

Health & Human Services and Public Safety Committee Agenda

Tuesday, April 24, 2018, 5:30pm

Council Chambers, City Hall

Councilor Belinda Ray, District 1, Chair

Councilor Brian Batson, District 3

Councilor Pious Ali, At-Large

1. Announcements
2. Review And Approval Of Minutes From April 10, 2018 Meeting

Documents:

[HHS PS MINUTES APRIL 10 2018 DRAFT.PDF](#)

3. Mandatory Paid Sick-Leave Ordinance

- Committee Chair will provide an introduction and background information on the ordinance.
- Public Hearing (see attachment re Rules for Public Hearing)
- Committee questions & discussion

Documents:

[ADDTL INFO FROM HHS NOV 14 MTG 2.PDF](#)
[PAID SICK LEAVE BANKOLE REPORT 2017 NOV 14.PDF](#)
[PSD HEALTH IMPACT PRESENTATION PPT BANKOLE 2017 NOV 14 TH MTG.PDF](#)
[SICK LEAVE ORDINANCE FINAL.PDF](#)
[SICK LEAVE ORDINANCE PRESENTATION.PDF](#)
[MAYOR STRIMLING INFO ON PAID SICK LEAVE ORDINANCE.PDF](#)
[ADDTL INFO FROM NOV 14 HHS MTG.PDF](#)
[RULES FOR PUBLIC HEARING.PDF](#)

4. Next Meeting: May 8, Mandatory Paid Sick-Leave Ordinance

- City staff will respond to questions posed by the committee during the November 14, 2017 meeting and any new committee questions generated from today's public hearing.

Documents:

[QUESTIONS AND POINT PERSON MEMO EDITED 4.18.PDF](#)

Keep up to date with the new shelter design and planning process at the City's website:

<http://www.portlandmaine.gov/2098/Planning-for-a-New-Shelter>



Health & Human Services and Public Safety Committee Minutes

Tuesday, April 10, 2018, 5:30pm, Room 209, City Hall

Committee Attendance:

Councilors Belinda Ray, Chair (District 1), Brian Batson (District 3), Pious Ali (At-Large)

City Staff: Mayor, Ethan Strimling; Director of Health and Human Services, Dawn Stiles; Director of Public Health, Dr. Kolawole Bankole; Director of Social Services, David MacLean; Executive Assistant, Adam Harr; Director of the Oxford Street Shelter, Robert Parritt; General Assistance Program Manager, Aaron Geyer; Community Health Promotions Specialist, Zoe Odlin-Platz; Community Health Promotions Specialist, Lizzie Garnatz; Family Health Program Manager, Anne Lang;

Partner Agency Staff: Medical Director of the India Street Public Health Center, Dr. Christina Demetteo

Public: Mark Noyes; Chris Berkeley, Sarah Michniewicz, Mark Swan, George Rhau

AGENDA ITEM 1 – Announcements and Approval of Minutes:

Meeting was called to order at approximately 5:30 PM.

Chair Ray announced that the next meeting will cover paid sick leave and moved to accept the March 20th meeting minutes. The motion was seconded with all in favor.

AGENDA ITEM 2 – Oxford Street Shelter

OSS: ([handout available here](#)):

<https://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/6047?fileID=33219>)

- There was a typo: beds per night should be beds per day
- Averaging about 115 people per day; some stay all day and some move throughout.
- Broken ground on storage and external restrooms. They will open as soon as possible.
 - Next phase: 5 additional stalls in external bathroom
 - 200 units of storage in cubbies. it will be locked except for designated times where staff monitors the unit
- Organizations providing services during the day:
 - • Alternative Wellness
 - • Shalom
 - • Bayside Health Partners
 - • Portland Fire Department
 - • Public Health
 - • SARSM
 - • Through These Doors (Formerly Family Crisis Services)



- • Maine DHHS
- • Frannie Peabody Center
- 74 Housing Placements (48 men and 26 women with 28 being Long Term Stayers)
- New Position has had 123 Outreach Activities Since March
- Night Shelter: 234 Average in February is going down to 220
- New Shelter: Still looking for land

Councilor Ali asked how partner agencies and service providers connect to the shelter; does OSS staff solicit services? OSS solicits services and providers reach out directly. OSS relies on the providers' programs such as the meals at Preble Street.

Councilor Batson asked if there has been an uptick in housing placements since starting day services. There has not been one yet, however the individuals that the outreach staff is cultivating relationships with are the most vulnerable and deep in their substance use.

Chair Ray asked if there are financial agreements with day shelter service providers. OSS provides space and does not have formal financial agreements. Chair Ray then asked if there is a concern for programs that rely on grant funding continuing to provide services. There is not but agencies want waiting lists to demonstrate need.

Housing retention is at 90%, Chair Ray asked what the duration of follow up is. It is case by case. When a property manager or landlord is having issues, they will call shelter staff.

Mayor Strimling asked the status of the bathrooms and lockers; ground is broken and instillation will occur as soon as possible. How OSS staff determine where individuals have connections to Portland:

- Individuals self-report connections to Portland at intake.

What are preventing numbers from going down:

- Lack of affordable housing
- Lack of Medicaid expansion

Chair Ray asked if there are vouchers that being unused because of a lack of vacancies. There are less available vouchers and some people working on their own may not be able to find a unit their voucher can afford, but individuals working with housing councilors are largely successful once they've secured a voucher.

Dave explained that the Coordinated Entry System could alleviate service centers like Portland. Coordinated Entry is a no-wrong-door approach to implementing the homelessness system across the state, starting with initial diversion and triage to appropriate resources using 2-1-1 and where people physically present for services.

Dave explained the GA aspect where individuals are screened to see if they have attempted to access GA. The system will help people stay where they are and where they want to be.



Councilor Batson asked how the City sends people back to municipalities who come to Portland who want to stay in their home municipalities using their local GA offices. That process is not fleshed out yet because it is currently too difficult to prove municipality of responsibility.

Councilor Ali asked which housing resources asylum seeking families entering the shelter are eligible for. Asylum seekers do not qualify for federal assistance so the only available housing assistance option is General Assistance.

Chair Ray asked if GA is billing other municipalities. With the difficulty in proving municipality of responsibility, Portland is not attempting to bill anymore. Instead, certain communities are taking their residents back and granting emergency housing assistance: South Portland, Westbrook and Sanford.

AGENDA ITEM 3 – Portland Opportunity Crew

General Assistance Program Manager Aaron Geyer shared [highlights from the program](https://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/6048?fileID=33220):
<https://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/6048?fileID=33220>

- POC employed 17 individuals for varying lengths of time.
- Picked up 316 bags of trash
- 214 Needles were removed from open spaces such as trails.
- Program ended on November 9th.
- Will start when the ground dries at the end of the month
- Funding through June
 - Donations through *Text CREW to 91999*
 - Applied to grants from Harvard and United Way
 - Reaching out to business community seeking sponsors; signs are placed around the crew's worksites that could be used to thank sponsors.

Councilor Ali asked if there are possibilities to link people to jobs? Six participants have found employment aided by the POC staff's case management and the work experience gained from participating.

\$43,000 was set aside from the budget last year: from the sale of City-owned land, CDBG and some text to donate and direct donations. The City did not fund the program in the FY19 budget. Social Services is looking for \$45,000 for FY19; the program costs about \$1,300 a week. Social Services is exploring weekly sponsorship by local businesses.

Councilor Batson asked if after enrollment with PeopleReady, are spots reserved for participants. Spots are not reserved. Aaron explained that the POC staff member helps participants obtain IDs and pass the pre-employment tests required by PeopleReady. Capacity opens up organically as individuals accept other jobs through PeopleReady.



Of the 47 who had barriers, what happened? Some were disabled or failed the PeopleReady test; individuals who fail the test cannot test again for one calendar year. People who failed were referred to Complete Labor, a staffing agency near Social Services.

The City pays for the program staff. The \$1,300 is all the stipends, breakfast and lunch, and gas for the van. Mayor Strimling asked about year-round services; Winter would be a challenge logistically. There has room for expansion in terms of participation.

AGENDA ITEM 4 – Public Health Update

Dr. Bankole recapped some activities from public health week; his goal is to connect Public Health with each department of the City.

Needle Exchange Program (NEP) – Zoe Odlin-Platz and Lizzie Garnatz

The NEP report is [available here](#):

< <https://www.portlandmaine.gov/AgendaCenter/ViewFile/Item/6046?fileID=33094> >

- Seeing an increase of people from outside of Portland including Northern Maine; Lewiston's closed.
- Majority of people are uninsured (85%)
- 35% are experiencing homelessness
- The clinic started giving out Narcan (Naloxone) in 2015
- 2017: data collection improved:
 - Kits given out
 - Reporting reversals including location of overdose, how many doses it took to reverse, what they took, and if 911 was called
- Donation Only: Vaccine like dosing, auto-injectors, and some nasal deliveries.
- Information gathered from data collection and outreach were used to train agencies servicing drug using populations
 - Trainings help the clinic advertise their other services
- 291 overdosed were reversed by participants last year.
- When the Lewiston needle exchange closed there was an increase; some do larger exchanges to bring them back to their communities.
- Mobile outreach to the shelter does education on where sharps boxes are.
- The program does a Biohazard training at the start of neighborhood clean-ups.
- Only 30% of people are calling 911; there is no Good Samaritan law in the State of Maine.
- Most people report using what people believe to be heroin or fentanyl.
 - Polysubstance use where people use multiple substances is common
 - Mostly opioids and some prescription drugs and stimulants



Councilor Ali asked if they had done trainings in the immigrant community. The Exchange has not due to outreach difficulties. Substance use is heavily stigmatized. Materials are being translated into Spanish and French. Councilor Ali suggested they work with community leaders and will send list of individuals to Dr. Bankole. Dr. Bankole clarified that while the NEP has not done outreach to immigrant communities but the Minority Health Program has.

Chair Ray asked if the reversal numbers in the naloxone distribution report could be lower and asked about the doses distributed. Each naloxone kit has two doses and one person can take more than the normal two doses per person. Chair Ray asked how location is tracked. NEP tracks by county and can provide those statistics.

Chair Ray asked how which drugs people use is captured. When people enroll there is a form that lists substances and are recorded in case notes. Chair Ray asked why no one reported marijuana where alcohol is. Alcohol is an overdose risk with opioids and its use is asked on the naloxone form. The NEP focuses on injectable drugs which is why marijuana is not asked about.

If people called 911 more, would fewer doses be used? When reversing a fentanyl overdose there is paraphernalia and color change in the face; it is scarier leading to using more than is necessary. EMS will stabilize first.

Switch from an auto injector to syringe:

- Who is the 2ml appropriate for?
- There was no testing done at the pharmaceutical level when the decision was made.
- A 2ml auto injector (about 5 times the previous amount) is only appropriate for a non-regular user. For that reason, NEP chose not to give them out except to recovery houses as it would be appropriate for someone in a relapse.

Councilor Batson asked if they see any barriers moving back to injectable naran. Some users prefer injectable. This preparation is specifically for NED participants, not for community trainings. Councilor Batson asked if there are different reactions to the ways to administer naran: nasal naloxone kits are available by prescription and over the counter.

Councilor Batson would like to see a connection with the business community. NEP trained the Portland Food Coop on reversing overdoses using nasal naloxone and installed sharps boxes in their bathrooms.

Councilor Batson asked about the naloxone donations; is it just product or financial donations too? Most are product donation grants. NEP would like to have nasal naran available to community members in stock but there are no donation programs for product and it is prohibitively expensive. Councilor Batson asked if there are supply and demand issues where participants ask for naloxone with none available. That sometimes occurs where individuals must be referred to a pharmacy.

Mayor Strimling asked if there are financial challenges. It is fully funded but acquiring more naloxone and nasal naloxone is a challenge.



Mayor Strimling asked about the Good Samaritan Law:

- There is a medical Good Samaritan Law that protects someone intervening in a medical emergency and that person injures the person experiencing the emergency while making a good faith effort to save them.
- An Overdose Good Samaritan Law does not exist;
 - someone who calls 911 for someone experiencing an overdose or the person experiencing an overdose can be arrested for possession.
 - Most arrests occur due to open warrants.

Mayor Strimling asked about safe injection sites. Chair Ray clarified that public health is putting together information on that type of program.

STD Clinic – Dr. Dematteo

- Partnership between Maine Medical Center and the India Street Clinic
- STDs are rising in the state and across the nation
 - Chlamydia
 - Gonorrhea
 - Syphilis
- Clusters of outbreaks of syphilis has been observed in the Portland community
- HIV rates are low
- Non-HIV STD funding has diminished; Portland is the last clinic.
- High risk individuals are tested for free; the rest pay a flat fee of \$60
- Tuesday and Thursdays have walk-in clinics from 3:00-5:30
- Provider outreach to educate on extra genital testing. 80% of gonorrhea cases would not have been found with urine testing alone.
- The Maine CDC has a staff member who offers intimate partner services and will interview individuals who test positive for HIV, Gonorrhea and syphilis and then anonymously contact their sexual partners for them.
- Outreach to lower barriers to care; self-collect orally and anally. Outreach to the jail, youth, and is partnered with the Preble street learning collaborative to provide a full STD clinic.
- PrEP program (Pre-exposure Prophylaxis), a daily pill which reduces the risk of HIV infection.

Councilor Batson asked for clarification; the India Street Clinic is the only dedicated STD testing clinic that provides free testing and treatment to high risk individuals. Councilor Batson asked how expensive PrEP is. It is very expensive but is very affordable if you have or do not have insurance. The manufacturer has programs to make it free or affordable.



Chair Ray asked what they attribute to the increase in STIs. The increased use of online apps and social media to meet people as well as condom use falling with the fear of HIV. People are less afraid acquiring HIV and may use condoms less. There is also better and increased testing and substance use, both could add to an increase.

Perfect storm of people who have multiple partners who are not comfortable talking about sex and are not getting tested extra-genitally; infections are being missed.

There used to be 7 disease intervention specialists, now 2 people cover the entire state.

Councilor Ali asked about what Massachusetts is doing with apps and what Maine is doing. MA has public health profiles on Grindr that can contact partners. Maine can only make phone calls and send letters; disease intervention specialists cannot send text messages.

Next meeting:

April 24th in Room 24.

Meeting adjourned

Letter to the editor: Paid sick leave for all would keep everyone healthy

www.pressherald.com/2017/11/06/letter-to-the-editor-paid-sick-leave-for-all-would-keep-everyone-healthy/

We're all connected, living in a city. Nothing brings that home more than the start of cold and flu season.

Those of us who have paid sick time at our jobs take for granted that we can afford to go to the doctor for preventive care, or stay home when we're contagious.

Today's Letters

- Letter to the editor: Age, property not valid council criteria
- Letter to the editor: City should be able to afford to direct traffic at any time
- Letter to the editor: Let president set example by releasing his tax records
- Letter to the editor: All local candidates worthy of gratitude for involvement

But very few workers in the restaurant, retail and hospitality fields – the industries our booming city depends on – have access to that basic right.

They have to decide between losing a paycheck or even their job, and taking time off for their health. It's a cruel choice, and it's even harder on the children who go to school sick because a parent can't take time off to watch them at home.

With thousands of Portland workers making these lose-lose decisions, the public health consequences are obvious. Last summer, an outbreak of norovirus in Virginia was traced to a Chipotle employee whose manager had denied them sick leave. It's easy to imagine that happening here.

It's not only our consciences that are affected by each other's misfortunes. When you get sick, I'm likelier to get sick, too.

I urge the Portland City Council to adopt the earned paid sick-time ordinance introduced last month. Universal paid sick leave – for all workers, including the many employed in multiple part-time jobs and in small businesses – keeps us all healthy.

Anna Kellar

Portland

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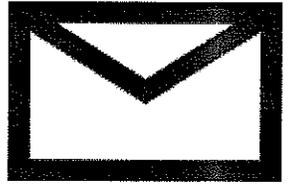
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Healthy Workers Keep Portland Healthy

Universal Earned Paid Sick Days

Earned paid sick days improve public health, increase worker productivity & employee retention, and provide an economic safety net for low-wage workers. A universal paid sick days ordinance in Portland is a win for everyone, and a reflection of Portland's human rights values.

Justice for Working Families:

Low wage workers struggling to make ends meet face an impossible choice: lose the pay they need to meet basic needs, or go to work sick. This ordinance supports workers to make the best choices for themselves and their families when someone has medical needs.

