

WORKPLACE PARTNERSHIP GROUP
—Seventh Business Meeting—
Monday, February 17, 2016; 7:30 a.m.
Minneapolis City Hall – Room 319

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1. Call to Order

The Chair called the meeting to order at 7:44 a.m. The following members were found to be in attendance:

Attending: Susie Brown; Steve Cramer; Liz Doyle; Faisal A. Mohamud Deri; Brian K. Elliott; Dayna Frank; Stephanie Gasca; Ron Harris; Christopher Carl Pennock; Guillermo Alexander Lindsay; Tony Lacroix-Dalluhn; Wade Luneburg; Bruce Nustad; Jim Rowader; Danny Schwartzman; and Sarah Webster Norton [See attached attendance sheet]

The following staff members were also present: Nuria Rivera-Vandermyde; Luke Weisberg; Casey Carl; Gretchen Musicant; Susan Trammell; and Sasha Bergman.

2. Acceptance of Minutes – Sixth Business Meeting: February 11, 2016

On motion by Nustad, the minutes of the Sixth Business Meeting conducted Thursday, February 11, 2016, were approved.

3. Report from the Chair

A. Scheduling & Timeline

The Chair reminded members a business meeting had been set for Monday, February 22, 2016, from 2 to 4 p.m. The Chair and Vice-Chair recommended the overall timeline be extended to allow adequate time to complete discussion on key policy elements, fully evaluate and consider the research on comparable policies in other jurisdictions, to finish drafting the final report of recommended policy elements, and to plan the formal presentation to the Committee of the Whole at its regular meeting on Wednesday, March 16, 2016. The Chair indicated this revised schedule had been proposed and was acceptable to City Council leadership. By general consensus, members agreed to this extended schedule to complete this full scope of work. The Chair and Vice-Chair, on behalf of the membership, will communicate the revised schedule to the City Council.

B. Review concurrence on policy scope, usage, and accrual mechanism recommendations

The Chair led a brief review of key decision points where consensus had already been reached on issues related to scope, usage, and accrual mechanism(s) recommendations, which were reflected on the updated matrix distributed at the meeting. [See attached Detailed Policy Decision Outline, dated February 17, 2016.]

Ms. Rivera-Vandermyde distributed an updated chart showing policies from comparable jurisdictions, which had been updated to include details related to implementation, monitoring, and compliance elements. The chart also provides details about the existing benefits program offered by the City of Minneapolis for reference. [See attached *Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline*, dated February 17, 2016.]

Members discussed research reports and reference materials related to paid sick time policies that had been distributed prior to the meeting, providing their reactions to the findings in those reports, and discussed the relevance and applicability of that data with respect to the City of Minneapolis. [Copies of those reports had been posted to the WPG website.]

Mr. Weisberg distributed a copy of selected commentary gathered from the public/community listening sessions to be shared with policymakers. Feedback about that document can be sent to him in preparation for the drafting of the final report.

4. Unfinished Business

A. Review of key decision points on policy elements related to monitoring, enforcement, and implementation recommendations

Cramer distributed a proposal for an incentive-based program [see attached exhibit labeled *Cramer Proposal*.] centered on a partnership of stakeholders representing the community - city government - businesses, modeled on the Clean Energy Partnership created by the City of Minneapolis.

Mr. Weisberg facilitated discussion on key policy elements related to monitoring, enforcement, and implementation. Consensus amongst members on these points was reached as follows:

- The City should develop a broad education initiative in conjunction with a sick-time policy that would provide dedicated resources for community-based and business partners to communicate policy requirements as well as the public health benefits, with particular emphasis in those sectors (and communities) where impact is expected to be most significant.
- The City should establish a point of contact to serve in an ombudsman-type capacity for both employers and employees with respect to policy requirements, interpretations about applicability and review/evaluation of existing employer policies and practices (which could also be done on a voluntary basis at the discretion of the employer).
- The City should consider financial penalties and/or licensing sanctions, consistent with existing City policies and practices, for non-compliance with a municipal sick-time policy mandate as part of its enforcement provisions, although initial efforts at enforcing compliance should focus on mediation and corrective actions to achieve compliance should be preferred before financial penalties or licensing sanctions are imposed.
- The City should ensure a municipal policy includes a provision that “makes whole” any employee whose right to protected, paid sick-time is violated.
- The City should consider a “partnership approach” toward monitoring and compliance that engages employers and business interests with workers and community stakeholders and which offered incentives and guidance to promote a broader, city-wide culture shift with respect to the importance (and awareness) of paid sick-time leaves for all workers as they tied to goals related to public health and equity. This partnership—potentially modeled on the successful, first-in-the-nation Clean Energy Partnership initiative—could be involved in

ongoing monitoring as well as the anticipated evolution of standards and practices within the policy mandate.

5. Adjournment

With no further business to be presented, the meeting adjourned at 10:34 a.m.

Workplace Partnership Group

ATTENDANCE SIGN-IN SHEET Wednesday, February 17, 2016



Susie Brown

Steve Cramer

Molly Glasgow

Christopher Carl Pennock

Guillermo Alexander Lindsay

Liz Doyle

Ron Harris

Faisal A. Mohamud Deri

Dayna Frank

Tony Lacroix-Dalluhn

Jim Rowader

Danny Schwartzman

Brian K. Elliott

Chelsie Glaubitz Gabiou

Wade Luneburg

Bruce Mustad (alternate)

Sarah Webster Norton (alternate)

Stephanie Gasca (alternate)

Abdirahman Kahin (alternate)

WORKPLACE PARTNERSHIP GROUP DETAILED POLICY DECISION OUTLINE at 2/17/16

Yellow highlight indicates choices confirmed by Workplace Partnership Group

I. SCOPE	<i>We recommend a policy that covers:</i>	NOTES	LANGUAGE	Consensus check	Complete!
A) Covered employers	1. Employers based in Minneapolis		<i>We recommend a policy that covers:</i>	1/25/16	
	2. Employers with employees who work within Minneapolis, regardless of employer location.	May consider employer size threshold	Individuals working in the City of Minneapolis (regardless of where your employer is located) at least 80 hours in a year for a given employer, shall have access to paid sick time.	1/25/16	2/1/16
	3. Only employers in sectors with significant public health exposure	Define at employer or employee level?		1/25/16	
B) Covered employees – FT/PT	1. Only full-time employees are covered	<i>TBD by the accrual rate...</i>			2/1/16
	2. Both part-time and full-time employees are covered		Exempt and non-exempt employees. Exempt employees are considered to work 40 hours a week for purposes of accrual, unless there is evidence that they work less than that.		
C) Covered employees – hours threshold	1. All employees who work within Minneapolis				
	2. All employees who conduct at least 80 hours of work a year in Minneapolis	<i>Double-check before complete.</i>			
II. USAGE	<i>We recommend a policy that allows usage of sick time for:</i>	NOTES	LANGUAGE	Consensus check	Complete!
A) Employee vs employee + family	1. Employee health needs only		<i>We recommend a policy in which:</i>	2/8/16	
	2. Health needs of employee as well as family members, broadly defined	Build on existing definitions for City of Minneapolis employees (which also incorporates MN State Statute	Employees may use paid sick time for mental and physical illness or incident, injuries, health		

		181.9413).	conditions, diagnostic and preventive care, school closures due to public health or other emergencies for themselves or for members of their extended families and households (as defined in City of Minneapolis civil code and MN State Statute 181.9413).		
B) Inclusion of mental health for usage	1. Mental and physical illness, injuries, health conditions, diagnostic and preventive care, school closures due to public health or other emergencies.	<i>Commentary: Bereavement policy be explored to include and/or be adapted for culturally-appropriate practices and recognition of extended family and community relationships.</i>	Employees may use paid sick time in increments consistent with current business practices, as defined by industry standards or existing employer policy. Employers may only request documentation of illness/absence from an employee if there is a clear pattern of abuse.	2/8/16	
	2. Usage restricted to physical illness.				
C) Increments of usage	1. Full shift/day is the smallest increment of time that can be taken off as "sick time"		Employees may use paid sick time in increments consistent with current business practices, as defined by industry standards or existing employer policy. Employers may only request documentation of illness/absence from an employee if there is a clear pattern of abuse.	2/8/16	
	2. Partial shift/day can be taken off as "sick time"	This issue here is the "doctor's appointment" or the child who is sick for only part of the school day. Smallest increment allowable in employer payroll system?			
D) Documentation	1. Doctor's note or other employee proof of illness for time taken (perhaps after a specified number of consecutive days). (Modified)	Potential for inappropriate use, balanced with cost and difficulty of getting a doctor's note, and employee privacy considerations.		2/8/16	

