

The Workplace Partnership Group conducted a listening session on Wednesday, January 6, 2016, to engage employees and employers within the Latino community. The session was conducted at the Mercado Central, 1515 E Lake St, beginning at 6 p.m. A select number of panelists representing both employees and employers were invited to provide their perspectives in response to a pre-arranged set of questions related to policy issues concerned with earned sick time and paid time-off (PTO). The following is a summary of the feedback from those panelists, as well as general commentary from those members of the community in attendance for this listening session.

PANEL FEEDBACK

Question #1. How and when would sick leave be used?

Panelists indicated that any such policies should be administratively addressed as a collaboration between employer and employees, within broad parameters which would require a certain minimum accrual for all workers that assured earned sick time and PTO. Panelists emphasized the need for such policies to recognize the need of employees to have the flexibility to use earned time for their families/dependents; any earned time should not be restricted in a way that prevent that use, since there was a clear need to support working families, particularly in the event of an unexpected family emergency or illness.

Panelists expressed the belief that access to earned sick time and/or PTO should be viewed as an essential human right, not merely as a benefit of employment. From that perspective, the ability to access a bank of sick time for personal (and family) need was a critical issue that needed to be addressed in the city, which also touched on the need to ensure all workers have access to medical care. In addition to the fundamental human rights perspective, many pointed out that offering earned sick and PTO was a competitive advantage to employers and also served as a labor protection.

From the employer perspective, this collaboration was more dependent upon the services provided by the employees. Some panelists indicated the question of whether or not earned sick time and PTO were provided is a matter for employers to determine and should not be a mandate by the city government. Some fear of potential abuse was expressed, should the city government enforce a mandated provision for earned sick time and PTO. As an alternative, one panelist suggested that all employees receive five paid days off (PTO) which could be used at the discretion of the employee, whether for sick time, vacation, family need, emergencies, etc. Employers on the panel suggested that before a policy mandating universal sick time/PTO was passed, the operational impact on businesses—particularly small businesses—should be considered.

Question #2. What, if any, measures help ensure that employees and employers are not penalized or unduly burdened?

While there was near-universal consensus that employees deserved a certain level of protection with respect to their health and well-being, and that of their families, there was a myriad of perspectives on how that shared goal might be achieved. Some panelists indicated the City of Minneapolis should establish an administrative unit tasked with monitoring and enforcing labor issues at the local level; for example, policies related to earned sick time and PTO.

Some panelists noted that when employees work while sick, there is the possibility of spreading disease and/or infecting customers, co-workers, and others. This, then, raised the question of whether a policy mandating earned sick time and PTO should be viewed from a public health perspective, further bolstering

the expressed position (by some) that earned sick time and PTO have connections to human rights issues. Some suggested that earned sick leave hours should be cumulative, giving an added benefit (or incentive) to longer-term employees. It was also suggested that an accumulation of hours should be tied to the number of hours actually worked.

Employers emphasized the potential economic impact of policies mandating earned sick time and PTO, particularly on smaller-sized and family-owned businesses, which could disproportionately suffer negative effects. With respect to the Latino community, some suggested that such policies could create undue burdens and—as an unintended consequence—cause many small businesses within the Latino community to collapse. Business owners explained any increased operational costs associated with these policies would be passed along in prices paid by customers, who could take business elsewhere, including outside Minneapolis. Small businesses, it was noted, could not compete with big-box stores and chains, like Target or Wal-Mart. To offset these negative impacts, it was suggested that the City of Minneapolis might consider creating a special fund to help support small businesses or providing certain tax-based incentives or rebates. Again, employers suggested the provision of earned sick time and/or PTO should be market-driven, allowing employees to choose where to work in part based on the benefits provided; the theory being that good employers who take care of their employees will benefit, and employees will perceive earned sick time/PTO has an added incentive when considering job opportunities.

Question #3. What's a meaningful amount of sick/paid time-off?

Panelists largely agreed that a limit should be placed on the total number of hours that employees could accumulate for earned sick time/PTO. Several indicated that the specifics on how much time should be offered should be determined by employees and employers (e.g., collaboration); other comments indicated that the total amount might need to vary based on the type, size, and annual revenues of the business in question, and policy elements might need to accommodate flexibility in how policies are implemented and enforced.

Employees emphasized that, lacking paid sick time or PTO, they were faced with a Hobson's choice: "Do I go to work, even though I'm sick, so that I can put food on the table, or do I stay home because I'm sick?" As a starting point for discussion, it was suggested that somewhere between 5 days and a maximum of 15 days per year in accruals per employee could be considered.

In response to a clarifying question about the primary factors that might determine the number of hours, days, etc., and any cap or limit on earned time, panelists restated that a uniform policy would likely be untenable, and the city government should examine options that gave flexibility to employers based on the type of business, size of the business (based on number of employees), annual revenues, etc. In the end, all agreed that a fair policy would ensure that an employee would earn the appropriate number of paid sick hours or PTO based on the number of hours actually worked, and not according to some pre-established accumulation that didn't reflect actual hours worked.

