the employee is conducting the work)  Excludes: <ul style="list-style-type: none"> <li>• A co-partner of the Employer</li> <li>• An independent contractor</li> <li>• A participant in a work training program administered under state or federal assistance laws</li> <li>• A participant in a work study program that provides students in</li> </ul>	Includes child; spouse; same-gender domestic partner; parent (in-laws); parent of an employee's same-gender domestic partner; grandparent or grandchild; person with whom the employee is or was in a relationship of in loco parentis	Physical/mental illness, injury or condition  Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive days	Can use in increments of 1 hour unless a lesser increment is allowed by the employer  Employer cannot require use of full shift as a condition to using sick leave unless it is physically impossible for the employee to commence or end work partway through the shift	1 hour for every 30 hours worked or 1 1/3 hour for every 40 hours (generally applies to salaried employees)	At start of employment (or if already employed at ordinance's effective date)  Though not required, employer <u>may</u> allow for "front loading" in advance of accrual	After 90 days of employment provided they worked a minimum 240 hours/year	40 hours/year though employers can allow more	Yes up to yearly caps for accrued time  Employers that provide "front loaded" time need not allow carryover	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance  Per ordinance: "Employers with Sick Leave or PTO policies that provide their Employees with Sick Time that equals or exceeds the requirements of the Ordinance shall be deemed in compliance with the accrual and use sections of the Ordinance."

## Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline

Jurisdiction	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: documentation	Usage: increments	Usage: how counted (accrual rate)	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Accrual: carryover	Usage: relationship to PTO
		secondary or post-secondary educational institutions with employment opportunities for financial and/or vocational training <ul style="list-style-type: none"> <li>Railroad workers exempted under the Federal Railroad Insurance Act</li> </ul>										
PA - Philadelphia	All employers with 10+ employees for at least 40 weeks/year  [Note: employers with 9 employees or less must provide unpaid sick leave]	Employees employed in the city who work 40 hours/year  Excludes: <ul style="list-style-type: none"> <li>Independent contractors</li> <li>Seasonal workers (hired for not more than 16 weeks/year)</li> <li>Adjunct professors</li> <li>Interns</li> <li>Workers hired for a term of less than 6 months</li> <li>State and federal employees</li> <li>Health care professionals (excluding those employed by a temp placement agency) who only work when they say that they are available and who aren't obligated to work if they are not available</li> <li>Employees covered by a bona fide CBA</li> </ul>	Includes children; parents; parents-in-law; spouses; grandparents (and spouses); grandchildren; siblings (and spouses); life partners (a long-term committed relationship between two unmarried individuals of the same sex or gender identity who meet certain, specified requirements)	Physical/mental illness, injury or condition  Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 2 consecutive days.	Accrued sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time	1 hour for every 40 hours worked	At start of employment (or if already employed at ordinance's effective date)	After 90 calendar days of employment	40 hours/year: employers with 10+ employees  40 hours of <i>unpaid sick leave</i> / year for employers with less than 10 employees  Chain establishment (with at least 15+ establishments whether or not located in Philadelphia and regardless of ownership) must provide paid sick time regardless of the number of employees	Yes up to yearly caps  Employers that provide "front loaded" time need not allow carryover	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance and as long as employee can use in the same manner as required in ordinance  Per ordinance: "Any employer with a paid leave policy, who makes available an amount of paid leave (including but not limited to vacation days, sick days, short-term disability benefits, floating holidays, parental leave, personal days, or PTO), sufficient to meet or exceed the accrual requirements of this Section, and that may be used for the same purposes and under the same conditions as sick time under this Chapter, is not required to provide additional sick time."
WA - Seattle	Businesses with 4+ employees	Employees employed in the city that work over 240 hours/year  Excludes: <ul style="list-style-type: none"> <li>Federal/state/county employers</li> <li>Employees who work or telecommute outside of Seattle</li> <li>Employees who travel through Seattle</li> <li>Students enrolled in a work study program</li> <li>Two year exemption for new small and medium-sized employers (Tier 1)</li> </ul>	Includes children; parents (and in-laws); grandparents; spouses; and registered domestic partners	Physical/mental illness, injury or condition  Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive day.  Employer <u>may</u> ask for documentation for absences shorter than 3 days if there is a clear instance or pattern of abuse  Police report required for paid safe time	For employees covered by FLSA overtime requirements, time may be used in hourly increments or smaller if allowed by an employer  For employees exempt employees, time to be deducted in accordance with FLSA	1 hour for every 30 hours worked: employers with 250+ employees (Tier 3)  1 hour for every 40 hours worked: employers with 4-249 employees (Tier 1 and Tier 2)	At start of employment (or if already employed at ordinance's effective date)	After 180 calendar days of employment	40 hours/year: employers with 4-49 FTE's  56 hours/year: employers with Businesses with 50-250 FTE's  72 hours/year (or up to 108 hours/year if the employer has a universal paid time off policy):	Yes up to yearly caps	Combined or universal leave (PTO) policies are permitted provided they comply with the underlying sick time ordinance  Per ordinance: <u>Tier 1 and 2 employers</u> <ul style="list-style-type: none"> <li>Must be able to use time for the same purpose</li> <li>Must accrue time at a rate consistent with policy</li> <li>Cannot limit use of time to less than allowed in policy</li> <li>Must allow for carryover</li> </ul> <u>Tier 3</u> Same as above, with provision that

**Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline**

Jurisdiction	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: documentation	Usage: increments	Usage: how counted (accrual rate)	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Accrual: carryover	Usage: relationship to PTO
		and Tier 2)			Where employer offers health ins., employer/ye each pay \$50% of cost for documentation; if employee declined health ins., not entitled to reimbursement	standards  For FLSA exempt public employees, time must be used in accordance with pay system established by statute, ordinance or regulation				employers with 250+ FTE's		must allow for up to 108 hours for both use and carryover
WA - Tacoma	All except fed govt., state, county local governments and single person businesses	Employees employed in the city who work 80 hours/year  Excludes: <ul style="list-style-type: none"> <li>• Work-study</li> <li>• Students</li> <li>• Independent Contractors</li> <li>• Govt. employees</li> </ul>	Includes children; parents; grandparents; spouses; domestic partners (local or state registries)	Physical/mental illness, injury or condition  Safe time: yes (both employee and family members)	Does not specify other than to say an employer may require an employee comply with the employer's usual and customary note requirements	Employers may require a minimum use time subject to FLSA  If none established, same as Seattle above	1 hour for every 40 hours worked	At start of employment (or if already employed at ordinance's effective date)  Though not required, employer <u>may</u> allow for "front loading" in advance of accrual	After 180 calendar days of employment	24 hours/year	Yes up to yearly caps	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance  Per ordinance: <ul style="list-style-type: none"> <li>• Must be able to use time for the same purpose</li> <li>• Must accrue time at same rate</li> <li>• Use of leave is limited to no less than 24 hours/year</li> <li>• PTO is approved by the [Finance] Director and is consistent with the rules and regulations promulgated by the Director</li> </ul>
MN - Minneapolis (city employees)	City as employer	All city employees except temporary, intermittent employees and those in outside trades (though the city contributes to these union plans and the union plans in turn provide benefits).	Includes child, spouse, sibling, parent (and in-laws), grandchild, grandparent, guardian, ward, members of employees household, and registered domestic partner.	Physical/mental illness, injury or condition and qualified treatment for chemical dependency; safety leave as defined by state law is included	Employer may require documentation if: <ul style="list-style-type: none"> <li>• Absent for more than 5 consecutive days or</li> <li>• Has used more than 12 days of unverified sick leave within the last 12 months or</li> <li>• Where there is suspected fraudulent use or</li> <li>• Where there are patterned absences</li> </ul>	Non-exempt FLSA employees allowed to use sick leave in partial increments  Exempt FLSA employees can use partial time, in accordance with FLSA standards, unless labor agreement specifies otherwise  Smallest amount of time tracked in payroll system is 15 minutes	1 day per calendar month worked	Generally, at start of employment	Unless otherwise specified in labor agreement, employees can use sick time as soon as it is accrued	12 days/year	Yes – no cap	NA

**Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement**

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
CA - state	California Division of Labor Standards Enforcement in the Department of Industrial Relations	DLSE website has a webinar and slides to help employers understand how to comply.	Complaint driven	Expressly prohibits retaliation		<p><b>Notice:</b> employer must display poster with specific requirements (available on Labor Commissioner’s website)</p> <p><b>Individual notice:</b> After Jan. 1, 2015, must provide individualized Notice to Employee (except to exempt employees, govt. employees and those covered by a n applicable CBA). This includes employees hired before Jan. 1, 2015 even if existing policies meet min requirements of new law. Also requires amount of remaining leave to be visible on pay stub.</p> <p><b>Record keeping:</b> Employers must retain records for 3 years.</p>	No, but the State Labor Commissioner or Attorney General may bring a civil action in Court against an employer or person violating the article.	The sick leave and minimum wage ordinance may be waived, except to the extent required by law, in a bona fide collective bargaining agreement.
CA - San Francisco	Office of Labor Standards Enforcement under the City Administrator		Complaint driven	Expressly prohibits retaliation	5.5 FTEs enforce minimum wage and sick time ordinances	<p><b>Notice:</b> every employer must post in a conspicuous place at any workplace or job site where any employee works required notice, and must be posted in English, Spanish, Chinese, and any language spoken by at least 5% of the employees at the workplace or job site.</p> <p><b>Record keeping:</b> Employers must retain records for 4 years.</p>	Yes	<p>San Francisco Office of Labor Standards Enforcement created a comparison for employers to understand the differences between the San Francisco ordinance and the state law.</p> <p>Their office averages around 60 minimum wage cases per year, and 25 sick time cases. This does not include other reports that are not necessarily substantiated.</p> <p>Helpful to have an employee involved in the investigation (third party complaints are allowed).</p> <p>More than half of the workers who file a complaint do not speak English as a first language. Most compliance officers are bilingual.</p> <p>Law applies to undocumented workers as well.</p> <p>Population: 852,469</p>
CA – Emeryville	City of Emeryville	Provides online list of links to employer tools and resources.	Complaint driven	Retaliation expressly prohibited	1 FTE who also enforces other issues like minimum wage	<p><b>Notice:</b> Posting in of rights shall be posted prominently in areas of the worksite where all employees can see.</p> <p><b>Individual notice:</b> Employers must provide written notification to each employee at time of hire, in such languages as necessary.</p> <p><b>Record keeping:</b> Employers must maintain a record for 3 years.</p>	Yes	<p>The sick leave and minimum wage ordinance may be waived, except to the extent required by law, in a bona fide collective bargaining agreement.</p> <p>Population: 11,227 (with only 1,100 businesses)</p> <p>Prior to the ordinance going into effect, they conducted proactive outreach to businesses and the general public to help inform them of the ordinance and what the requirements were for compliance. This included public meetings with presentations and Q &amp; A as well as mass mailings. They are in the process of developing forms and FAQs.</p>
CA – Oakland	City of Oakland	Provides online list of links to employer tools and resources.	Complaint driven	Retaliation expressly prohibited		<p><b>Notice:</b> Must prominently display in areas of the worksite and accessible to all employees, and must be displayed in all languages spoken by more than 10 percent of employees</p> <p><b>Individual notice:</b> Employers must provide individual written notice at time of hire</p> <p><b>Record keeping:</b> Employers must maintain a record for 3 years.</p>	Yes	<p>The city may use an employer’s record of non-compliance with the ordinance when considering awarding contracts, land use approvals, or other entitlements to expand or operate within the City, and may deny requests on that basis.</p> <p>Population: 413,775</p>
CT - state	Dept. of Labor		Complaint driven	Retaliation expressly prohibited		<p><b>Notice:</b> At time of hire, must inform employee of sick leave benefit and terms, policy against retaliation, and that the employee has right to file a complaint with DOL. Employers can comply with above by displaying poster in English/Spanish as required.</p>	No	



**Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement**

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
DC – Washington	Dept. of Employment Services		Complaint driven	Retaliation expressly prohibited		<p><b>Notice:</b> Employers must place in a conspicuous place, in all languages spoken by eligible employees with limited or no-English proficiency</p> <p><b>Record keeping:</b> Employers must retain records for 3 years.</p>	Yes	<p>According to the City Auditors Report from 2013, 50% of businesses provided paid sick pre-ordinance:</p> <ul style="list-style-type: none"> <li>87.5% of surveyed businesses said the requirement to provide paid sick time would not cause them to move their business to another jurisdiction</li> <li>Data from a survey in the 2015 City Auditor’s Report showed that only 1 in 10 businesses surveyed stated that paid sick and safe leave hurt their profitability, while more than half of respondents said it had either no effect or a positive effect on profitability</li> </ul> <p>Population: 658,893</p>
MD - Montgomery County	Office of Human Rights		Complaint driven	Retaliation expressly prohibited	Currently has 5 FTEs (1 manager, 4 investigators) for all anti-discrimination and other labor-related law related work. No additional FTEs for sick time, though they’ve asked for 1-3 employees to be added to help with sick law, and other laws that have been added to their department in recent years with no increase in staff to enforce	<p><b>Notice:</b> Employer must provide notice to all employees, but <u>may</u> provide notice by:</p> <ol style="list-style-type: none"> <li>Display in conspicuous and accessible areas in the work locations,</li> <li>Including the model notice in the employee handbook or written notice distributed individually to all employees, or</li> <li>Provided to employees at time of hire.</li> </ol> <p><b>Record keeping:</b> Employers must retain records for 3 years</p>	unclear	<p>Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.</p> <p>Sick law is new, and the agency is in the process of implementing.</p> <p>Population: 1M</p>
NJ - Bloomfield	Dept. of Health and Human Services		Complaint driven, though the agency has authority to access employer records to ascertain compliance	Retaliation expressly prohibited	Per their own estimate, they believe staff enforcing this ordinance only would = 1.5 FTE.  In total, they have 27 staff, 14 of which are full-time, but no one is particularly dedicated to enforcing sick time alone as they cover many different issues.	<p><b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce</p> <p><b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce</p> <p><b>Record keeping:</b> Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee</p>	Yes	<p>Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.</p> <p>Population of 47,929</p>
NJ - East Orange	Dept. of		Complaint	Retaliation		<p><b>Notice:</b> Employers must display a poster in a spot</p>	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both

**Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement**

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
	Health and Human Services		driven, though the agency has authority to access employer records to ascertain compliance	expressly prohibited		conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce  <b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce  <b>Record keeping:</b> Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee		expressly waived the coverage in clear and unambiguous terms in the agreement.  Population: 65,078
NJ - Elizabeth	Department of Health and Human Services				Ordinance goes into effect on March 1 – have not added staff to enforce. Will consider if demand exceeds staff capacity.			They offered to provide data at a future date (three to six months from now) in case they have additional insight to provide.  Population: 128,705
NJ - Irvington	Dept. of Neighborhood Services		Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited		<b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce  <b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce  <b>Record keeping:</b> Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.  Population: 54,512
NJ - Jersey City	Dept. of Health and Human Services	Online FAQ available in English, Arabic, Chinese, Hindi, Spanish, Tagalog	Complaint driven, but may also “engage in pro-active” enforcement... through the use of audits, on-site investigations, or other measures to ensure employer’s compliance.”	Retaliation expressly prohibited		<b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce  <b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce  <b>Record keeping:</b> Employer must maintain records for 3 years.	Yes	Jersey City ordinance required a research study to measure the economic impact on business and the health of residents, beginning 1 year from the effective date of the chapter. The Center for Women and Work at Rutgers University found: 1) 80 percent of businesses were in compliance of the law; 2) 42 percent of respondents that changed their policies after the mandate reported that business was better, including lower turnover in staff, higher quality recruits, and some increases in productivity  Population: 262,146
NJ - Montclair	Dept. of Health and Human Services		Complaint driven, though DHHS has	Retaliation expressly prohibited		<b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.

**Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement**

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
	Services		broad powers to ensure compliance			workforce  <b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce  <b>Record keeping:</b> Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee		Population: 38,142
NJ - Newark	Dept. of Child and Family Well-being		Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited		<b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce  <b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce  <b>Record keeping:</b> Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.  Population: 280,579
NJ - Passaic	Dept. of Health and Human Services		Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited		<b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce  <b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce  <b>Record keeping:</b> Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.  Population: 71,509
NJ - Paterson	Dept. of Health and Human Services		Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited	No one specifically added for this proposal. Currently 2 FTE working on this along with other issues.	<b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce  <b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce  <b>Record keeping:</b> Employer must maintain adequate records documenting hours worked by an employee and paid sick	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.  Population: 146,753

**Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement**

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
						time taken by an employee		
NJ - Trenton	Dept. of Health and Human Services	FAQ and paid sick leave brochure available in English and Spanish online.	Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited	1 FTE (with someone to cover and answer questions if she can't be there). Manager is also responsible for other duties.	<p><b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer's workforce</p> <p><b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer's workforce</p> <p><b>Record keeping:</b> Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee</p>	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.  Population: 84,034
NY – New York City	Dept. of Consumer Affairs, Paid Sick Leave Division	Massive multimedia and multilingual campaign that included TV/ radio and public transit ads, literature in 25 languages and 820 community meetings and workshops	Complaint driven, but can be initiated by the department as well “if it has reason to believe that an employer's practices warrant investigation”	Retaliation expressly prohibited		<p><b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer's workforce</p> <p><b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in English and primary language of the employee provided the department has made available the notice in that language.</p> <p><b>Record keeping:</b> Employer must maintain records for 2 years, unless otherwise required by required by law or regulation.</p>	No	Parties under a collective bargaining agreement are exempt if: <ol style="list-style-type: none"> <li>1) parties have expressly waived such provisions in their collectively bargained contracts, <u>and</u></li> <li>2) such agreements provide comparable benefits for covered employees, including but not limited to, PTO, vacation days, personal time, sick time, or premium pay rate</li> </ol> Population: 8.5M
OR - Portland	City and the OR Bureau of Labor and Ind.	Mandated outreach program	Complaint driven	Retaliation expressly prohibited		<p><b>Notice:</b> Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer's workforce</p> <p><b>Individual Notice:</b> Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer's workforce</p> <p><b>Record keeping:</b> Employer must maintain records for 2 years.</p>	Yes	Population: 619,360
OR - state	Bureau of Labor and Industries	Oregon Statewide Sick Time seminars. Technical assistance hotline.	Complaint driven	Retaliation expressly prohibited		<p><b>Notice:</b> Employer shall provide written notice of the Act to each employee, Administrative rules provide that this notification can personal written notice to employee, incorporating the written notice into a handbook, or posting in in a conspicuous location in the workplace.</p> <p><b>Individual Notice:</b> Employer shall provide quarterly written notification on the amount of accrued and unused sick time available for use. Notices must be provided in language the</p>	Yes	

**Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement**

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
						<p>employer typically uses to communicate with the employee.</p> <p><b>Record keeping:</b> Health information of an employee related to sick time is confidential and cannot be released without employee permission.</p>		
PA – Philadelphia	Managing Director’s Office	Mandated multilingual outreach program that includes notices to childcare and elder care providers, domestic violence shelters, schools, hospitals, community health centers and other health providers	Complaint driven	Retaliation expressly prohibited.		<p><b>Notice:</b> can be public posters or individualized notice, <u>and</u> must be in employee handbook. Must be in English and any other primary language spoken by at least 5% of workplace employees.</p> <p><b>Record keeping:</b> Employers must retain records for 2 years.</p>	Yes, but after receipt of final decision from agency or 180 days after filing a complaint	<p>The sick leave and minimum wage ordinance may be waived, except to the extent required by law, in a bona fide collective bargaining agreement.</p> <p>Population: 1.5M</p>
WA - Seattle	Office for Civil Rights		Complaint driven	Retaliation expressly prohibited.	Seven employees who enforce sick ordinance and other workplace ordinances.	<p><b>Notice:</b> employers are required to provide notice to all employees who work in Seattle. Notice must be conspicuous and accessible. &amp; physical and/or electronic</p> <p><b>Individual Notification:</b> Employers must provide notification of available sick time each time wages are paid (by paystub and/or online)</p> <p><b>Record keeping:</b> Employers must retain records for 2 years that indicate:</p> <ul style="list-style-type: none"> <li>• Employee hours worked in Seattle.</li> <li>• Accrued sick time by employee.</li> <li>• Use of sick time by employee.</li> </ul>	No	<p>A two-year exemption was provided for new small and medium sized employers (more than four employees up to 49 employees, and more than 49 employees to 249 employees, respectively).</p> <p>Interview with Senior Policy Analyst in Seattle’s Office of Labor Standards indicates that both enforcement and education are equally important and unending.</p> <p>When conducting an investigation based on a complaint, they will do a comprehensive review of all wage issues on site, as they often encounter multiple issues.</p> <p>Seattle budgeted \$250,000 for an evaluation of the sick and safe law, which will be conducted by the University of Washington’s Evans School of Public Affairs, and the Office of the City Auditor.</p> <p>Population: 662,400</p>
WA - Tacoma	City of Tacoma Finance Director	Paid advertising in newspapers, advertising incorporated into public transit. Social media campaign. Direct mail to businesses in the city limits.	Complaint driven	Retaliation expressly prohibited	Ordinance went into effect on Feb 1, 2016 and they have 2 staffers (program manager and a customer service rep). They have authority to hire 2 more analysts – one on Feb 29 and the other when	<p><b>Notice:</b> Employers may provide notice by:</p> <ol style="list-style-type: none"> <li>1) Posting the Notice in a conspicuous location accessible to all employees in each workplace;</li> <li>2) Including the notice in the employee handbook; or</li> <li>3) Providing each employee with a written copy of the notice (either tangible or electronic)</li> </ol> <p><b>Record keeping:</b> Employers must retain records for 3 years</p>	Yes	<p>Employer checklist to guide through compliance. Checklist available in English, Spanish, Korean, Russian, Cambodian, and Vietnamese. See checklist here: <a href="http://cms.cityoftacoma.org/Finance/paid-leave/PTO-Policy-Checklist.pdf">http://cms.cityoftacoma.org/Finance/paid-leave/PTO-Policy-Checklist.pdf</a></p> <p>Tacoma Outreach Log provides list of advertising and outreach efforts: <a href="http://www.enforcingsickdays.org/wp-content/uploads/2016/02/Tacoma-Outreach-Log1.pdf">http://www.enforcingsickdays.org/wp-content/uploads/2016/02/Tacoma-Outreach-Log1.pdf</a></p> <p>Tacoma staff sent this note following up on conversation with staff:                      “I attached a draft work plan that we used for implementation in case its [sic] helpful. We had one year between passage of the paid leave ordinance and implementation and just 2-3 months following the November elections to implement minimum wage. What we have learned so far is that having a well-organized website and a straight forward law (no tiers based on employer</p>

**Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement**

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
		City-hosted employer information sessions. Employer Paid Time Off checklist. Online mapping tool to determine if business is in city limits.			caseload demands it.  Staff works on both sick leave and minim. Wage enforcement, though most complaints have been about sick time.			<p>size, etc.) has reduced the number of calls we have received greatly compared to implementation in other cities. Most callers with questions have found a majority of what they need on our website and are calling with questions regarding a specific workplace scenario. We still received 145 sick leave related inquiries in January and about 120 in December.”</p> <p>They will be conducting broader investigations (workplace wide or for an entire classification vs. individual investigations) for most complaints. Retaliation complaints will likely be handled on a case by case basis.</p> <p>The analysts coming on board may have recommendations on outreach/education, but it remains to be seen how much outreach and education they individually will have time for. They conducted significant outreach leading to the February 1 effective date.</p> <p>In addition to education and outreach, they had a public process to form rules that provide guidance for implementing the Ordinance. This included significant outreach as well as four public hearings.</p> <p>Population: 205,159</p>

## EARNED SICK AND SAFE TIME REFERENCE MATERIAL

- 1) Appelbaum, E., Milkman, R., Elliot, L., Kroeger, T. 2104. Good For business? Connecticut's Paid Sick Leave Law. The Murphy Institute Center for Economic and Policy Research, City University of New York.
- 2) Saltsman, M. 2013. Paid Sick Leave In Connecticut: A Pilot Study of Businesses' Response to the Law. Employment Policies Institute.
- 3) Neslon, M. 2015. The Effects of Mandatory Paid Sick Leave Policies: Reviewing the Evidence. Freedom Foundation.
- 4) Main Street Alliance. 2015. The Bottom Line on Earned Sick Time In Minnesota: A Cost & Benefit Analysis of Earned Paid Sick Days. Main Street Alliance.
- 5) Grans, S. 2015. NYC's Paid Sick Leave Law: First year Milestones. City of New York, Department of Consumer Affairs.
- 6) Asfaw, A., Pana-Cryan, R., Rosa, R. 2012. Paid Sick Leave and Nonfatal Occupational Injuries. Am. J. Public Health, 102(9).
- 7) U.S. Bureau of Labor Statistics. 2010. Program Perspectives on Paid Sick Leave: Paid Sick Leave in the United States 2(2).
- 8) Seattle office of City Auditor. 2014. Seattle's Paid Sick and Safe Time Ordinance Enforcement Audit.
- 9) Romich, J., Bignell, W., et. al. 2014. Implementation and Early Outcomes of the City of Seattle Paid Sick and Safe Time Ordinance: Final Report. University of Washington.
- 10) 2014. The Economic of Paid and Unpaid Leave. The Council of Economic Advisors.
- 11) 2015. White Paper on Paid Leave and Health. Minnesota Department of Health. Center for Health Equity.

SEATTLE AND WASHINGTON DC SAMPLE  
ORDINANCES



1 This Chapter 14.16 shall constitute the "Paid Sick and Safe Time Ordinance" and may be cited as  
2 such.

3 Section 2. Section 14.16.010 of the Seattle Municipal Code, last amended by Ordinance  
4 124644, is amended as follows:

5 **14.16.010((~~2~~)) Definitions**

6 For purposes of this ((chapter)) Chapter 14.16:

7 "Adverse action" means ((~~the discharge, suspension, discipline, transfer, demotion, or~~  
8 ~~denial of promotion by an employer of an employee~~)) denying a job or promotion, demoting,  
9 terminating, failing to rehire after a seasonal interruption of work, threatening, penalizing,  
10 retaliating, engaging in unfair immigration-related practices, filing a false report with a  
11 government agency, changing an employee's status to nonemployee, or otherwise discriminating  
12 against any person for any reason prohibited by ((14.16.040)) Section 14.16.055. "Adverse  
13 action" for an employee may involve any aspect of employment, including pay, work hours,  
14 responsibilities, or other material change in the terms and condition of employment.

15 "Agency" ((~~shall mean~~)) means the Office for Civil Rights and any division therein.

16 "Aggrieved party" means an employee or other person who suffers tangible or intangible  
17 harm due to an employer or other person's violation of this Chapter 14.16.

18 "Benefit year" means any fixed, consecutive 12-month period of time that is normally  
19 used by an employer for calculating wages and benefits, including: January 1 through December  
20 31; a tax year, fiscal year, or contract year; or the year running from an employee's one-year  
21 anniversary date of employment. An employer must provide written notice of the employer's  
22 choice of benefit year in the employer's policy and procedure for meeting the paid sick and paid  
23 safe time requirements of this Chapter 14.16, pursuant to subsection 14.16.045.C. If an employer

1 transitions from one type of benefit year to another, the employer must ensure that the transition  
2 process maintains the accrual, use and carry-over of paid sick and paid safe time hours that are  
3 required by this Chapter 14.16.

4 "Business" and "engaging in business" has the same meanings as in Chapter 5.30.

5 "City" (~~shall mean~~) means the City of Seattle.

6 "City department" means any agency, office, board, or commission of the City, or any  
7 Department employee acting on its behalf, but (~~shall~~) "City department" does not mean a  
8 public corporation chartered under Ordinance 103387 as amended, or its successor ordinances, or  
9 any contractor, consultant, concessionaire, or lessee.

10 (~~"Charging party" means the person aggrieved by an alleged violation of this chapter or~~  
11 ~~the person making a charge on another person's behalf, or the Director when the Director files a~~  
12 ~~charge.~~

13 ~~"Commission" means the Seattle Human Rights Commission.)~~

14 "Director" means the Division Director of the Office of Labor Standards within the  
15 Office for Civil Rights or the Division Director's designee.

16 "Eating and/or drinking establishment" means a place where food and/or beverages are  
17 prepared and sold at retail for immediate consumption either on- or off-premise, but excludes  
18 food and beverage service sites, such as cafeterias, that are accessory to other activities and  
19 primarily serve students, patients, and/or on-site employees.

20 "Employ" means to suffer or permit to work.

21 "Employee" (~~shall mean~~) means any individual employed by an employer, (~~and shall~~  
22 ~~include traditional~~) including but not limited to full-time employees, (~~temporary workers, and~~)  
23 part-time employees, and temporary workers. (~~Individuals performing services under a work~~

1 ~~study agreement are not covered by this chapter. Employees are covered by this chapter if they~~  
2 ~~perform their work in Seattle. An employee who performs work in Seattle on an occasional basis~~  
3 ~~is covered by this chapter only if he performs more than 240 hours of work in Seattle within a~~  
4 ~~calendar year. An employee who is not covered by this Chapter is still included in any~~  
5 ~~determination of the size of the employer. In the event that a temporary employee is supplied by~~  
6 ~~a staffing agency or similar entity, absent a contractual agreement stating otherwise, that~~  
7 ~~individual shall be deemed to be an employee of the staffing agency for all purposes of this~~  
8 ~~chapter, except as provided in subsection 14.16.010.T.4.b.))~~

9 1. An employer bears the burden of proof that the individual is in business  
10 for oneself rather than dependent upon the alleged employer.

11 2. For purposes of this Chapter 14.16, "employee" does not include an  
12 individual performing services under a work study agreement.

13 "Employer" (~~shall mean, as defined in subsection 14.04.030.K, any person who has one~~  
14 ~~or more employees, or the employer's designee or any person acting in the interest of such~~  
15 ~~employer. Employer size shall be determined as provided in subsection 14.16.010.T.)) means  
16 any individual, partnership, association, corporation, business trust, or any entity, person or  
17 group of persons, or a successor thereof, that employs another person and includes any such  
18 entity or person acting directly or indirectly in the interest of an employer in relation to an  
19 employee.~~

20 1. More than one entity may be the "employer" if employment by one  
21 employer is not completely disassociated from employment by the other employer.

22 2. For purposes of this ((æt,)) Chapter 14.16, "employer" does not include  
23 any of the following:

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~~((1-))~~ a. The United States government;

~~((2-))~~ b. The State of Washington, including any office, department, agency, authority, institution, association, society, or other body of the state, including the legislature and the judiciary;

~~((3-))~~ c. Any county or local government other than the City.

"Employment agency" or "staffing agency" means any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer, or place individuals with an employer or in employment.

"Front pay" means the compensation the employee would earn or would have earned if reinstated to the employee's former position.

"Full-time equivalent" ~~((shall mean))~~ means the number of hours worked for compensation that add up to one full-time employee, based either on an eight-hour day and a five-day week or as full-time is defined, in writing or in practice, by the employer.

"Health care professional" ~~((shall mean))~~ means any person authorized by the City, any state government, and/or the federal government to diagnose and treat physical or mental health conditions, including a doctor, nurse, emergency medical care provider, and/or a public health clinic worker, so long as that person is performing within the scope of their practice as defined by the relevant law.

"Paid sick time" and/or "paid sick days" ~~((shall mean))~~ means accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in subsection 14.16.030.A.1 of this ~~((chapter))~~ Chapter 14.16, for which time an employee shall be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken.

1 Employees are not entitled to compensation for lost tips or commissions and compensation shall  
2 only be required for hours that an employee is scheduled to have worked.

3 1. For purposes of determining eligibility for "paid sick time," "family  
4 member" (~~((shall mean))~~) means, as defined in the Washington Family Care Act, RCW 49.12.265  
5 and 49.12.903, as follows:

6 a. "Child" means a biological, adopted, or foster child, a stepchild, a  
7 legal ward, or a child of a person standing in loco parentis who is: (a) Under (~~((eighteen))~~) 18  
8 years of age; or (b) (~~((eighteen))~~) 18 years of age or older and incapable of self-care because of a  
9 mental or physical disability.

10 b. "Grandparent" means a parent of a parent of an employee.

11 c. "Parent" means a biological or adoptive parent of an employee or  
12 an individual who stood in loco parentis to an employee when the employee was a child.

13 d. "Parent-in-law" means a parent of the spouse of an employee.

14 e. "Spouse" means husband, wife, or domestic partner. For purposes  
15 of this (~~((chapter))~~) Chapter 14.16, the terms spouse, marriage, marital, husband, wife, and family  
16 shall be interpreted as applying equally to city or state registered domestic partnerships or  
17 individuals in city or state registered domestic partnerships as well as to marital relationships and  
18 married persons to the extent that such interpretation does not conflict with federal law. Where  
19 necessary to implement this (~~((chapter))~~) Chapter 14.16, gender-specific terms such as husband  
20 and wife used in any statute, rule, or other law shall be construed to be gender-neutral (~~((s))~~) and  
21 applicable to individuals in city or state registered domestic partnerships.

22 "Paid safe time" (~~((and/or "paid safe days" shall))~~) means accrued hours of paid leave  
23 provided by an employer for use by an employee for an absence from work for any of the

1 reasons specified in subsection 14.16.030.A.2, for which time an employee shall be compensated  
2 at the same hourly rate and with the same benefits, including health care benefits, as the  
3 employee would have earned during the time the paid leave is taken.

4 1. For ~~((the))~~ purposes of determining eligibility for "paid safe time":

5 a. "Family or household members" shall mean, as defined in RCW  
6 49.76.020, spouses, domestic partners, former spouses, former domestic partners, persons who  
7 have a child in common regardless of whether they have been married or have lived together at  
8 any time, adult persons related by blood or marriage, adult persons who are presently residing  
9 together or who have resided together in the past, persons ~~((sixteen))~~ 16 years of age or older  
10 who are presently residing together or who have resided together in the past and who have or  
11 have had a dating relationship, persons ~~((sixteen))~~ 16 years of age or older with whom a person  
12 ~~((sixteen))~~ 16 years of age or older has or has had a dating relationship, and persons who have a  
13 biological or legal parent-child relationship, including stepparents and stepchildren and  
14 grandparents and grandchildren.

15 b. "Domestic violence" ~~((shall mean))~~ means:

16 1) Physical harm, bodily injury, assault, or the infliction of  
17 fear of imminent physical harm, bodily injury or assault, between family or household members;

18 2) ~~((sexual))~~ Sexual assault of one family or household  
19 member by another; or

20 3) ~~((stalking))~~ Stalking, as defined ~~((below))~~ in subsection  
21 14.16.010.P.1.c, of one family or household member by another family or household member.

22 c. "Stalking" ~~((shall be))~~ means stalking as defined as in RCW  
23 9A.46.110 ~~((;))~~ .

1                   d.       "Dating relationship" (~~(shall mean)~~) means, as defined in RCW  
2 49.76.020, a social relationship of a romantic nature.

3                   e.       "Sexual assault" (~~(shall be)~~) means sexual assault as defined (~~(as)~~)  
4 in RCW 49.76.020.

5                   (~~"Party" includes the person charging or making a complaint or upon whose behalf a~~  
6 ~~complaint is made alleging a violation of this chapter, the person alleged or found to have~~  
7 ~~committed a violation of this chapter and the Office for Civil Rights.))~~

8                   (~~"Person," as used in this ((chapter)) Chapter 14.16, includes one or more individuals,~~  
9 ~~partnerships, associations, organizations, trade or professional associations, corporations, public~~  
10 ~~corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers,~~  
11 ~~firm, institution, entities, or any group of persons; it includes any owner, lessee, proprietor,~~  
12 ~~manager, agent, or employee, whether one or more natural persons, and further includes any~~  
13 ~~department, office, agency or instrumentality of the City.))~~

14                   "Rate of inflation" means 100 percent of the annual average growth rate of the bi-  
15 monthly Seattle-Tacoma-Bremerton Area Consumer Price Index for Urban Wage Earners and  
16 Clerical Workers, termed CPI-W, for the 12 month period ending in August, provided that the  
17 percentage increase shall not be less than zero.

18                   "Respondent" means an employer or any person who is alleged or found to have  
19 committed a violation of this ((chapter)) Chapter 14.16.

20                   "Successor" means any person to whom an employer quitting, selling out, exchanging, or  
21 disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the  
22 employer's business, a major part of the property, whether real or personal, tangible or  
23 intangible, of the employer's business. For purposes of this definition, "person" means an

1 individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm,  
2 corporation, business trust, partnership, limited liability partnership, company, joint stock  
3 company, limited liability company, association, joint venture, or any other legal or commercial  
4 entity.

5 "Tier ((~~One~~) 1)," "Tier ((~~Two~~) 2)," and "Tier ((~~Three~~) 3)" employers are defined as  
6 follows:

7 1. "Tier ((~~One~~) 1 employer" ((~~shall mean~~)) means an employer that employs  
8 more than ((4)) four and fewer than 50 full-time equivalents, regardless of where those  
9 employees are employed, on average per calendar week.

