



**TESTIMONY IN OPPOSITION TO BILL 27-16:  
Human Rights and Civil Liberties – Earned Sick and Safe Leave - Eligibility**

TO: Councilmember Nancy Floreen, Chair, Montgomery County Council  
FROM: Zoe Ziliak Michel, Policy Analyst, Center for Law and Social Policy, and Silver Spring Resident  
DATE: July 19, 2016

My name is Zoe Ziliak Michel. I am a resident of Silver Spring and a policy analyst at the Center for Law and Social Policy (CLASP). CLASP is a national organization that works to improve the lives of low-income people by developing and advocating for federal, state, and local policies that strengthen families and create pathways to education and work. We advise paid sick leave campaigns around the country and offer technical assistance to government agencies implementing such laws. CLASP opposes Bill 27-16, Human Rights and Civil Liberties – Earned Sick and Safe Leave – Eligibility.

In June of 2015, Montgomery County became the first county in the nation to enact a law (County Code Ch. 27 Art. XIII) guaranteeing workers the right to earn paid sick and safe leave. As a Silver Spring resident, I am proud to live in a county that values working families and ensures they would not have to choose between staying healthy and getting paid. CLASP looks forward to the law taking effect on October 1; we have been in touch with James Stowe in the Office of Human Rights to offer technical assistance and materials related to the implementation of paid sick leave (many such materials are available at [www.enforcingsickdays.org](http://www.enforcingsickdays.org)).

It is critical that the proposed amendment to the county's earned sick and safe leave act be rejected. As it currently stands, the law will enable 90,000 Montgomery County workers<sup>1</sup> who currently have no paid sick time—and who are disproportionately low-wage workers—to take the time they need to recover from illness, care for sick loved ones, or deal with the effects of sexual or physical abuse.

Unfortunately, the proposed bill would strip employees of seasonal businesses of this right. The health and safety implications of this policy are profound. Employees who work while ill spread contagious illnesses like the flu or norovirus to their customers.<sup>2</sup> In the case of the swimming pools and summer camps most affected by the proposed bill, the customers are children; employees of these community-serving businesses are those that we in Montgomery County should most want to stay home when they are sick.

Councilmember Leventhal has stated<sup>3</sup> that it is unreasonable to ask employers of lifeguards, for example, to track the amount of time that their employees work. Yet amusement and recreational businesses such as pools

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<sup>1</sup>National Partnership for Women and Families, "Paid Sick Days—State, District, and County Statutes," Revised June 2016, <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-statutes.pdf>.

<sup>2</sup> See, for example, LeaAnne DeRigne, Patricia Stoddard-Dare, and Linda Quinn, "Workers without Paid Sick Leave Less Likely to Take Time Off for Illness or Injury Compared to Those with Paid Sick Leave," *Health Affairs* 35 (2016). And, Stefan Pichler and Nicolas Ziebarth, "The Pros and Cons of Sick Pay Schemes: Testing for Contagious Presenteeism and Shirking Behavior," *Upjohn Institute Working Paper* 15 (2015).

<sup>3</sup> Andrew Metcalf, "Bill Aims to Amend County's Sick Leave Legislation to Exempt Seasonal Workers," *Seasonal Workers*, *Bethesda Magazine*, June 28, 2016, <http://www.bethesdamagazine.com/Bethesda-Beat/Web-2016/Bill-Aims-to-Amend-Countys-Sick-Leave-Legislation-to-Exempt-Seasonal-Workers/>.



must track hours worked in order to ensure that they pay their employees at least 85% of the state minimum wage.<sup>4</sup> Because the county's earned sick and safe leave act links sick leave accrual to hours worked (one hour of sick leave earned for every 30 hours worked), businesses can use their existing methods for tracking hours worked to calculate pay to also calculate sick leave accrual.

CLASP urges the Montgomery County Council to reject the proposed bill. The current earned sick and safe leave act protects public health and helps working families make ends meet. Please ensure that our county's earned paid sick leave act protects everyone in the community, as intended.

Sincerely,

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Policy Analyst  
CLASP

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<sup>4</sup>Maryland Division of Labor and Industry, "Maryland Wage and Hour Amusement and Recreational Establishment Exemptions," revised February 2016, <https://www.dlir.state.md.us/forms/essamusexempt.pdf>.