All Workers In:

Everyone should have the ability to take time off from work to recover from an illness, access preventative care, or care for a sick loved one. We can't leave workers behind because of the size of business they work for. This ordinance will work for all of Portland's workers.

Protect Public Health:

Studies show that providing paid time off for workers improves public health because workers are not coming to work when they are sick or sending their children to school when they are sick. This is an issue that impacts all of us!

Race & Gender Equity:

Women, people of color, and immigrants are more likely to have to work when they're sick, or their loved ones are sick. This ordinance will provide a stronger safety net for the workers who need it most.

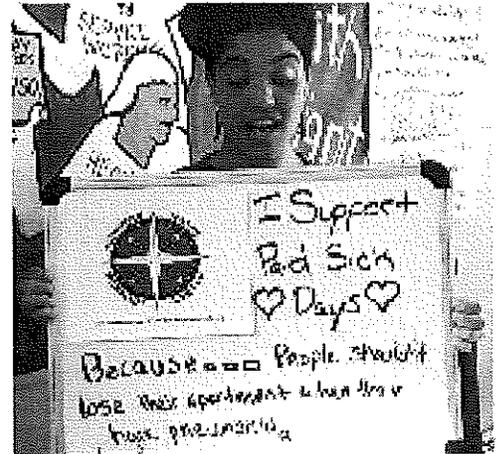
Southern Maine
Workers' Center
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Work With Dignity
Organizer:
Erin Hennessey
erin@maineworkers.org



Maine Women's Lobby
www.mainewomen.org
207-622-0851
Organizer:
Jen Sorkin
jsorkin@mainewomen.org

The People Behind the Policy: Personal stories for why we need universal earned paid sick days

When I was 16 my mom, who worked as a chef, got pneumonia. She took a little time off, but couldn't afford to take enough time to get better. She coughed so hard she passed out on 3 separate occasions. She had to take off more time to go to the doctor and found out that her pneumonia had spread to her other lung. She had no other options she had to stay home from work and, subsequently, she was fired. This was the beginning of a chain of events that ended with us losing our apartment. Paid sick days is critical for low wage workers like my mom to be able to live and work with dignity. The people who make your food deserve to be able to care for themselves and their loved ones when they are sick. I can't imagine how my life would be different if this had been something that my mom had access to when I was young. -Erin Hennessey, Organizer, Southern Maine Workers' Center



When I used to work as a hospital nurse we were all forced to work while sick. One day, while starting an IV, my runny nose, from a fresh cold, unexpectedly dripped onto the patient's arm! I was mortified. I had to disinfect the arm and start over. -Melanie, Portland, Member, MomsRising

If my children get sick I have to bring them to daycare anyway. I cannot miss work without the threat of losing my job. I need to work to pay my bills. -Victoria, Portland, Member, MomsRising



The harsh reality for many immigrant families in Portland is that they are stuck at work, even when they are sick or when a family member who requires their attention and care is sick. Last school year my nephew got sick at school; they called my sister to go get him, but she couldn't afford to leave work and be home with him for the rest of the day. Her husband was in the exact same situation. It was fortunate that I was available on that day. I would like to see a day when my sister or her husband can come home when sick or when their child is sick at school-- without having to lose pay at work. This is a critical need for many families in Portland. -John Ochira, Vice Chair of the South Sudanese Community Association of Maine

As an educator in the Portland school district I see how hard it can be on my students when their parents don't have paid sick time. I had a fourth grader, crying in my classroom, because she had a headache. The nurse told me that she also had a fever. I asked her to call her mom so she could go home, and she said that her mom needed to go to work

because they needed the money to pay rent. Without paid sick time, workers need to send their sick children to school which is bad for the sick student and bad for the students they share a classroom with. Parents should not have to face the impossible situation of choosing between a paycheck or keeping their sick child home. -Ina Demers, Board Member, Southern Maine Workers' Center





Supporters of Universal Earned Paid Sick Time Ordinance

The Southern Maine Workers' Center: maineworkers.org • Maine Women's Lobby: maine.org

Endorsing Organizations

Homeless Voices for Justice
Portland

Maine AFL-CIO
www.maineaflcio.org
Statewide

Maine State Nurses Association
www.nationalnursesunited.org/nnoc/maine
Statewide

Portland Outright
www.portlandoutright.com
Portland

Somali Community Center of Maine
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South Sudanese Community
Association
www.facebook.com/SSCofMaine
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Southern Maine Democratic Socialists of America
www.southernmainedsa.org
Southern Maine

Southern Maine Labor Council
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Southern Maine

Supportive Businesses

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www.dalerandprinting.com
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Think Tank CoWorking
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www.thinktankcoworking.com
533 Congress St, Portland 04101

RESOURCES

Association of Paid Sick Leave Laws With Foodborne Illness Rates

2017 | *American Journal of Preventive Medicine*

Introduction

Previous studies suggest an association between paid sick leave (PSL) and better population health, including fewer infectious and nosocomial gastrointestinal disease outbreaks. Yet few studies examine whether laws requiring employers to offer PSL demonstrate a similar association. This mixed-methods study examined whether laws requiring employers to provide PSL are associated with decreased foodborne illness rates, particularly laws that are more supportive of employees taking leave.

Methods

The four earliest PSL laws were classified by whether they were more or less supportive of employees taking leave. Jurisdictions with PSL were matched to comparison jurisdictions by population size and density. Using difference-in-differences, monthly foodborne illness rates (2000–2014) in implementation and comparison jurisdictions before and after the laws were effective were compared, stratifying by how supportive the laws were of employees taking leave, and then by disease. The empirical analysis was conducted from 2015–2017.

Results

Foodborne illness rates declined after implementation of the PSL law in jurisdictions with laws more supportive of employees taking leave, but increased in jurisdictions with laws that are less supportive. In adjusted analyses, PSL laws that were more supportive of employees taking sick leave were associated with an adjusted 22% decrease in foodborne illness rates ($p < 0.005$). These results are driven by campylobacteriosis.

Conclusions

Although the results suggest an association between more supportive PSL laws and decreased foodborne illness rates, they should be interpreted cautiously because the trend is driven by campylobacteriosis, which has low person-to-person transmission.

Read the study.

AUTHORS:

Study authors: Charleen Hsuan, JD, PhD, Kat DeBurgh, MPH, Dawn M. Jacobson, MD, MPH, [Suzanne Ryan-Ibarra](#)

PRODUCED THROUGH PHI'S:

[Survey Research Group](#)

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[Health Care & Population Health](#), [Social Determinants of Health](#), [Population Health](#), [Population Data](#)



Insult to injury: US workers without paid sick leave suffer from mental distress

Study first to explore link between psychological distress and paid sick leave

Date: September 15, 2017

Source: Florida Atlantic University

Summary: Only seven states in the US have mandatory paid sick leave laws, yet, 15 states have passed preemptive legislation prohibiting localities from passing sick leave. Paid sick leave is gaining momentum as a social justice issue with important implications for health and wellness. But what are the implications for the mental well-being of Americans without paid sick leave? A new study is the first to show the link between mental distress and paid sick leave among US workers.

FULL STORY

Only seven states in the United States have mandatory paid sick leave laws; yet, 15 states have passed preemptive legislation prohibiting localities from passing sick leave. Despite this resistance, paid sick leave is starting to gain momentum as a social justice issue with important implications for health and wellness. But what are the implications for the mental well-being of Americans without paid sick leave? Little was known about their relationship until now.

Researchers from Florida Atlantic University and Cleveland State University are the first to explore the link between psychological distress and paid sick leave among U.S. workers ages 18-64. Results of their study, published in the *American Journal of Orthopsychiatry*, illuminate the effects of exacerbated stress on Americans without paid sick leave who are unable to care for themselves or their loved ones without fear of losing wages or their jobs.

The researchers found that workers without paid sick leave benefits reported a statistically significant higher level of psychological distress. They also are 1.45 times more likely to report that their distress symptoms interfere "a lot" with their daily life and activities compared to workers with paid sick leave. Those most vulnerable: young, Hispanic, low-income and poorly educated populations.

"Given the disproportionate access to paid sick leave based on race, ethnicity and income status, coupled with its relationship to health and mental health, paid sick leave must be viewed as a health disparity as well as a social justice issue," said LeaAnne DeRigne, Ph.D., co-author of the study and an associate professor in the Phyllis and Harvey Sandler School of Social Work within FAU's College for Design and Social Inquiry. "Even modest increases in psychological distress are noteworthy for both researchers and policy makers since we know that even small increases in stress can impact health."

The study included 17,897 respondents from the National Health Interview Survey (NHIS), administered by the U.S. government since 1957 to examine a nationally representative sample of U.S. households about health and sociodemographic variables.

"For many Americans, daily life itself can be a source of stress as they struggle to manage numerous responsibilities including health related issues," said Patricia Stoddard-Dare, Ph.D., lead author of the study and associate professor of social work at Cleveland State University. "Making matters worse, for those who lack paid sick leave, a day away from work can mean lost wages or even fear of losing one's job. These stressors combined with other sources of stress have the potential to interfere with workplace performance and impact overall mental health."

The researchers used the Kessler Psychological Distress Scale (K6), considered the gold standard for assessing psychological distress in population-based samples in the U.S. and internationally. With a theoretical range of 0 to 24, higher scores on the K6 represent increased psychological distress and scores above 13 are correlated with having a mental disorder of some type.

Results from the study showed that those with paid sick leave had a lower mean distress score compared to those without paid sick leave, who had significantly higher K6 scores, indicating a higher level of psychological distress. Only 1.4 percent of those with paid sick leave had a K6 score above 12 compared to 3.1 percent of the respondents without paid sick leave.

The most significant control variables indicated an increase in the expected psychological distress score among those who were younger, female, in fair or poor personal health, had at least one chronic health condition, were current smokers or did not average the recommended range of seven to nine hours of sleep per day.

Approximately 40 percent of respondents in the NHIS sample did not have paid sick leave; approximately half of the respondents were female; more than half were married or cohabitating; three-quarters indicated that their highest level of education included at least some college; and 62 percent were non-Hispanic white. The mean age was 41.2 years. Most of the respondents (79.1 percent) worked full-time and 82.7 percent had health insurance coverage. Respondents were in families with a mean size of 2.6 persons and 39.3 percent reported having children in the family. Approximately 32 percent had an annual family income of \$35,000 to \$50,000, and more than one quarter were below the poverty threshold.

DeRigne and Stoddard-Dare caution that even though there is concern about the potential burden on employers if paid sick leave laws are passed, it is important to be mindful of the overall situation regarding productivity loss and workplace costs associated with mental health symptoms and psychological concerns among U.S. workers. Furthermore, the personal health care consequences of delaying or forgoing needed medical care can lead to more complicated and expensive health conditions. U.S. workers with paid sick leave are more likely to take time off work and self-quarantine when necessary, without the worries of losing their job or income while also not spreading illness to others.

"Results from our research will help employers as they think about strategies to reduce psychological stress in their employees such as implementing or expanding access to paid sick days," said Stoddard-Dare. "Clinicians also can use these findings to help their patients and clients as can legislators who are actively evaluating the value of mandating paid sick leave."

Story Source:

Materials provided by **Florida Atlantic University**

. Note: Content may be edited for style and length.

Journal Reference:

1. Patricia Stoddard-Dare, LeaAnne DeRigne, Cyleste C. Collins, Linda M. Quinn, Kimberly Fuller. **Paid Sick Leave and Psychological Distress: An Analysis of U.S. Workers..** *American Journal of Orthopsychiatry*, 2017; DOI: 10.1037/ort0000293

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RELATED STORIES

New Study Finds Troubling Health Care Outcomes for US Workers Without Paid Sick Leave

Mar. 7, 2016 — There are 49 million US workers without paid sick leave, causing an even greater divide in health care disparities as well as undesirable health care outcomes. A new study is the first to examine the ... [read more »](#)

Low Rate of Job Retention Following Colorectal Cancer Diagnosis

Dec. 22, 2015 — Nearly half of working individuals with stage III colorectal cancer surveyed did not retain their jobs reportedly due to their cancer diagnosis and treatment, according to a study. Paid sick leave ... [read more »](#)

Less Financial Burden for Cancer Patients With Paid Sick Leave, Study Finds

Dec. 22, 2015 — In a survey of more than 1,300 patients with stage 3 colorectal cancer, researchers found that only 55 percent who were employed at the time of diagnosis retained their jobs after treatment. Patients ... [read more »](#)



Warning: Your Open-Plan Office Can Make You Ill

Feb. 25, 2014 — Don't blame other commuters if you catch a cold this winter: blame the people who designed your office. According to a study, workplace layout has a surprising effect on rates of sick leave. After ... [read more »](#)

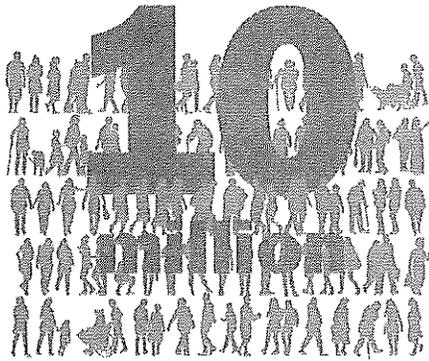


5 Facts About Chosen Family

Families in the United States come in many forms but all too often public policy fails to adequately recognize and support the needs of all families. In recent years cities and states have taken action to rectify policy shortcomings by providing the legal right to sick time that covers not just people related by blood or legal ties but also chosen family.

Chosen families form when two or more individuals form a close, family-like relationship. Such families might be long-term partners, friends who have become like siblings, or a neighbor who provides regular care to an elderly individual. By recognizing the critical role chosen family plays in caregiving and support, policy makers are taking essential steps forward to ensure that all families thrive.

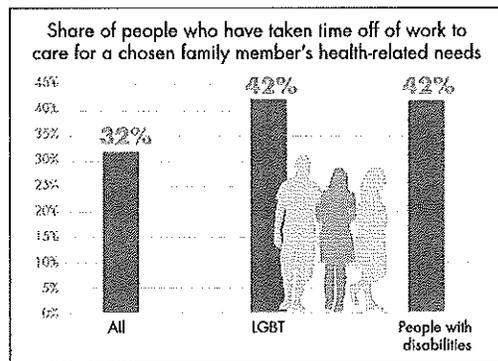
FACT 1:



State and local victories since the last half of 2016 will provide **more than 10 million people** the legal right to sick time with a family definition that includes chosen family.¹

¹For information regarding people covered by sick leave policies in Arizona, Chicago/Cook County, Los Angeles, and Saint Paul, MN, see Maria Bowman and others, "Walking Paid Leave Work for Every Family" (Washington: Center for American Progress, A Better Balance, Family Values @ Work, and Forward Together, 2016), available at <http://www.americanprogress.org/issues/family/reports/2016/12/01/20161201-walking-paid-leave-work-for-every-family/>. For notes for New York City's sick time law based on Steve Green, "NYC's Paid Sick Leave Law: Five Year Milestones" (New York City: Department of Corporate Affairs, 2015), available at <https://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeaveLawFiveYearMilestones.pdf> for notes for employment growth and the federal workforce. Estimates for Florida listed a sick time for non-government workers based on July 2017 data from Bureau of Labor Statistics, Florida Island, available at http://www.fl.gov/regional/economic/indicators/florida-island.html#eng_01_3.

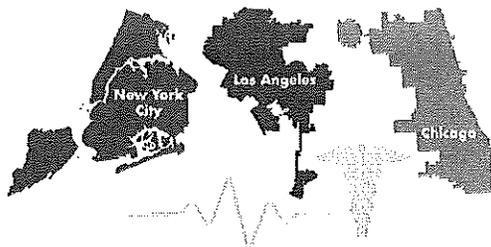
FACT 2:



Nearly **one-third of people** in the United States report having taken time off of work to care for a friend or chosen family member for a health-related reason—and figures are significantly higher for LGBT individuals and people with disabilities.²

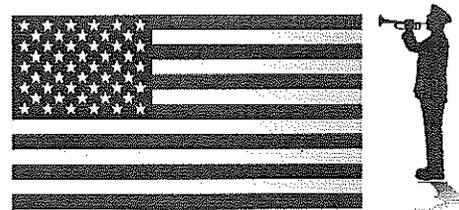
²Katherine Gallagher Robb and others, "People Need Paid Leave Policies That Cover Chosen Family" (Washington: Center for American Progress 2017), available at <http://www.americanprogress.org/issues/equality/reports/2017/10/30/441392/people-need-paid-leave-policies-that-cover-chosen-family/>.