	2. No documentation required.	Group may consider if there is a third option on this issue			
E) Provisional period at start of employment	1. Employee begins to accrue time immediately, but the use of sick time is at the employer's discretion in the initial 2-3 months of employment	Employee gains by accruing immediately, but employer is also protected by not having to grant time for seasonal employees, for example.	Employees will begin earning accrued sick time at the start of employment; and, will be able to access earned hours after a provisional period, consistent with employer practice, and no longer than 90 days.	2/8/16	
	2. Employee is eligible to use accrued sick time from the commencement of employment.				
F) Relationship to existing PTO policies	1. Sick days are accrued/used separately than other forms of PTO, vacation and other types of leave.		Any employer with a paid leave policy, such as a paid time off policy, that provides an amount of paid leave sufficient to meet the total annual accrual requirements of this policy that may be used for the same purposes as paid sick time in this law, is not required to provide additional paid sick time. Existing sick time and/or paid time off (PTO) policies may be reviewed on a case-by-case basis and will be considered in compliance with City policy if they meet minimum standards	2/8/16	
	2. Sick days are accrued/used separately for employee individual use v. use for extended family or household.				
	3. Paid leave policies – such as employer PTO policies, other types of leave policies or existing agreements – are in compliance with the ordinance if they meet the minimum standards.				

			established by the City.		
	4. Sick days program is administered by the city through a payroll tax into a fund that pays for sick days for all workers in Minneapolis.	Commentary: There is interest in the idea of a broader program to support paid sick time. The WPG recommends that explore this concept further and, if appropriate, pursue through its state legislative agenda.			
III. ACCRUAL MECHANISM	<i>We recommend a policy that contains the following provisions:</i>	NOTES	LANGUAGE	Consensus check	Complete!
A) Accrual vs other mechanism	1. Employee receives full allotment of sick time at commencement of employment, and receives the same allotment at the beginning of each year of employment thereafter.				
	2. Employees accrue sick time according to a specified accrual rate (e.g. 1 hour for every 30 hours worked)		We recommend a policy in which employees earn paid sick time based on hours worked.		
B) Amount of time received/earned	1. If an accrual system, an employee should earn sick time at the rate of 1 hour for every 30 hours worked. If using an allotment system, an employee should receive amount equivalent to accruing at that rate for one year.	Recommendation language on this item depends on outcome for preceding topic (accrual vs other mechanism)			
	2. If an accrual system, employee accrues at a rate other than 1 for 30.		We recommend an approach in which employees earn X hours for Y hours worked.		
C) Carryover	1. Sick time that is accrued and unused may carry over in full into	Related considerations: (1) Availability of			

	the following year.	accrued sick time for employees who change jobs within a business; or who return after a leave of absence; (2) Honoring accrued sick time in the event of a business sale or merger; (3) Ability to cash out accrued leave at year end, or donate time			
	2. Sick time that is accrued and unused may be carried over with a cap on the total amount of time that may be carried over year to year.		We recommend that there be a maximum amount of time that can be carried over from year to year.		
	3. Sick time that is accrued and unused may not be carried over from year to year.				
D) Caps	1. A cap is placed on the total number of days an individual may use in the course of a year	This issue takes into consideration individuals working more than 40 hours a week	We recommend that there be annual caps on accrued time.		
	2. No cap is placed on the total number of days an individual may use in the course of a year				
E) Distinctions by size of employer	1. Employees working for employers with less than 5 employees may earn no more than ___ days/hours of sick time in a year.	Consider micro-employers? Consider start-ups /length of time business has been in operation?	<i>In discussion</i>		
	2. Employees working in Minneapolis accrue/earn paid sick time at the same rate and with the same caps, regardless of size of employer.				

IV. MONITORING, ENFORCEMENT & IMPLEMENTATION	<i>We recommend that the City of Minneapolis:</i>	NOTES	LANGUAGE	Consensus check	Complete!
A) Education and outreach	Undertake proactive, culturally appropriate outreach and education efforts to ensure that both employees and employers are aware of the new policy and understand it. On an ongoing basis, employers and employees should receive timely, accurate and easy-to-understand information about rights and responsibilities. Small-business and community-based organizations should be enlisted as partners to expand the reach of education and outreach efforts.				
B) Enforcement system	Design a robust enforcement system that maximizes employer compliance and provides efficient and fully accessible avenues for bringing and resolving complaints. Components of enforcement system should include:	May include both complaint-based and more proactive methods of enforcement			
	1. Survey or other regular evaluation methods to identify patterns related to compliance and usage.				
	2. Incentives related to recognition or other benefits to businesses that meet or exceed				

	standards put forth by this policy.				
	3. Financial penalties for noncompliance that are sufficient to maximize compliance with policy (and level the playing field for compliant employers).	A delay in implementation of penalties for small employers may be considered to ensure sufficient time to implement new policy.			
	4. Identify an ombudsperson that employers and employees may contact with issues/problems related to the policy in content or implementation				

C) Protections	<ol style="list-style-type: none"> 1. Ensure that workers are protected from retaliation in any form 2. Clarify that an employer maintains its right to take disciplinary action when clear evidence exists of a pattern of an employee using leave for purposes other than those provided under the law. 	<p>"Retaliatory personnel action" means any termination, suspension, constructive discharge, demotion, unfavorable reassignment, refusal to promote, disciplinary action or other adverse employment action taken by an employer against an employee or a service worker.</p>			
D) Notice and Recordkeeping	<ol style="list-style-type: none"> 1. Create notice provisions that provide information on rights and responsibilities to employees in a fully accessible manner (including linguistic accessibility). 2. Ensure recordkeeping rules will provide timely and sufficient information to the city and employees, as needed, without undue administrative burdens on the employer. 				
E) Ongoing reporting, monitoring and policy improvements	<p>Ensure that employers and employees (and employer/employee representatives) have opportunity to monitor implementation, review relevant data on the ordinance in practice, and consider potential policy changes.</p>				

Workplace Partnership Group Summary of Listening Sessions and Commentary

In 14 listening sessions across multiple industries, communities, and geographies, with more than 500 attendees total

WE HEARD:

VALUE PROPOSITION

- Healthy lives
 - Well-being of Minneapolis residents, workers, visitors and others being served by Minneapolis businesses
- Great workplaces

Many appreciate the City's efforts and value the Council's consideration of the topic. "This is a great, progressive city and ensuring that people can take time off of work when they are ill is essential to the city's well-being." In 2015, City staff received 420 comments in favor of Council action on this topic.

IMPLEMENTATION PATHWAY

- Tend to retaliation to protect employees and potential for abuse to protect employees and
- Caution regarding City bureaucracy to manage and monitor implementation

Comments on this topic in earlier rounds of discussion yielded as many as 90 comments on the potential negative impacts to businesses including regulatory burdens, lost profitability and concerns about competitiveness in a City-of-Minneapolis-only policy.

"The provision of a policy like this is essential for low-wage employees now lacking paid sick time off, for whom the question often comes down to: do I work, or do I eat?"

Commenters noted the need to provide protections for both employers and employees in cases of abusive practice; and to reduce/eliminate the risk of retaliatory practice or threat of job loss due to illness.

POLICY COMMENTS

- Simple, clear, and perhaps not uniform...
- Rev...
- Focus attention on those who don't have any access. Der...

There is concern among nonprofit employers and those in publicly regulated businesses about having to "increase our fundraising to cover this added benefit (and it is not a compelling reason for our donors to contribute – just to make one specific city's regulation)" or try to "cost shift to other payers".

