

About the Series

Laws are often necessary but rarely sufficient for effective policy change. Implementation, the nuts and bolts of moving a law from paper to practice, can make or break a law's intent.

This series of briefs provides overviews of approaches to implementation taken in jurisdictions where **earned sick days** laws have already passed. Both government officials facing the task of implementation and advocates working with those officials can learn from the best practices established in these areas.

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Top Tips from Connecticut, San Francisco, and Seattle

The lessons learned from these implementation experiences are useful not only for officials in cities or states with newly passed sick days laws, but also for advocates, who may want to consider the implementation process as they work to draft and pass legislation.

Before the Law Passes

Which agency will implement?

States and localities should consider what agency/agencies are best suited to take the lead role in overseeing the law. Different agencies have unique cultures and varied experience with implementation and enforcement of other labor laws.

- **An equity focus:** In Seattle, the Office for Civil Rights (SOCR) led the charge to implement the city's Paid Sick and Safe Time (PSST) Ordinance. The agency is focused on equity issues. Since many people in Seattle saw sick days as an initiative to promote equity, SOCR was a natural fit. This equity focus shaped SOCR's outreach and public engagement strategies.
- **Multiple agencies:** In San Francisco, the Office of Labor Standards Enforcement (OLSE) had primary responsibility, with the Department of Public Health (DPH) also playing a role. Involving the DPH gave San Francisco an additional means of educating employers; information about the city's sick days laws is

included in required food safety classes for food service business operators.

- **Tailor the law:** In Connecticut, the Department of Labor (DOL) had sole responsibility. One advocate suggested that the bill could have been tailored to fit more closely with some elements of laws the agency was already familiar with administering, such as the Family Medical Leave Act (FMLA). In Connecticut’s case, this could have meant replicating the provision in FMLA that bars companies from purposely modifying their workforce size to avert the law.

Early engagement with implementing agency

Advocates can help smooth the way for implementation by reaching out early to the agency/agencies that will carry out the law after its passage.

- **Establish a relationship:** Community groups in Seattle met with leadership and staff at SOCR before the PSST ordinance had passed. Advocates aimed to get SOCR’s input early on, while also building agency buy-in. Having already established a relationship with the Office, advocates were able to work with agency officials easily during the implementation process
- **Ensure communication between implementing agency and legislation drafters:** In Connecticut, during the legislative process leading up to the passage of the state’s sick days law, “legislative liaisons” were supposed to help coordinate language for the bill with the DOL. Legislative liaisons in Connecticut are representatives of the government agency that is charged with implementing a given law and are meant to advocate on behalf of the agency. In the

case of the sick days legislation, the liaisons were to ensure that the bill “made sense” for the DOL. However, this process did not occur as planned.

After the Law Passes

Managing the public engagement process

Most jurisdictions will have to engage the public during the rulemaking or guidance writing process following passage of the law.

- **Build community:** In Seattle, officials saw the public engagement process as an opportunity to “build consensus on the value and workability of the law.” SOCR officials built trust with employers, many of whom were not happy about the law, by listening to their concerns, responding to their questions, and expressing an understanding of their concerns and questions.”
- **Be diplomatic:** Connecticut officials, who also faced strong opposition from employers, adopted a neutral and open-minded approach in order to ease tensions at public meetings.
- **Pay attention to diversity:** Seattle strove to include a diverse group of stakeholders in the engagement process, reaching out to refugee employer associations and other community and employer groups that had people of color within their membership.
- **Revise and revise again:** In San Francisco, Seattle, and Connecticut, the rulemaking/guidance-writing process was iterative, incorporating feedback from the public

along the way and constantly returning to the public for further input.

Raising awareness among employers and employees

Effective outreach strategies are crucial to ensuring employers are aware of their responsibilities and employees know their rights.