10 2. "Tier ((~~Two~~) 2 employer" ((~~shall mean~~)) means an employer that employs  
11 at least 50 and fewer than 250 full-time equivalents, regardless of where those employees are  
12 employed, on average per calendar week.

13 3. "Tier ((~~Three~~) 3 employer" ((~~shall mean~~)) means an employer that  
14 employs 250 or more full-time equivalents, regardless of where those employees are employed,  
15 on average per calendar week.

16 ((4. ~~The determination of employer tier for the current calendar year will be~~  
17 ~~calculated based upon the average number of full-time equivalents paid for per calendar week~~  
18 ~~during the preceding calendar year for any and all weeks during which at least one employee~~  
19 ~~worked for compensation. To determine the number of full-time equivalents, all compensated~~  
20 ~~hours of all employees shall be counted, including:~~

21 a. ~~work performed outside of the City; and~~



1                                   b. ~~compensated hours made available by part-time employment,~~  
2 ~~temporary employment, or through the services of a temporary services or staffing agency or~~  
3 ~~similar entity.~~

4                                   5. ~~For employers that did not have any employees during the previous~~  
5 ~~calendar year, the employer tier will be calculated based upon the average number of full-time~~  
6 ~~equivalents paid for per calendar week during the first 90 calendar days of the current year in~~  
7 ~~which the employer engaged in business.))~~

8                                   “Wage” means compensation due to an employee by reason of employment, payable in  
9 legal tender of the United States or checks on banks convertible into cash on demand at full face  
10 value, subject to such deductions, charges, or allowances as may be permitted by rules of the  
11 Director.

12                                   Section 3. A new Section 14.16.015 is added to the Seattle Municipal Code as follows:

13 **14.16.015 Employment in Seattle**

14                                   A.       Subject to subsection 14.15.015.B, an employee is covered by this Chapter 14.16  
15 if the employee performs work within the geographic boundaries of the City.

16                                   B.       An employee who is typically based outside of the City and performs work in the  
17 City on an occasional basis is covered by this Chapter 14.16 only if the employee performs more  
18 than 240 hours of work in the City within a benefit year.

19                                   1.       Once an employee who works in the City on an occasional basis performs  
20 more than 240 hours of work in the City within a benefit year, all previous hours worked in the  
21 City during that benefit year count toward the accrual of paid sick and paid safe time and the  
22 employee shall remain covered by this Chapter 14.16 for the duration of employment with the

1 employer in all future benefit years, provided, however, that separations in employment shall be  
2 governed by subsection 14.16.025.L.

3           2.       Time spent in the City solely for the purpose of travelling through the City  
4 from a point of origin outside the City to a destination outside the City with no employment-  
5 related or commercial stops in the City except for refueling or the employee's personal meals or  
6 errands, is not covered by this Chapter 14.16.

7           Section 4. Section 14.16.020 of the Seattle Municipal Code, enacted by Ordinance  
8 123698, is amended as follows:

9 **14.16.020(~~(. Accrual of Paid Sick Time and Paid Safe Time)~~) Employer tier determination**

10           ~~((A.—All employees of Tier 1, Tier 2 and Tier 3 employers have the right to paid sick  
11 time and paid safe time as provided in this section.~~

12           ~~B.—Employees shall accrue paid time, to be used as either paid sick or safe time, as  
13 follows:~~

14           ~~1.—Employees of a Tier One or Tier Two employer shall accrue at least one  
15 hour of paid time for every 40 hours worked.~~

16           ~~2.—Employees of a Tier Three employer shall accrue at least one hour of paid  
17 time for every 30 hours worked.~~

18           ~~C.—No Tier One employer shall be required to allow an employee to use a combined  
19 total of paid sick time and paid safe time exceeding 40 hours in a calendar year. No Tier Two  
20 employer shall be required to allow an employee to use a combined total of paid sick time and  
21 paid safe time exceeding 56 hours in a calendar year. No Tier Three employer shall be required  
22 to allow an employee to use a combined total of paid sick time and paid safe time exceeding 72  
23 hours in a calendar year.~~

1           ~~D.—— In the case of employees who are exempt from overtime payment under section~~  
2 ~~213(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29~~  
3 ~~U.S.C. § 201 et seq.) (hereinafter referred to as "FLSA" exempt employees), no employer shall~~  
4 ~~be required to accrue leave for such employees for hours worked beyond a 40-hour work week.~~  
5 ~~If their normal work in a work week is less than 40 hours, paid sick time and paid safe time~~  
6 ~~accrues based upon that employee's normal work week.~~

7           ~~E.—— Paid sick time and paid safe time as provided in this section shall begin to accrue~~  
8 ~~at the commencement of employment. For individuals who are employed on the date this~~  
9 ~~ordinance takes effect, accrual shall begin on the date this ordinance takes effect. Accrual rates~~  
10 ~~shall not apply to hours worked before this ordinance takes effect.~~

11           ~~F.—— Except as provided in Section 14.16.090, employees shall be entitled to use~~  
12 ~~accrued paid sick time or safe time beginning on the 180th calendar day after the commencement~~  
13 ~~of their employment. When an employee is separated from employment and rehired within seven~~  
14 ~~months of separation by the same employer, the previous period of employment shall be counted~~  
15 ~~for purposes of determining the employee's eligibility to use accrued sick time or safe time under~~  
16 ~~this subsection, provided that if separation does occur, the total time of employment used to~~  
17 ~~determine eligibility must occur within two calendar years.~~

18           ~~G.—— Unused paid sick time and paid safe time shall be carried over to the following~~  
19 ~~calendar year; however, no Tier One employer shall be required to allow an employee to carry~~  
20 ~~over a combined total of paid sick time and paid safe time in excess of 40 hours, no Tier Two~~  
21 ~~employer shall be required to allow an employee to carry over a combined total of paid sick time~~  
22 ~~and paid safe time in excess of 56 hours and no Tier Three employer shall be required to allow~~

1 ~~an employee to carry over a combined total of paid sick time and paid safe time in excess of 72~~  
2 ~~hours.~~

3 ~~H. A Tier One or Tier Two employer with a combined or universal paid leave policy,~~  
4 ~~such as a paid time off (PTO) policy, is not required to provide additional paid sick and safe~~  
5 ~~leave, provided that:~~

6 ~~1. Available paid leave may be used for the same purposes and under the~~  
7 ~~same conditions as paid sick and safe time as set forth in Section 14.16.030; and~~

8 ~~2. Paid leave is accrued at the rate consistent with subsection 14.16.020.B.1;~~  
9 ~~and~~

10 ~~3. Use of paid leave within any calendar year is limited to no less than the~~  
11 ~~amounts specified respectively for Tier One and Tier Two employers in subsection 14.16.020.C;~~  
12 ~~and~~

13 ~~4. Any accrued but unused paid leave may be carried over to the following~~  
14 ~~calendar year consistent with subsection 14.16.020.G.~~

15 ~~I. A Tier Three employer with a combined or universal paid leave policy, such as a~~  
16 ~~paid time off (PTO) policy, is not required to provide additional paid sick and safe leave,~~  
17 ~~provided that:~~

18 ~~1. Available paid leave may be used for the same purposes and under the~~  
19 ~~same conditions as paid sick and safe time as set forth in Section 14.16.030; and~~

20 ~~2. Paid leave is accrued at a rate consistent with subsection 14.16.020.B.2;~~  
21 ~~and~~

22 ~~3. Use of paid leave within any calendar year is limited to no less than 108~~  
23 ~~hours; and~~

1                   4. ~~Any accrued but unused paid leave may be carried over to the following~~  
2 ~~calendar year; however no Tier Three employer with a combined or universal leave policy shall~~  
3 ~~be required to carry over unused leave in excess of 108 hours.~~

4                   J. ~~Nothing in this section shall be construed as requiring financial or other~~  
5 ~~reimbursement to an employee from an employer upon the employee's termination, resignation,~~  
6 ~~retirement, or other separation from employment for accrued paid sick and safe time that has not~~  
7 ~~been used.~~

8                   K. ~~If an employee is transferred to a separate division, entity, or location within the~~  
9 ~~City, or transferred out of the City and then transferred back to a division, entity, or location~~  
10 ~~within the City, but remains employed by the same employer, the employee is entitled to all paid~~  
11 ~~sick and safe time accrued at the prior division, entity, or location and is entitled to use all paid~~  
12 ~~sick and safe time as provided in this section.~~

13                   L. ~~When there is a separation from employment and the employee is rehired within 7~~  
14 ~~months of separation by the same employer, previously accrued paid sick and safe time that had~~  
15 ~~not been used shall be reinstated. Further, the employee shall be entitled to use accrued paid sick~~  
16 ~~and safe time and accrue additional sick and safe time immediately upon the re-commencement~~  
17 ~~of employment, provided that the employee had previously been eligible to use paid sick and~~  
18 ~~safe time. If there is a separation of more than 7 months, an employer shall not be required to~~  
19 ~~reinstate accrued paid sick and safe time and for the purposes of this chapter the rehired~~  
20 ~~employee shall be considered to have newly commenced employment.~~

21                   M. ~~Subject to terms and conditions established by the employer, the employer may,~~  
22 ~~but is not required to, loan paid sick time and paid safe time to the employee in advance of~~  
23 ~~accrual by such employee.)~~

1           A. An employee who is not covered by this Chapter 14.16 shall be included in any  
2 determination of employer tier.

3           B. The determination of employer tier for the current calendar year will be calculated  
4 based upon the average number per calendar week of full-time equivalents who worked for  
5 compensation during the preceding calendar year for any and all weeks during which at least one  
6 employee worked for compensation. For employers that did not have any employees during the  
7 previous calendar year, the employer tier will be calculated based upon the average number per  
8 calendar week of full-time equivalents who worked for compensation during the first 90 calendar  
9 days of the current year in which the employer engaged in business.

10           C. To determine the number of full-time equivalents, all hours worked for  
11 compensation by all employees shall be counted, including but not limited to:

- 12                   1. Work performed inside the City;  
13                   2. Work performed outside the City; and  
14                   3. Work performed in full-time employment, part-time employment, joint  
15 employment, temporary employment, or through the services of a temporary services or staffing  
16 agency or similar entity.

17           D. Separate entities that form an integrated enterprise shall be considered a single  
18 employer under this Chapter 14.16. Separate entities will be considered an integrated enterprise  
19 and a single employer under this Chapter 14.16 where a separate entity controls the operation of  
20 another entity. The factors to consider in making this assessment include, but are not limited to:

- 21                   1. Degree of interrelation between the operations of multiple entities;  
22                   2. Degree to which the entities share common management;  
23                   3. Centralized control of labor relations; and

1                   4. Degree of common ownership or financial control over the entities.

2                   Section 5. A new Section 14.16.025 is added to the Seattle Municipal Code as follows:

3 **14.16.025 Accrual of paid sick and paid safe time**

4                   A.       All employees of Tier 1, Tier 2, and Tier 3 employers have the right to paid sick  
5 time and paid safe time as provided in this Section 14.16.025.

6                   B.       Employees shall accrue paid time, to be used as either paid sick or paid safe time,  
7 as follows:

8                   1.       Employees of a Tier 1 or Tier 2 employer shall accrue at least one hour of  
9 paid time for every 40 hours worked.

10                  2.       Employees of a Tier 3 employer shall accrue at least one hour of paid time  
11 for every 30 hours worked.

12                  C.       No Tier 1 employer shall be required to allow an employee to use a combined  
13 total of paid sick time and paid safe time exceeding 40 hours in a benefit year. No Tier 2  
14 employer shall be required to allow an employee to use a combined total of paid sick time and  
15 paid safe time exceeding 56 hours in a benefit year. No Tier 3 employer shall be required to  
16 allow an employee to use a combined total of paid sick time and paid safe time exceeding 72  
17 hours in a benefit year.

18                  D.       In the case of employees who are exempt from overtime payment under section  
19 213(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29  
20 U.S.C. § 201 et seq.) and RCW 49.46.130(2) (hereinafter referred to as "overtime exempt"  
21 employees), no employer shall be required to accrue leave for such employees for hours worked  
22 beyond a 40-hour work week. If their normal work in a work week is less than 40 hours, paid  
23 sick time and paid safe time accrues based upon that employee's normal work week.

1           E.       Paid sick time and paid safe time as provided in this Section 14.16.025 shall begin  
2 to accrue at the commencement of employment. For individuals employed on September 1,  
3 2012, accrual shall begin on September 1, 2012. Accrual rates shall not apply to hours worked  
4 before September 1, 2012.

5           F.       Except as provided in Section 14.16.040, employees shall be entitled to use  
6 accrued paid sick time or paid safe time beginning on the 180th calendar day after the  
7 commencement of their employment. When an employee is separated from employment and  
8 rehired within seven months of separation by the same employer, the previous period of  
9 employment shall be counted for purposes of determining the employee's eligibility to use  
10 accrued sick time or safe time under this subsection, provided that if separation does occur, the  
11 total time of employment used to determine eligibility must occur within three calendar years.

12           G.       Unused paid sick time and paid safe time shall be carried over to the following  
13 benefit year; however, no Tier 1 employer shall be required to allow an employee to carry over a  
14 combined total of paid sick time and paid safe time in excess of 40 hours, no Tier 2 employer  
15 shall be required to allow an employee to carry over a combined total of paid sick time and paid  
16 safe time in excess of 56 hours and no Tier 3 employer shall be required to allow an employee to  
17 carry over a combined total of paid sick time and paid safe time in excess of 72 hours.

18           H.       A Tier 1 or Tier 2 employer with a combined or universal paid leave policy, such  
19 as a paid time off (PTO) policy, is not required to provide additional paid sick and paid safe  
20 leave, provided that:

21                   1.       Available paid leave may be used for the same purposes and under the  
22 same conditions as paid sick and paid safe time as set forth in Section 14.16.030; and



1                   2.       Paid leave is accrued at the rate consistent with subsection 14.16.025.B.1;  
2 and

3                   3.       Use of paid leave within any benefit year is limited to no less than the  
4 amounts specified respectively for Tier 1 and Tier 2 employers in subsection 14.16.025.C; and

5                   4.       Any accrued but unused paid leave may be carried over to the following  
6 benefit year consistent with subsection 14.16.025.G.

7           I.       A Tier 3 employer with a combined or universal paid leave policy, such as a PTO  
8 policy, is not required to provide additional paid sick and paid safe leave, provided that:

9                   1.       Available paid leave may be used for the same purposes and under the  
10 same conditions as paid sick and paid safe time as set forth in Section 14.16.030; and

11                  2.       Paid leave is accrued at a rate consistent with subsection 14.16.025.B.2;  
12 and

13                  3.       Use of paid leave within any benefit year is limited to no less than 108  
14 hours; and

15                  4.       Any accrued but unused paid leave may be carried over to the following  
16 benefit year; however no Tier 3 employer with a combined or universal leave policy shall be  
17 required to carry over unused leave in excess of 108 hours.

18           J.       Nothing in this Section 14.16.025 shall be construed as requiring financial or  
19 other reimbursement to an employee from an employer upon the employee's termination,  
20 resignation, retirement, or other separation from employment for accrued paid sick and paid safe  
21 time that has not been used.

22           K.       When an employee is transferred to a separate division, entity, or location within  
23 the geographic limits of the City, or transferred out of the geographic limits of the City and then

1 transferred back to a division, entity, or location within the geographic limits of the City, but  
2 remains employed by the same employer, the employee is entitled to all paid sick and paid safe  
3 time accrued at the prior division, entity, or location and is entitled to use all paid sick and paid  
4 safe time as provided in this Chapter 14.16.

5 L. When there is a separation from employment and the employee is rehired within  
6 seven months of separation by the same employer, previously accrued paid sick and paid safe  
7 time that had not been used shall be reinstated. Further, the employee shall be entitled to use  
8 accrued paid sick and paid safe time and accrue additional sick and safe time immediately upon  
9 the re-commencement of employment, provided that the employee had previously been eligible  
10 to use paid sick and paid safe time. If there is a separation of more than seven months, an  
11 employer shall not be required to reinstate accrued paid sick and safe time and for the purposes  
12 of this Chapter 14.16 the rehired employee shall be considered to have newly commenced  
13 employment.

14 M. When an employer quits, sells out, exchanges, or disposes the employer's  
15 business, or the employer's business is otherwise acquired by a successor, an employee shall  
16 retain all accrued paid sick and paid safe time and is entitled to use all paid sick and paid safe  
17 time as provided in this Chapter 14.16 for for work scheduled within the geographic boundaries  
18 of the City for the successor employer.

19 N. Subject to terms and conditions established by the employer, the employer may,  
20 but is not required to, loan paid sick time and paid safe time to the employee in advance of  
21 accrual by such employee.

22 Section 6. Section 14.16.030 of the Seattle Municipal Code, enacted by Ordinance  
23 123698, is amended as follows:

1 **14.16.030(~~(- Use of Paid Sick Time and Paid Safe Time)~~ Use of paid sick time and paid safe**  
2 **time**

3 A.

4 1. Paid sick time shall be provided to an employee by an employer for the  
5 following reasons:

6 a. An absence resulting from an employee's mental or physical  
7 illness, injury, or health condition; to accommodate the employee's need for medical diagnosis  
8 care, or treatment of a mental or physical illness, injury, or health condition; or an employee's  
9 need for preventive medical care; or

10 b. To allow the employee to provide care of a family member with a  
11 mental or physical illness, injury or health condition; care of a family member who needs  
12 medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;  
13 or care of a family member who needs preventive medical care.

14 2. Paid safe time shall be provided to an employee by an employer for the  
15 following reasons:

16 a. When the employee's place of business has been closed by order of  
17 a public official to limit exposure to an infectious agent, biological toxin or hazardous  
18 material(~~(-)~~);

19 b. To accommodate the employee's need to care for a child whose  
20 school or place of care has been closed by order of a public official for such a reason (~~(-)~~); or

21 c. For any of the following reasons related to domestic violence,  
22 sexual assault, or stalking, as set out in RCW 49.76.030:

1                                   1)     To enable the employee to seek legal or law enforcement  
2 assistance or remedies to ensure the health and safety of the employee or the employee's family  
3 members including, but not limited to, preparing for, or participating in, any civil or criminal  
4 legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

5                                   2)     To enable the employee to seek treatment by a health care  
6 provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking,  
7 or to attend to health care treatment for a victim who is the employee's family member;

8                                   3)     To enable the employee to obtain, or assist a family  
9 member in obtaining, services from a domestic violence shelter, rape crisis center, or other social  
10 services program for relief from domestic violence, sexual assault, or stalking;

11                                  4)     To enable the employee to obtain, or assist a family  
12 member in obtaining, mental health counseling related to an incident of domestic violence,  
13 sexual assault, or stalking, in which the employee or the employee's family member was a victim  
14 of domestic violence, sexual assault, or stalking; or

15                                  5)     To enable the employee to participate in safety planning,  
16 temporarily or permanently relocate, or take other actions to increase the safety of the employee  
17 or employee's family members from future domestic violence, sexual assault, or stalking.