FACT 3:



The **three largest cities** in the U.S.—New York, Los Angeles, and Chicago—have all passed paid sick time laws that provide workers with the legal right to care for their chosen family.

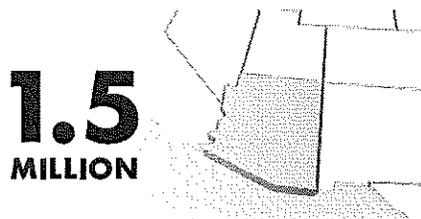
FACT 4:



1969: The first time the federal government uses an inclusive family definition, permitting employees to take funeral leave for chosen family who died while serving in the armed forces in a combat zone.

Maria Bowman and others, "Walking Paid Leave Work for Every Family" (Washington: Center for American Progress, A Better Balance, Family Values @ Work, and Forward Together, 2016).

FACT 5:



Nearly **1.5 million Arizonans** vote in favor of a 2016 ballot measure that guarantees paid sick time with a family definition that includes chosen family.

Arizona Secretary of State, Ballot Measure Results for Proposition 205, available at <http://results.azsos.gov/2016/General/11591/Results/State/Item/Work>.

For More Information

A Better Balance
www.abetterbalance.org

Family Values @ Work
www.familyvaluesatwork.org

Center for American Progress
www.americanprogress.org



TAKING CARE OF BUSINESS

The Business Benefits of Paid Leave

Updated March 2011

Businesses benefit when employees are able to take time away from work to cope with personal and family illnesses. More satisfied and productive workers translate into improved workplace morale, greater worker loyalty and better bottom lines. Many leading business owners and managers understand these benefits and have implemented effective family-friendly policies that allow workers time away from work for basic personal and medical needs. Public policies that complement their practices and establish minimum standards for leave will allow workers and businesses to deal with the realities of the twenty-first century workplace.

Paid Sick Days: Ensuring a Productive Workplace

Everyone gets sick. When workers have access to paid sick days to use for their own and family members' illnesses, they recover faster, are more productive, and obtain timely medical care, thus holding down health care costs. This is a tremendous benefit to businesses. **Yet nearly two in five private-sector workers lack paid sick days. In smaller businesses, 47 percent lack paid sick days.**¹

Paid Sick Days Reduce Worker Presenteeism and Promote Retention

Paid sick days can help businesses by decreasing presenteeism, turnover and the spread of disease.² Workers with paid sick days are more likely to stay home when they are ill, reducing the spread of illness to co-workers and customers. **Paid sick days also reduce “presenteeism”— the productivity lost when workers come to work sick. Lost productivity due to illness has been estimated to cost \$180 billion annually.**³

By providing paid sick days, businesses also benefit from increased worker loyalty and reduced turnover. This is particularly important in low-wage industries where turnover is often high. The director of operations and development at a small New York City restaurant recently estimated at a Congressional briefing that turnover costs in the restaurant industry total about \$1,000 per employee. She noted that because her business offers paid sick days and other good benefits, their turnover rate is only 30 percent annually — compared to an industry standard of 200 percent.

Paid Sick Days Reduce the Spread of Disease and Lower Health Care Costs

Employees who work sick endanger business profits. During three months of the H1N1 flu pandemic in 2009, 8 million workers went to work sick and may have infected 7 million of their co-workers. Lack of paid sick days may have prolonged the pandemic.⁴

Workers today are more likely than ever to be caregivers.

- In nearly two-thirds of families with children, all adults in the household work.
- Nearly one in five adults provides unpaid care to an elderly family member or friend.
- The number of workers with elder care responsibilities is anticipated to grow dramatically in the next two decades.

The risks of contagion — and the resulting costs — are highest in workplaces where workers regularly deal with the public. These are often the industries in which workers are least likely to have paid sick days. In the restaurant industry, nearly two-thirds of servers and cooks report that they have served or cooked while ill.⁵ Sick workers can create serious public health risks and lead to high costs. When a food service worker at a Chipotle restaurant in Kent, Ohio, came to work with a stomach virus because he had no paid sick days, he infected 500 people who became violently ill. The incident cost customers and the community hundreds of thousands of dollars — and caused reputational harm to the restaurant.⁶

"I understand the public health risks created when workers have no paid sick days. I don't want to serve food that could make my customers sick. If any of my employees is sick, it is better for him, my customers, and everybody if he stays home."
— *Julio Hernandez, food truck owner, New York City*

Lack of paid sick days drives up health care costs for businesses and the public: **Workers without paid sick days are more than twice as likely as those with paid sick days to seek emergency room care because they are unable to take time off during normal work hours.** Parents without paid sick days are five times more likely to seek emergency room care for their children or other relatives.⁷ Lack of paid sick days may also make workers less likely to seek preventive care.⁸

A Paid Sick Days Standard Will Level the Playing Field by Making a Minimal Number of Paid Sick Days the Norm for All Businesses

Although model employers — small and large — are already offering paid sick days to employees at all wage levels, a standard would provide all workers a minimum amount of sick time. A standard would level the

playing field, making paid sick days a normal business practice on par with other widely accepted minimum labor standards. **Policy proposals would allow businesses the flexibility to continue to offer more generous benefits. Those businesses that already provide basic paid sick days protection would not need to change their practices.** Indeed, this was the case for most San Francisco employers after the city implemented a paid sick days law.⁹

"The U.S. Women's Chamber of Commerce supports a minimum standard for paid sick days. Healthy businesses need healthy workers, which is precisely what paid sick days accomplish. Paid sick days are an investment in our families, our workforce, and our health that we cannot afford to do without."
— *Margot Dorfman, CEO, Women's Chamber of Commerce*

Cargo Coffee and Ground Zero coffee shops in Madison, Wisconsin, offer paid sick days to all 24 of their employees. After these small establishments began offering paid sick days, productivity increased among

staff, while the spread of illness among employees decreased. Lindsey Lee, the owner of the coffee shops, believes that his "business would benefit from a national standard of paid sick days because it would level the playing field among competitors who don't currently offer paid sick days to their employees."

Experience With Paid Sick Days Laws Shows That They Work for Businesses and Workers

Since San Francisco's paid sick days law went into effect in 2007, job growth has been consistently higher in San Francisco than in neighboring counties that lack a paid sick days law. The number of businesses — small and large — has grown more rapidly in San Francisco than in neighboring counties. This holds true even for businesses most impacted by the new law: retail and food service establishments.¹⁰ The executive director of the Golden Gate Restaurant Association has said that "paid sick days is the best public policy for the least cost," adding, "Do you want your server coughing over your food?"¹¹ Two-thirds of San Francisco businesses now say they support the law.¹²

"I think my company has worked [the paid sick days law] out pretty well... People are using it as it was meant to be used. You're sick or you have the flu, you take time off, and you get paid."
— *Jean Eddy, President, The People Connection (temp agency), San Francisco*

Paid Family and Medical Leave: Retaining Valuable Workers

Nearly all workers at some point will need to take leave from their job to deal with a serious illness or care for a new child. Paid family and medical leave allows them to meet these needs.

Business owners often say that offering paid family and medical leave promotes family values, generates good will with their employees, and is the compassionate and caring thing to do. **Yet only 10 percent of private-sector workers have access to paid family leave through their employer, and fewer than 40 percent have access to personal medical leave through short-term disability insurance.**¹³ Leave under the Family and Medical Leave Act (FMLA) is available to fewer than 50 percent of workers.¹⁴ Moreover, because the FMLA provides only unpaid leave, many cannot afford to take it.

Nationwide or statewide paid family and medical leave — offered, for example, through an insurance system funded by employee and employer contributions — would allow workers to take a limited number of weeks away from work with pay. Paid leave insurance systems are already working well in California and New Jersey, where businesses see benefits in employee retention, morale and productivity.

Paid Family and Medical Leave Promotes Retention and Reduces Turnover

Worker turnover declines and loyalty increases when workers are able to use paid leave to address serious personal or family illnesses or to care for a new child.

California's paid family leave program has increased retention among workers in lower-wage jobs by 10 percent.¹⁵ Nationally, first-time mothers who have access to paid maternity leave are more likely to return to work after the birth of their child.¹⁶

Even the security provided by job-protected unpaid leave promotes worker retention.

Ninety-eight percent of employees who took leave under the FMLA returned to work for the same employer.

In contrast, businesses that do not provide employees with paid family and medical leave or job-protected unpaid leave must frequently absorb turnover costs. **Replacing a worker is expensive: turnover costs are estimated to be**

anywhere from 25 to 200 percent of annual compensation.¹⁷ These costs include not only direct expenses like recruiting, interviewing, hiring, training and supervising, but also indirect costs like lost sales resulting from consumer dissatisfaction, new employee errors, and reduced morale of employees charged with training new hires.

A Paid Family and Medical Leave Insurance System Helps Smaller Businesses Compete

Paid family and medical leave is offered by only a small number of businesses — and smaller businesses are even less likely than larger businesses to offer such leave. **A paid leave insurance system would help small businesses retain valued workers and compete with larger employers by spreading the cost. A public program would make paid leave available to workers in smaller businesses that might have difficulty providing it on their own.**¹⁸ Indeed, the existing statewide paid family leave programs in California and New Jersey are funded solely through employee contributions, so businesses do not bear any direct costs.

Existing Laws Prove That These Policies Work for Businesses and Workers

In addition to the FMLA, which has been used over 100 million times to provide unpaid leave to workers, **family leave insurance programs in California and New Jersey provide workers with a share of their wages for up to six weeks while they care for a family member with a serious health condition or bond with a new child.** An average of 168,000 family leave claims has been authorized annually in California since the program's implementation in 2004. Six in 10 employers report coordinating their own benefits with the California state paid family leave insurance benefit, resulting in cost-savings to those employers.¹⁹ Nearly 26,000 people have been able to take paid family leave in New Jersey since the program's 2009 implementation. These successful programs complement these states' longstanding

temporary disability insurance systems, which provide seriously ill or injured workers with partial wages while they recover or seek treatment.²⁰

Small Employers See Benefits From Paid Leave Insurance

Kelly Conklin, the owner of a New Jersey cabinet-making company, Foley-Waite Associates, said last year at a press briefing: "I believe a worker distracted by a pressing family emergency is not likely to do his or her best work. I'd rather they stay home, with compensation... [That worker is] going to be very anxious to get back to work as soon as possible. **As a state, we [have chosen to] ... enact laws that attract the quality workers small businesses need to succeed.**"

"The demographics of the workforce make it more likely than not that an employee at a small firm will use this benefit.... **[E]mployers can cross-train workers so they're prepared to take over when a co-worker is out.**"

– John Sarno, President, Employers Association of New Jersey

And Rohana Stone Rice, controller and director of human resources at Richmond, California's Galaxy Desserts recently explained: "Many of our production, management, and even sales staff have used paid family leave, primarily to extend bonding time with new babies. We feel it's the right thing to do, and it is in keeping with our core values. **The employees are happier and more loyal to the company when they feel the management of the company cares about them and their families.**"

¹ U.S. Department of Labor, Bureau of Labor Statistics. (2010, March). *Employee Benefits in the United States: Selected paid leave benefits: Access, National Compensation Survey (Table 6)*. Retrieved 9 December 2010, from <http://www.bls.gov/news.release/pdf/lb2.pdf>. Small businesses are defined here as businesses with fewer than 100 employees.

² Lovell, V. (2005 April). *Valuing Good Health: An Estimate of Cost and Savings for the Healthy Families Act*. Institute for Women's Policy Research Publication. Retrieved 22 March 2011, from <http://www.nationalpartnership.org/site/DocServer/HFACBALovell.pdf?docID=367>

³ AdvancePCS Study Shows Top Health Conditions Cost Employers \$180 Billion in Lost Productive Time. (2002, June 5). *Business Wire HealthWire*. Retrieved 22 March 2011, from http://findarticles.com/p/articles/mi_m0EIN/is_2002_June_5/ai_86738725/

⁴ Institute for Women's Policy Research. (2010, February). *Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic*. Institute for Women's Policy Research Publication. Retrieved 22 March 2011, from <http://www.iwpr.org/initiatives/family-leave-paid-sick-days/#publications>

⁵ Restaurant Opportunities Centers United. (2010, September 30). *Serving While Sick: High Risks and Low Benefits for the Nation's Restaurant Workforce, and Their Impact on the Consumer*. Restaurant Opportunities Centers United Publication. Retrieved 9 December 2010, from [http://www.rocunited.org/files/roc_servingwhilesick_v06%20\(1\).pdf](http://www.rocunited.org/files/roc_servingwhilesick_v06%20(1).pdf)

⁶ Hirsh, A. (2008, August). *Outbreak in Ohio: Cost of the 2008 Norovirus Incident in Kent*. Policy Matters Ohio Publication. Retrieved 7 January 2011, from <http://www.policymattersohio.org/pdf/OutbreakInOhio2008.pdf>

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⁸ Human Impact Partners. (2009, June 11). *A Health Impact Assessment of the Healthy Families Act of 2009*. Human Impact Partners Publication. Retrieved 22 March 2011, from http://www.nationalpartnership.org/site/DocServer/WF_PSD_HFA_HealthImpactAssessment_HIA_090611.pdf?docID=5101

⁹ Drago, R., & Lovell, V. (2011, February). *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees*. Institute for Women's Policy Research Publication. Retrieved 22 March 2011, from <http://www.iwpr.org/initiatives/family-leave-paid-sick-days/#publications>

¹⁰ Petro, J. (2010). *Paid Sick Days Does Not Harm Business Growth or Job Growth*. Drum Major Institute for Public Policy Publication. Retrieved 22 March 2011, from http://www.drummajorinstitute.org/pdfs/Paid_Sick_Leave_Does_Not_Harm.pdf

¹¹ Warren, J. (2010, June 30). Cough If You Need Sick Leave. *BusinessWeek*. Retrieved 22 March 2011, from http://www.businessweek.com/magazine/content/10_24/b4182033783036.htm

¹² See note 9.

¹³ See note 1.

¹⁴ Waldfogel, J. (2001, September). Family and Medical Leave: Evidence from the 2000 Surveys. *Monthly Labor Review*, 17-23. Retrieved 14 December 2010, from <http://www.bls.gov/opub/mlr/2001/09/art2full.pdf>

¹⁵ Appelbaum, E., & Milkman, R. (2011, January). *Leaves That Pay: Employers and Worker Experiences with Paid Family Leave in California*. Retrieved 22 March 2011, from <http://www.cepr.net/documents/publications/paid-family-leave-1-2011.pdf>

¹⁶ Boushey, H. (2008). Family Friendly Policies: Helping Mothers Make Ends Meet. *Review of Social Economy*, 66(1), 67. Available from <http://ideas.repec.org/a/tafi/rsoccc/v66y2008i1p51-70.html>

¹⁷ Sasha Corporation. (2007, January). *Compilation of Turnover Cost Studies*. Retrieved 13 December 2010, from <http://www.sashacorp.com/turnframe.html>

¹⁸ Appelbaum, E., & Milkman, R. (2006). *Achieving a Workable Balance: New Jersey Employers' Experiences Managing Employee Leaves and Turnover*. Rutgers University's Center for Women and Work Publication. Retrieved 14 December 2010, from http://www.njtimetocare.com/images/stories/Achieving_Workable_Balance.pdf

¹⁹ See note 15.

²⁰ New York, Rhode Island, and Hawaii also have temporary disability insurance programs to cover ill workers.

The National Partnership for Women & Families is a non-profit, non-partisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family.

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Mandatory Paid Sick Days (PSD/PSL) / Leave Ordinance: Public Health Perspectives

Topic: Mandatory Paid Sick Leave Ordinance

Big Influencing Issues: ■ Issues facing workers today - ■

1. Paid Sick Days 2. Paid Family and Medical Leave. 3. Workplace Flexibility. 4. Child Care. 5. Wage Gap.

Public Health and Job Benefits

1. Families do better, communities are healthier & businesses thrive.
2. Job & business growth + positive outcomes in worker's productivity & retention
3. 70% Employers did not experience any administrative burden or difficulty implementing policy and 70% supported the law (NY 80% supports the law).
4. Significant decreases in Flu rates in States where there were paid leave ordinances ---> For example, during 2009 H1N1 outbreak
5. Decrease ER visits ---> Decrease 1.3 million ER visits/yr. Saves \$1.1B annually in public-private health insurance costs.
6. Workforce and families dynamics: Indeed, our population continues to rapidly age, more & more workers are finding themselves providing elder care to their aging parents as well.