Small and independent businesses noted that they would likely have to increase prices to cover additional operating costs...something that risks their competitiveness in the marketplace.

Encouragement from many employers to "[l]imit the scope of this effort" to those who are most affected. Similarly, many voiced concern that "[h]aving to pay sick time for a part time employee is very difficult."

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline

Jurisdiction	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: documentation	Usage: increments	Usage: how counted (accrual rate)	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Accrual: carryover	Usage: relationship to PTO
CA - state	All	<p>All employees that work with the same employer for at least 30 days/year (including part-time, per diem and temp.)</p> <p>Also includes employees of a staffing agency so whoever is the employer or joint employer is required to provide paid sick leave</p> <p>Also includes seasonal workers if they work with the same employer within 12 months of their separation and otherwise meet 30 day requirements</p> <p>Excludes:</p> <ul style="list-style-type: none"> Providers of publicly-funded In-Home Supportive Services (IHSS) Employees covered by collective bargaining agreements with specified provisions Individuals employed by an air carrier as a flight deck or cabin crew member, if they receive compensated time off at least equivalent to the requirements of the new law Retired annuitants working for governmental entities 	Includes parents, child, spouse, registered domestic partner, grandparent, grandchild, and sibling	<p>Physical/mental illness, injury or condition</p> <p>Safe time: yes (both employee and family members)</p>	Not addressed	Employer can set a “reasonable minimum increment,” not to exceed 2 hours, for the use of paid sick leave	<p>Allows for two options:</p> <p>Accrual policy: 1 hour for every 30 hours worked</p> <p>No accrual/up front policy: full amount of leave available at beginning of year, except for new hires who need to wait 120 days [note: inconsistency within same Dept. Of Industrial Relations FAQ]</p>	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	<p>Law allows employers to limit an employee’s <u>use</u> of paid sick leave to 24 hours-3 days/year</p> <p>Accrual cap of no more than 48 hours-6 days/year</p>	Yes, but employers are able to cap by policy	<p>If employer already offers PTO or sick time that meets requirements of new law, policy does not change</p> <p>According to CA FAQ: each plan must satisfy the accrual, carryover, and use requirements of the new law.”</p> <p>Accrual method can vary, but must provide at least 1 hour for every 30 hours worked and must allow for accrual that results in no less than 24 hours accrued sick leave/PTO by the end of 120th calendar day of employment, or each calendar year, or in each 12 month period.</p> <p>Law also provides a “grandfather” clause which allows those with sick/PTO policies in existence prior to Jan. 1, 2015 to maintain them and be deemed in compliance as long as they meet the following::</p> <ul style="list-style-type: none"> Policy provides no less than 1 day or 8 hours of accrued paid sick/PTO within 3 months of employment per year The employee was eligible to earn at least 24 hours-3days sick leave/pto within 9 months of employment <p>Sick leave provided to governmental employees pursuant to either certain Government Code provisions or a memorandum of understanding presumed to meet the accrual requirements</p>
CA - San Francisco	All	<p>Employees employed in the city. Includes temp. and part-time workers</p> <p>Also includes occasional employees who work within the city for at least 56 hours or more/year</p> <p>Excludes:</p> <ul style="list-style-type: none"> CBA covered employees if CBA waives it in clear 	Includes children; parents; siblings; grandparents; grandchildren; spouses; registered domestic partners; and, if a worker has no spouse/domestic partner, a designated person of the worker’s choice	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	Employer <u>may</u> require if sick time used past 3 consecutive days	Not addressed by ordinance Under city FAQ: employers can allow for leave in 1 hour increments, in less than 1 hour if the employer so chooses, and	1 hour for every 30 hours worked	For qualified employees before effective date, starts immediately For new employees after effective date, after 90 days of employment.	Immediately upon accrual	<p>72 hours/ year: employers with 10+ employees</p> <p>40 hours/year: employers with less than 10 employees</p> <p>Note: cap is “floating”: when an employee’s</p>	Yes up to yearly caps	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance (more expansive than just complying with state law) – must meet accrual and use requirements at a minimum

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		and unambiguous terms				imposes a “reasonableness” requirement in others: “In most employment situations, a requirement that an employee take off more hours than requested would not be considered reasonable.”				accrued leave drops below the cap due to usage, the employee begins to accrue again.		
CA – Emeryville	All	Employees employed in the city who work at least 2 hours of work/week and who are entitled to min. wage under CA law Excludes: <ul style="list-style-type: none"> Employees covered by a CAB expressly waiving the benefit 	Yes – same as San Fran + time can also be used to care for a guide dog, signal dog, or service dog of the employee/ family member/ designated partner	Physical/mental illness, injury or condition Safe time: no (med issues relating to dom. viol would count as regular use of sick time)	Not addressed	Not addressed	1 hour for every 30 hours worked	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	55 or less employees: 48 hours/year 55+ employees: 72 hours/year [Note: size of employer is based on # of employees who work in Emeryville]	Yes, but employers are able to cap by policy	Not addressed so state law applies
CA – Oakland	All	Employees employed in the city who work at least 2 hours of work/week and who are entitled to min. wage under CA law Excludes: <ul style="list-style-type: none"> Employees covered by a CAB expressly waiving the benefit 	Yes – same as San Fran	Physical/mental illness, injury or condition Safe time: no (med issues relating to dom. viol would count as regular use of sick time)	Employer <u>may</u> require if sick time used past 3 consecutive days If employer suspects abuse, <u>may</u> require documentation to verify subsequent uses of sick leave even if less than 3 days May not require an employee to incur expenses larger than \$5 to show eligibility of sick leave	Time may be used in increments of 1 hour or even less	1 hour for every 30 hours worked	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	10 or less employees: 48 hours/year (originally had 40, but had to expand to meet state law) 10+ employees: 72 hours/year [Note: size of employer is based on # of employees regardless of location]	Yes up to yearly caps	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance From Oakland’s City Attorney FAQ: must allow for same purposes as specified in law and must meet accrual requirements
CT - state	Any employer with 50+	All service workers as defined by law (per state classification and must be	Includes child and spouse	Physical/mental illness, injury or condition	3 days or more, employer <u>may</u> require	Not addressed	1 hour for every 40 hours worked	At start of employment or at effective date	After 680 hours of employment (or from law’s	40 hours/year	Yes – 40 hours per year regardless of	Employers in compliance if existing policy meets min. requirements of accrual rate and use

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	employees in CT Excludes: Certain industrially classified businesses, 501(c)(3) organizations that provide recreation, child care and educational services	paid on hourly basis and not exempt from min. wage/OT reqs. Excludes: <ul style="list-style-type: none"> Day or temp. workers (work per diem or on occasional/irregular basis) 		Safe time: yes (both employee and family members)	“reasonable documentation” If foreseeable, employer <u>may</u> require advance notice not to exceed 7 days. If not, notice as soon as practicable.			of law for current employees	effective date for current employees), and then can only use if worked an average of 10 hours/week in most recently completed quarter		how many accrued	Per FAQ: employers will be deemed to be in compliance with this law if they offer paid time off that either meets or exceeds the requirements of the act, meaning accrual and use rates, and reasons for the need for leave, etc.
DC – Washington	All	All employed within city limits Excludes: <ul style="list-style-type: none"> Independent contractors Students Health care workers choosing to participate in a premium pay program Unpaid volunteers engaged in the activities of an educational, charitable, religious, or nonprofit organization Casual babysitters Bar and restaurant workers who work for a combination of wages and tips Workers in the building and construction industry covered by a CBA that expressly waives the requirement 	Includes children; spouse; parents (in-laws); grandchildren; children’s spouses; siblings; and spouses; persons sharing residence with employee for at least 12 preceding months	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive days	Not specifically addressed, but city FAQ states that time should be used in accordance with employer’s policy and that generally, a requirement making an employee take off more hours than requested would not be considered reasonable	1 hour for every 87 worked: employers with 24 or less employees 1 hour for every 43 worked: employers with 25-99 employees 1 hour for every 37 worked: employers with 100+ employees	At start of employment (or if already employed at ordinance’s effective date) Accrued hours for tipped restaurant or bar employees do not apply prior to Feb 2014 amendment	After 90 calendar days of employment	24 hour/year: employers with 24 or less employees 40 hours/year: employers with 25-99 employees 56 hours/year: Employers with 100+ employees	Yes up to yearly caps	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance “An existing compensated leave policy shall be presumed to be equivalent to requirements of the Act if the policy allows the employee to: (a) Access and accrue compensated leave at the same rate or greater than the hours of leave provided in § 3201 of this Chapter; or (b) Use the compensated leave for the same purposes as those set forth in § 3203.” [3203 specifies medical, mental health and safe time usages]
MD - Montgomery County	All operating within county	All employees within county Excludes: <ul style="list-style-type: none"> Employees who do not have a regular work schedule with an employer, contact the employer for assignments and are scheduled for work within 48 hours of 	Includes children; parents and legal guardians; spouses; grandparents (and spouses); grandchildren; siblings (and spouses)	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive days	Time may be used in the smallest increment that the employer’s payroll system uses to account for absences or work time, except that an employee must not be required	1 hour for every 30 hours worked (<i>but see cap</i>)	At start of employment (or if already employed at ordinance’s effective date)	Employer may opt to limit access until after 90 days of employment Employer also allowed to “front load” hours	56 hours/year For businesses with less than 5 employees, only 32 hours must be paid and 24 can be provided on an unpaid basis	Yes up to yearly caps (though can use up to 80 hours/year if they have that amount when time has been carried over) Employers that provide “front	Not addressed