18           B.     Paid sick time and paid safe time shall be provided upon the request of an  
19 employee. When possible, the request shall include the expected duration of the absence. An  
20 employer may require an employee to comply with the employer's usual and customary notice  
21 and procedural requirements for absences and/or requesting leave, provided that such  
22 requirements do not interfere with the purposes for which the leave is needed.

1           1.       If the paid leave is foreseeable, a written request shall be provided at least  
2 ~~((10))~~ ten days, or as early as possible, in advance of the paid leave, unless the employer's  
3 normal notice policy requires less advance notice;

4           2.       If the paid leave is unforeseeable, the employee must provide notice as  
5 soon as is practicable and must generally comply with an employer's reasonable normal  
6 notification policies and/or call-in procedures, provided that such requirements do not interfere  
7 with the purposes for which the leave is needed.

8           C.       For employees covered by the overtime requirements of ~~((the FLSA,))~~ state and  
9 federal laws, accrued paid sick time and paid safe time ~~((may be used in hourly increments or~~  
10 ~~smaller increments if an employer so designates.))~~ shall be used in the smaller of hourly  
11 increments or, if feasible by the employer's payroll system, increments that round to the nearest  
12 quarter of an hour. When using quarter-hour increments, employers shall use an employee's  
13 available paid sick and paid safe time to round up or down to the nearest quarter hour if  
14 necessary to prevent an employer's absence control policy from counting paid sick or paid safe  
15 time covered under this Chapter 14.16 as an absence that may lead to or result in any adverse  
16 action taken against the employee. For ~~((FLSA))~~ overtime exempt employees, an employer may  
17 make deductions of paid sick time and paid safe time in accordance with ~~((the FLSA))~~ state and  
18 federal laws. For ~~((FLSA))~~ overtime exempt public employees, paid sick time and paid safe time  
19 must be used in accordance with a pay system established by statute, ordinance or regulation or  
20 by a policy or practice established pursuant to the principles of public accountability.

21           D.       When the use of accrued time is foreseeable, the employee shall make a  
22 reasonable effort to schedule the use of sick or safe time in a manner that does not unduly disrupt  
23 the operations of the employer.

1           E.       For use of paid sick time of more than three consecutive days for a reason set out  
2 in subsection 14.16.030.A.1, an employer may require reasonable documentation that the sick  
3 time is covered by subsection 14.16.030.A.1. Documentation signed by a health care provider  
4 indicating that sick time is necessary shall be considered reasonable documentation. An  
5 employer may not require that the documentation explain the nature of the illness. For any  
6 employee who is not offered health insurance by the employer, the employer and the employee  
7 shall each pay half the cost of any out-of-pocket expense incurred by the employee in obtaining  
8 the employer-requested documentation. These expenses are limited to the cost of services  
9 provided by health care professionals, the services of health care facilities, testing prescribed by  
10 health care professionals and transportation to the location where such services are provided. An  
11 employee who has declined to participate in the health insurance program offered by ~~((his or~~  
12 ~~her))~~ the employer shall not be entitled to reimbursement for out-of-pocket expenses.

13           F.       For use of "paid safe time" of more than three consecutive days for a reason set  
14 out in subsection 14.16.030.A.2,

15                   1.       an employer may require that requests under subsections 14.16.030.A.2.a  
16 and 14.16.030.A.2.b be supported by verification of a closure order by a public official of the  
17 employee's child's school or childcare establishment, and the employee may satisfy this  
18 verification request by providing notice of the closure order in whatever format the employee  
19 received the notice;

20                   2.       an employer may require that requests under subsection 14.16.030.A.2.c  
21 be supported by verification that the employee or employee's family member is a victim of  
22 domestic violence, sexual assault, or stalking, and that the leave taken was for one of the

1 purposes covered by subsection 14.16.030.A.2.c. As set out in RCW 49.76.040(4), an employee  
2 may satisfy this verification requirement by one or more of the following methods:

3 a. a police report indicating that the employee or employee's family  
4 member was a victim of domestic violence, sexual assault, or stalking;

5 b. a court order protecting or separating the employee or employee's  
6 family member from the perpetrator of the act of domestic violence, sexual assault, or stalking,  
7 or other evidence from the court or the prosecuting attorney that the employee or employee's  
8 family member appeared, or is scheduled to appear, in court in connection with an incident of  
9 domestic violence, sexual assault, or stalking; or

10 c. documentation that the employee or the employee's family member  
11 is a victim of domestic violence, sexual assault, or stalking, from any of the following persons  
12 from whom the employee or employee's family member sought assistance in addressing the  
13 domestic violence, sexual assault, or stalking: ~~((An))~~ an advocate for victims of domestic  
14 violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other  
15 professional. The provision of documentation under this ~~((section))~~ Section 14.16.030 does not  
16 waive or diminish the confidential or privileged nature of communications between a victim of  
17 domestic violence, sexual assault, or stalking with one or more of the individuals named in this  
18 subsection 14.16.030.F.2.c; or

19 d. an employee's written statement that the employee or the  
20 employee's family member is a victim of domestic violence, sexual assault, or stalking and that  
21 the leave taken was for one of the purposes of subsection 14.16.030.A.2.c.

22 G. Upon mutual consent by the employee and the employer, an employee may work  
23 additional hours or shifts during the same or next pay period without using available paid sick or

1 paid safe time for the original missed hours or shifts. However, the employer may not require the  
2 employee to work such additional hours or shifts. Should the employee work additional shifts,  
3 the employer shall comply with any applicable federal, state, or local laws concerning overtime  
4 pay.

5 H. Nothing in this (~~chapter~~) Chapter 14.16 shall be construed to prohibit an  
6 employer from establishing a policy whereby employees may voluntarily exchange assigned  
7 hours or "trade shifts."~~(-)~~

8 I. When paid sick or paid safe time is requested by an employee who works in an  
9 eating and/or drinking establishment, the employer may offer the employee substitute hours or  
10 shifts. If the employee accepts the offer and works these substitute hours or shifts, the amount of  
11 time worked during the substitute period or the amount of time requested for sick and safe time,  
12 whichever is smaller, may be deducted from the employee's accrued sick and safe time. Should  
13 the employee work the substitute hours or shifts, the employer shall comply with any applicable  
14 federal, state or local laws concerning overtime pay. However, no employer is required to offer  
15 such substitute hours or shifts, and no employee is required to accept such hours or shifts if they  
16 are offered.

17 J. Nothing in this (~~chapter~~) Chapter 14.16 shall be construed to prohibit an  
18 employer from establishing a policy whereby employees may donate unused accrued paid sick  
19 leave to another employee.

20 K. Each time wages are paid, employers shall provide, in writing, information stating  
21 an updated amount of paid time available to each employee for use as either sick time or safe  
22 time. Employers may choose a reasonable system for providing this notification, including, but



1 not limited to, listing remaining available paid time on each pay stub or developing an online  
2 system where employees can access their own paid leave information.

3 Section 7. A new Section 14.16.035 is added to the Seattle Municipal Code as follows:

4 **14.16.035 Confidentiality and nondisclosure**

5 A. Except as provided in subsection 14.16.035.B, an employer shall maintain the  
6 confidentiality of information provided by the employee or others in support of an employee's  
7 request for sick or safe days under this Section 14.16.035, including health information and the  
8 fact that the employee or employee's family member is a victim of domestic violence, sexual  
9 assault, or stalking, that the employee has requested or obtained leave under this Chapter 14.16,  
10 and any written or oral statement, documentation, record, or corroborating evidence provided by  
11 the employee.

12 B. Information given by an employee may be disclosed by an employer only if it is:

- 13 1. Requested or consented to by the employee;
- 14 2. Ordered by a court or administrative agency; or
- 15 3. Otherwise required by applicable federal or state law.

16 Section 8. Section 14.16.040 of the Seattle Municipal Code, enacted by Ordinance  
17 123698, is amended as follows:

18 **14.16.040(~~(- Exercise of Rights Protected; Retaliation Prohibited)~~) New employers**

19 ~~((A. It shall be a violation for an employer or any other person to interfere with,  
20 restrain, or deny the exercise of, or the attempt to exercise, any right protected under this chapter.~~

21 ~~B. It shall be a violation for an employer to take adverse action or to discriminate  
22 against an employee because the employee has exercised in good faith the rights protected under  
23 this chapter. Such rights include but are not limited to the right to use paid sick time and/or paid~~

1 ~~safe time pursuant to this chapter; the right to file a complaint with the Agency about any~~  
2 ~~employer's alleged violation of this chapter; the right to inform his or her employer, union or~~  
3 ~~similar organization, and/or legal counsel about an employer's alleged violation of this section;~~  
4 ~~the right to cooperate with the Agency in its investigations of alleged violations of this chapter;~~  
5 ~~the right to oppose any policy, practice, or act that is unlawful under this section; and the right to~~  
6 ~~inform other employees of his or her potential rights under this section.~~

7 C. ~~It shall be a violation for an employer's absence control policy to count paid sick~~  
8 ~~or safe time covered under this chapter as an absence that may lead to or result in any adverse~~  
9 ~~action taken against the employee.~~

10 D. ~~The protections afforded under subsection 14.16.040.B shall apply to any person~~  
11 ~~who mistakenly but in good faith alleges violations of this Section 14.16.040.))~~

12 The provisions of this Chapter 14.16 shall not apply to Tier 1 and Tier 2 employers until  
13 24 months after the hire date of their first employee. For purposes of this Section 14.16.040,  
14 employer tier shall be calculated based upon the average number of full-time equivalents who  
15 worked for compensation per calendar week during the first 90 calendar days following the hire  
16 date of their first employee.

17 Section 9. A new Section 14.16.045 is added to the Seattle Municipal Code as follows:

18 **14.16.045 Notice and posting**

19 A. The Agency shall create and distribute a poster giving notice of the rights  
20 afforded by this Chapter 14.16. The Agency shall create and distribute the poster in English,  
21 Spanish, and any other languages that are necessary for employers to comply with subsection  
22 14.16.045.B. The poster shall give notice of:

- 23 1. The right to paid sick and paid safe time guaranteed by this Chapter 14.16;

1                   2.       The amount of paid sick and paid safe time and the terms of its use  
2 guaranteed under this Chapter 14.16;

3                   3.       The right to be protected from retaliation for exercising in good faith the  
4 rights protected by this Chapter 14.16; and

5                   4.       The right to file a complaint with the Agency or bring a civil action for  
6 violation of the requirements of this Chapter 14.16, including an employer's denial of paid sick  
7 time and paid safe time as required by this Chapter 14.16, and an employer or other person's  
8 retaliation against an employee or other person for requesting or taking paid sick and paid safe  
9 time or otherwise engaging in an activity protected by this Chapter 14.16.

10            B.       Employers shall display the poster in a conspicuous and accessible location where  
11 any of their employees work. Employers shall display the poster in English and in the primary  
12 language(s) of the employee(s) at the particular workplace. If display of the poster is not feasible,  
13 including situations when the employee works remotely or does not have a regular workplace,  
14 employers may provide the poster on an individual basis in an employee's primary language in  
15 physical or electronic format that is reasonably conspicuous and accessible.

16            C.       Effective April 1, 2016, employers shall give employees written notice of the  
17 employer's policy and procedure for meeting the requirements of this Chapter 14.16, including  
18 but not limited to the employer's choice of benefit year; tier size; rate of accrual, use and carry-  
19 over of paid sick and paid safe time hours; manner of providing employees with an updated  
20 amount of available paid sick and safe time hours each time wages are paid; and notification  
21 requirements for absences and requesting leave. The Agency shall create and distribute a model  
22 policy that employers may use for complying with this subsection 14.16.045.C.

1 Section 10. Section 14.16.050 of the Seattle Municipal Code, enacted by Ordinance 123698,  
2 is amended as follows:

3 **14.16.050(~~(. Notice and Posting)~~) Employer records**

4 ~~((A. — Employers shall give notice that employees are entitled to paid sick time and paid  
5 safe time; the amount of paid sick and safe time and the terms of its use guaranteed under this  
6 chapter; that retaliation against employees who request or use paid sick and safe time is  
7 prohibited; and that each employee has the right to file a complaint or bring a civil action if paid  
8 sick time or paid safe time as required by this section is denied by the employer or the employee  
9 is retaliated against for requesting or taking paid sick time or paid safe time.~~

10 ~~B. — The Agency shall create and make available to employers a poster and a model  
11 notice, hereinafter referred to as the "Notice," which contains the information required under  
12 subsection A of this Section for their use in complying with this subsection. The poster shall be  
13 printed in English and Spanish and any other languages that the Agency determines are needed  
14 to notify employees of their rights under this chapter.~~

15 ~~C. — Employers may comply with this section by displaying the Agency's poster in a  
16 conspicuous and accessible place in each establishment where such employees are employed.~~

17 ~~D. — Employers may also comply with this section by including the Notice in  
18 employee handbooks or other written guidance to employees concerning employee benefits or  
19 leave rights, if such written materials exist, or by distributing a copy of the Notice to each new  
20 employee upon hiring. In either case, distribution may be accomplished electronically.~~

21 ~~E. — To meet the requirements of paragraph D of this section, employers may duplicate  
22 the text of the Notice or may use another format so long as the information provided includes, at  
23 a minimum, all of the information contained in that Notice.~~

1           ~~F. — An employer who willfully violates the notice and posting requirements of this~~  
2 ~~section shall be subject to a civil fine in an amount not to exceed \$125 for the first violation and~~  
3 ~~\$250 for subsequent violations.))~~

4           A. Each employer shall retain records documenting hours worked by employees and  
5 paid sick and paid safe time used by covered employees. Such records shall be retained for a  
6 period of three years from the date such hours were worked or such paid sick and paid safe time  
7 was used. Employers shall not be required to modify their recordkeeping policies to comply  
8 with this Section 14.16.050, as long as records reasonably indicate employee hours worked in  
9 Seattle, accrued paid sick and paid safe time, and used paid sick and paid safe time.

10           B. If an employer fails to retain adequate records required under subsection  
11 14.16.050.A, there shall be a presumption, rebuttable by clear and convincing evidence, that the  
12 employer violated this Chapter 14.16 for the periods and for each employee for whom records  
13 were not retained.

14           C. Respondents in any case closed by the Agency shall allow the Office of City  
15 Auditor access to such records to permit the Office of City Auditor to evaluate the Agency's  
16 enforcement efforts. Before requesting records from such a respondent, the Office of City  
17 Auditor shall first consult the Agency's respondent records on file and determine if additional  
18 records are necessary. The City Auditor may apply by affidavit or declaration in the form  
19 allowed under RCW 9A.72.085 to the Hearing Examiner for the issuance of subpoenas under  
20 this subsection 14.16.050.C. The Hearing Examiner shall issue such subpoenas upon a showing  
21 that the records are required to fulfill the purpose of this subsection 14.16.050.C.

22           D. Records and documents relating to medical certifications, re-certifications, or  
23 medical histories of employees or employees' family members, created for purposes of this

1 Chapter 14.16, are required to be maintained as confidential medical records in separate  
2 files/records from the employer's usual personnel files. If the Americans with Disabilities Act  
3 (ADA) or the Health Insurance Portability and Accountability Act (HIPAA) applies, then these  
4 records must comply with such confidentiality requirements.

5 Section 11. A new Section 14.16.055 is added to the Seattle Municipal Code as follows:

6 **14.16.055 Retaliation prohibited**

7 A. No employer or any other person shall interfere with, restrain, or deny the  
8 exercise of, or the attempt to exercise, any right protected under this Chapter 14.16.

9 B. No employer or any other person shall take any adverse action against any person  
10 because the person has exercised in good faith the rights protected under this Chapter 14.16.  
11 Such rights include but are not limited to the right to use paid sick time and/or paid safe time  
12 pursuant to this Chapter 14.16; the right to make inquiries about the rights protected under this  
13 Chapter 14.16; the right to inform others about their rights under this Chapter 14.16; the right to  
14 inform the person's employer, union, or similar organization, and/or the person's legal counsel or  
15 any other person about an alleged violation of this Chapter 14.16; the right to file an oral or  
16 written complaint with the Agency or bring a civil action for an alleged violation of this Chapter  
17 14.16; the right to cooperate with the Agency in its investigations of this Chapter 14.16; the right  
18 to testify in a proceeding under or related to this Chapter 14.16; the right to refuse to participate  
19 in an activity that would result in a violation of city, state or federal law; and the right to oppose  
20 any policy, practice, or act that is unlawful under this Chapter 14.16.

21 C. No employer or any other person shall communicate to a person exercising rights  
22 protected in this Section 14.16.055, directly or indirectly, the willingness to inform a government  
23 employee that the person is not lawfully in the United States, or to report, or to make an implied

1 or express assertion of a willingness to report, suspected citizenship or immigration status of an  
2 employee or family member of the employee to a federal, state, or local agency because the  
3 employee has exercised a right under this Chapter 14.16.

4 D. It shall be a rebuttable presumption of retaliation if an employer or any other  
5 person takes an adverse action against a person within 90 days of the person's exercise of rights  
6 protected in this Section 14.16.055. However, in the case of seasonal work that ended before the  
7 close of the 90 day period, the presumption also applies if the employer fails to rehire a former  
8 employee at the next opportunity for work in the same position. The employer may rebut the  
9 presumption with clear and convincing evidence that the adverse action was taken for a  
10 permissible purpose.

11 E. Standard of proof. Proof of retaliation under this Section 14.16.055 shall be  
12 sufficient upon a showing that an employer or any other person has taken an adverse action  
13 against a person and the person's exercise of rights protected in this Section 14.16.055 was a  
14 motivating factor in the adverse action, unless the employer can prove that the action would have  
15 been taken in the absence of such protected activity.

16 F. The protections afforded under this Section 14.16.055 shall apply to any person  
17 who mistakenly but in good faith alleges violations of this Chapter 14.16.

18 G. A complaint or other communication by any person triggers the protections of this  
19 Section 14.16.055 regardless of whether the complaint or communication is in writing or makes  
20 explicit reference to this Chapter 14.16.