States with Mandatory Paid Sick Days: Connecticut, Washington DC, California, Arizona, New Jersey, Oregon

Cities with Paid Sick Leaves: San Francisco, Seattle, Milwaukee, NYC, Philadelphia,

Paid Sick Days Ordinance: Public Health Effects/Benefits and Research Assessment Results

Literature Review Findings and Compilations

<u>Individuals/Families</u>	<u>Employers</u>	<u>Public Health</u>	<u>Communities/ Systems/ Economies</u>	<u>Research Finds Benefits of Existing PSDs Laws and Minimal Costs to Employers</u>
Employees no longer have to choose between going to work sick and foregoing pay. Paid attention to caring for families. Elder care, Child and dependent care.	Businesses profit from healthier employees and lower turnover. Contention: Business grps contend that it will force them to raise prices and consider reducing employees' hrs or other benefits.	Increased use of preventive care: 2012 study using 2008 NHIS data finds workers with PSDs are more likely to have mammograms, Pap tests, and endoscopy, & to have seen a doctor during the previous year than those without the benefit.	Healthy productive communities. Security for job placement and enhanced economy. PSDs bring economic benefits for workers, families, and communities.	Minimal Costs: Costs of providing PSD/L modest. Seattle - In 2013 Seattle, about 0.4% of total firm revenue for the year. Connecticut- No increased overall cost & few reported <2% increased. San Francisco - PSL Ordinance, additional costs for rel. small share of employers. 6/7 employers reported no adverse effects on profitability.
Most affected (by no-paid sick leave) and reactions: Employees of small businesses, service industries, hospitality businesses, and per-diem workers. Low-wage workers, etc.	Reduce contagion in the workplace: PSDs reduces workplace influenza infection in US by 6%.	More timely treatment for illnesses: 2016 analysis of 2013 NHIS indicates workers without PSD/leave are 3x more likely to forgo medical care for themselves, & 1.6 x more likely to forgo medical care for their families, compared with workers who have the benefit.	Improved employment and earnings stability: 2010 poll, 16% of workers surveyed reported losing a job for missing work when they were sick or to care for an ill family member. Research showed that having PSD reduces likelihood of a job separation by at least 25%.	Ease of implementation: PSDs have minimal effect on business operations. San Francisco - Most employers reported no difficulty. Seattle. Not very difficult & 70% expressed support for the policy. Connecticut (2013) - indicated law didn't burden business operations.

<p>Improved Family health: 2012 study analysing 2008 National Study of the Changing Workforce (NSCW) finds that having PSDs is associated with reduced work-family conflict, which lessens difficulties parents face in taking time off from work to care for a sick child.</p>	<p>Improved productivity: 2003 study - 28,000 workers reported on ave., workers lose 1.32 hrs/wk of productive time due to personal health related reasons. 1997 study - 332 workers with influenza-like illnesses reported 46% less effective while at work.</p>	<p>Improved family health: 2010 National Opinion Research Center Survey found that 28% of workers without PSDs reported sending a sick child to school or child care, compared with 14% with PSD.</p>	<p>Improved labor force attachment among caregivers: one 2011 Gallup poll found, most caregivers, reported missing at least 1 full day of work to fulfill their caregiving duties with an ave. of 6.6 workdays missed per year. PSDs, may provide sufficient leave to caregivers to allow them maintain desired level of job & continue to perform their caregiving work.</p>	<p>Employees use PSDs judiciously: An IWPR survey of 1,194 workers found that employees in SF used fewer than half of sick days avail. Under the PSD ordinance. In regions with PSD laws, surveys suggest that abuse of PSD is rare. Connecticut - 228 employers surveyed by CEPR, 86% reported no know cases of abuse more than a yr after PSD was implemented. Seattle - City auditor published report find that >9 in 10 Seattle employers surveyed in 2012 had never reprimenaded an employee for abusing PSDs.</p>
	<p>Decreased workplace injuries: 2012 study (2005-2998 NHIS) - found workers with access to PSDs are 28% less likely to be injured on the job than workers without this benefit.</p>	<p>Prevent spreading illness at work. Enable people to comply with PH advice for controlling seasonal influenza/Flu pandemic.</p>	<p>Savings from reduced utilization of hospital emergency departments and a lower monetary burden on taxpayers: 2011 study (using 2008 & 2009 NHIS) finds that annual # of ER visits per worker without PSDs is gtr than it is for those with the benefit. Using MEPS data on cost of ER visits, study estimates that a lack of PSDs resulted in an estimated 1.3 million preventable ED visits every year in US in 2008, costing \$1.1B more than office vissits would have. Part of these costs-\$500M- were paid by public insurance programs such as Medicaid.</p>	<p>Sustained job growth & employment: Seattle & SF saw positive job growth in the period after their laws took effect. SF's growth in employment exceeded ave. employment growth of surrounding countiesafter the PSD law was passed. Seattle - Saw sustained job growth and reduced unemployment rates after paasge of the PSD ordinance.</p>
	<p>Decreased employee turnover: 2012 data analysis (2004-2006 through MEPS) - finds likelehood of job separation decreases by 25% when a worker has access to PSD. Employee turnover costs an employer btw 10-30% of an employee's annual salary, a reduction in turnover can result in reductions in employer costs.</p>	<p>Ill restaurants workers would be less likely to spread foodborne disease in restaurants</p>		<p>Improved employee morale, motivation, loyalty, and productivity: Connecticut - >25% of employers reported improved morale, 12.5 % reported increased employee motivation, 10.6% reported increased loyalty, & 14.9% reported increased productivity after implementation of State's PSD law.</p>
	<p>Employers react to such regulations to avoid mandates, e.g. with ACA, as businesses convert some employees into part timers or try to consolidate their workforce.</p>	<p>Reduce income loss and threat of job loss for low-income workers during periods of illness. This effect would be sizable enough to prevent hunger and housing insecurity.</p>		<p>Improved work life balance for employees: 2010 IWPR survey - 1 of 4 SF employees reported that PSD enabled them to better care for their own & their families' health needs. Also, 30% reported that employers were more supportive when needed to use their leave than they wereprior to law's passage. >50% of all SF workers reported at least 1 benefit due to the ordinance.</p>

		Reduce likelihood of GIT disease ("stomach Flu") outbreak in nursing homes. Reduce ER visits: in 2006, 17% (105,000) of all ER visits in ME were entirely preventable. 1.5% (15,000) of all hospitalizations for chr. Dx. Asthma, HBP, & DM in 2006 were preventable.		Reduced flu contagion in locations with PSD laws: A result study used Google Flu data (2003-2015) to show that influenza-like infection rates decrease significantly when workers gain access to paid sick days. Comparing rates of influenza-like illnesses in region with PSD policies - DC, Connecticut, California, Massachusetts, and Oregon - with those lacking such laws, the study finds infection rates decrease by about 10% when employees without coverage obtain PSD.
An Act Ensuring Paid sick Time - Summary of Health Outcomes and Impacts - PLEASE SEE ACCOMPANIED POWER POINT SLIDES				
Health Outcome	Judgement of Magnitude of Impact (X - XXX)	Quality of Evidence (High, Medium, Low)		
Conclusion: Literature spanning the fields of public health, economics, sociology, medicine, social works, and public policy converge to reflect the health, employment, and economic benefits of PSDs. Research suggests that more widespread implementation of PSD policies would have a substantial positive impact on the well-being of children, families, and communities across the United States.				

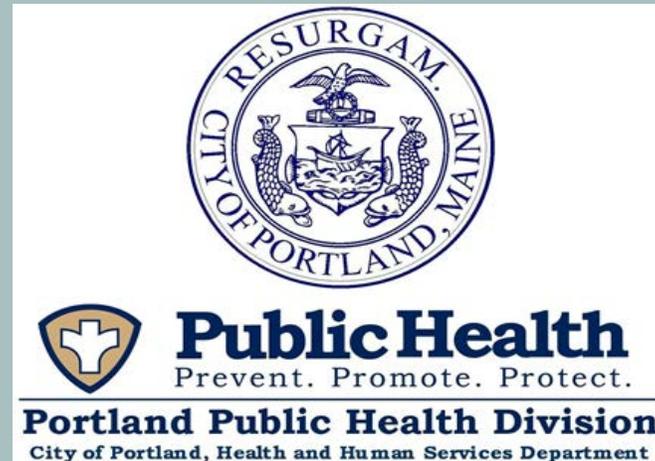
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Developed by Kolawole Bankole. Draft 10/31/17

**A Health Impact of Paid Sick Days
Public Health Perspective
City of Portland
Health & Human Services Department**

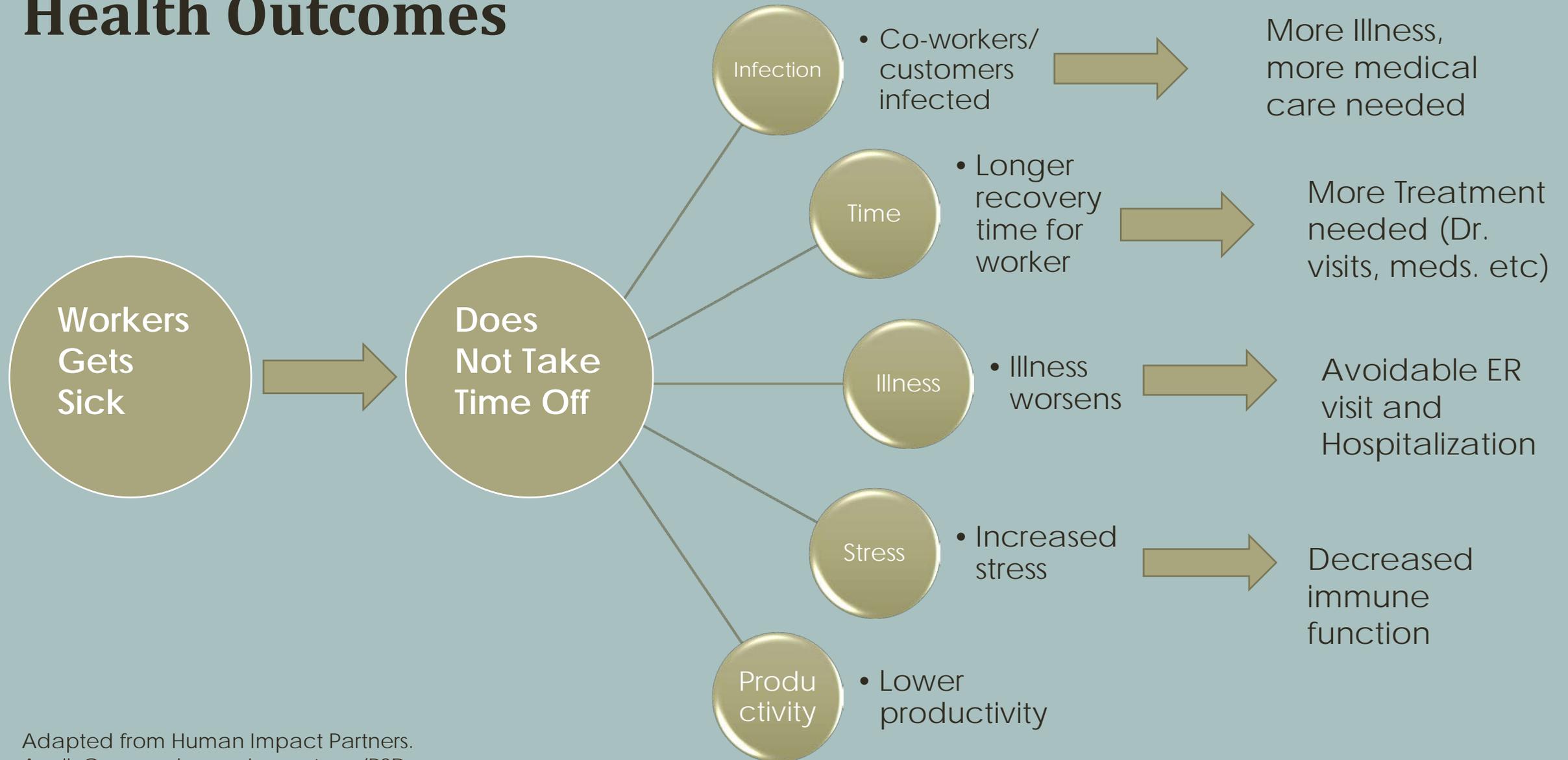


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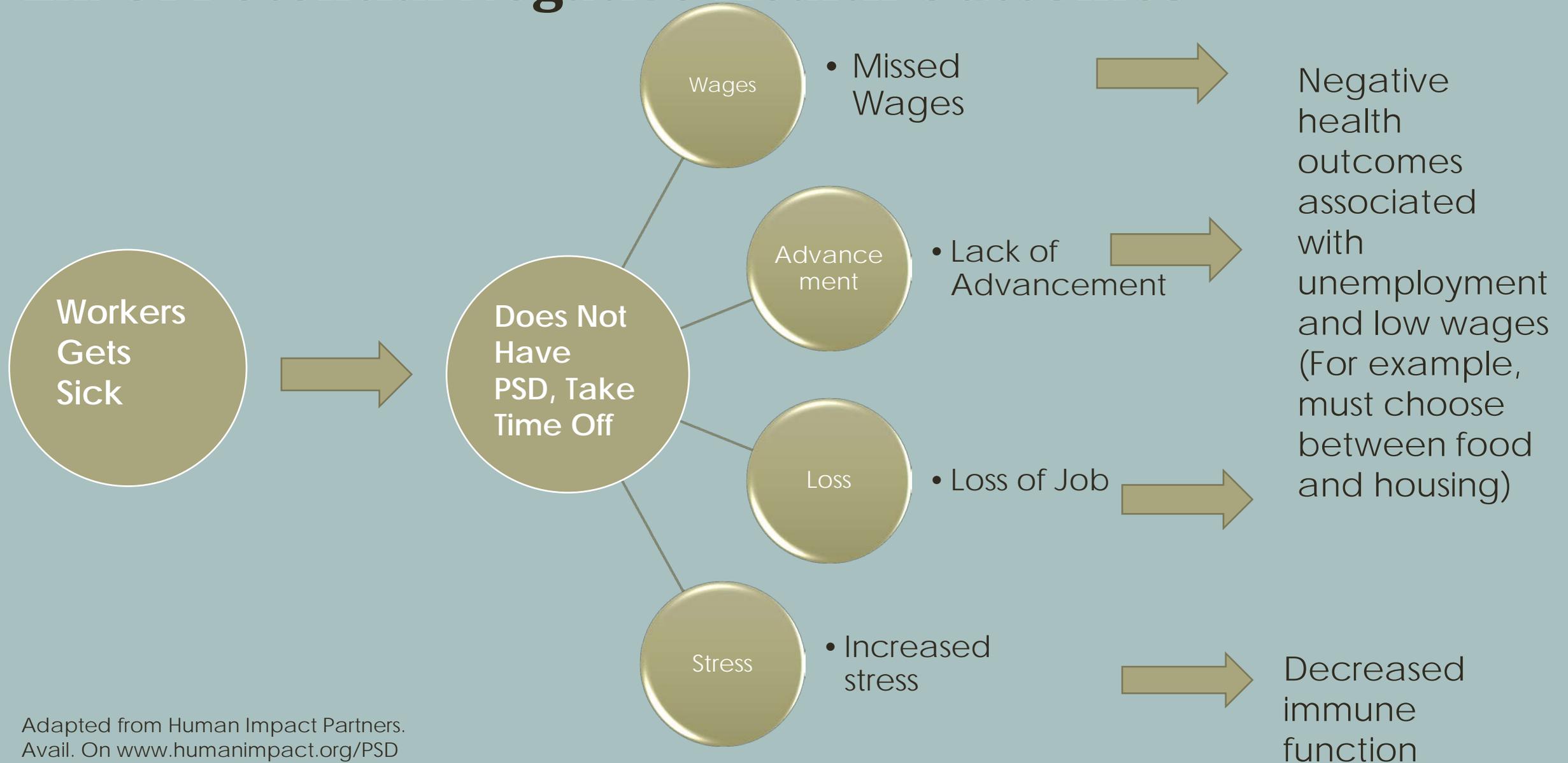
A Health Impact of Paid Sick Days Public Health Perspective



