

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>

² Romich, J., Bignell, W., Brazg, T., Johnson, C., Mar, C., Morton, J., & Song, C. (2014, April 23). *Implementation and Early Outcomes of the City of Seattle Paid Sick and Safe Time Ordinance*. University of Washington Publication. Retrieved 8 February 2017, from <http://www.seattle.gov/Documents/Departments/CityAuditor/auditreports/PSSTOUWReportwAppendices.pdf>

³ Lindemann, D., & Britton, D. (2015, April). *Earned Sick Days in Jersey City: A Study of Employers and Employees at Year One*. Center for Women and Work at Rutgers, the State University of New Jersey Publication. Retrieved 8 February 2017, from http://smlr.rutgers.edu/sites/smlr.rutgers.edu/files/documents/Jersey_City_ESD_Issue_Brief.pdf

⁴ Xia, J., Hayes, J., Gault, B. & Nguyen, H. (2016, February). *Paid Sick Days Access and Usage Rates Vary by Race/Ethnicity, Occupation, and Earnings*. Institute for Women's Policy Research Publication. Retrieved 8 January 2017, from

- **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>

⁹ Williams, C., & Hayes, J. (2013, October). *Valuing Good Health in the District of Columbia: The Costs and Benefits of the Earned Sick and Safe Leave Amendment Act of 2013*. Institute for Women’s Policy Research Publication. Retrieved 8 January 2017, from <http://www.iwpr.org/publications/pubs/valuing-good-health-in-the-district-of-columbia-the-costs-and-benefits-of-the-earned-sick-and-safe-leave-amendment-act-of-2013>

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 Fall's 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.

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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.

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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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