

As more cities and states pass **earned sick days** laws, government agencies are grappling with the mechanics of implementation—putting hard-won laws into practice. As they work to ensure these laws protect workers as intended, agencies can learn from their counterparts in other jurisdictions. This brief draws on CLASP’s more extensive accounts of implementation in several jurisdictions, distilling “top tips.”

Learn about:

- Forging effective collaborations between implementing agencies and other city/state agencies.
- Using data to inform outreach strategies.
- Managing high volumes of technical assistance requests.
- Designing innovative tools that foster employer compliance, such as user-friendly spreadsheets to track sick time accrual.

**Read more about implementation in:**

- [Seattle](#)
- [San Francisco](#)
- [Connecticut](#)

## Top Tips from Connecticut, San Francisco, Seattle, and New York City

*The lessons learned from these jurisdictions’ implementation experiences are useful for officials in cities or states with newly passed sick days laws, as well as advocates, who may wish to consider the implementation process as they work to draft and pass legislation. In this brief, we highlight tried and true implementation strategies, as well as innovative practices some agencies are putting into motion.*

### **Rulemaking and public engagement**

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 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, constantly seeking input from the public and incorporating their feedback.
- **Expect an ongoing process:** Be prepared to revisit the rules down the road, once the law has been in effect for some time. Some agencies identify a need for further rulemaking based on the inquiries they receive. For example, San Francisco’s agency plans to formalize the city’s use of a “three day rule” for compensating workers whose employers have failed to keep required records of paid sick days. (When no records are available, the rule treats all employees as though they were denied three paid sick days—the average number used by U.S. employees—for the purposes of paying back wages won through the enforcement process.)

### **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 Office of Labor Standards Enforcement and the Department of Public Health reached out to employers via advertising in: bus shelters, community newspapers, and other public places (the Paid Sick Leave Ordinance (PSLO) was advertised along with minimum wage and health care laws); “merchant walks” in designated areas; presentations to business, labor, and HR groups; mailings with annual business license renewal forms; a letter to restaurants from the DPH; and food safety classes. Employees were targeted through multilingual outreach in collaboration with community-based organizations and leaflets sent home with elementary school students.
- **Maximize reach by partnering with a variety of groups:** Agencies work with nonprofit groups, community agencies, other government agencies (health, housing, education, and more), elected officials, employer services firms, local chambers of commerce, and business improvement districts (BIDs).
- **Conduct seminars and use earned media coverage:** Connecticut Department of Labor 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.
- **Be data driven.** Use available data to target workers who will be newly eligible for sick days. Using demographic information and existing data collected by government and/or community groups, some agencies have been able to determine where in the jurisdiction workers who previously lacked sick days are most likely to

live and work. This can inform outreach strategies and help agencies with limited resources utilize them in the communities where they can have the most impact. Further, as inquiries and complaints come into the agency, collect demographic information to inform subsequent outreach and enforcement activities.

- **Adopt an “organizing model”:** New York City officials are using techniques typical in political campaigns to reach out to employees and raise awareness. A strong volunteer network helps the city spread the word.

### Technical Assistance

Research shows that in some jurisdictions, employers are unwittingly violating the law because they are misinformed. Agencies can provide technical assistance to employers, ensuring a greater level of compliance.

- **Create accessible and informative materials:** A comprehensive FAQ document is useful for employers and agency staff and can be updated based on incoming queries. Specialized materials for certain types of employers may be necessary. For example, New York City provides a fact sheet specifically for employers of domestic workers. Videos or slides from training presentations can also be useful to employers who are unable to attend. Agencies may also provide tools, such as New York City’s timekeeping spreadsheets that enable employers to track sick day accrual and usage.
- **Provide assistance through multiple mediums:** Agencies offer email, telephone,

online chat, and in-person assistance to employers.

- **Use a triage system:** To handle higher volumes of inquiries, particularly in the initial phase of implementation, agencies can have less skilled agency employees respond to queries that are easily addressed using the comprehensive FAQ as a guide. More complex questions that are not readily answered by existing documentation can be referred to legal staff or others with more knowledge.

### Enforcement Strategies

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

- **Address workers’ fear:** Workers’ fear of retaliation and job loss as a result of exercising their right to earned sick days is a significant obstacle to enforcement. Unlike with minimum wage complaints, the identity of a complainant in sick days complaints is difficult 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.
- **At first, use a conciliatory, rather than punitive, approach:** In Seattle and New York City, officials felt that a less punitive approach at the outset of enforcement was more likely to “build public will” for the sick days laws. Both agencies focused on providing technical assistance to employers that were not

implementing the law correctly to help them come into compliance. However, transitioning from this phase to a more rigorous enforcement approach is critical to ensuring 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).
- **Consider options for enforcement that extend beyond complaint-driven approaches:** Some jurisdictions have the authority to conduct proactive investigations and audits or to target employers known to have bad labor practices. These approaches unburden workers of the responsibility to file complaints, an action they may be too fearful to undertake.
- **Conduct company-wide investigations:** In San Francisco, when a worker files a complaint, officials investigate both the individual case *and* the employer’s company-wide compliance with the Ordinance. This allows the agency to identify broader violations.

### **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 required (and provided funding for) a post-implementation assessment eighteen months after the effective date of the law. The city also conducted an audit of the law’s enforcement. Washington, D.C.’s law also requires an annual audit, though it has only been conducted once since the law passed in 2008. 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.
- **Assess agency performance on an ongoing basis:** In addition to performing audits or evaluations, agencies can collect data and set benchmarks to gauge success. Agencies may track number of queries, time to respond to queries, number of informational documents distributed, communities targeted via outreach, employer recidivism, etc.

## Successful implementation requires creativity and start-up funds

- **Initial funding helps agencies 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. While these budgets are fairly insignificant relative to other government spending, they can go a long way. Moreover, 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 only for printing. The approach gave the City access to a diverse group of workers.

- **More extensive funding allows for expansive outreach efforts:** New York City's \$4.8 million budget has enabled the city to hire enough staff to conduct considerable outreach, working with community and government partners to maximize its reach.

### Resources:

- [\*Implementation and Early Outcomes of the City of Seattle Paid Sick and Safe Time Ordinance\*](#)
- [\*Seattle's Paid Sick and Safe Time Ordinance Enforcement Audit\*](#)
- [\*Audit of the Accrued Sick and Safe Leave Act of 2008 \(D.C.\)\*](#)
- [\*San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees\*](#) (Institute for Women's Policy Research)
- [\*Good for Business? Connecticut's Paid Sick Leave Law\*](#) (Center for Economic Policy Research)
- CLASP briefs on implementation in [\*Connecticut, San Francisco, and Seattle\*](#).