Question #4. How do some employers currently handle this issue?

A variety of responses from the panelists representing employer perspectives was given; including—

- "When an employee is sick and shows proof of their sickness, such as by a doctor's note or similar documentation from the doctor or a hospital, then then supervisor or the business owner uses discretion to determine if paid time will be provided to the employee."
- "As a manager, I'm not against the proposal to have paid sick time for employees who are sick. But there must be rules so that these policies aren't abused by employees. For example, using sick time to cover assigned hours after the employee was out dancing the night before; that shouldn't be allowed. A federal law would be preferable, potentially, I think, to a local regulation. We think rules should also address when a doctor's note might be required to verify sickness and, thus, the need for paid sick time. Sometimes an employee doesn't feel well, and in a restaurant the problem is you can pass that illness

along. We need to deal with employees who call in late and claim sick time. There is a very real—and potentially significant—operational impact on the employer (restaurant) when that happens. So, we need to be careful when employees get sick.”

- “An employer has to be capable of addressing multiple call-ins claiming sick time to cover all the shifts. In our business, we have to cover every employee who is absent, so calling-in sick creates additional burdens on the employer to get another worker to cover, and the cumulative effect of that is that the business owner has to pay for two workers covering one shift.”
- “Again, there is a difference between what a large business might be capable of doing, versus the impact these policies would have on a small-sized business. Regulations that fit a large business may not uniformly be applied to a small-sized business, and the city government needs to consider that fact. I’m worried that these policies may force me to close.”

GENERAL COMMUNITY FEEDBACK

The following is a summary of general commentary from the public in attendance at the listening session.

- “Health insurance is very expensive, especially for Latino families.”
- “We should be able to take sick days to care for our children and our families. We are all human beings, and we have rights. These are basic human rights.”
- “Having paid sick days will benefit all people, our society, and our community.”
- “I worked many years for a company that gave me only 5 days; I have now 12 sick days. It’s very important to me—and to my family—that I have this paid time, which is mine and cannot be taken away.”
- “As an employee, I don’t think it’s right that I have to go to work sick and potentially infect customers or clients. I would rather have employees go home and rest and not get others sick; that’s not right. We shouldn’t have to go to a doctor’s office and incur an additional financial burden—including taking time off from hours when we’re scheduled to work—just to prove we’re too sick to be at work. That’s ridiculous. I have 12 days, but I cannot take them because I have to verify an illness with the doctor’s office. The entire process is just too complicated, and I end up paying for the doctor’s visit anyway. So why do that? Employees want something that’s fair for the worker and to the people. If I’m sick, I should be able to rest for a day or two. That’s fair.”
- “This session is missing voices from workers. We have some, yes; but not enough. Why? Because people are working. They couldn’t even take time to be here ... to give their side of the issue, and that gets lost. We want a real answer to the question of safe and sick time. We cannot make a real decision on this now. Families in the Latino community need better access to insurance. It’s because of the insurance ... this is a long-standing problem, and we know to get health insurance can be very difficult and we cannot resolve that here.”
- “Sick pay should be for everyone. Employees may have dependents that require medical care, which increases the need for paid sick time beyond just the employee’s personal needs. I think 12 paid sick days per year would be important to everyone. Also, as a food service worker, it isn’t right for me to be made to work when I’m sick around food that’s being prepared for others.”
- “Working 50 to 60 hours per week, the body starts to deteriorate and we cannot maintain that. So, employees need paid sick time. We are human beings, and we need to secure this benefit for all workers. It’s not right not to have the right to that secured time off for employees who are sick, who may be recovering after being sick, or who need to recover, or even for their families. And there are insurance costs that the employee has to bear as well, which can be a deterrent.”
- “It’s important to have a law requiring paid sick time and days off. I work with many different people and even though there are laws where they need to pay minimum wage, the business owner sometimes doesn’t pay it. If there isn’t a law—if it’s just something optional—then some employers will not give it to the workers. We’re here so that everyone can see this. We need paid sick time. I believe corporations should be required to provide this to workers because, as a client, in a restaurant, to see an employee coughing and they’re working around food, and the managers cannot provide time off for those who are

sick ... that's just not good. It's not right. Employees I know don't have paid sick days. There should be a law—there's a community health benefit from such a regulation/requirement.”

- “If the city government can't do this, maybe we should push for a solution ion federal law.”
- “As an employee of a large business, we get 15 days paid (PTO) per year which can be accumulated and be used for sick, vacation, or other needs. If we exceed the accumulated hours, we are not paid. It's that simple. I understand small companies may not be able to provide this benefit, and that they may lack the resources. But we need to try something for the workers. When I call in to use my time, the company calls in another employee to cover for me; the person who isn't scheduled to work that day can substitute for me. I have to give advance notice if a substitute is needed to cover for me. The company I work for doesn't require a doctor's note. If I have enough PTO accumulated, then I don't need to provide a note, unless it's for actual sick time. If I'm sick and want to use my PTO for sick purposes, then I provide the supervisor with a doctor's note.”