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		<p>contact, have no obligation to work for the employer without having initiated contact, and are not employed by a temp. agency</p> <ul style="list-style-type: none"> • Employees working less than 8 hours/week • Independent contractors 				to take earned sick and safe time in an increment of more than 4 hours [was originally 1 hour, but subsequently amended]					loaded” time need not allow carryover	
NJ - Jersey City Newark Passaic East Orange Paterson Irvington Trenton Montclair Bloomfield Elizabeth	All operating within city	<p>Employees employed in the city who work 80 hours/year</p> <p>Excludes: Employees of any govt., NJ school district, Bd. of Ed., & Rutgers U.</p>	Includes children; parents; parents of a spouse or domestic/civil union partner; spouses; domestic/civil union partners; grandchildren; grandparents; the spouse or domestic/ civil union partner of a grandparent; and siblings	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	Employer <u>may</u> require if sick time used past 3 consecutive days	Time may be used in the smaller of hourly increments of the smallest increment that the employer’s payroll system uses to account for absences or use of other time.	1 hour for every 30 hours worked (for both paid and unpaid sick time)	At start of employment (or if already employed at ordinance’s effective date)	After 90 days of employment	<p>40 hours/year: employers with 10+ employees</p> <p>40 hours of <i>unpaid</i> sick time/year: employers with less than 10 employees</p>	Yes up to yearly caps	<p>Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance</p> <p>Jersey City: must meet total annual accrual requirements and allow for it to be used for same purpose and under the same conditions as ordinance</p>
NY – New York City	<p>Employers with 5+ employees</p> <p>Employers with 1+ domestic workers who have worked for the employer for at least a year and who work 80+ hours/year must provide paid sick leave</p> <p>[Note: Employers with 4 or less employees must</p>	<p>Employees employed in the city who work more than 80 hours/ year are covered. Domestic workers included where they’ve worked for the same employer for at least 1 year and over 80 hours/year. Includes part-time, temp., per diem and on call, undocumented, and transitional job program employees. Also includes telecommuters provided they qualify as working within the city</p> <p>For franchises, where owner/principal of multiple locations owns at least 30% of each location and they operate under same franchise agreement, total number of employees includes all employees in NYC provides the collective locations employ at least 5 employees all together</p>	Includes children; spouses; registered domestic partners; parents; grandchildren; grandparents; siblings; and the parents of a spouse or domestic partner	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	Employer <u>may</u> require if sick time used past 3 consecutive days	Allows employers to set a “reasonable” minimum daily increment, but the minimum cannot be more than 4 hours per day unless otherwise permitted by state/federal law.	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	<p>At start of employment (or if already employed at ordinance’s effective date)</p> <p>If covered by a CAB that is in effect at time of law, employees accrue under new ordinance on the date the CBA terminates</p> <p>Though not required, employer <u>may</u> allow for “front loading” in advance of accrual</p>	After 120 days of employment	<p>40 hours/year: employers with 5+ or employees</p> <p>40 hours of <i>unpaid</i> sick time/year: employers with less than 5 employees</p>	Yes up to yearly caps	<p>Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance</p> <p>Minimum requirements:</p> <ul style="list-style-type: none"> • Must apply to all covered employers as per scope • Must meet accrual requirements • Must allow for use of at least 40 hours within 12 month period • Must allow for use requirements as per law (self and family) • Cannot impose limitations or conditions beyond those in law • Allows for carry over of 40 hours (unless employer allows front loading) • Provides that employees are paid at least their regular hourly rate, but no less than \$9/hour (min. wage) for paid leave • Allows employees to use without retaliation and does not interfere with the right to file a complaint

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline

Jurisdiction	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: documentation	Usage: increments	Usage: how counted (accrual rate)	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Accrual: carryover	Usage: relationship to PTO
	provide <u>unpaid</u> sick time]	Excludes: <ul style="list-style-type: none"> • Work-study students • Certain hourly speech/physical/occupational therapists • Independent Contractors • Participants in Work Experience Programs • Government employees • Certain employees subject to CAB's 										
OR - state	All that employ 10+ employees [Note: Employers with 9 or less employees must provide <u>unpaid</u> sick time] Excludes federal employees	Employees within state including part-time and temp. Excludes: <ul style="list-style-type: none"> • Certain employees who are covered by a CAB, employed through a hiring hall and whose benefits are provided by a joint multi-employer-employee trust or benefit plan 	Includes child; spouse; same-gender domestic partner; parent (in-laws); parent of an employee's same-gender domestic partner; grandparent or grandchild; person with whom the employee is or was in a relationship of in loco parentis	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive days.	Employees must use accrued sick time in hourly increments unless to do so would pose an undue hardship to the employer, in which case the employer may require sick time to be taken in minimum increments of 4 hours	1 hour for every 30 hours worked or 1 1/3 hour for every 40 hours worked	At start of employment (or if already employed at ordinance's effective date) Employers can opt to "front load" 40 hours of sick time at beginning of the year or track hours worked	After 90 calendar days of employment	40 hours/year	Yes – up to 40 hours though employers may adopt policies that limit accrual to no more than 80 hours or usage to no more than 40 hours/year	Employers in compliance if their plan is "substantially equivalent" to the minimums of the law established Per Notice poster: "Substantially equivalent" means that employees are allowed to use at least the same number of hours for the same purposes under the same or more generous rules as outlined in this notice."
OR - Portland	All except federal, state and other subdivision of city/county/state gov't. that employ at least 6= employees [Note: Employers with 5 or less employees must provide <u>unpaid</u> sick time]	Employees employed in the city who work 240 hours+/year (regardless of employer location); includes temp. employees, staffing agencies and telecommuters (latter depends on where the employee is conducting the work) Excludes: <ul style="list-style-type: none"> • A co-partner of the Employer • An independent contractor • A participant in a work training program administered under state or federal assistance laws • A participant in a work study program that provides students in 	Includes child; spouse; same-gender domestic partner; parent (in-laws); parent of an employee's same-gender domestic partner; grandparent or grandchild; person with whom the employee is or was in a relationship of in loco parentis	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive days	Can use in increments of 1 hour unless a lesser increment is allowed by the employer Employer cannot require use of full shift as a condition to using sick leave unless it is physically impossible for the employee to commence or end work partway through the shift	1 hour for every 30 hours worked or 1 1/3 hour for every 40 hours (generally applies to salaried employees)	At start of employment (or if already employed at ordinance's effective date) Though not required, employer <u>may</u> allow for "front loading" in advance of accrual	After 90 days of employment provided they worked a minimum 240 hours/year	40 hours/year though employers can allow more	Yes up to yearly caps for accrued time Employers that provide "front loaded" time need not allow carryover	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance Per ordinance: "Employers with Sick Leave or PTO policies that provide their Employees with Sick Time that equals or exceeds the requirements of the Ordinance shall be deemed in compliance with the accrual and use sections of the Ordinance."