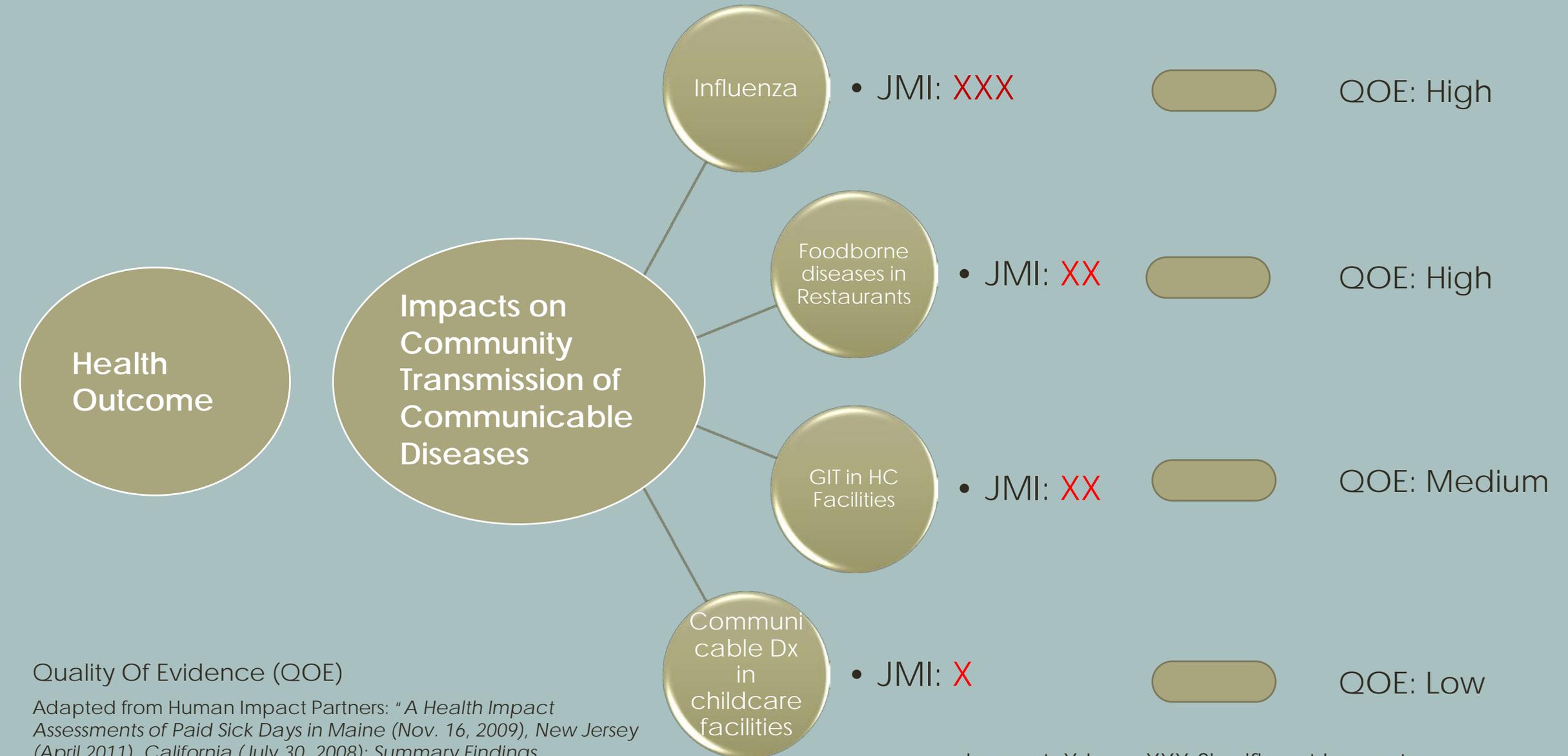
Taking No Time off When Sick: Ex. Of Potential Negative Health Outcomes



Taking Time Off When Sick, Without Paid Sick Days: Ex. Of Potential Negative Health Outcomes

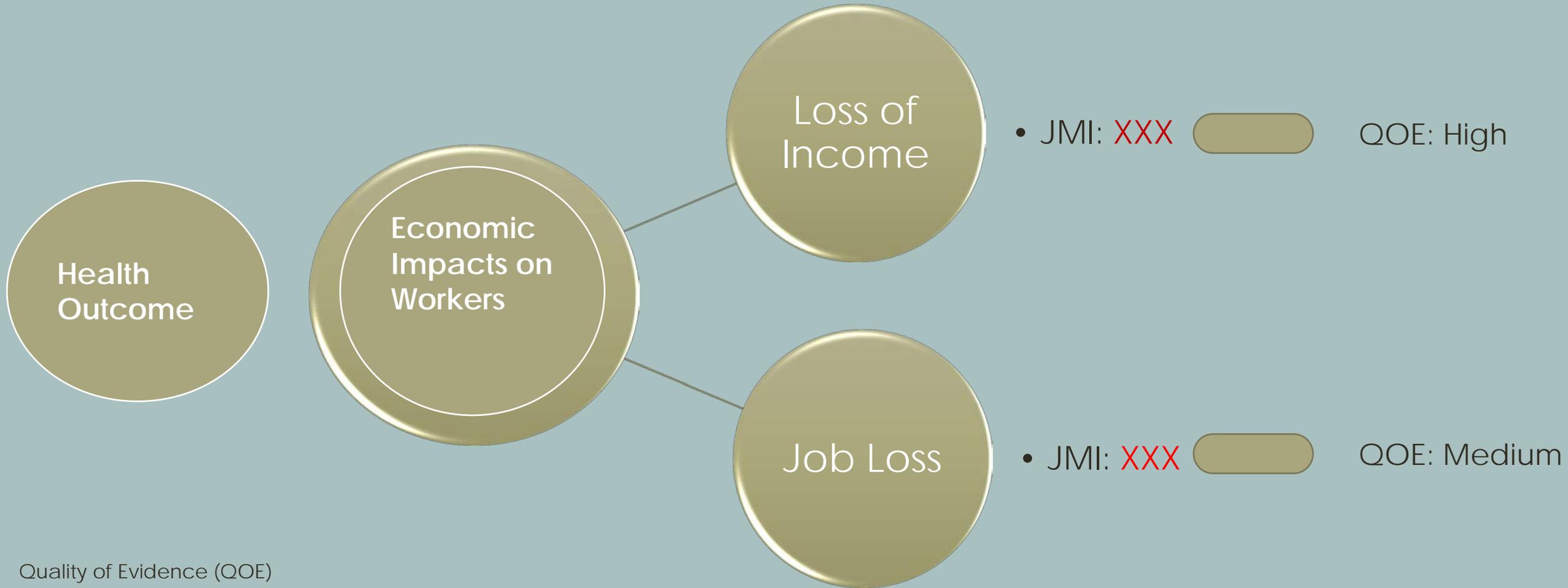


Health Outcomes and Judgement of Magnitude of Impacts (JMI)



Adapted from Human Impact Partners: "A Health Impact Assessments of Paid Sick Days in Maine (Nov. 16, 2009), New Jersey (April 2011), California (July 30, 2008); Summary Findings. www.humanimpactorg/PSD

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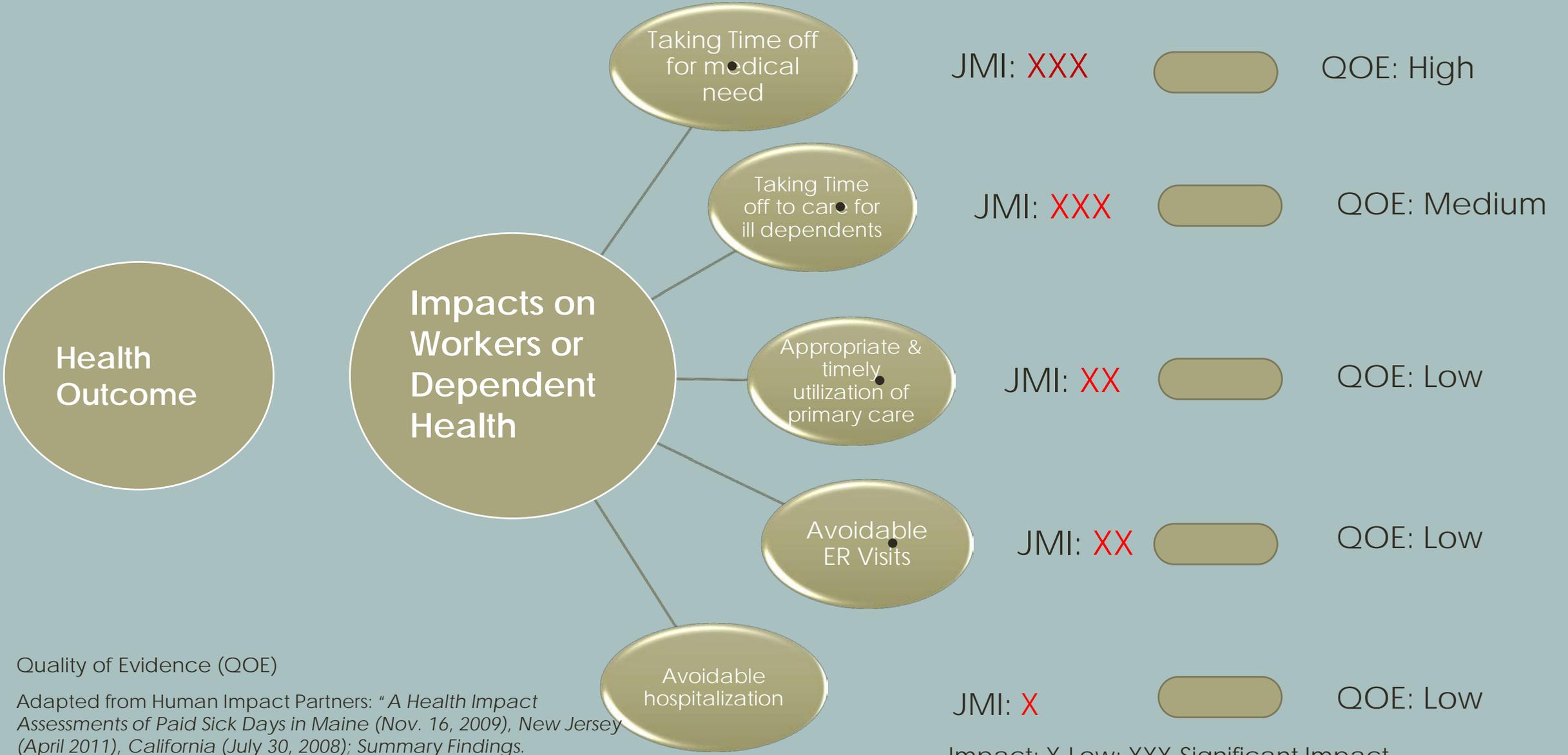
Quality of Evidence (QOE)

Adapted from Human Impact Partners: "A Health Impact Assessments of Paid Sick Days in Maine (Nov. 16, 2009), New Jersey (April 2011), California (July 30, 2008); Summary Findings.

www.humanimpactorg/PSD

Impact: X-Low; XXX-Significant Impact

Health Outcomes and Judgement of Magnitude of Impacts (JMI)



Quality of Evidence (QOE)

Adapted from Human Impact Partners: "A Health Impact Assessments of Paid Sick Days in Maine (Nov. 16, 2009), New Jersey (April 2011), California (July 30, 2008); Summary Findings. www.humanimpactorg/PSD

Impact: X-Low; XXX-Significant Impact

Definitions

The following definitions shall apply for purposes of this Article:

Earned paid sick time shall mean paid sick time accrued and awarded pursuant to section X.

Employee shall have the same meaning as in Sec. 33.2 of this Code.

Employer shall have the same meaning as in Sec. 33.2 of this Code.

Family member shall mean: (A) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor; (B) A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child; (C) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision; (D) A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; (E) A person for whom the employee is responsible for providing or arranging care, including but not limited to helping that individual obtain diagnostic, preventive, routine or therapeutic health treatment; or (F) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Health care professional shall have the same meaning as in 26 M.R.S. § 843.

Year shall mean a regular and consecutive 12-month period as determined by the employer.

Accrual of Earned Paid Sick Time

(a) All employees shall accrue a minimum of one hour of earned paid sick time for every 30 hours of work, up to a maximum accrual of 48 hours in one year.

1. Employees who are exempt from overtime requirements under the Fair Labor Standards Act will be deemed to work 40 hours in each work week for purposes of earned paid sick time accrual, unless their normal work week is less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.
2. Employees shall begin to accrue earned paid sick time at the commencement of employment or on the date this law goes into effect, whichever is later.

3. Accrued paid sick time shall be awarded and available for use no more than eight days after it is accrued. Alternatively, an employer may award paid sick time in advance of accrual in an amount anticipated to be accrued over a year's time.

(b) Earned paid sick time shall not be automatically forfeited with the passage of time, unless the employer has a policy to pay the employee for any remaining sick time at set intervals of not less than one year.

However, nothing in this Article shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement or other separation from employment for accrued earned paid sick time that has not been used.

(c) If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all earned paid sick time accrued at the prior division, entity or location and is entitled to use all earned paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within two months of separation by the same employer, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the re-commencement of employment.

(d) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer, and are entitled to use earned paid sick time previously accrued.

(e) At its discretion, an employer may loan earned paid sick time to an employee in advance of accrual by such employee.

(f) Any employer that has a paid leave policy that makes available an amount of paid leave sufficient to meet the accrual requirements of this section, and allows that paid leave to be used for the same purposes and under the same conditions as earned paid sick time under this ordinance, is not required to provide additional paid sick time.

Use of Earned Paid Sick Time

(a) Employees may use earned paid sick time for any of the following:

1. Job protected leave provided pursuant to the Maine Employment Leave for Victims of Violence statute;
2. Leave for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care or treatment of a mental or

physical illness, injury, or health condition; or an employee's need for preventative medical care;

3. Leave for care of a family member's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventative medical care; or
4. Leave to attend a school meeting or meeting at a place where a family member is receiving care necessitated by the family member's health condition or disability.

(b) Earned paid 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.

(c) Employees may not use more than 48 hours of earned paid sick time in a year, unless the employer selects a higher limit.

Procedures for Taking Earned Paid Sick Time

(a) Earned paid sick time shall be provided upon the request of an employee.

1. An employer may not require more than five days' notice for an employee to use earned paid sick time, when the need is foreseeable.
2. When the need for use of earned paid sick time is not foreseeable, an employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case
3. An employer that requires notice of the need to use earned paid sick time shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice shall not deny earned paid sick time to the employee based on non-compliance with such a policy.
4. When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time to the employer in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the employer.

(b) An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.

(c) For earned paid sick time of three or more consecutive work days, an employer may require reasonable documentation that the earned paid sick time has been used for a purpose covered by **Sec. X(a)(2)** through (a)(4). An employer may not require that the documentation explain the nature of the reasons for leave. However, nothing in this section shall be construed to limit an employer's rights with respect to documentation of leave allowed under state or federal law.

1. Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this section.
2. If an employer requires documentation of the reasons for taking earned paid sick time, the employer is responsible for paying the employee's out-of-pocket costs for obtaining such documentation.

Section 4. Exercise of Rights Protected; Retaliation Prohibited

(a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Article.

(b) It shall be unlawful for an employer or any other person to retaliate against an employee for exercising his or her rights under this Article, including requesting or using earned paid sick time; filing a complaint or otherwise complaining about an employer's alleged violation of this Article; participating in an investigation or other proceeding under this Article; or informing others of their rights under this Article.

(c) It shall be unlawful for an employer's absence control policy to count earned paid sick time taken under this Act as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action. However, nothing in this Article shall be construed to prohibit an employer from taking disciplinary action against an employee who uses earned paid sick time for purposes other than those described in this Article.

(d) Protections of this section shall apply to any person who mistakenly but reasonably alleges a violation of this Article.

Notice of Rights

(a) Employers shall both display a poster notifying employees of their rights under this Article, and give employees written notice at the commencement of employment

or the effective date of this ordinance, whichever is later. The poster and notice shall be consistent with this section.

(b) The notice and poster shall contain the following information: that employees are entitled to earned paid sick time and the amount of earned paid sick time; the terms of its use guaranteed under this Act; that retaliation is prohibited; that each employee has the right to file a complaint or bring a civil action if earned paid sick time as required by this Act is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking earned paid sick time, and the contact information for the City of Portland where questions about rights and responsibilities under this Act can be answered.