21 Section 12. Section 14.16.060 of the Seattle Municipal Code, last amended by Ordinance  
22 124809, is amended as follows:

23 **14.16.060(~~-Employer Records~~) Enforcement power and duties**

1           ~~((A.—Employers shall retain records documenting hours worked by employees and paid~~  
2 ~~sick time taken by employees, for a period of two years.~~

3           ~~B.—Employers shall allow the Agency access to such records, with appropriate notice~~  
4 ~~and at a mutually agreeable time, to investigate potential violations and to monitor compliance~~  
5 ~~with the requirements of this Chapter 14.16.~~

6           ~~C.—Respondents in any case closed by the Agency shall allow the Office of City~~  
7 ~~Auditor access to such records to permit the Office of City Auditor to evaluate the Agency's~~  
8 ~~enforcement efforts. Before requesting records from such a respondent, the Office of City~~  
9 ~~Auditor shall first consult the Agency's respondent records on file and determine if additional~~  
10 ~~records are necessary.~~

11           ~~D.—Employers shall not be required to modify their recordkeeping policies to comply~~  
12 ~~with this section, as long as records reasonably indicate employee hours worked in Seattle,~~  
13 ~~accrued paid sick and safe time, and paid sick and safe time taken. When an issue arises as to the~~  
14 ~~amount of accrued paid sick time and/or paid safe time available to an employee under this~~  
15 ~~Chapter 14.16, if the employer does not maintain or retain adequate records documenting hours~~  
16 ~~worked by the employee and paid sick and safe time taken by the employee, or does not allow~~  
17 ~~the Agency reasonable access to such records, it shall be presumed that the employer has~~  
18 ~~violated this Chapter 14.16.~~

19           ~~E.—Records and documents relating to medical certifications, re-certifications, or~~  
20 ~~medical histories of employees or employees' family members, created for purposes of this~~  
21 ~~chapter, are required to be maintained as confidential medical records in separate files/records~~  
22 ~~from the usual personnel files. If the Americans with Disabilities Act (ADA) applies, then these~~  
23 ~~records must comply with the ADA confidentiality requirements.))~~



1           A. The Agency shall have the power to investigate violations of this Chapter 14.16,  
2 as defined herein, and shall have such powers and duties in the performance of these functions as  
3 are defined in this Chapter 14.16 and otherwise necessary and proper in the performance of the  
4 same and provided for by law.

5           B. The Agency shall be authorized to coordinate implementation and enforcement of  
6 this Chapter 14.16 and shall promulgate appropriate guidelines or rules for such purposes.

7           C. The Director of the Agency is authorized and directed to promulgate rules  
8 consistent with this Chapter 14.16 and the Administrative Code. Any guidelines or rules  
9 promulgated by the Director shall have the force and effect of law and may be relied on by  
10 employers, employees, and other parties to determine their rights and responsibilities under this  
11 Chapter 14.16.

12           Section 13. A new Section 14.16.065 is added to the Seattle Municipal Code as follows:

13 **14.16.065 Violation**

14           The failure of any respondent to comply with any requirement imposed on the respondent  
15 under this Chapter 14.16 is a violation.

16           Section 14. Section 14.16.070 of the Seattle Municipal Code, enacted by Ordinance  
17 123698, is amended as follows:

18 **14.16.070(~~(-Regulations)~~) Investigation**

19           ~~((The Agency shall be authorized to coordinate implementation and enforcement of this~~  
20 ~~chapter and shall promulgate appropriate guidelines or regulations for such purposes.))~~

21           A. The Agency shall have the power to investigate any violations of this Chapter  
22 14.16 by any respondent. The Agency may initiate an investigation pursuant to rules issued by  
23 the Director including, but not limited to, situations when the Director has reason to believe that

1 a violation has occurred or will occur, or when circumstances show that violations are likely to  
2 occur within a class of businesses because the workforce contains significant numbers of  
3 workers who are vulnerable to violations of this Chapter 14.16 or the workforce is unlikely to  
4 volunteer information regarding such violations. An investigation may also be initiated through  
5 the receipt by the Agency of a report or complaint filed by an employee or other person.

6 B. An employee or other person may report to the Agency any suspected violation of  
7 this Chapter 14.16. The Agency shall encourage reporting pursuant to this Section 14.16.070 by  
8 taking the following measures:

9 1. The Agency shall keep confidential, to the maximum extent permitted by  
10 applicable laws, the name and other identifying information of the employee or person reporting  
11 the violation. However, with the authorization of such person, the Agency may disclose the  
12 employee's or person's name and identifying information as necessary to enforce this Chapter  
13 14.16 or for other appropriate purposes.

14 2. An employer must post or otherwise notify its employees that the Agency  
15 is conducting an investigation, using a form provided by the Agency and displaying it on-site, in  
16 a conspicuous and accessible location, and in English and the primary language of the  
17 employee(s) at the particular workplace. If display of the form is not feasible, including  
18 situations when the employee works remotely or does not have a regular workplace, employers  
19 may provide the form on an individual basis in the employee's primary language in physical or  
20 electronic format that is reasonably conspicuous and accessible.

21 3. The Agency may certify the eligibility of eligible persons for "U" Visas  
22 under the provisions of 8 U.S.C. § 1184.p and 8 U.S.C. § 1101.a.15.U. This certification is  
23 subject to applicable federal law and regulations, and rules issued by the Director.

1           C. The Agency’s investigation must commence within three years of the alleged  
2 violation. To the extent permitted by law, the applicable statute of limitations for civil actions is  
3 tolled during any investigation under this Chapter 14.16 and any administrative enforcement  
4 proceeding under this Chapter 14.16 based upon the same facts. For purposes of this Chapter  
5 14.16:

6                   1. The Agency’s investigation begins on the earlier date of when the Agency  
7 receives a complaint from a person under this Chapter 14.16, or the Agency opens an  
8 investigation under this Chapter 14.16.

9                   2. The Agency’s investigation ends when the Agency issues a final order  
10 concluding the matter and any appeals have been exhausted; the time to file any appeal has  
11 expired; or the Agency notifies the respondent in writing that the investigation has been  
12 otherwise resolved.

13           D. The Agency’s investigation shall be conducted in an objective and impartial  
14 manner.

15           E. The Director may apply by affidavit or declaration in the form allowed under  
16 RCW 9A.72.085 to the Hearing Examiner for the issuance of subpoenas requiring an employer  
17 to produce the records identified in subsection 14.16.050.A, or for the attendance and testimony  
18 of witnesses, or for the production of documents required to be retained under subsection  
19 14.16.050.A, or any other document relevant to the issue of whether any employee or group of  
20 employees has been or is afforded proper amounts of paid sick and paid safe time under this  
21 Chapter 14.16 and/or to whether an employer has violated any provision of this Chapter 14.16.  
22 The Hearing Examiner shall conduct the review without hearing as soon as practicable and shall  
23 issue subpoenas upon a showing that there is reason to believe that a violation has occurred if a

1 complaint has been filed with the Agency, or that circumstances show that violations are likely to  
2 occur within a class of businesses because the workforce contains significant numbers of  
3 workers who are vulnerable to violations of this Chapter 14.16 or the workforce is unlikely to  
4 volunteer information regarding such violations.

5 F. An employer that fails to comply with the terms of any subpoena issued under  
6 subsection 14.16.070. E. in an investigation by the Agency under this Chapter 14.16 prior to the  
7 issuance of a Director’s Order issued pursuant to subsection 14.16.075.C may not use such  
8 records in any appeal to challenge the correctness of any determination by the Agency of  
9 damages owed or penalties assessed.

10 G. In addition to other remedies, the Director may refer any subpoena issued under  
11 subsection 14.16.070.E to the City Attorney to seek a court order to enforce any subpoena.

12 H. Where the Director has reason to believe that a violation has occurred, the  
13 Director may order any appropriate temporary or interim relief to mitigate the violation or  
14 maintain the status quo pending completion of a full investigation or hearing, including but not  
15 limited to a deposit of funds or bond sufficient to satisfy a good-faith estimate of wages, interest,  
16 damages, and penalties due. A respondent may appeal any such order in accordance with Section  
17 14.16.085.

18 Section 15. A new Section 14.16.075 is added to the Seattle Municipal Code as follows:

19 **14.16.075 Findings of fact and determination**

20 A. Except when there is an agreed upon settlement, the Director shall issue a written  
21 determination with findings of fact resulting from the investigation and statement of whether a  
22 violation of this Chapter 14.16 has or has not occurred based on a preponderance of the evidence  
23 before the Director.

1           B.     If the Director determines that there is no violation of this Chapter 14.16, the  
2 Director shall issue a “Determination of No Violation” with notice of an employee or other  
3 person’s right to appeal the decision, subject to the rules of the Director.

4           C.     If the Director determines that a violation of this Chapter 14.16 has occurred, the  
5 Director shall issue a “Director’s Order” that shall include a notice of violation identifying the  
6 violation or violations. The Director’s Order shall state with specificity the amounts due under  
7 this Chapter 14.16 for each violation, including payment of unpaid wages, liquidated damages,  
8 civil penalties, penalties payable to aggrieved parties, fines, and interest pursuant to Section  
9 14.16.080. The Director’s Order may specify that civil penalties and fines due to the Agency can  
10 be mitigated for respondent’s timely payment of remedy due to an aggrieved party under  
11 subsection 14.16.080.A.2. The Director’s Order may direct the respondent to take such  
12 corrective action as is necessary to comply with the requirements of this Chapter 14.16,  
13 including, but not limited to, monitored compliance for a reasonable time period. The Director’s  
14 Order shall include notice of the respondent’s right to appeal the decision pursuant to Section  
15 14.16.085.

16           Section 16. Section 14.16.080 of the Seattle Municipal Code, last amended by Ordinance  
17 123899, is amended as follows:

18 **14.16.080(~~(-Enforcement)~~) Remedies**

19           ~~((A. Powers and duties~~

20                   ~~1. of Agency~~

21                           ~~a. The Agency shall receive, investigate, and pass upon charges~~  
22 ~~alleging violations of this chapter as defined herein, conciliate and settle the same by agreement,~~  
23 ~~and monitor and enforce any agreements or orders resulting therefrom or from a subsequent~~

1 ~~hearing thereon under and pursuant to the terms of this chapter; and shall have such powers and~~  
2 ~~duties in the performance of these functions as are defined in this chapter and otherwise~~  
3 ~~necessary and proper in the performance of the same and provided for by law. The Agency shall~~  
4 ~~further assist other City agencies and departments upon request in effectuating and promoting the~~  
5 ~~purposes of this chapter.~~

6 ~~b.——The Director of the Agency is authorized and directed to~~  
7 ~~promulgate rules consistent with this chapter and the Administrative Code.~~

8 ~~2.——of Commission~~

9 ~~The Seattle Human Rights Commission shall study, advise, and make~~  
10 ~~recommendations for legislation on policies, procedures, and practices which would further the~~  
11 ~~purposes of this chapter. The Commission shall hear appeals from the Director's determinations~~  
12 ~~of no reasonable cause and, in cases involving respondents who are City departments, hear~~  
13 ~~appeals from determinations of reasonable cause and the orders relating to the remedy thereof. It~~  
14 ~~shall, where appropriate and necessary, in its judgment, hear and determine complaints jointly~~  
15 ~~with the Hearing Examiner as provided in subsections 14.16.080.H and 14.16.080.I. The~~  
16 ~~Commission shall have such powers and authority in carrying out these functions as are provided~~  
17 ~~for by this chapter or otherwise established by law.~~

18 ~~B.——Charge filing, timing, amendments, notice and investigation.~~

19 ~~1.——A charge alleging a violation of this chapter shall be in writing on a form~~  
20 ~~or in a format determined by the Agency, and signed by or on behalf of a charging party, and~~  
21 ~~shall describe the violation complained of and should include a statement of the dates, places and~~  
22 ~~circumstances and the persons responsible for such acts and practices.~~

1                   2. ~~Whenever charges are made by or on behalf of a person claiming to be~~  
2 ~~aggrieved, the person making the charge must provide the Director with the name, address and~~  
3 ~~telephone number of the individual on whose behalf the charge is made. Thereafter, the Director~~  
4 ~~shall verify the authorization of such charge by the person on whose behalf the charge is made.~~

5                   3. ~~A charge shall not be rejected as insufficient because of failure to include~~  
6 ~~all required information so long as it substantially satisfies the informational requirements~~  
7 ~~necessary for processing.~~

8                   4. ~~A charge alleging a violation of this chapter or pattern of such violations~~  
9 ~~may also be filed by the Director whenever the Director has reason to believe that any person has~~  
10 ~~been engaged or is engaging in a violation of this chapter.~~

11                   5. ~~Charges filed under this chapter must be filed within 180 days after the~~  
12 ~~occurrence of the alleged violation of this chapter with the Agency.~~

13                   6. ~~In addition to any relief authorized by this chapter, liability may accrue~~  
14 ~~and an aggrieved person may obtain relief as provided in this chapter, including recovery of back~~  
15 ~~pay for up to two years preceding the filing of the charge, where the unlawful practices that have~~  
16 ~~occurred during the charge filing period are similar or related to unlawful practices with regard~~  
17 ~~to sick time or safe time that occurred outside the time for filing a charge.~~

18                   7. ~~The charging party or the Agency may amend a charge to cure technical~~  
19 ~~defects or omissions; or to clarify and amplify allegations made therein; or to add allegations~~  
20 ~~related to or arising out of the subject matter set forth, or attempted to be set forth, in the original~~  
21 ~~charge. For jurisdictional purposes, such amendments shall relate back to the date the original~~  
22 ~~charge was first filed. The amendment must be filed within 180 days after the occurrence of the~~  
23 ~~additional violation and/or retaliation and prior to the Agency's issuance of findings of fact and a~~

1 ~~determination with respect to the original charge. Such amendments may be made at any time~~  
2 ~~during the investigation of the original charge so long as the Agency will have adequate time to~~  
3 ~~investigate such additional allegations and the parties will have adequate time to present the~~  
4 ~~Agency with evidence concerning such allegations before the issuance of findings of fact and a~~  
5 ~~determination.~~

6 8. ~~— The Director shall cause to be served or mailed by certified mail, return~~  
7 ~~receipt requested, a copy of the charge on the respondent within twenty (20) days after the filing~~  
8 ~~of the charge and shall promptly make an investigation thereof.~~

9 9. ~~— The investigation shall be directed to ascertain the facts concerning the~~  
10 ~~violation of this Chapter alleged in the charge, and shall be conducted in an objective and~~  
11 ~~impartial manner.~~

12 10. ~~— During the investigation the Director shall consider any statement of~~  
13 ~~position or evidence with respect to the allegations of the charge which the charging party or the~~  
14 ~~respondent wishes to submit. The Director shall have authority to sign and issue subpoenas~~  
15 ~~requiring the attendance and testimony of witnesses, the production of evidence including but not~~  
16 ~~limited to books, records, correspondence or documents in the possession or under the control of~~  
17 ~~the person subpoenaed, and access to evidence for the purpose of examination and copying, and~~  
18 ~~conduct discovery procedures which may include the taking of interrogatories and oral~~  
19 ~~depositions.~~

20 11. ~~— The Director may require a fact finding conference or participation in~~  
21 ~~another process with the respondent and any of respondent's agents and witnesses and charging~~  
22 ~~party during the investigation in order to define the issues, determine which elements are~~



1 ~~undisputed, resolve those issues which can be resolved, and afford an opportunity to discuss or~~  
2 ~~negotiate settlement. Parties may have their legal counsel present if desired.~~

3 ~~C. Findings of fact and determination of reasonable cause or no reasonable cause.~~

4 ~~1. The results of the investigation shall be reduced to written findings of fact~~  
5 ~~and a determination shall be made by the Director that there is or is not reasonable cause for~~  
6 ~~believing that a violation of this chapter has been or is being committed, which determination~~  
7 ~~shall also be in writing and issued with the written findings of fact. Where a City department is a~~  
8 ~~respondent the Director shall issue such findings and determination only after having submitted~~  
9 ~~proposed findings and determinations to the respondent and charging party for review and~~  
10 ~~comment. With respect to the findings and determination, "issued" shall be defined as signed and~~  
11 ~~dated by the Director.~~

12 ~~2. The findings of fact and determination shall be furnished promptly to the~~  
13 ~~respondent and charging party.~~

14 ~~3. Once issued to the parties, the Director's findings of fact, determination~~  
15 ~~and order may not be amended or withdrawn except upon the agreement of the parties or in~~  
16 ~~response to an order by the Seattle Human Rights Commission after an appeal taken pursuant to~~  
17 ~~Section 14.16.080.D or 14.16.080.G provided, that the Director may correct clerical mistakes or~~  
18 ~~errors arising from oversight or omission upon a motion from a party or upon the Director's own~~  
19 ~~motion.~~

20 ~~D. Determination of no reasonable cause Appeal from and dismissal. If a~~  
21 ~~determination is made that there is no reasonable cause for believing a violation of this chapter~~  
22 ~~has been committed, the charging party shall have the right to appeal such determination to the~~  
23 ~~Commission within 30 days of the date the determination is signed by the Director by filing a~~

1 ~~written statement of appeal with the Commission. Such statement shall state specifically the~~  
2 ~~grounds on which it is based and the reasons the determination or order or both is in error. The~~  
3 ~~Commission shall promptly deliver a copy of the statement to the Agency and respondent and~~  
4 ~~shall promptly consider and act upon such appeal by either affirming the Director's determination~~  
5 ~~or remanding it to the Director with appropriate instructions. In considering such appeals the~~  
6 ~~Commission shall only review whether the investigation was adequate and the Director's~~  
7 ~~findings are supported by a preponderance of the evidence. The burden shall be on the charging~~  
8 ~~party to demonstrate that the matter should be remanded to the Director. In the event no appeal is~~  
9 ~~taken or such appeal results in affirmance, the determination of the Director shall be final and the~~  
10 ~~charge deemed dismissed and the same shall be entered on the records of the Agency.~~

11 ~~E.—— Determination of reasonable cause—— Conciliation and settlement of cases~~  
12 ~~involving all respondents except City departments.~~

13 ~~1.—— In all cases except a case in which a City department is the respondent, if a~~  
14 ~~reasonable cause determination is made, the Director shall endeavor to eliminate the unlawful~~  
15 ~~practice by conference, conciliation and persuasion. Conditions of settlement may include (but~~  
16 ~~are not limited to) the elimination of the unlawful practice, hiring, reinstatement or upgrading~~  
17 ~~with or without back pay, lost benefits, attorney's fees, admittance or restoration to membership~~  
18 ~~in a labor organization, or such other action which will effectuate the purposes of this chapter,~~  
19 ~~including action which could be ordered by a court, except that damages for humiliation and~~  
20 ~~mental suffering shall not exceed \$10,000. Any settlement agreement shall be reduced to writing~~  
21 ~~and signed by the Director, the charging party and the respondent. An order shall then be entered~~  
22 ~~by the Director setting forth the terms of the agreement. Copies of such order shall be delivered~~  
23 ~~to all affected parties.~~