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline

Jurisdiction	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: documentation	Usage: increments	Usage: how counted (accrual rate)	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Accrual: carryover	Usage: relationship to PTO
		secondary or post-secondary educational institutions with employment opportunities for financial and/or vocational training <ul style="list-style-type: none"> Railroad workers exempted under the Federal Railroad Insurance Act 										
PA - Philadelphia	All employers with 10+ employees for at least 40 weeks/year [Note: employers with 9 employees or less must provide unpaid sick leave]	Employees employed in the city who work 40 hours/year Excludes: <ul style="list-style-type: none"> Independent contractors Seasonal workers (hired for not more than 16 weeks/year) Adjunct professors Interns Workers hired for a term of less than 6 months State and federal employees Health care professionals (excluding those employed by a temp placement agency) who only work when they say that they are available and who aren't obligated to work if they are not available Employees covered by a bona fide CBA 	Includes children; parents; parents-in-law; spouses; grandparents (and spouses); grandchildren; siblings (and spouses); life partners (a long-term committed relationship between two unmarried individuals of the same sex or gender identity who meet certain, specified requirements)	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 2 consecutive days.	Accrued sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time	1 hour for every 40 hours worked	At start of employment (or if already employed at ordinance's effective date)	After 90 calendar days of employment	40 hours/year: employers with 10+ employees 40 hours of <i>unpaid sick leave</i> / year for employers with less than 10 employees Chain establishment (with at least 15+ establishments whether or not located in Philadelphia and regardless of ownership) must provide paid sick time regardless of the number of employees	Yes up to yearly caps Employers that provide "front loaded" time need not allow carryover	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance and as long as employee can use in the same manner as required in ordinance Per ordinance: "Any employer with a paid leave policy, who makes available an amount of paid leave (including but not limited to vacation days, sick days, short-term disability benefits, floating holidays, parental leave, personal days, or PTO), sufficient to meet or exceed the accrual requirements of this Section, and that may be used for the same purposes and under the same conditions as sick time under this Chapter, is not required to provide additional sick time."
WA - Seattle	Businesses with 4+ employees	Employees employed in the city that work over 240 hours/year Excludes: <ul style="list-style-type: none"> Federal/state/county employers Employees who work or telecommute outside of Seattle Employees who travel through Seattle Students enrolled in a work study program Two year exemption for new small and medium-sized employers (Tier 1) 	Includes children; parents (and in-laws); grandparents; spouses; and registered domestic partners	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	Employer <u>may</u> require if sick time used past 3 consecutive day. Employer <u>may</u> ask for documentation for absences shorter than 3 days if there is a clear instance or pattern of abuse Police report required for paid safe time	For employees covered by FLSA overtime requirements, time may be used in hourly increments or smaller if allowed by an employer For employees exempt employees, time to be deducted in accordance with FLSA	1 hour for every 30 hours worked: employers with 250+ employees (Tier 3) 1 hour for every 40 hours worked: employers with 4-249 employees (Tier 1 and Tier 2)	At start of employment (or if already employed at ordinance's effective date)	After 180 calendar days of employment	40 hours/year: employers with 4-49 FTE's 56 hours/year: employers with Businesses with 50-250 FTE's 72 hours/year (or up to 108 hours/year if the employer has a universal paid time off policy):	Yes up to yearly caps	Combined or universal leave (PTO) policies are permitted provided they comply with the underlying sick time ordinance Per ordinance: <u>Tier 1 and 2 employers</u> <ul style="list-style-type: none"> Must be able to use time for the same purpose Must accrue time at a rate consistent with policy Cannot limit use of time to less than allowed in policy Must allow for carryover <u>Tier 3</u> Same as above, with provision that

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline

Jurisdiction	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: documentation	Usage: increments	Usage: how counted (accrual rate)	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Accrual: carryover	Usage: relationship to PTO
		and Tier 2)			Where employer offers health ins., employer/ye each pay \$50% of cost for documentation; if employee declined health ins., not entitled to reimbursement	standards For FLSA exempt public employees, time must be used in accordance with pay system established by statute, ordinance or regulation				employers with 250+ FTE's		must allow for up to 108 hours for both use and carryover
WA - Tacoma	All except fed govt., state, county local governments and single person businesses	Employees employed in the city who work 80 hours/year Excludes: <ul style="list-style-type: none"> • Work-study • Students • Independent Contractors • Govt. employees 	Includes children; parents; grandparents; spouses; domestic partners (local or state registries)	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	Does not specify other than to say an employer may require an employee comply with the employer's usual and customary requirements	Employers may require a minimum use time subject to FLSA If none established, same as Seattle above	1 hour for every 40 hours worked	At start of employment (or if already employed at ordinance's effective date) Though not required, employer <u>may</u> allow for "front loading" in advance of accrual	After 180 calendar days of employment	24 hours/year	Yes up to yearly caps	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance Per ordinance: <ul style="list-style-type: none"> • Must be able to use time for the same purpose • Must accrue time at same rate • Use of leave is limited to no less than 24 hours/year • PTO is approved by the [Finance] Director and is consistent with the rules and regulations promulgated by the Director
MN - Minneapolis (city employees)	City as employer	All city employees except temporary, intermittent employees and those in outside trades (though the city contributes to these union plans and the union plans in turn provide benefits).	Includes child, spouse, sibling, parent (and in-laws), grandchild, grandparent, guardian, ward, members of employees household, and registered domestic partner.	Physical/mental illness, injury or condition and qualified treatment for chemical dependency; safety leave as defined by state law is included	Employer may require documentation if: <ul style="list-style-type: none"> • Absent for more than 5 consecutive days or • Has used more than 12 days of unverified sick leave within the last 12 months or • Where there is suspected fraudulent use or • Where there are patterned absences 	Non-exempt FLSA employees allowed to use sick leave in partial increments Exempt FLSA employees can use partial time, in accordance with FLSA standards, unless labor agreement specifies otherwise Smallest amount of time tracked in payroll system is 15 minutes	1 day per calendar month worked	Generally, at start of employment	Unless otherwise specified in labor agreement, employees can use sick time as soon as it is accrued	12 days/year	Yes – no cap	NA