(c) The notice and poster shall be provided in English, Spanish, Somali, Chinese, Vietnamese, Russian, Croatian, French, Arabic, Polish, Acholi, Farsi, Dinka, Khmer, Creole and any language that is the first language spoken by at least 5% of the employer's workforce, provided that such notice has been provided by the City of Portland.

(d) The City of Portland shall create and make available to employers, in all languages spoken by more than 5% of the City's workforce and any language deemed appropriate by the City of Portland, model notices and posters meeting the requirements of this section.

(e) The amount of earned paid sick time available to the employee, the amount of earned paid sick time taken by the employee to date in the year and the amount of pay the employee has received as earned paid sick time shall be recorded in, or on an attachment to, the employee's regular paycheck.

(f) An employer who willfully violates this section shall be subject to a civil fine in an amount not to exceed \$100 for each separate offense.

Recordkeeping Requirements

(a) Employers shall retain records documenting hours worked by employees and earned paid sick time earned and taken by employees for a period of six (6) years.

(b) Employers shall allow the City of Portland access to the records required by this section, with appropriate notice and at a mutually agreeable time.

(c) When an issue arises as to an employee's entitlement to earned paid sick time under this Article, if the employer has not maintained adequate records required by this section, or does not allow the City of Portland reasonable access to such records, it shall be presumed that the employer has violated this Article, absent clear and convincing evidence otherwise.

Enforcement

(a) Enforcement.

1. The City Manager or his/her designee shall enforce the provisions of this ordinance.
2. The City Manager shall adopt rules and regulations for the proper administration and enforcement of this ordinance.

(b) Complaint Process

1. Any Employee, including, but not limited to, a Service Employee, alleging a violation of this ordinance may file a written complaint with the City Manager's office.
2. The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
3. If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, three times the amount of any back wages withheld and the payment of not less than \$100.00 to the employee as a penalty for each day that a violation of this chapter has occurred. If a violation occurred but did not result in wages being withheld, such as in the case of an employee who worked after being unlawfully denied permission to use earned paid sick time, appropriate relief shall include an additional amount of two times what the employee was paid.
4. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(c) Private Cause of Action.

1. Any Employee, including, but not limited to, a Service Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Such action may be brought by a person aggrieved by a violation of this section without first filing a complaint with the City Manager. Actions brought pursuant to this section may be brought as a class action pursuant to the laws of Maine.
2. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.
3. Where applicable, remedies shall also include equitable relief, including reinstatement and back pay, and injunctive relief.

4. The City of Portland shall annually report on the City of Portland website the number and nature of the complaints received pursuant to this ordinance, the results of investigations undertaken pursuant to this ordinance, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this ordinance, and the average time for a complaint to be resolved pursuant to this chapter.

Confidentiality and Nondisclosure

If an employer possesses health information or information pertaining to domestic violence, sexual assault, harassment or stalking about an employee or employee’s family member, such information shall be treated as confidential and not disclosed except to the affected employee, with the permission of the affected employee, as required for the administration of the leave, or as otherwise required by law.

Encouragement of More Generous Earned Paid Sick Time Policies; No Effect on More Generous Policies or Laws

(a.a.i.1.a) Nothing in this Act shall be construed to discourage or prohibit an employer from the adoption or retention of an earned paid sick time policy more generous than the one required herein.

(a.a.i.1.b) Nothing in this Act shall be construed as diminishing the obligation of an employer to comply with any law, regulation, contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required herein.

Public Education and Outreach

The City of Portland shall develop and implement a multilingual outreach program to inform employees about the availability of earned paid sick time under this ordinance. This program shall include the distribution of notices and other written materials in English, and well as Spanish, Somali, Chinese, Vietnamese, Russian, Croatian, French, Arabic, Polish, Acholi, Farsi, Dinka, Khmer, Creole to all child care and elder care providers, domestic violence shelters, schools, hospitals, community health centers and other health care providers.

Regulations

The city manager, or his or her designee, shall be authorized to coordinate implementation and enforcement of this Article and shall promulgate appropriate guidelines or regulations for such purposes.

Severability

If any provision of this Act or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Effective Date

This Act will take effect on July 1, 2018.

Earned Paid Sick Time Ordinance

Presented by

Erin Hennessey
Southern Maine Workers' Center

and

Eliza Townsend
Maine Women's Lobby



ERIN: My name is Erin Hennessey and I am with the Southern Maine Workers' Center.

ELIZA: My name is Eliza Townsend and I am with the Maine Women's Lobby.

ELIZA: Thank you for the opportunity to present why we're so excited about the proposed Earned Paid Sick Time ordinance that your committee is considering.

ELIZA: Many of our neighbors, friends, and ourselves here in Portland are struggling. And that means that we cannot stay out of work for three days to get over the flu, and so we work, and get worse, and threaten to infect our coworkers and customers. We cannot leave work early to pick up a sick child from school, and so she stays at school, infecting others, unable to learn. We cannot miss a day's pay to take our partner to their doctor's appointment, even if they are facing a serious illness. And so our loved ones are isolated in the face of health crises. And these stories, playing out over and over again all over this City, make Portland an unhealthier place for all of us.

Paid sick time is a proven tool to:

- Decrease the spread of illness
- Improve recovery
- Support preventative health care
- Improve productivity for businesses
- Reduce employee turnover



ERIN: When workers can earn paid sick time, our communities are healthier. Paid sick time helps to:

- Decrease the spread of contagious illnesses—especially important as we enter cold and flu season in Maine
- Improve recovery from illnesses and treatments
- Supports the use of preventative care, including prenatal care, which helps prevent some illnesses from becoming more serious. Studies show that people with paid sick days are more likely to have had doctors visits within the past year, and more likely to be getting important preventative tests like mammography, Pap test, and endoscopy at the recommended intervals.
- Access to paid sick days reduces on-the-job injuries, reduces turnover, and lowers costs from something called 'presenteeism' -- which is people showing up to work sick, when they're not actually able to perform. All those problems currently cost businesses real money, and instituting paid sick time will help alleviate those costs.
- Businesses also save money from reduced employee turnover when employees have access to paid sick time.

Paid sick time helps Portland children:

- Aids children's health
- Shortens hospital stays
- Reduces disease transmission—
keeping more kids healthy and in
school



ELIZA: Paid sick time are also important for the health and well-being of Portland children. When parents don't have access to paid sick time, children go to child care and school when then should stay home. They don't go to the doctor for preventive health like the should. And illnesses spread throughout our community.

ELIZA: Ina Demers, an educator here in Portland shared a story that illustrates this problem, "I had a fourth grader, crying in my classroom, because she had a headache. The nurse told me that she also had a fever. I asked her to call her mom so she could go home, and she said that her mom needed to go to work because they needed the money to pay rent. Without paid sick time, workers need to send their sick children to school which is bad for the sick student and bad for the students they share a classroom with. Parents should not have to face the impossible situation of choosing between a paycheck or keeping their sick child home."



ELIZA: This poster is from the U.S. Centers for Disease Control. Medical and disease professionals always recommend that workers stay home when sick—and these warnings are shared every year during flu season as well as when breakouts of more serious diseases, like Ebola and whooping cough, occur. We know that the right thing to do is to stay home when we're ill, but for those without paid sick time, that isn't a financially viable option.

Growing Momentum for Earned Paid Sick Time Policies

8 states, including:

Connecticut
Massachusetts
Vermont
Rhode Island



ERIN: The policy makes common sense, which is why it has already been enacted all over the country, in states and cities large and small. Eight states, 2 counties, and 30 cities, including ten cities that are of comparable size or smaller than Portland, all have similar policies. And what's more, many businesses supported these policies once they went into effect.

ERIN: Among the eight states are four New England states, Connecticut, Massachusetts, Vermont, and Rhode Island.

Growing Momentum for Earned Paid Sick Time Policies

30 cities & 2 counties, including (by population):

Emeryville, CA 11,671
Morristown, NJ 19,016
Montclair, NJ 38,700
Bloomfield, NJ 48,539
Plainfield, NJ 50,636
Irvington, NJ 54,425
New Brunswick, NJ 56,910
East Orange, NJ 64,789
Passaic, NJ 70,635
Trenton, NJ 84,056



ERIN: A third of the cities that have passed earned paid sick time laws are a comparable size to Portland, or smaller, as you can see from this list. As you know, in 2016, Portland's population was estimated at 66,937.

ERIN: Momentum for this policy is growing. And here in Portland, on Election Day, 1800 voters signed on in support of this ordinance. People know that this is common sense and needed.

All Workers!

An estimated 26,000 workers in Portland cannot take one paid day off if they're sick.

Many of these workers are in low-wage jobs with high people contact: restaurants, retail, child & elder care.

Two years after NYC enacted its policy, a poll found that 84.6% of businesses said the policy had no impact on their costs.



ERIN: Last year it came out that more than half of Americans, 63%, don't have enough of a financial cushion to cover a \$500 unexpected expense. And you don't need us to tell you that if you're a woman, or a person of color, or an immigrant, this statistic is significantly worse. Missing a paycheck due to an illness is a scary proposition when you're living on the edge of poverty. Getting fired because you missed work due to an illness is even scarier.

ERIN: This policy covers all workers in Portland, regardless of the size of business they work for. Small businesses like Aura, Think Tank, Cong Tu Bot, Etain, and Coffee By Design already support this proposal. They understand that this policy will not only help their employees, it will help their workplace culture, because when workers feel taken care of instead of disposable, morale improves and people stay.

ERIN: It's important that businesses of all sizes be included because the Department of Labor estimates 8,000 people in Portland work for businesses which have fewer than ten workers, and more than 28,000 work for business with fewer than 50 employees. Small businesses are also less likely to already provide paid sick days to workers. Nationally, less than 40% of business with 1-9 employees offer paid sick days, as compared to 77% of companies with 250 or more employees.

ERIN: When these policies are implemented, they don't harm business. For example, two years after NYC enacted its policy, a poll found that 84.6% of businesses said the policy had no impact on their costs.

Justice

"Given the disproportionate access to paid sick leave based on race, ethnicity and income status, coupled with its relationship to health and mental health, paid sick leave must be viewed as a health disparity as well as a social justice issue." -LeaAnne DeRigne, Ph.D., of Florida Atlantic University



ELIZA: As LeaAnne DeRigne of Florida Atlantic University said in a recent report, "Given the disproportionate access to paid sick leave based on race, ethnicity and income status, coupled with its relationship to health and mental health, paid sick leave must be viewed as a health disparity as well as a social justice issue."

ELIZA: According to one study, nearly 40 percent of mothers say they are solely responsible for staying home from work with sick children, compared with only 3 percent of fathers. In fact, "being female doubles the odds of experiencing job termination related to family illness." For women who struggle to hold down jobs while juggling caregiving responsibilities, even a small amount of paid sick time could provide the wiggle room necessary to avoid job loss, and help keep families healthy.

ELIZA: We know that People of Color, immigrants, and women are more likely to work in low-wage jobs that also do not offer employees the ability to earn paid sick time.

Reflect our Families

Broad definition of “family” that supports the diverse families and caregiving relationships in our community.

Today, more than 10 million people have the legal right to paid sick time with a family definition that includes chosen family.



ERIN: Another aspect of this policy that we’re excited about is it’s wide definition of family. It includes traditional and legal definitions of family as well as “any other individual related by blood or affinity” who is the equivalent of a family relationship. That language is an acknowledgment and celebration of the fact that people in our community exercise our freedom to form families and take responsibility for each other in ways that the law didn’t previously recognize. This is important to LGBTQ people in particular, because there are many people in this community who have been disowned by their biological family because of their identities and are instead supported by chosen family. They should be able to care for whomever they deem a loved one, regardless of their legal or biological relationship to that person.

Supports Victims/Survivors of Violence

Paid “Safe Days” are vital to help survivors of violence access critical services without risking financial security.



ELIZA: We also want to highlight that this policy allows employees to take the leave they’ve earned to receive medical attention and counseling to recover from domestic abuse, sexual assault, harassment, or stalking. These “safe days” are vital to help survivors of violence access critical services without risking financial security, and when leave policies fail to cover these circumstances, it can further stigmatize and traumatize victims.

Earned Paid Sick Time

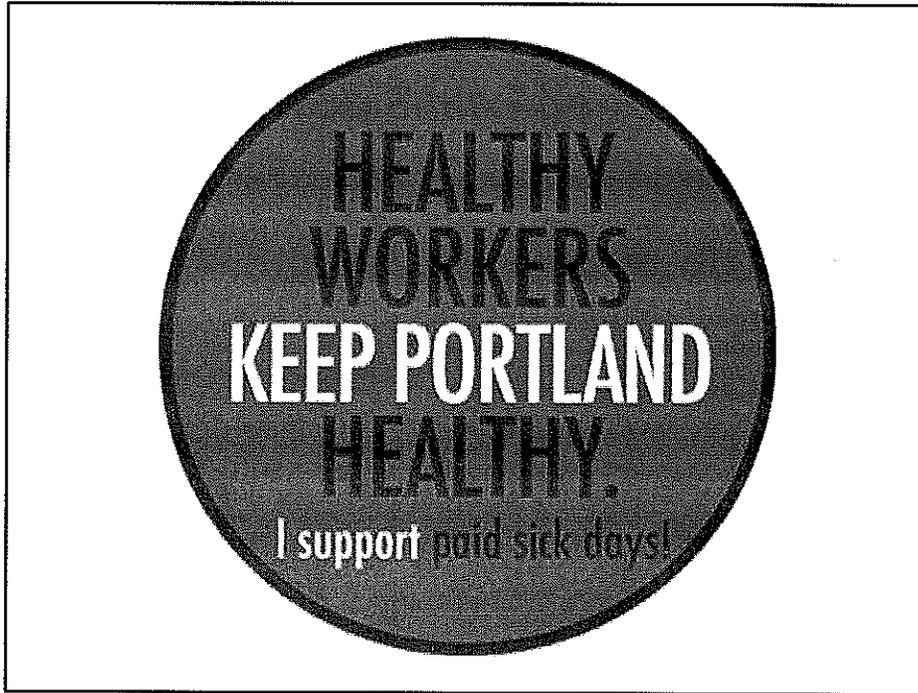
Provide Portland workers, families, and businesses with:

- Better health, less spreading of illnesses
- Lower health costs
- Healthier children and schools
- Greater financial security
- Less employee turnover
- Racial, gender, and economic justice



ERIN: We are a dense population with a large number of restaurants and the largest school district in Maine. Our health is dependent on one another.

ERIN: Allowing all employees of all businesses in Portland—whether they are full-time or part-time—to earn one hour of sick leave for every 30 hours they work, will make it possible for more workers to recover from illness, seek treatment, or support a loved one to do the same. Although the ordinance makes only a small change in the terms of work for Portland employees, it represents a significant opportunity to improve public health in our city -- for residents, visitors, and children alike.



ELIZA: The proposed ordinance before you would allow all workers in Portland to earn paid sick leave—a critical tool in our public health toolbox. This is a policy that builds on the momentum and experiences of cities and states across the country.

ELIZA: Together we can keep Portland healthy by keeping our workers healthy!

ELIZA: Thank you. We are happy to answer any questions and provide more information.

ELIZA: We've also shared with you additional materials to help with your deliberations. We're happy to look at any of that with you if you have questions.

HHS

244

Portland, Maine



Yes. Life's good here.

Office of the Mayor, Ethan K. Strimling

Portland Earned Paid Sick Time Ordinance

The Problem

It is estimated that thousands of workers in Portland do not currently earn a single paid day off to care for their own medical well being, ensure their physical safety, or to care for the health of their child.¹ This leads to greater public health risks,² increased health care costs³ and greater economic instability for many of our neighbors who must choose between health and income.

The Solution

Healthy and safe workplaces are critical to Portland's public viability, therefore *The Portland Earned Paid Sick and Safe Time Ordinance* [EPST] will ensure that all employees working in Portland accrue a minimum of one hour of sick time for every 30 hours worked (up to a maximum of six days a year). If a current employer already provides this amount of sick time (or PTO), they will not be impacted by this provision.