1                   2. ~~— In case of failure to reach an agreement and of conciliation and upon a~~  
2 ~~written finding to that effect furnished to the charging party and respondent, except a case in~~  
3 ~~which a City department is a respondent, the Director shall promptly cause to be delivered the~~  
4 ~~entire investigatory file, including the charge and any and all findings made, to the City Attorney~~  
5 ~~for further proceedings and hearing under this chapter pursuant to Section 14.16.080.H.~~

6                   F. ~~— Determinations of reasonable cause — Conciliation, settlement and conclusion of~~  
7 ~~cases involving City departments as respondents. In all cases in which a City department is a~~  
8 ~~respondent:~~

9                   1. ~~— A determination of reasonable cause by the Director shall be deemed a~~  
10 ~~finding that an unlawful practice has been committed by respondent and is dispositive of this~~  
11 ~~issue for all future proceedings under this chapter, unless appealed, reversed and remanded as~~  
12 ~~provided in this chapter.~~

13                   2. ~~— Within sixty days of a determination of reasonable cause, the Director~~  
14 ~~shall confer with the parties and determine an appropriate remedy, which remedy may include~~  
15 ~~(but is not limited to) hiring, reinstatement or upgrading with or without back pay, lost benefits,~~  
16 ~~attorney's fees, or such other action as will effectuate the purposes of this chapter, including~~  
17 ~~action which could be ordered by a court, except that damages for humiliation and mental~~  
18 ~~suffering shall not exceed \$10,000. Such remedy shall be reduced to writing in an order of the~~  
19 ~~Director.~~

20                   3. ~~— The charging party must sign a release in the form and manner requested~~  
21 ~~by the Department, releasing the City from further liability for acts giving rise to the charge in~~  
22 ~~order to obtain the benefits of the remedy provided under this section and before payment can be~~  
23 ~~made. Without such release, the Director's order with respect to the charging party's individual~~

1 ~~relief shall have no force and effect. In such event the Director shall notify the parties involved in~~  
2 ~~writing.~~

3 ~~4. In all cases where the remedy determined by the Director before or after~~  
4 ~~any appeal includes a monetary payment which exceeds the sum of \$5,000, the charge or claim,~~  
5 ~~the Director's determination, order, the charging party's signed release and such further~~  
6 ~~documentation as may be required shall be presented to the City Council for passage by separate~~  
7 ~~ordinance. If the City Council fails or refuses to appropriate the amount ordered by the Director~~  
8 ~~within 90 days, the Director shall certify the case to the Hearing Examiner for a hearing to~~  
9 ~~determine the appropriate monetary relief in the case which determination shall be final and~~  
10 ~~binding upon the City.~~

11 ~~5. Where the Director's order includes a monetary payment of \$5,000 or less,~~  
12 ~~such payment shall be made under the authority and in the form and manner otherwise provided~~  
13 ~~for by law for payment of such claims.~~

14 ~~G. Appeals to the Commission from determinations of reasonable cause and orders~~  
15 ~~of excess involving City departments as respondents. In all cases in which a City department is a~~  
16 ~~respondent:~~

17 ~~1. The charging party or respondent may appeal the Director's order and~~  
18 ~~determination of reasonable cause to the Commission within 30 days of the Director's order by~~  
19 ~~filing a written statement of appeal with the Commission. Such statement shall state specifically~~  
20 ~~the grounds on which it is based and the reasons the determination or order or both is in error.~~

21 ~~2. The Commission shall promptly mail a copy of the statement to the~~  
22 ~~Department and to the other party and shall promptly consider and act upon such appeal by either~~

1 ~~affirming the Director's determination or order or remanding it to the Director with appropriate~~  
2 ~~instructions.~~

3 ~~3. The filing of an appeal shall stay the enforcement of any remedy provided~~  
4 ~~for in the Director's determination or order during the pendency of the appeal.~~

5 ~~4. In such appeal, the Commission shall consider only the record submitted~~  
6 ~~to it by the Department and written statements of positions by the parties involved and, in its~~  
7 ~~discretion, oral presentation. The Commission shall reverse the Director's determination or order~~  
8 ~~only upon a finding that it is clearly erroneous.~~

9 ~~H. Complaint and hearing of cases with all respondents except City departments.~~

10 ~~1. Following submission of the investigatory file from the Director in cases~~  
11 ~~involving all respondents under 14.16.080.E, the City Attorney shall prepare a complaint against~~  
12 ~~such respondent relating to the charge and facts discovered during the investigation thereof and~~  
13 ~~prosecute the same in the name and on behalf of the Department and the City at a hearing before~~  
14 ~~the Hearing Examiner sitting alone or with representatives of the Commission as provided in this~~  
15 ~~chapter and to appear for and represent the interests of the Department and the City at all~~  
16 ~~subsequent proceedings; provided, if the City Attorney determines that there is no legal basis for~~  
17 ~~a complaint to be filed or for proceedings to continue, a statement of the reasons therefore shall~~  
18 ~~be filed with the Department, charging party and the respondent.~~

19 ~~2. The complaint shall be served on respondent in the usual manner provided~~  
20 ~~by law for service of complaints and filed with the Seattle Hearing Examiner. A copy of such~~  
21 ~~complaint shall be furnished to the charging party.~~

1                   3. ~~Within 20 days of the service of such complaint upon it, the respondent~~  
2 ~~shall file its answer with the Hearing Examiner and serve a copy of the same on the City~~  
3 ~~Attorney.~~

4                   4. ~~Upon the filing of the complaint, the Hearing Examiner shall promptly~~  
5 ~~establish a date for the hearing of such complaint and give notice thereof to the Commission, the~~  
6 ~~City Attorney and respondent, and shall thereafter hold a public hearing on the complaint, which~~  
7 ~~hearing shall commence no earlier than 90 days nor later than 120 days from the filing of the~~  
8 ~~complaint, unless otherwise ordered by the Hearing Examiner.~~

9                   5. ~~After the filing of a complaint with the Hearing Examiner, it may be~~  
10 ~~amended only with the permission of the Hearing Examiner, which permission shall be granted~~  
11 ~~when justice will be served thereby and all parties are allowed time to prepare their case with~~  
12 ~~respect to additional or expanded charges which they did not and could not have reasonably~~  
13 ~~foreseen would be in issue at the hearing.~~

14                   6. ~~The hearing shall be conducted by a Hearing Examiner from the Office of~~  
15 ~~Hearing Examiner, or a hearing examiner pro tempore appointed by the Hearing Examiner from~~  
16 ~~a list approved by the Commission, sitting alone or with representatives of the Commission if~~  
17 ~~any are designated. Such hearings shall be conducted in accordance with SMC Chapter 3.02 and~~  
18 ~~the Hearing Examiner rules applicable to cases brought under this Title 14.~~

19                   7. ~~The Commission, within 30 days after notice of the date of hearing from~~  
20 ~~the Hearing Examiner, at its discretion, may appoint two of its members who have not otherwise~~  
21 ~~been involved in the charge, investigation, fact finding, or other resolution and proceeding on the~~  
22 ~~merits of the case, who have not formed an opinion on the merits of the case, and who otherwise~~  
23 ~~have no pecuniary, private or personal interest or bias in the matter, to hear the case with the~~

1 ~~Hearing Examiner. If the Commission has designated representatives they shall each have an~~  
2 ~~equal vote with the Hearing Examiner, except the Hearing Examiner shall be the chairperson of~~  
3 ~~the panel and make all evidentiary rulings. Should a question arise as to previous involvement,~~  
4 ~~interest or bias of an appointed Commissioner, the Hearing Examiner shall resolve the issue in~~  
5 ~~conformance with the law on the subject.~~

6 8. ~~— The review of all matters properly brought under this subsection~~  
7 ~~14.16.080.H shall be de novo. Nothing in this paragraph shall be construed to limit or prevent de~~  
8 ~~novo review of matters brought before the Hearing Examiner (or the Hearing Examiner and~~  
9 ~~members of the Commission as the case may be) under Sections 14.04.170, 14.06.110,~~  
10 ~~14.08.170, or 14.10.130.~~

11 I. ~~— Decision and order.~~

12 1. ~~— Within 30 days after conclusion of the hearing, the Hearing Examiner (or~~  
13 ~~the Examiner and Commissioners as the case may be) shall prepare a written decision and order,~~  
14 ~~file it as a public record with the City Clerk, and provide a copy to each party of record and to~~  
15 ~~the Agency.~~

16 2. ~~— Such decision shall contain a brief summary of the evidence considered~~  
17 ~~and shall contain findings of fact, conclusions of law upon which the decision is based, and an~~  
18 ~~order detailing the relief deemed appropriate, together with a brief statement of the reasons~~  
19 ~~therefore.~~

20 3. ~~— In the event the Hearing Examiner (or a majority of the panel composed of~~  
21 ~~the Examiner and Commissioners), determines that a respondent has committed a violation of~~  
22 ~~this chapter, the Hearing Examiner (or panel majority) may order the respondent to take such~~  
23 ~~affirmative action or provide for such relief as is deemed necessary to correct the practice,~~

1 ~~effectuate the purpose of this Chapter 14.16, and secure compliance therewith, including but not~~  
2 ~~limited to hiring, reinstatement, or upgrading with or without back pay, lost benefits, attorney's~~  
3 ~~fees, admittance or restoration to membership in a labor organization, or such other action which~~  
4 ~~will effectuate the purposes of this chapter, including action which could be ordered by a court,~~  
5 ~~except that damages for humiliation and mental suffering shall not exceed \$10,000. Back pay~~  
6 ~~liability shall not accrue from a date more than 2 years prior to the initial filing of the charge.~~

7 4. ~~Respondent shall comply with the provisions of any order affording relief~~  
8 ~~and shall furnish proof of compliance to the Agency as specified in the order. In the event~~  
9 ~~respondent refuses or fails to comply with the order, the Director shall notify the City Attorney~~  
10 ~~of the same and the City Attorney shall invoke the aid of the appropriate court to secure~~  
11 ~~enforcement or compliance with the order.~~

12 K. ~~Violation — Penalty. It is unlawful for any person to willfully engage in an unfair~~  
13 ~~practice under this chapter or willfully resist, prevent, impede or interfere with the Director or~~  
14 ~~Hearing Examiner in the performance of their duties under this chapter, or to fail, refuse, or~~  
15 ~~neglect to comply with any lawful order of the Director or Hearing Examiner. Conduct made~~  
16 ~~unlawful by this section constitutes a violation subject to the provisions of Chapter 12A.02 of the~~  
17 ~~Seattle Criminal Code (Ordinance 102843, as amended), and any person convicted thereof may~~  
18 ~~be punished by a civil fine or forfeiture not to exceed \$500.)~~

19 A. The payment of unpaid wages, liquidated damages, civil penalties, penalties  
20 payable to aggrieved parties, fines, and interest provided under this Chapter 14.16 are cumulative  
21 and are not intended to be exclusive of any other available remedies, penalties, fines, and  
22 procedures.



1           1. Effective January 1, 2017, the amounts of all civil penalties, penalties  
2 payable to aggrieved parties, and fines contained in this Section 14.16.080 shall be increased  
3 annually to reflect the rate of inflation and calculated to the nearest cent on January 1 of each  
4 year thereafter. The Agency shall determine the amounts and file a schedule of such amounts  
5 with the City Clerk.

6           2. If there is a remedy due to an aggrieved party, the Director may waive the  
7 total amount of civil penalties and fines due to the Agency if the Director determines that the  
8 respondent paid the full remedy due to the aggrieved party within ten days of service of the  
9 Director's Order. The Director may waive half the amount of civil penalties and fines due to the  
10 Agency if the Director determines that the respondent paid the full remedy due to the aggrieved  
11 party within 15 days of service of the Director's Order. The Director shall not waive any amount  
12 of civil penalties and fines due to the Agency if the Director determines that the respondent has  
13 not paid the full remedy due to the aggrieved party after 15 days of service of the Director's  
14 Order.

15           3. When determining the amount of liquidated damages, civil penalties,  
16 penalties payable to aggrieved parties, and fines due under this Section 14.16.080, including but  
17 not limited to the mitigation of civil penalties and fines due to the Agency for timely payment of  
18 remedy due to an aggrieved party under subsection 14.16.080.A.2, the Director shall consider the  
19 total amount of unpaid wages, liquidated damages, penalties, fines, and interest due; the nature  
20 and persistence of the violations; the extent of the respondent's culpability; the substantive or  
21 technical nature of the violations; the size, revenue, and human resources capacity of the  
22 respondent; the circumstances of each situation; the amount of penalties in similar situations; and  
23 other factors pursuant to rules issued by the Director.

1           B. A respondent found to be in violation of this Chapter 14.16 shall be liable for full  
2 payment of unpaid wages due, provided that the employee is not entitled to payment for lost tips  
3 or commissions for paid sick and paid safe time as defined in Section 14.16.010, plus interest in  
4 favor of the aggrieved party under the terms of this Chapter 14.16 and other equitable relief. For  
5 a first violation of this Chapter 14.16, the Director may assess liquidated damages in an  
6 additional amount of up to twice the unpaid wages. For subsequent violations of this Chapter  
7 14.16, the Director shall assess liquidated damages in an additional amount of twice the unpaid  
8 wages. If the violation is ongoing when the Agency receives a complaint or opens an  
9 investigation, the Director may order payment of amounts that accrue after receipt of the  
10 complaint or after the investigation opens and before the date of the Director's Order. Interest  
11 shall accrue from the date the unpaid wages were first due at 12 percent per annum, or the  
12 maximum rate permitted under RCW 19.52.020. For purposes of this Section 14.16.080, a  
13 violation is a subsequent violation if at least one Director's Order has issued against the  
14 respondent in the ten years preceding the date of the violation; otherwise, it is a first violation.

15           C. A respondent found to be in violation of Section 14.16.055 for retaliation shall be  
16 subject to any appropriate relief at law or equity including, but not limited to reinstatement of the  
17 aggrieved party, front pay in lieu of reinstatement with full payment of unpaid wages plus  
18 interest in favor of the aggrieved party under the terms of this Chapter 14.16, and liquidated  
19 damages in an additional amount of up to twice the unpaid wages. The Director also shall order  
20 the imposition of a penalty payable to the aggrieved party of up to \$5,000.

21           D. A respondent who willfully violates the notice and posting requirements of  
22 Section 14.16.045 shall be subject to a civil penalty of \$750 for the first violation and \$1,000 for  
23 subsequent violations.

1           E. A respondent who willfully hinders, prevents, impedes, or interferes with the  
2 Director or Hearing Examiner in the performance of their duties under this Chapter 14.16 shall  
3 be subject to a civil penalty of not less than \$1,000 and not more than \$5,000.

4           F. For a first violation of this Chapter 14.16, the Director may assess a civil penalty  
5 of up to \$500 per aggrieved party. For a second violation of this Chapter 14.16, the Director shall  
6 assess a civil penalty of up to \$1,000 per aggrieved party, or an amount equal to ten percent of  
7 the total amount of unpaid wages, whichever is greater. For a third or any subsequent violation of  
8 this Chapter 14.16, the Director shall assess a civil penalty of up to \$5,000 per aggrieved party,  
9 or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. The  
10 maximum civil penalty for a violation of this Chapter 14.16 shall be \$20,000 per aggrieved party,  
11 or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. For  
12 purposes of this Section 14.16.080, a violation is a second, third, or subsequent violation if one,  
13 two, or more than two Director’s Orders, respectively, have issued against the respondent in the  
14 ten years preceding the date of the violation; otherwise, it is a first violation.

15           G. For the following violations, the Director may assess a fine in the amounts set  
16 forth below:

<u>Violation</u>	<u>Fine</u>
<u>Failure to provide notification each time wages are paid, an updated amount of paid time available for use as paid sick and paid safe time under subsection 14.16.030.K</u>	<u>\$500</u>
<u>Failure to provide employees with written notice of rights under subsection 14.16.045.B</u>	<u>\$500</u>

<u>Failure to provide employees with employer's written policy and procedure for meeting paid sick and paid safe time requirements under Section 14.16.045.C</u>	<u>\$500</u>
<u>Failure to maintain employer records for three years under subsection 14.16.050.A</u>	<u>\$500 per missing record</u>
<u>Failure to comply with prohibitions against retaliation for exercising rights protected under Section 14.16.055</u>	<u>\$1,000 per aggrieved party</u>
<u>Failure to provide notice of investigation to employees under subsection 14.16.070.B.2</u>	<u>\$500</u>
<u>Failure to provide notice of failure to comply with final order to public under subsection 14.16.100.A.1</u>	<u>\$500</u>

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The fine amounts shall be increased cumulatively by 50 percent of the fine for each preceding violation for each subsequent violation of the same provision by the same respondent within a ten-year period. The maximum amount that may be imposed in fines in any one year period for each type of violation listed above is \$5,000 unless a fine for retaliation is issued, in which case the maximum amount is \$20,000.

H. In addition to the unpaid wages, penalties, fines, liquidated damages, and interest, the Agency may assess against the respondent in favor of the City the reasonable costs incurred in enforcing this Chapter 14.16, including but not limited to reasonable attorneys' fees.

1           I. An employer that is the subject of a final order for which all appeal rights have  
2 been exhausted shall not be permitted to bid, or have a bid considered, on any City contract until  
3 such amounts due under the final order have been paid in full to the Director. If an employer is  
4 the subject of a final order two times or more within a five-year period, the contractor or  
5 subcontractor shall not be allowed to bid on any City contract for two years. This subsection  
6 14.16.080.I shall be construed to provide grounds for debarment separate from, and in addition  
7 to, those contained in Chapter 20.70 and shall not be governed by that chapter provided that  
8 nothing in this subsection 14.16.080.I shall be construed to limit the application of Chapter  
9 20.70. The Director shall notify the Director of Finance and Administrative Services of all  
10 employers subject to debarment under this subsection 14.16.080.I.

11           Section 17. A new Section 14.16.085 is added to the Seattle Municipal Code as follows:

12           **14.16.085 Appeal period and failure to respond**

13           A. An employee or other person who claims an injury as a result of an alleged  
14 violation of this Chapter 14.16 may appeal the Determination of No Violation Shown, pursuant  
15 to the rules of the Director.

16           B. A respondent may appeal the Director's Order, including all remedies issued  
17 pursuant to Section 14.16.080, by requesting a contested hearing before the Hearing Examiner in  
18 writing within 15 days of service of the Director's Order. If a respondent fails to appeal the  
19 Director's Order within 15 days of service, the Director's Order shall be final. If the last day of  
20 the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the appeal  
21 period shall run until 5 p.m. on the next business day.