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
CA - state	California Division of Labor Standards Enforcement in the Department of Industrial Relations	DLSE website has a webinar and slides to help employers understand how to comply.	Complaint driven	Expressly prohibits retaliation		<p>Notice: employer must display poster with specific requirements (available on Labor Commissioner’s website)</p> <p>Individual notice: After Jan. 1, 2015, must provide individualized Notice to Employee (except to exempt employees, govt. employees and those covered by a n applicable CBA). This includes employees hired before Jan. 1, 2015 even if existing policies meet min requirements of new law. Also requires amount of remaining leave to be visible on pay stub.</p> <p>Record keeping: Employers must retain records for 3 years.</p>	No, but the State Labor Commissioner or Attorney General may bring a civil action in Court against an employer or person violating the article.	The sick leave and minimum wage ordinance may be waived, except to the extent required by law, in a bona fide collective bargaining agreement.
CA - San Francisco	Office of Labor Standards Enforcement under the City Administrator		Complaint driven	Expressly prohibits retaliation	5.5 FTEs enforce minimum wage and sick time ordinances	<p>Notice: every employer must post in a conspicuous place at any workplace or job site where any employee works required notice, and must be posted in English, Spanish, Chinese, and any language spoken by at least 5% of the employees at the workplace or job site.</p> <p>Record keeping: Employers must retain records for 4 years.</p>	Yes	<p>San Francisco Office of Labor Standards Enforcement created a comparison for employers to understand the differences between the San Francisco ordinance and the state law.</p> <p>Their office averages around 60 minimum wage cases per year, and 25 sick time cases. This does not include other reports that are not necessarily substantiated.</p> <p>Helpful to have an employee involved in the investigation (third party complaints are allowed).</p> <p>More than half of the workers who file a complaint do not speak English as a first language. Most compliance officers are bilingual.</p> <p>Law applies to undocumented workers as well.</p> <p>Population: 852,469</p>
CA – Emeryville	City of Emeryville	Provides online list of links to employer tools and resources.	Complaint driven	Retaliation expressly prohibited	1 FTE who also enforces other issues like minimum wage	<p>Notice: Posting in of rights shall be posted prominently in areas of the worksite where all employees can see.</p> <p>Individual notice: Employers must provide written notification to each employee at time of hire, in such languages as necessary.</p> <p>Record keeping: Employers must maintain a record for 3 years.</p>	Yes	<p>The sick leave and minimum wage ordinance may be waived, except to the extent required by law, in a bona fide collective bargaining agreement.</p> <p>Population: 11,227 (with only 1,100 businesses)</p> <p>Prior to the ordinance going into effect, they conducted proactive outreach to businesses and the general public to help inform them of the ordinance and what the requirements were for compliance. This included public meetings with presentations and Q & A as well as mass mailings. They are in the process of developing forms and FAQs.</p>
CA – Oakland	City of Oakland	Provides online list of links to employer tools and resources.	Complaint driven	Retaliation expressly prohibited		<p>Notice: Must prominently display in areas of the worksite and accessible to all employees, and must be displayed in all languages spoken by more than 10 percent of employees</p> <p>Individual notice: Employers must provide individual written notice at time of hire</p> <p>Record keeping: Employers must maintain a record for 3 years.</p>	Yes	<p>The city may use an employer’s record of non-compliance with the ordinance when considering awarding contracts, land use approvals, or other entitlements to expand or operate within the City, and may deny requests on that basis.</p> <p>Population: 413,775</p>
CT - state	Dept. of Labor		Complaint driven	Retaliation expressly prohibited		<p>Notice: At time of hire, must inform employee of sick leave benefit and terms, policy against retaliation, and that the employee has right to file a complaint with DOL. Employers can comply with above by displaying poster in English/Spanish as required.</p>	No	

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
DC – Washington	Dept. of Employment Services		Complaint driven	Retaliation expressly prohibited		<p>Notice: Employers must place in a conspicuous place, in all languages spoken by eligible employees with limited or no-English proficiency</p> <p>Record keeping: Employers must retain records for 3 years.</p>	Yes	<p>According to the City Auditors Report from 2013, 50% of businesses provided paid sick pre-ordinance:</p> <ul style="list-style-type: none"> 87.5% of surveyed businesses said the requirement to provide paid sick time would not cause them to move their business to another jurisdiction Data from a survey in the 2015 City Auditor’s Report showed that only 1 in 10 businesses surveyed stated that paid sick and safe leave hurt their profitability, while more than half of respondents said it had either no effect or a positive effect on profitability <p>Population: 658,893</p>
MD - Montgomery County	Office of Human Rights		Complaint driven	Retaliation expressly prohibited	Currently has 5 FTEs (1 manager, 4 investigators) for all anti-discrimination and other labor-related law related work. No additional FTEs for sick time, though they’ve asked for 1-3 employees to be added to help with sick law, and other laws that have been added to their department in recent years with no increase in staff to enforce	<p>Notice: Employer must provide notice to all employees, but <u>may</u> provide notice by:</p> <ol style="list-style-type: none"> Display in conspicuous and accessible areas in the work locations, Including the model notice in the employee handbook or written notice distributed individually to all employees, or Provided to employees at time of hire. <p>Record keeping: Employers must retain records for 3 years</p>	unclear	<p>Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.</p> <p>Sick law is new, and the agency is in the process of implementing.</p> <p>Population: 1M</p>
NJ - Bloomfield	Dept. of Health and Human Services		Complaint driven, though the agency has authority to access employer records to ascertain compliance	Retaliation expressly prohibited	Per their own estimate, they believe staff enforcing this ordinance only would = 1.5 FTE. In total, they have 27 staff, 14 of which are full-time, but no one is particularly dedicated to enforcing sick time alone as they cover many different issues.	<p>Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce</p> <p>Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce</p> <p>Record keeping: Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee</p>	Yes	<p>Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.</p> <p>Population of 47,929</p>
NJ - East Orange	Dept. of		Complaint	Retaliation		<p>Notice: Employers must display a poster in a spot</p>	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
	Health and Human Services		driven, though the agency has authority to access employer records to ascertain compliance	expressly prohibited		conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce Record keeping: Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee		expressly waived the coverage in clear and unambiguous terms in the agreement. Population: 65,078
NJ - Elizabeth	Department of Health and Human Services				Ordinance goes into effect on March 1 – have not added staff to enforce. Will consider if demand exceeds staff capacity.			They offered to provide data at a future date (three to six months from now) in case they have additional insight to provide. Population: 128,705
NJ - Irvington	Dept. of Neighborhood Services		Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited		Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce Record keeping: Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement. Population: 54,512
NJ - Jersey City	Dept. of Health and Human Services	Online FAQ available in English, Arabic, Chinese, Hindi, Spanish, Tagalog	Complaint driven, but may also “engage in pro-active” enforcement... through the use of audits, on-site investigations, or other measures to ensure employer’s compliance.”	Retaliation expressly prohibited		Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce Record keeping: Employer must maintain records for 3 years.	Yes	Jersey City ordinance required a research study to measure the economic impact on business and the health of residents, beginning 1 year from the effective date of the chapter. The Center for Women and Work at Rutgers University found: 1) 80 percent of businesses were in compliance of the law; 2) 42 percent of respondents that changed their policies after the mandate reported that business was better, including lower turnover in staff, higher quality recruits, and some increases in productivity Population: 262,146
NJ - Montclair	Dept. of Health and Human		Complaint driven, though DHHS has	Retaliation expressly prohibited		Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement.

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
	Services		broad powers to ensure compliance			workforce Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce Record keeping: Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee		Population: 38,142
NJ - Newark	Dept. of Child and Family Well-being		Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited		Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce Record keeping: Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement. Population: 280,579
NJ - Passaic	Dept. of Health and Human Services		Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited		Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce Record keeping: Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement. Population: 71,509
NJ - Paterson	Dept. of Health and Human Services		Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited	No one specifically added for this proposal. Currently 2 FTE working on this along with other issues.	Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer’s workforce Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer’s workforce Record keeping: Employer must maintain adequate records documenting hours worked by an employee and paid sick	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement. Population: 146,753

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
						time taken by an employee		
NJ - Trenton	Dept. of Health and Human Services	FAQ and paid sick leave brochure available in English and Spanish online.	Complaint driven, but agency has broad authority to ensure compliance	Retaliation expressly prohibited	1 FTE (with someone to cover and answer questions if she can't be there). Manager is also responsible for other duties.	<p>Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer's workforce</p> <p>Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer's workforce</p> <p>Record keeping: Employer must maintain adequate records documenting hours worked by an employee and paid sick time taken by an employee</p>	Yes	Parties subject to collective bargaining agreements are exempt so long as the parties both expressly waived the coverage in clear and unambiguous terms in the agreement. Population: 84,034
NY – New York City	Dept. of Consumer Affairs, Paid Sick Leave Division	Massive multimedia and multilingual campaign that included TV/ radio and public transit ads, literature in 25 languages and 820 community meetings and workshops	Complaint driven, but can be initiated by the department as well “if it has reason to believe that an employer's practices warrant investigation”	Retaliation expressly prohibited		<p>Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer's workforce</p> <p>Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in English and primary language of the employee provided the department has made available the notice in that language.</p> <p>Record keeping: Employer must maintain records for 2 years, unless otherwise required by required by law or regulation.</p>	No	Parties under a collective bargaining agreement are exempt if: <ol style="list-style-type: none"> 1) parties have expressly waived such provisions in their collectively bargained contracts, <u>and</u> 2) such agreements provide comparable benefits for covered employees, including but not limited to, PTO, vacation days, personal time, sick time, or premium pay rate Population: 8.5M
OR - Portland	City and the OR Bureau of Labor and Ind.	Mandated outreach program	Complaint driven	Retaliation expressly prohibited		<p>Notice: Employers must display a poster in a spot conspicuous and accessible to all employees in English or any other language spoken by 10 percent of the employer's workforce</p> <p>Individual Notice: Employers must provide written notice at time of hire, or if already employed, as soon as possible, in the primary language of the employee so long as the language is spoken by 10 percent of the employer's workforce</p> <p>Record keeping: Employer must maintain records for 2 years.</p>	Yes	Population: 619,360
OR - state	Bureau of Labor and Industries	Oregon Statewide Sick Time seminars. Technical assistance hotline.	Complaint driven	Retaliation expressly prohibited		<p>Notice: Employer shall provide written notice of the Act to each employee, Administrative rules provide that this notification can personal written notice to employee, incorporating the written notice into a handbook, or posting in in a conspicuous location in the workplace.</p> <p>Individual Notice: Employer shall provide quarterly written notification on the amount of accrued and unused sick time available for use. Notices must be provided in language the</p>	Yes	