How it will work

The policy is designed to promote public health and support our workers, while balancing employers' needs to meet customer expectations. It is modeled after the laws that have been successfully enacted in other jurisdictions. Attached is the full ordinance for review; however, the highlights are:

Uses

- EPST may be used for an employee's mental or physical health, injury, diagnosis, prevention or condition including absence due to domestic violence, sexual assault, or stalking. It may also be used for the care of a family member or to attend a meeting at a place where a family member is receiving care.

¹ Statewide data puts the number of workers with no earned sick time at 198,000: Institute for Women's Policy Research & National Partnership for Women & Families (2015, May). Portland accounts for 12% of the statewide workforce, meaning we likely have over 20,000 workers with no earned sick time.

² Nationally we know that parents without sick time are twice as likely to send a sick child to school.
http://www.epi.org/publication/the_need_for_paid_sick_days/

³ Ibid. (Nationally we know that parents without sick time are five times as likely to take their child to an emergency room because they are unable to go to the doctor during work hours.)

Public Health Impact

According to City of Portland Staff, "There are a number of studies showing that paid sick leave leads to increased utilization of preventive services and decreased spread of infectious diseases, including the flu." A few of the findings include(see attached memo from Julie Sullivan):

- Lack of access to paid sick leave results in the spread of infectious diseases, as well as delayed screenings, diagnoses, and treatment.⁴ (American Medical Association)
- Studies indicate that paid sick leave has positive health and economic impacts on communities.⁵ (Human Impact Partners)
- Paid sick leave can reduce employers' overall costs while simultaneously contributing to community health.⁶ (US Congress)

Economic Impact

EPST laws have been on the books for a decade showing no measurable negative economic impacts. A couple of highlights are:

- Seven years after San Francisco implemented EPST that required all businesses to provide sick time to all workers, the SF Chamber of Commerce stated that the impact on employers has been "...minimal...By and large this has not been an employer issue."⁷
- According to a 2014 study of Connecticut's statewide EPST law, a survey of employers found that the law had little impact on costs and that a majority of businesses have not increased prices or reduced employee hours because of the law. Additionally, the same survey reported that the law improved employee productivity.⁸

Public Support

A recent survey by Public Policy Polling showed that 67% of people in Portland support requiring earned sick time, including 75% of women, 70% of seniors and 61% of people who live off the Peninsula. Only 25% of Portland residents do not support requiring employers to provide sick time and 8% are undecided.⁹

⁴ American Medical Association. (June 2016). "AMA Recognizes Public Health Benefits of Paid Sick Leave."
<https://www.ama-assn.org/ama-recognizes-public-health-benefits-paid-sick-leave>

⁵ Human Impact Partners and San Francisco Dept of Public Health. (2009).
<http://www.humanimpact.org/projects/hia-case-stories/paid-sick-days-hias/>

⁶ U.S. Congress Joint Economic Committee. (March 2010).
<https://www.jec.senate.gov/public/cache/files/abf8aca7-6b94-4152-b720-2d8d04b81ed6/sickleave-report-final.pdf>

⁷ Jim Lazarus, Sr. VP for Policy, SF Chamber of Commerce, New York Time, January 27, 2014

⁸ Appelbaum, E., & Milkman, R (2014, January 6)

⁹ <http://progressiveportland.org/wp-content/uploads/2017/08/PortlandResultsSickLeave-with-tabs.pdf>



Executive Department
Julie Sullivan
Senior Advisor to the City Manager

M E M O R A N D U M

TO: Jon Jennings, City Manager
FROM: Julie Sullivan
DATE: August 24, 2017
RE: Paid sick leave and improved community health

As requested, I researched whether paid sick leave policies contribute to improved community health. There are a number of studies showing that paid sick leave leads to increased utilization of preventive services and decreased spread of infectious diseases, including the flu. Evidence also shows that paid sick leave laws address the disproportionate impact on lower-income jobs, who are most likely to work for employers who do not offer such a policy. The opposition to paid sick leave appears to come solely from business organizations who state that increased regulation is bad for their bottom line. Other than that type of argument, I did not find any data showing that paid sick leave does not contribute to improved public health.

There are numerous additional sources I could cite if that would be helpful.

- Studies indicate that paid sick leave has positive health and economic impacts on communities. (Human Impact Partners)
- People without paid sick leave were 3.0 times more likely to forgo medical care for themselves, and 1.6 times more likely to forgo medical for their family. (Health Affairs, March 2016)
- Paid sick leave can reduce employers' overall costs while simultaneously contributing to community health. (US Congress, Joint Economic Committee)
- A large study found that regardless of socioeconomic factors, workers who lack paid sick leave were significantly less likely to have received preventive health care screenings in the last 12 months, even among those previously told they have a condition like diabetes or cardiovascular disease that places them at higher risk. (Preventive Medicine, March 2017)
- The American Medical Association cited lack of access to paid sick leave results in the spread of infectious diseases, as well as delayed screenings, diagnoses, and treatment (AMA, 2016).
- In a national survey of more than 4,300 restaurant workers, 88% reported not having paid sick leave, and consequently 63% admitted that they cooked and served food while ill. (APHA, 2013) The US Department of Labor reports that 55% of workers who do not receive paid sick leave say they go to work while contagious. Perhaps more concerning, 12% of

restaurant works report showing up to work while vomiting or suffering diarrhea because they don't have paid sick leave.

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Frequently Asked Questions - Portland Earned Paid Sick Time Southern Maine Workers' Center & Maine Women's Lobby

1) How does it work?

This is an earned leave benefit that will allow all workers to earn one hour of paid sick leave for every 30 hours worked for up to a total 48 hours (6 days) of paid sick time to be used in a single year. Employers are not required to pay out unused hours at the end of the year. Earned hours are rolled over year to year, however 48 hours is the maximum that an employer would be required to provide in one year.

2) Under what kinds of circumstances can workers take this leave?

Workers can take leave to recover from illness, get preventive care, seek assistance related to domestic violence or sexual assault, or care for a family member in need of medical care. Employers may require up to 5 days notice in situations when the need for taking time off is foreseeable. When the need is not foreseeable employees are required to give as much notice is practical under the circumstances. The ordinance uses an inclusive definition of family similar to the the version recently passed in New York City.¹

3) What will happen to businesses that already provide paid time off?

If a business already has a paid time off policy in place that provides for the same or more days off which can be used for the same purposes as required in this ordinance, their policy need not change, even if they combine paid sick time with other kinds of paid time off.

4) Why is it needed?

Forty one percent of private sector workers in Maine lack paid sick days,² and the portion of low wage workers -- those least able to afford to miss a day's pay -- who don't have access to paid sick days is likely much higher. The consequences for individuals and families can be devastating, including lost jobs, deteriorating health, and greater instability. (See our document: *Earned Paid Sick Time: It's about who and what we value* for more information)

5) Don't workers already have the right to paid time off for medical needs?

No. Neither Maine's Family Medical Leave law nor the federal Family Medical Leave Act provides paid leave for workers who take time off for medical reasons. Maine's Employment Leave for Victims of Violence law similarly does not provide paid leave.

6) How will it improve public health?

Paid sick days makes for good public health policy. At the most basic level, paid sick days can help slow the spread of communicable disease by making it more possible for workers to take time off when they are sick. The Center for Disease Control's recommendations for preventing the spread of the flu include staying home. Earned paid sick time has also been shown to reduce unnecessary Emergency Room visits

¹ Major Victory for New York City's Working Families

<https://www.abetterbalance.org/major-victory-for-new-york-citys-working-families/> , October 17, 2017

² Miller, Kevin and Claudia Williams, "Valuing Good Health in Maine: The Costs and Benefits of Paid Sick Days" January 2010, Institute for Women's Policy Research, p. 2 footnote 1.

and to increase screenings for cancer and other preventative care. (See our document: *Earned Paid Sick Time: It's about who and what we value* for more facts and sources)

7) Has this policy been tried elsewhere?

Yes. Thirty-nine other jurisdictions, including 28 cities, have already passed similar earned paid sick days laws. Research into the experiences of cities and states that were the first to implement paid sick days shows the policies have strong support from business owners, economies that grew after the implementation, less employee turnover, and improved productivity.

8) Can this policy work in a small city like Portland?

Yes. Earned paid sick days laws exist in cities, counties, and states of different sizes all over the country, including eight cities smaller than Portland. East Orange, NJ (pop. 64,270) and Passaic, NJ (pop. 70,635) are both comparably sized to Portland and have earned paid sick days laws.

9) Why does the policy cover businesses of all sizes, rather than just larger ones?

Everyone working in our economy needs to be able to take the time to care for themselves and their family when they're sick, regardless of arbitrary factors like the size of the business they happen to work for. Although small businesses are sometimes left out of worker protection laws, laws such as minimum wage protections cover businesses of any size. We believe that earned paid sick time is in this same category of protections and must cover workers universally. Exempting small businesses would, in a city like Portland which has so many small businesses, leave an unacceptable number of workers out. Furthermore, the public health benefits of a paid sick days policy would be significantly diminished if small businesses were excluded.

Earned Paid Sick Time

It's about who and what we value

Maine Women's Lobby: mainewomen.org •

The Southern Maine Workers' Center: maineworkers.org

Right now, an estimated 26,000 workers in Portland cannot take one paid day off if they're sick. For low-income workers, women, immigrants, and people of color in particular, the consequences can be devastating: we lose jobs, we get sicker, we're less able to take care of ourselves and one another.



Here are some of the reasons we know we can do better.

➤ Paid sick days improve public health

Maine has a problem with non-urgent ER visits, and paid sick days will help. Nationally, about 10% of all emergency room visits are for non-urgent care.¹ But Maine's rate is 17%, meaning 105,000 visits to emergency rooms in Maine are preventable. When workers have access to paid sick days, they will be able to get medical care during regular doctor's office hours rather than delaying treatment until off-hours, when the ER is the only option. Studies back this up: a person with paid sick days is 14% less likely to be a moderate emergency department user (1 to 3 visits per year) and 32% less likely to be repeated ED user (4 or more times per year).² Parents without paid sick days are five times more likely than those with paid sick days to take family member to an emergency room because they cannot take time off during their work day.³

Workers, especially low-income workers, need paid sick days to access to preventative medicine. Low-income Mainers are less likely than high-income Mainers to have been screened for breast, cervical, and colorectal cancer.⁴ One reason is lack of access to paid sick time, which we know thanks to research concluding that workers who can take paid time off for medical care are more likely to have had doctors visits within the past year, as well as

¹ Leah S. Honigman, Jennifer L. Wiler, Sean Rooks, and Adit A. Ginde, National Study of Non-urgent Emergency Department Visits and Associated Resource Utilization, West J Emerg Med., <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3876304/>

² Paid sick leave is associated with fewer ED visits among US private sector working adults. Bhuyan SS, Wang Y, Bhatt J, Dismuke SE, Carlton EL, Gentry D, LaGrange C, Chang CF. Am J Emerg Med, <https://www.ncbi.nlm.nih.gov/pubmed/26851064>

³ National Partnership for Women and Families, Healthy Kids, Healthy Schools: The Case for a National Paid Sick Days Standard.

⁴ Maine Cancer Surveillance Report, 2014, Maine Center for Disease Control and Prevention, DHHS.

mammography, Pap test, and endoscopy at recommended intervals.⁵ Even the American Medical Association says the lack of access to paid sick leave results in the spread of infectious diseases, as well as delayed screenings, diagnosis, and treatment.⁶

➤ **Paid sick days are good for kids**

Kids get sick, and parents need paid sick days to be able to keep them home. Sick children who have to go to school have trouble learning. They also spread illness to other children, and can overburden already stretched school nurses. Nationwide, parents without paid sick days are more than twice as likely as parents with paid sick days to send a sick child to school or day care. Their children are also more likely to get seriously sick if they can't take the time off to access preventative care.⁷ And studies show that sick children recover better when cared for by their parents.⁸

➤ **Restaurant workers need paid sick days**

Restaurant workers, a 2010 study found that 89% of restaurant workers in Maine do not have paid sick days, and 70.8% have worked when sick. Of those, nearly half said they needed to work while sick because they could not afford to take the day off.⁹

➤ **Paid sick days are good for workers and businesses**

Paid sick days means fewer on-the-job injuries, and less worker turnover. One study found that workers were 28% less likely to be injured on the job if they had paid sick days.¹⁰ Paid sick days has also been shown to reduce turnover and improve job stability for workers, reducing the likelihood of job separation by 25%.¹¹

➤ **Small cities like Portland are succeeding with paid sick days**

⁵ Lucy A Peipins, Ashwini Soman, Zahava Berkowitz, and Mary C White, "The lack of paid sick leave as a barrier to cancer screening and medical care-seeking: results from the National Health Interview Survey," BMC Public Health, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3433348/>

⁶ American Medical Association. (June 2016). "AMA Recognizes Public Health Benefits of Paid Sick Leave." <https://www.ama-assn.org/ama-recognizes-public-health-benefits-paid-sick-leave>

⁷ National Partnership for Women and Families, Healthy Kids, Healthy Schools: The Case for a National Paid Sick Days Standard.

⁸ Schuster, M. A., & Chung, P. J. (2014, August). Time Off to Care for a Sick Child—Why Family-Leave Policies Matter. *New England Journal of Medicine*, 371(6), 493-495.

⁹ Restaurant Opportunity Center of Maine, Restaurant Opportunities Centers United, and the Maine Restaurant Industry Coalition, "Behind the Kitchen Door: Low Road Jobs, High Road Opportunities in Maine's Growing Restaurant Industry," 2010.

¹⁰ Abay Asfaw, Regina Pana-Cryan, and Roger Rosa, Paid Sick Leave and Nonfatal Occupational Injuries, *Am J Public Health*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3482022/>

¹¹ Heather D. Hill, Paid Sick Leave and Job Stability, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3825168/>

Paid sick leave is not just a policy for big cities; several cities similar in size to Portland have laws guaranteeing paid sick days to workers. Santa Monica, CA, (pop. 89,736), and East Orange, NJ (pop. 64,270) are just two examples. Thirty-nine other jurisdictions, including **28 cities**, have already passed similar paid sick day laws.

➤ **Policies that include small businesses are succeeding**

In Jersey City, where employers of any size are required to provide paid sick days, 41.8% of employers who had changed their policies due to the law reported at least one of the following: an increase in productivity, an increase in the quality of new hires, and a reduction in turnover. Employers also reported a reduction in the number of sick employees coming to work.

Abuse & Usage of Paid Sick Days

FEBRUARY 8, 2017

Studies of states and cities with paid sick days laws show that employees do not abuse paid sick days:

- **Connecticut:** Eighty-six percent of employers reported no known cases of abuse and 6 percent only reporting one to three cases. Some employers noted in interviews that reports of abuse had not changed since implementation of the paid sick days law.¹
- **Seattle:** Less than 10 percent of employers reported reprimanding any employees for abuse of paid sick days.²
- **Jersey City:** 96.5 percent of employers reported no change in employee use or decreased use of paid sick days, indicating no evidence of abuse of the law.³
- **New York City:** Ninety-eight percent of employers reported no abuse of paid sick days, with abuse essentially nonexistent at businesses with fewer than 50 employees.