22           Section 18. Section 14.16.090 of the Seattle Municipal Code, enacted by Ordinance  
23 123698, is amended as follows:

1 **14.16.090(~~(. New Employers)) Appeal procedure and failure to appear~~**

2 ~~((The provisions of this Chapter shall not apply to Tier One and Tier Two employers~~  
3 ~~until 24 months after the hire date of their first employee. For the purposes of this section,~~  
4 ~~employer tier shall be calculated based upon the average number of full-time equivalents~~  
5 ~~employed per calendar week during the first 90 calendar days following the hire date of their first~~  
6 ~~employee.))~~

7 A. Contested hearings shall be conducted pursuant to the procedures for hearing  
8 contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for  
9 hearing contested cases. The hearing shall be conducted de novo and the Director shall have the  
10 burden of proving by a preponderance of the evidence that the violation or violations occurred.  
11 Upon establishing such proof, the remedies and penalties imposed by the Director shall be  
12 upheld unless it is shown that the Director abused discretion. Failure to appear for a contested  
13 hearing shall result in an order being entered finding that the respondent committed the violation  
14 stated in the Director's Order. For good cause shown and upon terms the Hearing Examiner  
15 deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

16 B. In all contested cases, the Hearing Examiner shall enter an order affirming,  
17 modifying or reversing the Director's Order.

18 Section 19. A new Section 14.16.095 is added to the Seattle Municipal Code as follows:

19 **14.16.095 Appeal from Hearing Examiner order**

20 A. The respondent may obtain judicial review of the decision of the Hearing  
21 Examiner by applying for a Writ of Review in the King County Superior Court within 30 days  
22 from the date of the decision in accordance with the procedure set forth in chapter 7.16 RCW,  
23 other applicable law, and court rules.

1           B.       The decision of the Hearing Examiner shall be final and conclusive unless review  
2 is sought in compliance with this Section 14.16.095.

3           Section 20. Section 14.16.100 of the Seattle Municipal Code, enacted by Ordinance  
4 123698, is amended as follows:

5 **14.16.100(~~(-Confidentiality and Nondisclosure)~~) Failure to comply with final order**

6           ~~((A. — Except as provided in subsection B of this section, an employer shall maintain the~~  
7 ~~confidentiality of information provided by the employee or others in support of an employee's~~  
8 ~~request for sick or safe days under this section, including health information and the fact that the~~  
9 ~~employee or employee's family member is a victim of domestic violence, sexual assault, or~~  
10 ~~stalking, that the employee has requested or obtained leave under this act, and any written or oral~~  
11 ~~statement, documentation, record, or corroborating evidence provided by the employee.~~

12           B. — Information given by an employee may be disclosed by an employer only if it is

13           1. — requested or consented to by the employee;

14           2. — ordered by a court or administrative agency; or

15           3. — otherwise required by applicable federal or state law.))

16           A.     If a respondent fails to comply within 30 days of service of any settlement  
17 agreement with the Agency, or with any final order issued by the Director or the Hearing  
18 Examiner for which all appeal rights have been exhausted, the Agency may pursue, but is not  
19 limited to, the following measures to secure compliance:

20           1.       The Director may require the respondent to post public notice of the  
21 respondent's failure to comply in a form and manner determined by the Agency.

1                   2. The Director may refer the matter to a collection agency. The cost to the  
2 City for the collection services will be assessed as costs, at the rate agreed to between the City  
3 and the collection agency, and added to the amounts due.

4                   3. The Director may refer the matter to the City Attorney for the filing of a  
5 civil action in King County Superior Court, the Seattle Municipal Court, or any other court of  
6 competent jurisdiction to enforce such order or to collect amounts due. In the alternative, the  
7 Director may seek to enforce a Director's Order or a final order of the Hearing Examiner under  
8 Section 14.16.105.

9                   4. The Director may request that the City's Department of Finance and  
10 Administrative Services deny, suspend, refuse to renew, or revoke any business license held or  
11 requested by the employer or person until such time as the employer complies with the remedy  
12 as defined in the settlement agreement or final order. The City's Department of Finance and  
13 Administrative Services shall have the authority to deny, refuse to renew, or revoke any business  
14 license in accordance with this subsection 14.16.100.A.4.

15                   B. No respondent that is the subject of a final order issued under this Chapter 14.16  
16 shall quit business, sell out, exchange, convey, or otherwise dispose of the respondent's business  
17 or stock of goods without first notifying the Agency and without first notifying the respondent's  
18 successor of the amounts owed under the final order at least three business days prior to such  
19 transaction. At the time the respondent quits business, or sells out, exchanges, or otherwise  
20 disposes of the respondent's business or stock of goods, the full amount of the remedy, as  
21 defined in a final order issued by the Director or the Hearing Examiner, shall become  
22 immediately due and payable. If the amount due under the final order is not paid by respondent  
23 within ten days from the date of such sale, exchange, conveyance, or disposal, the successor shall



1 become liable for the payment of the amount due, provided that the successor has actual  
2 knowledge of the order and the amounts due or has prompt, reasonable, and effective means of  
3 accessing and verifying the fact and amount of the order and the amounts due. The successor  
4 shall withhold from the purchase price a sum sufficient to pay the amount of the full remedy.  
5 When the successor makes such payment, that payment shall be deemed a payment upon the  
6 purchase price in the amount paid, and if such payment is greater in amount than the purchase  
7 price the amount of the difference shall become a debt due such successor from the employer.

8 Section 21. A new Section 14.16.105 is added to the Seattle Municipal Code as follows:

9 **14.16.105 Debt owed The City of Seattle**

10 A. All monetary amounts due under the Director's Order shall be a debt owed to the  
11 City and may be collected in the same manner as any other debt in like amount, which remedy  
12 shall be in addition to all other existing remedies, provided that amounts collected by the City for  
13 unpaid wages, liquidated damages, penalties payable to aggrieved parties, or front pay shall be  
14 held in trust by the City for the aggrieved party and, once collected by the City, shall be paid by  
15 the City to the aggrieved party.

16 B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within  
17 the time period set forth in subsection 14.16.085.B, the Director's Order shall be final, and the  
18 Director may petition the Seattle Municipal Court to enforce the Director's Order by entering  
19 judgment in favor of the City finding that the respondent has failed to exhaust its administrative  
20 remedies and that all amounts and relief contained in the order are due. The Director's Order  
21 shall constitute prima facie evidence that a violation occurred and shall be admissible without  
22 further evidentiary foundation. Any certifications or declarations authorized under RCW  
23 9A.72.085 containing evidence that the respondent has failed to comply with the order or any

1 parts thereof, and is therefore in default, or that the respondent has failed to appeal the Director's  
2 Order to the Hearing Examiner within the time period set forth in subsection 14.16.085.B, and  
3 therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible  
4 without further evidentiary foundation.

5 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner  
6 within the time period set forth in subsection 14.16.095.A, the order of the Hearing Examiner  
7 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's  
8 Order by entering judgment in favor of the City for all amounts and relief due under the order of  
9 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence  
10 that the violations contained therein occurred and shall be admissible without further evidentiary  
11 foundation. Any certifications or declarations authorized under RCW 9A.72.085 containing  
12 evidence that the respondent has failed to comply with the order or any parts thereof, and is  
13 therefore in default, or that the respondent has failed to avail itself of judicial review in  
14 accordance with subsection 14.16.095.A, shall also be admissible without further evidentiary  
15 foundation.

16 D. In considering matters brought under subsections 14.16.105.B and 14.16.105.C,  
17 the Municipal Court may include within its judgment all terms, conditions, and remedies  
18 contained in the Director's Order or the order of the Hearing Examiner, whichever is applicable,  
19 that are consistent with the provisions of this Chapter 14.16.

20 Section 22. Section 14.16.110 of the Seattle Municipal Code, enacted by Ordinance  
21 123698, is amended as follows:

22 **14.16.110((~~Encouragement of more generous sick time policies; no effect on more~~**  
23 **~~generous policies~~)) Private right of action**

1           ~~((A. Nothing in this chapter shall be construed to discourage or prohibit an employer~~  
2 ~~from the adoption or retention of a paid sick and safe time policy more generous than the one~~  
3 ~~required herein.~~

4           ~~B. Nothing in this chapter shall be construed as diminishing the obligation of an~~  
5 ~~employer to comply with any contract, collective bargaining agreement, employment benefit~~  
6 ~~plan or other agreement providing more generous sick and safe time to an employee than~~  
7 ~~required herein.~~

8           ~~C. Nothing in this chapter shall be construed as diminishing the rights of public~~  
9 ~~employees regarding paid sick or safe time or use of sick or safe time as provided under federal~~  
10 ~~or Washington state law, or the Seattle Municipal Code.))~~

11           A. Effective April 1, 2016, for claims against employers that employ 50 or more  
12 employees and effective April 1, 2017 for claims against employers that employ fewer than 50  
13 employees, any person or class of persons that suffers financial injury as a result of a violation  
14 of this Chapter 14.16 or is the subject of prohibited retaliation under Section 14.16.080, may  
15 bring a civil action in a court of competent jurisdiction against the employer or other person  
16 violating this Chapter 14.16 and, upon prevailing, may be awarded reasonable attorney fees  
17 and costs and such legal or equitable relief as may be appropriate to remedy the violation  
18 including, without limitation: the payment of any unpaid wages plus interest due to the person  
19 and liquidated damages in an additional amount of up to twice the unpaid wages; and a penalty  
20 payable to any aggrieved party of up to \$5000 if the aggrieved party was subject to prohibited  
21 retaliation. Interest shall accrue from the date the unpaid wages were first due at 12 percent per  
22 annum, or the maximum rate permitted under RCW 19.52.020.

23           B. For purposes of determining employer size for this Section 14.16.110,

1                   1. An employee who is not covered by this Chapter 14.16 shall be included  
2 in any determination of employer size.

3                   2. Employer size for the current calendar year will be calculated based upon  
4 the average number per calendar week of employees who worked for compensation during the  
5 preceding calendar year for any and all weeks during which at least one employee worked for  
6 compensation. For employers that did not have any employees during the previous calendar year,  
7 the employer size will be calculated based upon the average number per calendar week of  
8 employees who worked for compensation during the first 90 calendar days of the current year in  
9 which the employer engaged in business.

10                   3. All employees who worked for compensation shall be counted, including  
11 but not limited to:

12                   a. Employees who worked inside the City;

13                   b. Employees who worked outside the City; and

14                   c. Employees who worked in full-time employment, part-time  
15 employment, joint employment, temporary employment, or through the services of a temporary  
16 services or staffing agency or similar entity.

17                   4. Separate entities that form an integrated enterprise shall be considered a  
18 single employer under this Chapter 14.16. Separate entities will be considered an integrated  
19 enterprise and a single employer under this Chapter 14.16 where a separate entity controls the  
20 operation of another entity. The factors to consider in making this assessment include, but are not  
21 limited to:

22                   a. Degree of interrelation between the operations of multiple entities;

23                   b. Degree to which the entities share common management;

1                   c. Centralized control of labor relations; and

2                   d. Degree of common ownership or financial control over the entities.

3           C. For purposes of this Section 14.16.110, “person” includes any entity a member of  
4 which has suffered financial injury or retaliation, or any other individual or entity acting on  
5 behalf of an aggrieved party that has suffered financial injury or retaliation.

6           D. For purposes of determining membership within a class of persons entitled to  
7 bring an action under this Section 14.16.110, two or more employees are similarly situated if  
8 they:

9                   1. Are or were employed by the same employer or employers, whether  
10 concurrently or otherwise, at some point during the applicable statute of limitations period,

11                   2. Allege one or more violations that raise similar questions as to liability,  
12 and

13                   3. Seek similar forms of relief.

14           E. For purposes of subsection 14.16.110.D, employees shall not be considered  
15 dissimilar solely because their

16                   1. Claims seek damages that differ in amount, or

17                   2. Job titles or other means of classifying employees differ in ways that are  
18 unrelated to their claims.

19           Section 23. A new Section 14.16.115 is added to the Seattle Municipal Code as follows:

20 **14.16.115 Encouragement of more generous policies**

21           A. Nothing in this Chapter 14.16 shall be construed to discourage or prohibit an  
22 employer from the adoption or retention of a paid sick and paid safe time policy more generous  
23 than the one required herein.

1           B.       Nothing in this Chapter 14.16 shall be construed as diminishing the obligation of  
2 an employer to comply with any contract, collective bargaining agreement, employment benefit  
3 plan, or other agreement providing more generous sick and paid safe time to an employee than  
4 required herein.

5           C.       Nothing in this Chapter 14.16 shall be construed as diminishing the rights of  
6 public employees regarding paid sick or paid safe time or use of sick or paid safe time as  
7 provided under federal or Washington state law or the Seattle Municipal Code.

8           Section 24. Section 14.16.120 of the Seattle Municipal Code, enacted by Ordinance  
9 123698, is amended as follows:

10 **14.16.120(~~Waiver of the Provisions of the Chapter~~) Waiver; Effect on collective**  
11 **bargaining rights**

12 The provisions of this (~~chapter~~) Chapter 14.16 shall not apply to any employees covered by a  
13 bona fide collective bargaining agreement to the extent that such requirements are expressly  
14 waived in the collective bargaining agreement in clear and unambiguous terms.

15 Any waiver by an individual of any provisions of this (~~chapter~~) Chapter 14.16 shall be deemed  
16 contrary to public policy and shall be void and unenforceable.

17           Section 25. A new Section 14.16.125 is added to the Seattle Municipal Code as follows:

18 **14.16.125 Other legal requirements**

19           A.       This Chapter 14.16 provides minimum requirements pertaining to paid sick and  
20 paid safe time and shall not be construed to preempt, limit, or otherwise affect the applicability  
21 of any other law, regulation, requirement, policy, or standard that provides for greater accrual or  
22 use by employees of sick or safe time, whether paid or unpaid, or that extends other protections  
23 to employees; and nothing in this Chapter 14.16 shall be interpreted or applied so as to create any

1 power or duty in conflict with federal or state law. Nor shall this Chapter 14.16 be construed to  
2 preclude any person aggrieved from seeking judicial review of any final administrative decision  
3 or order made under this Chapter 14.16 affecting such person.

4 B. The paid sick and paid safe time required by this Chapter 14.16 is in addition to a  
5 contractor's obligations under 41 U.S.C. chapter 67 (Service Contract Act) and 40 U.S.C.  
6 chapter 31, subchapter IV (Davis-Bacon Act), or under chapter 39.12 RCW and contractors may  
7 not receive credit toward their prevailing wage or fringe benefit obligations under those Acts and  
8 Washington state law for any paid sick and paid safe time provided in satisfaction of the  
9 requirements of this Chapter 14.16. A contractor's existing paid leave policy provided in  
10 addition to the fulfillment of those Acts and Washington state law obligations, if applicable, and  
11 made available to all employees covered by this Chapter 14.16, will satisfy the requirements of  
12 this Chapter 14.16 provided that:

- 13 1. Available paid leave may be used for the same purposes and under the  
14 same conditions as paid sick and paid safe time as set forth in Section 14.16.030; and
- 15 2. Paid leave is accrued at the rate consistent with subsection 14.16.025.B.1;  
16 and
- 17 3. Use of paid leave within any benefit year is limited to no less than the  
18 amounts specified respectively for Tier 1 and Tier 2 employers in subsection 14.16.025.C; and
- 19 4. Any accrued but unused paid leave may be carried over to the following  
20 benefit year consistent with subsection 14.16.025.G.

21 Section 26. Section 14.16.130 of the Seattle Municipal Code, enacted by Ordinance  
22 123698, is amended as follows:

23 **14.16.130(~~- Other Legal Requirements~~) Severability**

1 ~~((This chapter provides minimum requirements pertaining to paid sick and safe time and shall~~  
2 ~~not be construed to preempt, limit, or otherwise affect the applicability of any other law,~~  
3 ~~regulation, requirement, policy, or standard that provides for greater accrual or use by employees~~  
4 ~~of sick or safe time, whether paid or unpaid, or that extends other protections to employees; and~~  
5 ~~nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict~~  
6 ~~with federal or state law. Nor shall this chapter be construed to preclude any person aggrieved~~  
7 ~~from seeking judicial review of any final administrative decision or order made under this~~  
8 ~~chapter affecting such person.))~~

9 The provisions of this Chapter 14.16 are declared to be separate and severable. If any clause,  
10 sentence, paragraph, subdivision, section, subsection, or portion of this Chapter 14.16, or the  
11 application thereof to any employer, employee, person, or circumstance, is held to be invalid, it  
12 shall not affect the validity of the remainder of this Chapter 14.16, or the validity of its  
13 application to other persons or circumstances.

14 Section 27. A new Section 14.17.005 is added to the Seattle Municipal Code as follows:

15 **14.17.005 Short Title**

16 This Chapter 14.17 shall constitute the "Fair Chance Employment Ordinance" and may be cited  
17 as such.

18 Section 28. Section 14.17.010 of the Seattle Municipal Code, last amended by Ordinance  
19 124644, is amended as follows:

20 **14.17.010 Definitions**

21 For ~~((the))~~ purposes of this ~~((chapter))~~ Chapter 14.17:

22 "Adverse action" means denying a job or promotion, demoting, terminating, failing to  
23 rehire after a seasonal interruption of work, threatening, penalizing, retaliating, engaging in



AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Accrued Sick and Safe Leave Act of 2008 to expand the definition of employees protected by the act, strengthen remedies and procedures available to employees under the act, and to establish an outreach program to inform the public about the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Earned Sick and Safe Leave Amendment Act of 2013".

Sec. 2. The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 32-131.01) is amended as follows:

(1) Paragraph (2) is amended to read as follows:

“(2) "Employee" means any individual employed by an employer, but shall not include:

“(A) Any individual who, without payment and without expectation of any gain, directly or indirectly, volunteers to engage in the activities of an educational, charitable, religious, or nonprofit organization;

“(B) Any lay member elected or appointed to office within the discipline of any religious organization and engaged in religious functions;

“(C) Any individual employed as a casual babysitter, in or about the residence of the employer.

“(D) An independent contractor;

“(E) A student; or

“(F) Health care workers who choose to participate in a premium pay program.”.

(2) Paragraph (3) is amended by striking the phrase “who employs” and inserting the phrase “who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of” in its place.

(b) Section 3 (D.C. Official Code § 32-131.02) is amended as follows:

(1) Subsection (c) is amended to read as follows:

“(c)(1) Paid leave under this act shall accrue in accordance with the employer’s established pay period. An individual shall accrue paid leave at the beginning of his or her

employment. An employee may begin to access paid leave after 90 days of service with his or her employer.

“(2) If an employee is transferred to a separate division, entity, or location within the District, or transferred out of the District and then transferred back to a division, entity, or location within the District, but remains employed by the same employer, the employee shall be entitled to all paid leave accrued at the prior division, entity, or location and shall be entitled to use all paid leave as provided in this act.