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
						<p>employer typically uses to communicate with the employee.</p> <p>Record keeping: Health information of an employee related to sick time is confidential and cannot be released without employee permission.</p>		
PA – Philadelphia	Managing Director’s Office	Mandated multilingual outreach program that includes notices to childcare and elder care providers, domestic violence shelters, schools, hospitals, community health centers and other health providers	Complaint driven	Retaliation expressly prohibited.		<p>Notice: can be public posters or individualized notice, <u>and</u> must be in employee handbook. Must be in English and any other primary language spoken by at least 5% of workplace employees.</p> <p>Record keeping: Employers must retain records for 2 years.</p>	Yes, but after receipt of final decision from agency or 180 days after filing a complaint	<p>The sick leave and minimum wage ordinance may be waived, except to the extent required by law, in a bona fide collective bargaining agreement.</p> <p>Population: 1.5M</p>
WA - Seattle	Office for Civil Rights		Complaint driven	Retaliation expressly prohibited.	Seven employees who enforce sick ordinance and other workplace ordinances.	<p>Notice: employers are required to provide notice to all employees who work in Seattle. Notice must be conspicuous and accessible. & physical and/or electronic</p> <p>Individual Notification: Employers must provide notification of available sick time each time wages are paid (by paystub and/or online)</p> <p>Record keeping: Employers must retain records for two years that indicate:</p> <ul style="list-style-type: none"> • Employee hours worked in Seattle. • Accrued sick time by employee. • Use of sick time by employee. 	No	<p>A two-year exemption was provided for new small and medium sized employers (more than four employees up to 49 employees, and more than 49 employees to 249 employees, respectively).</p> <p>Interview with Senior Policy Analyst in Seattle’s Office of Labor Standards indicates that both enforcement and education are equally important and unending.</p> <p>When conducting an investigation based on a complaint, they will do a comprehensive review of all wage issues on site, as they often encounter multiple issues.</p> <p>Seattle budgeted \$250,000 for an evaluation of the sick and safe law, which will be conducted by the University of Washington’s Evans School of Public Affairs, and the Office of the City Auditor.</p> <p>Population: 662,400</p>
WA - Tacoma	City of Tacoma Finance Director	Paid advertising in newspapers, advertising incorporated into public transit. Social media campaign. Direct mail to businesses in the city limits.	Complaint driven	Retaliation expressly prohibited	Ordinance went into effect on Feb 1, 2016 and they have 2 staffers (program manager and a customer service rep). They have authority to hire 2 more analysts – one on Feb 29 and the other when	<p>Notice: Employers may provide notice by:</p> <ol style="list-style-type: none"> 1) Posting the Notice in a conspicuous location accessible to all employees in each workplace; 2) Including the notice in the employee handbook; or 3) Providing each employee with a written copy of the notice (either tangible or electronic) <p>Record keeping: Employers must retain records for 3 years</p>	Yes	<p>Employer checklist to guide through compliance. Checklist available in English, Spanish, Korean, Russian, Cambodian, and Vietnamese. See checklist here: http://cms.cityoftacoma.org/Finance/paid-leave/PTO-Policy-Checklist.pdf</p> <p>Tacoma Outreach Log provides list of advertising and outreach efforts: http://www.enforcingsickdays.org/wp-content/uploads/2016/02/Tacoma-Outreach-Log1.pdf</p> <p>Tacoma staff sent this note following up on conversation with staff: “I attached a draft work plan that we used for implementation in case its [sic] helpful. We had one year between passage of the paid leave ordinance and implementation and just 2-3 months following the November elections to implement minimum wage. What we have learned so far is that having a well-organized website and a straight forward law (no tiers based on employer</p>

Comparison of Paid Sick Time in US in relation to WPG Policy Decision Outline – Compliance, Monitoring and Enforcement

Jurisdiction	Enforced By	Compliance: education/ outreach	Compliance: complaint based vs. proactive	Compliance: protections	Staff	Notice & Recordkeeping	Private right of action	Implementation Notes
		City-hosted employer information sessions. Employer Paid Time Off checklist. Online mapping tool to determine if business is in city limits.			caseload demands it. Staff works on both sick leave and minim. Wage enforcement, though most complaints have been about sick time.			<p>size, etc.) has reduced the number of calls we have received greatly compared to implementation in other cities. Most callers with questions have found a majority of what they need on our website and are calling with questions regarding a specific workplace scenario. We still received 145 sick leave related inquiries in January and about 120 in December.”</p> <p>They will be conducting broader investigations (workplace wide or for an entire classification vs. individual investigations) for most complaints. Retaliation complaints will likely be handled on a case by case basis.</p> <p>The analysts coming on board may have recommendations on outreach/education, but it remains to be seen how much outreach and education they individually will have time for. They conducted significant outreach leading to the February 1 effective date.</p> <p>In addition to education and outreach, they had a public process to form rules that provide guidance for implementing the Ordinance. This included significant outreach as well as four public hearings.</p> <p>Population: 205,159</p>

CRAMER PROPOSAL

Submitted by Steve Cramer

2/16/16 DRAFT

Objective: Become the first City to address the goal of broadening access to paid sick/safe time through a business – community – city government partnership approach to promote shared goals. This is an alternative to a regulatory, enforcement of city-determined standards against local employers approach. (Analogous to creation of the Clean Energy Partnership as an alternative to municipal take-over of private utilities.)

Step 1: Create and name an initiative, and appoint a representative governance board to oversee the work.

Step 2: Endorse elements of a model sick/safe time policy.

Step 3: Establish initial goals for the initiative. Examples might include the following.

- Promote positive existing practices at City businesses.
- Create a national partnership model.
- Encourage broader adoption of policies including elements of a model program.
- Monitor and report on progress.

Step 4: Develop work-plan, along these lines, to implement the goals.

- Workplace recognition – Minneapolis Proud Employer designation.
- Dissemination of best practices.
- Volunteer “peer to peer” business practice consulting.
- On-going evaluation of administrative/cost efficiency opportunities within City policies and procedures as they impact business practices.
- Annual report to the community.

CITY OF MINNEAPOLIS

WORKPLACE REGULATIONS PARTNERSHIP GROUP

BUSINESS MEETING

MONDAY, FEBRUARY 17, 2016

OUR AGENDA

1. Call to Order
2. Acceptance of Minutes from 2/11/16 meeting
3. Report from the Chair: Meeting on Monday 2/22
4. Unfinished Business
 - A. Affirm Decision points on “usage”
 - B. Decision points on “accrual”
 - C. Decision points on “monitoring, etc.”
5. New Business
6. Adjournment



WRP Calendar (at 2/17/16)

WED 2/17/16	WPG Business Meeting #7	7:30—10:30am
MON 2/22/16	WPG Business Meeting #8	2:00—4:00pm
Additional meeting?	Recommendations forwarded to COW for presentation on WED X/XX/16	



GUIDING OBJECTIVES

Improve Public Health



Employees who are ill impact the health of the general public.