National data and studies of state and local paid sick days laws demonstrate that workers see paid sick days as an insurance policy and do not use all of the days they earn:

- **2014 National Health Interview Survey, used in 2016 IWPR Analysis:** “Among those with paid sick days, the median number of sick days used was one, and the mean was 2.1 days. The number of sick days reported throughout this paper are calculated for those who used 11 or fewer days of leave, so that usage numbers would roughly reflect the numbers of days used under a typical sick leave plan or proposal, without inadvertently capturing extended medical leaves. The uncapped average number of days of work missed due to illness or injury is nevertheless quite small (3.7). The data show that only five percent of workers with paid sick days missed 11 or more days of work.”⁴

¹ Appelbaum, E., & Milkman, R. (2014, February 21). *Good for Business? Connecticut's Paid Sick Leave Law*. Center for Economic and Policy Research Publication. Retrieved 8 February 2017, from <http://cepr.net/documents/good-for-buisness-2014-02-21.pdf>

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- **Bureau of Labor Statistics 2009 National Compensation Survey, used in 2015 U.S. Department of Labor Report:** “The Bureau of Labor Statistics’ National Compensation Survey analysis shows that workers who have access to a fixed number of paid sick days use, on average, four days per year. That’s about half of the eight or nine days to which they typically have access.”⁵

San Francisco: Although many workers can earn up to nine paid sick days under the law, the typical worker with access used only three days.⁶

Connecticut: Employers reported that employees typically used 3 days of paid sick days a year but had an average 7.7 days available to them. Although Connecticut’s paid sick days law requires some employers to provide 5 paid sick days, these employers reported providing an average of 7.7 days to their employees.⁷

New York City: Although most workers can earn up to five paid sick days a year, workers typically used only three days.⁸

Washington, D.C.: *We only have projected numbers of usage: “Based on data on sick leave usage patterns across the United States from the National Health Interview Survey employees in large businesses are estimated to use an average of two and a half days annually, out of a maximum of seven that may be accrued, excluding use for safe days and maternity. Employees in medium size businesses are estimated to take two days, and employees in small business are estimated to take a day and a half.”*

<http://iwpr.org/publications/pubs/paid-sick-days-access-and-usage-rates-vary-by-race-ethnicity-occupation-and-earnings/> (internal citations omitted)

⁵ U.S. Department of Labor. (2015, October). *Get The Facts On Paid Sick Time*. Retrieved 8 January 2017, from <https://www.dol.gov/featured/paidleave/get-the-facts-sicktime.pdf>

⁶ Drago R., & Lovell, V. (2011, February). *San Francisco’s Paid Sick Leave Ordinance: Outcomes for Employers and Employees*. Institute for Women’s Policy Research Publication. Retrieved 8 January 2017, from <http://www.iwpr.org/publications/pubs/San-Fran-PSD>

⁷ Appelbaum, E., & Milkman, R. (2014, February 21). *Good for Business? Connecticut’s Paid Sick Leave Law*. Center for Economic and Policy Research Publication. Retrieved 8 January 2017, from <http://cepr.net/documents/good-for-buisness-2014-02-21.pdf>

⁸ Appelbaum, E., & Milkman, R. (2016, September). *No Big Deal: The Impact of New York City’s Paid Sick Days Law on Employers*. Center for Economic and Policy Research Publication. Retrieved 8 January 2017, from <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>

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Current Paid Sick Days Laws

SEPTEMBER 29, 2017

Paid sick days laws are or will soon be in place in **40 jurisdictions** across the country.

EIGHT STATES

- ▶ Connecticut (enacted 2011, effective 2012);
- ▶ California (enacted 2014, effective 2015);
- ▶ Massachusetts (enacted 2014, effective 2015);
- ▶ Oregon (enacted 2015, effective 2016);
- ▶ Vermont (enacted 2016, effective 2017 for large businesses and 2018 for small businesses);
- ▶ Arizona (enacted 2016, effective 2017);
- ▶ Washington (enacted 2016, effective 2018); and
- ▶ Rhode Island (enacted 2017, effective 2018).

30 CITIES and TWO COUNTIES

- ▶ San Francisco (enacted 2006, effective 2007), Oakland (enacted 2014, effective 2015), Emeryville (enacted and effective 2015), Santa Monica (enacted 2016, effective 2017), Los Angeles (enacted and effective 2016), San Diego (enacted 2014 and placed on hold pending voter approval in 2016, effective 2016), and Berkeley (enacted 2016, effective 2017), Calif.;
- ▶ Washington, D.C. (enacted and effective 2008 and expanded 2014);
- ▶ Seattle (enacted 2011, effective 2012), Tacoma (enacted 2015, effective 2016) and Spokane (enacted 2016, effective 2017), Wash.;
- ▶ New York City (enacted 2013, expanded and effective 2014);
- ▶ Bloomfield (enacted and effective 2015), Elizabeth (enacted 2015, effective 2016), East Orange, Irvington, Jersey City, Montclair, Newark, Paterson, Passaic, Trenton (enacted 2013 and 2014, effective 2014 or 2015; Jersey City expanded 2015), New Brunswick (enacted 2015, effective 2016), Plainfield (enacted and effective 2016), and Morristown (enacted 2016, effective date not yet determined), N.J.;
- ▶ Philadelphia (enacted and effective 2015) and Pittsburgh (enacted 2015, implementation on hold), Pa.;
- ▶ Montgomery County, Md. (enacted 2015, effective 2016);
- ▶ Minneapolis and St. Paul (enacted 2016, effective 2017), Minn.; and

▶ Chicago and Cook County (enacted 2016, effective 2017), Ill.

Details on each of these laws are available [here](#). For more information on campaigns in other states and cities and at the federal level, or for more on the benefits of paid sick days policies, visit PaidSickDays.org.

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

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Letters

Monday, Oct. 2, 2017: Give workers paid sick leave, smears silence immigration debate, organize relief for Puerto Rico

September 30, 2017 10:48 am

Updated: October 1, 2017 7:24 am

Give workers paid sick leave

While Sen. Rebecca Millett's bill — **LD 1159** — requiring employers to provide paid sick days to their employees failed to pass in the Legislature, she helped to jumpstart a conversation throughout the state about the importance of providing the benefit to working people. In Portland, city councilors are considering an **earned paid sick leave ordinance** in Maine's largest city.

The proposal — brought forward by the Southern Maine Workers' Center and Maine Women's Lobby — has already gained the support of Mayor Ethan Strimling and several councilors.

The ordinance would **allow workers to earn** at least one hour of paid sick time for every 30 hours worked up to six days per year. Employers would not be required to pay employees for their unused time when they leave their jobs.

Nearly 200,000 Maine workers are unable **to take a paid sick day**, according to the National Partnership for Women & Families, and they are forced to choose between coming to work sick or losing their pay — something that many of them simply can't afford to do. For the rest of us, paid sick days are a public health issue, as we're exposed to the germs of workers in restaurants and other workplaces who are forced to come to work sick.

Earned paid sick leave is already the law in **three New England states** and **more than 20 cities** around the country. Portland should be next, leading the way for the rest of Maine to follow.

Matthew Beck

South Portland

Smears used to silence debate

In 1966, when President Lyndon Baines Johnson and the Vietnam War enjoyed overwhelming public support, I read Bernard Falls book “**Street Without Joy: Indochina at War.**” Overnight, I became an anti-war activist. My father, a college professor, insisted I had swallowed communist propaganda.

In his **autobiography**, Colin Powell writes: “I recently reread Bernard Fall’s book, ‘Street Without Joy’ ... I cannot help thinking that if President Kennedy or President Johnson had spent a quiet weekend at Camp David reading that perceptive book, they would have returned to the White House Monday morning and immediately started to figure out a way to extricate ourselves from the quicksand of Vietnam.”

Temporarily ignoring headlines that agitate us, and immersing ourselves in a transforming book, is like dunking your head in a barrel of ice water: it clarifies thoughts and calms emotions.

Mark Krikorian, director of the Center for Immigration Studies, a think-tank focused on fiscal and economic analysis of immigration policy, has written an equally profound book, “**The New Case Against Immigration: Both Legal and Illegal.**” It’s not a white nationalist rant, and it doesn’t provoke animus. It’s a thoughtful book that left me stunned by the information missing in our news, not unlike Vietnam.

Trigger warning: The Southern Poverty Law Center, a self-appointed authority on racism, recently smeared the center as a “**hate**” group. In the 1950s and 1960s, the words “commie” and “pinko” would silence your political opponent without any debate. Today, it’s the word “hate.”

Don’t be deterred. Read the book. And make up your own mind.

Jonette Christian

Founder

Mainers for Sensible Immigration Policy

Letter to the editor: All Americans need sick days to be guaranteed

📄 www.pressherald.com/2017/11/12/letter-to-the-editor-all-americans-need-sick-days-to-be-guaranteed/

As an emergency department attending physician here in Maine, not a shift goes by without me seeing a hardworking person affected by their lack of paid sick days. Regardless of the specific scenario, the one consistent element is the delay in seeking help or treatment because of the need to prioritize keeping their job over any personal needs. A few examples:

Delayed treatment for a young daughter with asthma who became sick in the early morning but could not be seen until 18 hours later, after Mom finished the second of two jobs she worked that day. The child's wheezing had worsened dramatically due to the delay. Neither of the mother's jobs allowed her to leave without a perceived threat of losing that job.

Related Headlines

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- It would be cheaper long term to just bury the lines
- View from the border doesn't flatter U.S.
- Vote early, vote often, vote each time they will let you

A man in his early 40s with diabetes continued to work "through a bad cold" long hours, six days a week, for almost three weeks until he literally collapsed at work. Employees called 911. He arrived severely short of breath with pneumonia.

I'm writing in support of the earned paid sick days that will be formally reviewed Tuesday by the Health and Human Services Committee of the Portland City Council. Similar legislation has been passed in eight states and 30 cities with profound success. I'm hoping that your readers who reside in Portland will speak with their local councilperson in support of their fellow citizens.

Carl Ramsay, M.D.

Portland

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Letter to the editor: Restaurant worker dishes on need for universal paid sick time

www.pressherald.com/2017/09/21/letter-to-the-editor-restaurant-worker-dishes-on-need-for-universal-paid-sick-time/

On Sept. 18, the City Council heard a proposal for an ordinance that would mandate universal paid sick days in Portland.

In the last 17 years of working in restaurants across southern Maine, I have never worked in a place that offered paid sick days. Whenever I or a co-worker (or their child) is sick, we choose between caring for ourselves or our loved ones and being paid. This is a terrible choice for anyone to have to make.

Related Headlines

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- Impact of marijuana use on traffic safety remains unknown
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- Fix all 4 unsafe, rundown Portland schools or risk a catastrophic event

Almost 20,000 people in Portland's and South Portland's labor force are employed in the restaurant industry. If we choose to opt for a paycheck and work sick, we are exposing our co-workers and dozens of customers at a time to illness. The lack of access to this basic safety-net policy has the potential to result in a massive public health issue.

Nationally, the American Public Health Association estimates that during the H1N1 pandemic in 2009, there were an additional 5 million cases of influenza directly attributable to the absence of workplace policies, including paid sick days. Moreover, the Institute for Women's Policy Research has found that universal paid sick days in the U.S. would result in 1.3 million fewer emergency room visits, with an estimated savings of \$1.1 billion in health care costs. Huge benefits for a small policy.

In a progressive city with a national reputation for our food and beverage scene, enacting a universal paid sick days ordinance is a small but significant step toward both work with dignity for the numerous employees in the food and hospitality industries, as well as prioritizing the health of all of Portland's public and the millions of tourists who visit our city each year. If you support this vision, contact your city councilor.

Heather Foran

Portland

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Rules & Procedure for Public Testimony

Council committees use the City Council rules for public testimony. You can find the complete rules in the *Rules of Procedure for the City Council, Rule 31. Procedure for Addressing Council*. This document is available on the City Website:

<http://www.portlandmaine.gov/DocumentCenter/View/1184>

Below is a summary of the main points:

- If you wish to speak, please raise your hand or line up.
- When you are recognized by the Chair, you will have up to three (3) minutes to offer your comments. Please begin by stating your name and where you live.
- While someone is speaking, others in attendance will not interrupt.
- There should be no expressions approval or disapproval (applause, snapping, boos, hissing).
- Remarks shall be confined to the merits of the pending item.
- The Chair may limit or cut off any commentary that is not germane or that is scurrilous, abusive, or not in accord with good order and decorum.
- Any person who shall continue to violate these rules, after warning by the Chair, may be ejected for the remainder of the meeting then in progress.

Public Safety/HHS Committee Meeting

Re: Earned Paid Sick Time

Questions and Point Person

Anne Torregrossa/Gina Tapp:

1. How should we define employee for the purposes of this ordinance? Should it apply to part-time employees? Seasonal employees? Interns? When it comes to PTO, employers typically have some flexibility in determining who receives the benefit. However, if we exclude part-time employees, is it likely that companies would shift full-time employees to part-time hours by hiring them for just under the number of hours that qualify them as full-time? How can we best address this while giving employers flexibility?
2. Definition of family seems very complicated here. I like the inclusive nature of this definition because the definition of “family” is so varied for individuals, and I’d like to be inclusive, but this seems more complicated than it needs to be. Seems like we need to work on this. In my view, (E) and (F) alone seem sufficient. Are there issues with only including those pieces?
3. Councilor Mavodones stated it was not unusual to require documentation from mutual agreed doctor such as a Concentra and is questioning if this draft will preclude that?
4. As written, the ordinance allows all unused sick time to roll over, even though an employee would never be able to use more than 8 days in a year. Is the roll over of unused sick time a standard practice? I also worry that if there is no accrual cap, employers will be tasked with the administrative burden of continuing to track accrued time far past the 48 hours allowed each year. Could/should we institute an accrual cap to avoid this?
5. (a)1 states an employer may not require more than five days’ notice for an employee to use earned paid sick time. Presumably, this is for doctors’ appointments or procedures or appointments that can be scheduled in advance. Is this a typical noticing requirement? Is there a typical/standard practice for handling sick time advance notification? **(Procedures for Taking Earned Paid Sick Time)**

6. Is six years a typical time frame for retaining these records

Gina Tapp:

1. Councilor Mavodones requested the following information from staff:
 - Stats on Union vs Non-union employees with the City of Portland
 - How would an employer monitor affiliation or close association by blood
 - Red line version of ordinance
 - FMLA information outlining types of employees such as Healthcare professionals

Anne Torregrossa:

1. Councilor Batson questioned Section #3 Accrued paid sick leave shall be awarded and available for use no more than eight days after it is accrued. Alternatively, an employer may award paid sick time in advance of accrual in an amount anticipated to be accrued over a year's time. Is there a grace period?
2. Accrual of earned sick time – Councilor Mavodones questioned regarding calendar year vs fiscal year? Where different businesses may have different budget dates.
3. Councilor Batson added that a trip to the ER on a weekend or holiday where the employer requires doctor's note that could be a large expense, falling on employer over \$1000.
4. What is the cities role in enforcement? Abuse of sick time and get fired. Does the City make a determination if this is occurring?
5. What constitutes an offense? Each day? Where does this fall? This needs to be clarified.
6. Councilor Mavodones needs clarification re: Section (E), the amount of earned paid sick time available to employee... who would keep track of this – would it be the employer's payroll?
7. Chair Ray reviewed Section (B) Employers shall allow the City of Portland access to records. Is this legal for the city to coordinate an audit?
8. Councilor Mavodones expressed concern with last sentence of Section (C) Private Cause of Action #2. Chair Ray questioned if there was another course of action and what would that be? Would they have to go to court to receive wages and what incentive for an employee to go thru this process to receive day's wages without enhanced penalties?

9. We should ensure the ordinance is written to specify that sick time is only accrued for hours worked. Time is not typically accrued for paid holidays or any PTO. Just want to make sure that is clear.
10. We need to address the inclusion of “leave to attend a school meeting,” which does not seem to be tied to health reasons for using sick leave.
11. According to the ordinance, an employer would be responsible for paying any out of pocket costs associated with the requirement for an employee to provide documentation of reasons for taking paid sick leave. Would this include the cost of a doctor’s visit? Transportation costs? Are there items other than documents signed by a health care provider that could be considered reasonable documentation?
12. Should we specify that this section only applies to employers who are subject to this ordinance? Those who already provide leave equal to or in excess of what is required here are exempt from the ordinance. **(Notice of Rights)**
13. Regarding the fine language, is this the language we want? Should we be linking this back to our standard policy instead? Including per instance/per day language? **(Enforcement)**
14. If we maintain this section, we should add the following to the end of (c): “...and shall be subject to measures outlined in Enforcement (b)(3) below.” **(Record Keeping Requirements)**

Danielle:

1. Committee request from Corporation Counsel:
 - Best estimate in terms of cost
 - What would be the staff time to prosecute one of these cases?
 - Is it possible to check with other municipalities and see what their legal departments do regarding penalties and how many do they process a year?

Brendan:

1. Councilor Mavodones requested information regarding financial impact for businesses along expense liability on sick leave usage.
2. Is there a way to find out the cost of the posters maybe by finding the cost when the city did the minimum wage posters?

3. Re: (c)(4) – What would be the cost to comply with this? **Enforcement**
4. What are the costs associated with the required education and outreach program?

Brendan/Gina:

1. Councilor Mavodones requesting the following from staff:
 - Stats to possibly include termination payout and FICA cost
 - Stats NOT including salary employees (where they are paid out regardless) per Mayor Strimling.

Brendan/Anne:

1. Re: (b)(3) – Does the City Manager have this authority? Will the city issue an invoice? Will the city apply the amounts under consideration to a tax bill or lien?

Jessica:

1. Chair Ray questioned staff regarding Section (C) – can the poster be on the website so the City wouldn't be tasked with cost of prints? **Enforcement**