- **Conduct outreach across the jurisdiction, using varied methods:** In Seattle, officials sent postcards to every business licensed in Seattle, used a listserv of interested parties created before the law was passed, attended community events, gave training presentations throughout the city, purchased bus advertisements, and worked with law firms and industry groups to provide tailored presentations.
- **Use different approaches for employer and employee outreach:** In San Francisco, the OLSE and the DPH reached out to employers via advertising in bus shelters, community newspapers and other public places (the PLSO was advertised along with minimum wage and health care laws); “merchant walks” in designated area; presentations to business, labor, and HR groups; mailings with annual business license renewal forms; a letter to restaurants from the DPH; and in food safety classes. Employees were targeted through multilingual outreach in collaboration with community-based organizations and leaflets sent home with elementary school students.
- **Conduct seminars and use earned media coverage:** Connecticut DOL officials

conducted many seminars for employer groups and primarily relied on news coverage (“earned media”) of the state’s Paid Sick Leave law to inform workers.

Enforcement Strategies

Another key component of successfully implementing a new earned sick days law is to scope out a plan for enforcement.

- **Consider strategies to address workers’ fear:** In all three jurisdictions, advocates and government officials acknowledged that an obstacle to enforcement is workers’ fear of retaliation and job loss as a result of exercising their right to earned sick days. Unlike with minimum wage complaints, the identity of a complainant in sick days complaints is harder to keep anonymous. Outreach and education are crucial strategies for beginning to overcome workers’ reluctance to speak out. Knowledge about the laws enables workers to have confidence in standing up for their rights.
- **Use a conciliatory, rather than punitive, approach:** In Seattle, SOCR officials felt that a less punitive approach was more likely to “build public will” for the sick days ordinance. SOCR focused on providing technical assistance to employers that were not implementing the law correctly to help them come into compliance.
- **Create monetary incentives for employers to comply and employees to file complaints:** In San Francisco, if an employee’s complaint regarding employer

noncompliance with the sick days law is upheld, he or she may recover the amount of paid sick leave withheld plus three times that amount or \$250, whichever is greater.

Evaluate the implementation of the law

After the law has been in effect for a reasonable period of time, jurisdictions should step back to determine how well things have gone – and to make any necessary mid-course corrections.

- **Use assessments to improve the law and its implementation:** Conducting an evaluation of how the law is working post-implementation can yield valuable information, both for government agencies and advocates. The results of these assessments can be used to 1) identify and address problems with implementation, 2) highlight the need for amendments, 3) respond to criticisms of the law, and 4) assist advocates in other jurisdictions seeking to pass sick days laws.
- **Evaluations can be mandated by law or initiated by external groups:** In Seattle, the law requires (and provides funding for) a post-implementation assessment eighteen months after the effective date of the law. Washington, D.C.'s law also requires an annual audit, though it has not yet been conducted. In San Francisco, an independent organization (the Institute for Women's Policy Research) conducted a [post-implementation study](#) examining worker and employer experiences with the law.

Successful implementation requires creativity and start-up funds

Advocates should also consider the need for start-up funds – and a dose of creativity – to help kick start the law.

- **Initial funding helps raise awareness:** Sick days laws are only effective when employers and employees are knowledgeable about the laws. At the outset, proper implementation requires an adequately staffed implementing agency that is able to respond to queries and enforce the law. Building knowledge through outreach and staffing the office appropriately may require an initial investment.
- **Relatively modest budgets go far:** In Seattle, the law included a budget of \$105,000 for outreach efforts, \$84,000 for additional staffing, and \$200,000 for the evaluation of the legislation's effects. In San Francisco, the Board of Supervisors allocated \$150,000 for advertising to inform employers about the PSLO as well as a minimum wage ordinance and a healthcare law. The city and county government's outreach campaign targeting workers was carried out with a modest investment of \$195,000. Relative to other government spending, these budgets are fairly insignificant, yet they can go a long way. At the same time, the need for such funds is temporary: once awareness of the laws has worked its way into employee and employer cultures, extensive outreach will no longer be necessary.
- **Creative approaches to outreach go far:** Some of the most effective outreach

strategies hinge primarily on creativity, not funding. For example, San Francisco worked with the school district to send informational leaflets home to parents and guardians. They used an existing announcement system to do this, paying for printing only. The approach gave the City access to a diverse group of workers.

Get the full stories from [Connecticut](#), [San Francisco](#), and [Seattle](#). Read CLASP's briefs on each jurisdiction's implementation experience.