They are likely to infect colleagues, customers and other people they interact with during the work day.

Improve Employee Health & Labor Conditions



Enabling employees to take time off allows them to adequately take care of themselves and their families.

A little more than 40% of Minneapolis employees have no access to paid time off. These employees are disproportionately low-wage and individuals of color.

Improve Business Climate for Attracting and Retaining Employees

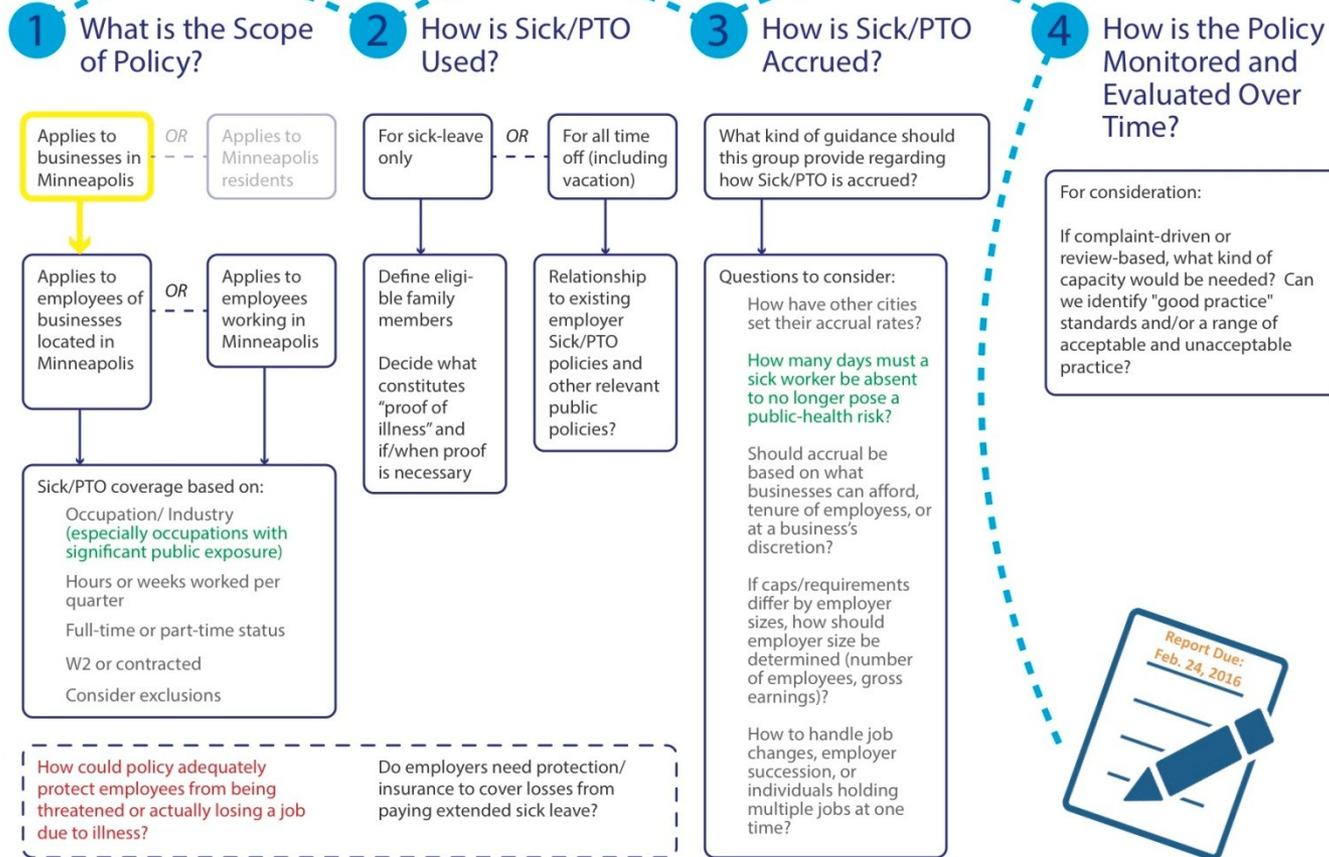


Ensuring that workers have time off to tend to their own well-being is a significant talent attraction and retention tool, and contributes to a healthy work environment, increasing productivity and reducing turnover costs.

By setting a citywide standard, businesses working in Minneapolis will enjoy a competitive edge and strengthen employee relations.

DECISION PATHWAY TOWARD POLICY RECOMMENDATIONS - WORKING DRAFT

Revised 01/14/16



DECISIONMAKING PROCESS

Ground Rules for Group Decision Making

The facilitator will use the following scale to poll the group on whether consensus has been reached. Participants will express their level of comfort and commitment by indicating:

1. Wholeheartedly agree
2. Good idea
3. Supportive
4. Reservations – would like talk
5. Serious concerns – must talk
6. Cannot be part of the decision

If all participants fall between 1 and 3, consensus on the item is assumed. When someone falls between 4 and 6, that person must state their concerns clearly and offer a constructive alternative. The group will attempt to meet the interests of those parties, without diminishing their own interests.



SCOPE

- Individuals working in the City of Minneapolis (regardless of where your employer is located) at least 80 hours in a year for a given employer, shall have access to paid sick time.
- Exempt employees are considered to work 40 hrs a week for purposes of accrual, unless there is evidence that they work less than that.



USAGE

- Employees may use paid sick time for mental and physical illness or incident, injuries, health conditions, diagnostic and preventive care, school closures due to public health or other emergencies for themselves or for members of their extended families and households (as defined in City of Minneapolis civil code and MN State Statute 181.9413).
- Employees may use paid sick time in increments consistent with current business practices, as defined by industry standards or existing employer policy.
- Employers may only request documentation of illness/absence from an employee if there is a clear pattern of abuse.



USAGE

- Employees will begin earning accrued sick time at the start of employment; and, will be able to access earned hours after a provisional period, consistent with employer practice, and no longer than 90 days.
- Employees may earn, accrue, and use paid sick time consistent with existing employer practice.
- Existing sick time and/or paid time off (PTO) policies may be reviewed on a case-by-case basis and will be considered in compliance with City policy if they meet minimum standards established by the City.



ACCRUAL

- We recommend an accrual-based approach in which employees earn sick time based on hours worked.
- We recommend an approach that includes caps on time earned.
- We recommend an approach that limits the amount of time that can be carried over.



DISCUSSION POINTS ON RESEARCH

- Beneficial at the individual level...and we acknowledge the public benefit that comes from that.
- Question of scale of impact given Minneapolis' relatively small share of regional jobs
- Still looking for clarity about # of employees covered/not covered
- Need to balance the impact of policy change on businesses vs. benefit to individuals and public more broadly



MONITORING & IMPLEMENTATION

- Consider a broader education effort, and suggest that City dedicate resources for community-based and (small) business partners to communicate changes and public health benefits (language & community-specific). Focus particularly on sectors where impact is expected to be most significant.
- Need to consider how the City will communicate with employers who may be impacted, but not located in Mpls.



MONITORING & IMPLEMENTATION

- Establish a point of contact for which employers and employees can ask for review of policies/actions; and, allow for voluntary review by City staff of existing policies...
- Consider partnership approach that offers incentive and guidance to compliance to promote broader culture shift.
- Consider establishment of a partnership to help monitor ongoing compliance and evolving standards...
- Equal emphasis on both environments: proactive complaint process and good recognition? [JIM]



MONITORING & IMPLEMENTATION

- We recommend that City Council consider financial penalties and/or licensing sanctions (consistent with City practice) in its enforcement of a policy after initial efforts at mediation and other compliance tools are used...
- City should use all the enforcement tools at its disposal...
- Assure that employees are “made whole” for violations
- Consider “neutral review” space to avoid escalation



MONITORING & IMPLEMENTATION

- We recommend that employees are protected from retaliation in any form (per language provided) including implicit threats...
- We recommend that employers maintain ability to take disciplinary action...
- Note to Luke: comments to Council about examples
- Note to Susie: take your sick time.



WE WILL MEET AGAIN...

- Sometime soon...