“(3) When there is a separation from employment and the employee is rehired within one year of separation by the same employer, previously accrued unused paid leave shall be reinstated. The employee shall be entitled to use accrued paid leave and accrue additional paid leave immediately upon the re-commencement of employment; provided, that the employee had previously been eligible to use paid leave. If there is a separation of more than one year, an employer shall not be required to reinstate accrued paid leave and the rehired employee shall be considered to have newly commenced employment.

“(4) An employee who is discharged after the completion of a probationary period of 90 days or more, and is rehired within 12 months, may access paid leave immediately.”.

(2) A new subsection (g) is added to read as follows:

“(g) Notwithstanding the requirements in subsections (a)(1)-(4) of this section, for an employee of a restaurant or bar who regularly receive tips, commissions, or other gratuities to supplement a base wage that is below the minimum wage as established in section 4(a) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(a)) (“1992 Act”), the employer shall provide the employee not less than one hour of paid leave for every 43 hours worked, not to exceed 5 days per calendar year. The paid leave shall be compensated in accordance with the District minimum wage, as established in section 4(a) of the 1992 Act.”.

(c) Section 7(b) (D.C. Official Code § 32-131.06(b)) is amended to read as follows:

“(b) The paid leave requirements under this act shall not be waived for less than 3 paid leave days per calendar year by the written terms of a bona fide collective bargaining agreement; provided, that the paid leave requirements under this act shall not apply to any employee in the building and construction industry covered by a bona fide collective bargaining agreement that expressly waives the requirements in clear and unambiguous terms.”.

(d) Section 9 (D.C. Official Code § 32-131.08) is amended as follows:

(1) Subsection (b)(2) is amended to read as follows:

“(2) Pursuant or related to this act:

“(A) Complains to the employer;

“(B) Files a complaint with the Department of Employment Services;

“(C) Files a civil complaint alleging a violation of any provision of this

act;

“(D) Informs any person about an employer’s alleged violation of this act;

“(E) Cooperates with the Department of Employment Services or another person’s investigation or prosecution of any alleged violation of this act;

“(F) Opposes any policy, practice, or act that is unlawful under this act; or

“(G) Informs any person of his or her rights under this act.”.

(2) New subsections (d) and (e) are added to read as follows:

“(d) An employer taking an adverse action against an employee within 90 days of any of the actions set forth in subsection (b)(2) of this section shall raise a rebuttable presumption that the employer has violated this act.

“(e) It shall be unlawful for an employer’s absence control policy to count paid leave taken under this act as an absence that may lead to, or result in, discipline, discharge, demotion, suspension, or other adverse action.”.

(e) Section 10(b)(1) (D.C. Official Code § 32-131.09(b)(1)) is amended to read as follows:

“(b)(1) An employer who violates this section shall be assessed a civil penalty not to exceed \$100 for each day that the employer fails to post the notice; provided, that the total penalty shall not exceed \$500 unless the ongoing violation is willful.”.

(f) New sections 11a and 11b are added to read as follows:

“Sec. 11a. Statute of limitations.

“All civil complaints brought under this act shall be filed within 3 years of the event on which the complaint is based, except that the 3-year period shall be tolled when an administrative complaint is filed, or for any period during which the employer does not post the notice required under section 10.

“Sec. 11b. Employer records.

“(a) Employers shall retain records documenting hours worked by employees and paid leave taken by employees for a period of 3 years, and shall allow the Mayor and the Office of the District of Columbia Auditor access to the records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this act.

“(b) When an issue arises as to an employee's entitlement to paid leave under this act, if the employer does not maintain or retain adequate records documenting hours worked by the employee and paid leave taken by the employee, or does not allow the Mayor or the Office of the District of Columbia Auditor reasonable access to the records, there shall be a rebuttable presumption that the employer has violated this act.”.

(g) Section 13 (D.C. Official Code § 32-131.12) is amended to read as follows:

“Sec. 13. Enforcement and penalties.

“(a) An employee or similarly situated employees injured by a violation of this act shall be entitled to maintain a civil action or an administrative action.

“(b) If an employer fails to allow an employee to use paid leave as required by this act, the employer shall pay \$500 in additional damages to the employee for each accrued day denied, regardless of whether the employee takes unpaid leave or reports to work on that day.

“(c) Except as provided in section 10(b), an employer who willfully violates the requirements of this act shall be subject to a civil penalty of \$1,000 for the 1st offense, \$1,500 for the 2nd offense, and \$2,000 for the 3rd and each subsequent offense.

“(d) If the Mayor determines that an employer has violated any provision of this act, the Mayor shall order the employer to provide affirmative remedies including:

“(1) Back pay for lost wages caused by the employer’s violation of this act;

“(2) Reinstatement or other injunctive relief;

“(3) Compensatory or punitive damages, including at least \$500 for every day an employee who was denied access to paid leave was required to work; and

“(4) Reasonable attorney’s fees and costs of enforcement.

“(e) An action may be maintained against any employer in a court of competent jurisdiction by any one or more employees for and on behalf of himself or themselves. An employer who violates the provisions of this act shall be liable to the employee or employees affected for:

“(1) Back pay for lost wages caused by the employer’s violation of this act;

“(2) Reinstatement or other injunctive relief;

“(3) Compensatory damages or punitive damages, including at least \$500 for every day an employee who was denied access to paid leave was required to work; and

“(4) Reasonable attorney’s fees and costs.

“(f)(1) Where compliance with this act or regulations enacted to implement this act is not forthcoming, the Mayor shall take any appropriate enforcement action to secure compliance, including initiating a civil action and, except where prohibited by another law, revoking or suspending any registration certificates, permits or licenses held or requested by the employer or person until the violation is remedied.

“(2) To compensate the District for the costs of investigating and remedying the violation, the Department of Employment Services may also order the violating employer or person to pay to the District a sum of not more than \$500 for each day or portion thereof and for each employee or person as to whom the violation occurred or continued. The funds recovered by the District under this act shall be allocated to offset the costs of implementing and enforcing this act.

“(g) In any administrative or civil action brought under this act, the Mayor or court shall award interest on all amounts due and unpaid at the rate of interest specified in D.C. Official Code §§ 28-3302(b) or 28-3302(c).

“(h) Any money awarded to an employee under this act shall be enforceable by the employee to whom the debt is owed or may be collected by the District on behalf of the employee.”.

(h) Section 14 (D.C. Official Code § 32-131.13) is amended by striking the phrase “within 60 days after its effective date”.

(i) Section 16(1) (D.C. Official Code § 32-131.15(1)) is amended by striking the phrase “with the posting requirements”.

(j) A new section 16a is added to read as follows:

“Sec. 16a. Public education and outreach.

“(a) The Department of Employment Services shall develop and implement a multilingual outreach program to inform employees of the availability of paid leave under this act.

“(b) The program shall include the distribution of notices and other written materials in English and in other languages to all childcare and elder care providers, domestic violence

shelters, schools, hospitals, community health centers, and other health care providers within the District.”.

**Sec. 3. Applicability.**

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

**Sec. 4. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

**Sec. 5. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To require employers in the District of Columbia to provide paid leave to employees for illness and for absences associated with domestic violence or sexual abuse.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Accrued Sick and Safe Leave Act of 2008”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Domestic violence” means an intrafamily offense as defined in D.C. Official Code § 16-1001(5).

(2)(A) “Employee” shall have the same meaning as provided in section 2(1) of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501(1)).

(B) The term “employee” shall not include:

- (i) An independent contractor;
- (ii) A student;
- (iii) Health care workers who choose to participate in a premium pay program; or
- (iv) Restaurant wait staff and bartenders who work for a combination of wages and tips.

(3)(A) “Employer” means a legal entity (including a for-profit or nonprofit firm, partnership, proprietorship, sole proprietorship, limited liability company, association, or corporation), or any receiver or trustee of an entity (including the legal representative of a deceased individual or receiver or trustee of an individual), who employs an employee.

(B) The term “employer” shall include the District government.

(4) “Family member” means:

(A)(i) A spouse, including the person identified by an employee as his or her domestic partner, as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3));

- (ii) The parents of a spouse;
- (iii) Children (including foster children and grandchildren);
- (iv) The spouses of children;
- (v) Parents;
- (vi) Brothers and sisters; and
- (vii) The spouses of brothers and sisters.

(B) A child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility; or

(C) A person with whom the employee shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the employee maintains a committed relationship, as defined in section 2(1) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(1)).

(5) "Paid leave" means accrued increments of compensated leave provided by an employer for use by an employee during an absence from employment for any of the reasons specified in section 3(b).

(6) "Premium pay program" means a plan offered by an employer pursuant to which an employee may elect to receive extra pay in lieu of benefits.

(7) "Sexual abuse" means any offense described in the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*).

(8) "Student" means an employee who:

(A)(i) Is a full-time student, as defined by an accredited institution of higher education;

(ii) Is employed by the institution at which the student is enrolled;

(iii) Is employed for less than 25 hours per week; and

(iv) Does not replace an employee subject to this act; or

(B) Is employed as part of the Year Round Program for Youth, as established by the Department of Employment Services.

### Sec. 3. Provision of paid leave.

(a)(1) An employer with 100 or more employees shall provide for each employee not less than one hour of paid leave for every 37 hours worked, not to exceed 7 days per calendar year.

(2) An employer with at least 25, but not more than 99, employees shall provide for each employee not less than one hour of paid leave for every 43 hours worked, not to exceed 5 days per calendar year.

(3) An employer with 24 or fewer employees shall provide not less than one hour of paid leave for every 87 hours worked, not to exceed 3 days per calendar year.

(4) For the purposes of paragraphs (1) through (3) of this subsection, the number of employees of an employer shall be determined by the average monthly number of

full-time equivalent employees for the prior calendar year. The average monthly number shall be calculated by adding the total monthly full-time equivalent employees for each month and dividing by 12.

(5) In the case of employees who are exempt from overtime payment under section 213(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201 *et seq.*), employees shall not accrue leave for hours worked beyond a 40-hour work week.

(b) Paid leave accrued under this section may be used by an employee for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee;

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee, subject to the requirement of subsection (d) of this section;

(3) An absence for the purpose of caring for a child, a parent, a spouse, domestic partner, or any other family member who has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2) of this subsection; or

(4) An absence if the employee or the employee's family member is a victim of stalking, domestic violence, or sexual abuse; provided, that the absence is directly related to social or legal services pertaining to the stalking, domestic violence, or sexual abuse, to:

(A) Seek medical attention for the employee or the employee's family member to recover from physical or psychological injury or disability caused by domestic violence or sexual abuse;

(B) Obtain services from a victim services organization;

(C) Obtain psychological or other counseling;

(D) Temporarily or permanently relocate;

(E) Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence or sexual abuse; or

(F) Take other actions to enhance the physical, psychological, or economic health or safety of the employee or the employee's family member or to enhance the safety of those who associate or work with the employee.

(c)(1) Paid leave under this section shall accrue in accordance with the employer's established pay period. An individual shall accrue paid leave at the beginning of his or her employment. An employee may begin to access paid leave after 90 days of service with his or her employer.

(2) An employee's unused paid leave accrued during a 12-month period shall carry over annually. An employee shall not use in one year more than the maximum hours as allowed in subsection (a)(1), (2), and (3) of this section, unless the employer chooses otherwise. Unused paid leave accrued under this act shall not be reimbursed upon the termination or



resignation of any employee.

(3) An employee who is discharged after the completion of a 90-day probationary period and is rehired within 12 months may access paid leave immediately.

(4) Upon mutual consent by the employee and the employer, an employee who chooses to work additional hours or shifts during the same or next pay period in lieu of hours or shifts missed, shall not use paid leave; provided, that the employer does not require the employee to work such additional hours or shifts.

(d) An employee shall make a reasonable effort to schedule paid leave under subsection (b) of this section in a manner that does not unduly disrupt the operations of the employer.

(e) If an employee does not suffer a loss of income when absent from work, for the number of days up to the days of paid leave provided for in subsection (a)(1), (2), and (3) of this section, an employer shall not be required to provide paid leave for such employee in accordance with this act. Notwithstanding the foregoing sentence, the provisions of section 9 shall apply to employees who do not suffer a loss of income when absent from work.

(f) If employees of beauty, hair, and nail salons are paid by commission (whether commission only or base wage plus commission), the sick leave rate of pay shall be calculated as follows: divide the employee's total earnings in base wages and commissions for the prior calendar year by the total hours worked as a commissioned employee during the prior calendar year. If employees do not have a prior calendar year's work history, divide the employee's total earnings in base wages and commissions since the employee's date of hire by the total hours worked as a commissioned employee since that date.

**Sec. 4. Notification.**

Paid leave shall be provided upon the written request of an employee upon notice as provided in this section. The request shall include a reason for the absence involved and the expected duration of the paid leave. If the paid leave is foreseeable, the request shall be provided at least 10 days, or as early as possible, in advance of the paid leave. If the paid leave is unforeseeable, an oral request for paid leave shall be provided prior to the start of the work shift for which the paid leave is requested. In the case of an emergency, the employer shall be notified prior to the start of the next work shift or within 24 hours of the onset of the emergency, whichever occurs sooner.

**Sec. 5. Certification.**

(a)(1) An employer may require that paid leave under section 3(b) for 3 or more consecutive days be supported by reasonable certification.

(2) Reasonable certification may include:

(A) A signed document from a health care provider, as defined in section 2(5) of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501(5)), affirming the illness of the employee;

(B) A police report indicating that the employee was a victim of

stalking, domestic violence, or sexual abuse;

(C) A court order; or

(D) A signed statement from a victim and witness advocate, or domestic violence counselor, as defined in D.C. Official Code § 14-310(a)(2), affirming that the employee is involved in legal action related to stalking, domestic violence, or sexual abuse.

(3) If certification is required by an employer, the employee shall provide a copy of the certification to the employer upon the employee's return to work.

(b)(1) This act shall not require a health care professional to disclose information in violation of section 1177 of the Social Security Act, approved August 21, 1996 (110 Stat. 2029; 42 U.S.C. § 1320d-6), or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 2033; 42 U.S.C. § 1320d-2, note).

(2) All information provided to the employer under section 3 shall not be disclosed by the employer, except to the extent that the disclosure is:

(A) Requested or consented to by the employee;

(B) Ordered by a court or administrative agency; or

(C) Otherwise required by applicable federal or local law.

#### Sec. 6. Current paid leave policies.

(a) An employer with a paid leave policy providing paid leave options, such as a paid time-off program or universal leave policy, shall not be required to modify such policy if the policy offers an employee the option, at the employee's discretion, to accrue and use leave under terms and conditions that are at least equivalent to the paid leave prescribed in this act.

(b) The terms and conditions of an employer's policy shall be presumed equivalent if they allow an employee to:

(1) Access and accrue paid leave at least at the same rate as or greater than the hours of paid leave provided in section 3(a)(1), (2), and (3); or

(2) Use the paid leave for the same purposes as those set forth in section 3(b), including unscheduled leave.

#### Sec. 7. Effect on existing employment benefits.

(a) This act shall not diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater paid leave rights to employees than the rights established under this act.

(b) The paid leave requirements under this act shall not be waived for less than 3 paid leave days by the written terms of a bona fide collective bargaining agreement.

#### Sec. 8. Encouragement of more generous paid leave policies.

This act shall not prevent an employer from the adoption or retention of a paid leave policy more generous than the one required by this act.

Sec. 9. Prohibited acts.

(a) A person shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided by this act.

(b) An employer shall not discharge or discriminate in any manner against an employee because the employee:

(1) Opposes any practice by an employer made unlawful by this act;

(2) Pursuant or related to this act:

(A) Files or attempts to file a charge;

(B) Institutes or attempts to institute a proceeding; or

(C) Facilitates the institution of a proceeding;

(3) Gives any information or testimony in connection with an inquiry or proceeding related to this act; or

(4) Uses paid leave provided under this act.

(c) Nothing in this act shall prohibit an employer from establishing and enforcing a lawful policy relating to improper use of paid leave or from seeking more frequent certifications from an employee if there is evidence of a pattern of abuse of paid leave.

Sec. 10. Posting requirement.

(a) The Mayor shall prescribe, and the Mayor shall provide to employers, in languages in accordance with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), and an employer shall post and maintain in a conspicuous place, a notice that sets forth excerpts from or summaries of the pertinent provisions of this act and information that pertains to the filing of a complaint under this act. The notice shall be published in all languages spoken by 3% of or 500 individuals in the District of Columbia population, whichever is less.

(b)(1) An employer who willfully violates this section shall be assessed a civil penalty not to exceed \$100 for each day that the employer fails to post the notice; provided, that the total penalty shall not exceed \$500.

(2) No liability for failure to post notice will arise under this section if the Mayor has failed to provide to the business the notice required by this section.

(c) An employer shall post the notice in English and all languages spoken by employees with Limited or no-English Proficiency, as defined in section 2(5) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931(5)).

(d) Employers shall be furnished copies or summaries of this act prepared by the Mayor on request.

Sec. 11. Administration.

This act shall be administered by the Department of Employment Services.

**Sec. 12. Effect on other laws.**

This act shall not:

- (1) Supersede any provision of law or contract that provides greater employee paid leave rights than the rights established under this act; or
- (2) Modify or affect any federal or District law prohibiting discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation.

**Sec. 13. Penalties.**

Except as provided in section 10(b), an employer who willfully violates the requirements of this act shall be subject to a civil penalty of \$500 for the 1<sup>st</sup> offense, \$750 for the 2<sup>nd</sup> offense, and \$1000 for the 3<sup>rd</sup> and each subsequent offense.

**Sec. 14. Rules.**

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act within 60 days after its effective date. If rules are promulgated, the Mayor shall submit the proposed rules to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.

**Sec. 15. Hardship exemption.**

The Mayor shall exempt, by rule, businesses that can prove hardship as a result of this act. The Mayor shall submit the proposed hardship exemption rules to the Council for a 45-day period of review, excluding Saturdays, Sunday, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day review period, the proposed rules shall be deemed disapproved.

**Sec. 16. Report by the District of Columbia Auditor.**

The District of Columbia Auditor shall prepare and submit to the Mayor and Council, annually, a report of this act's economic impact on the private sector. Among other things, the District of Columbia Auditor shall audit a sample of District businesses to determine:

- (1) The compliance level of businesses with the posting requirements; and
- (2) Whether companies are utilizing staffing patterns to circumvent the intention of this act.

Sec. 17. Applicability.

(a) This act shall apply 6 months after its effective date.

(b) In the case of a collective bargaining agreement in effect on the effective date set forth in subsection (a) of this section, this act shall apply on the earlier of the date of the termination of the agreement or the date that occurs 18 months after the date of the effective date of this act.

Sec. 18. Appropriations contingency.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 20. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia