

CLASP

Policy solutions that work for low-income people

Committee on Civil Service and Labor
New York City Council
250 Broadway - Committee Rm, 14th Fl.
New York, New York 10007

Via e-mail

May 28, 2019

Re: Requiring city employers to provide earned safe, sick, and personal time to employees.

The Center for Law and Social Policy (CLASP) strongly supports the New York City Council's proposal to amend the city's Earned Sick and Safe Time Law to allow employees to receive up to eighty hours of personal time in a calendar year.

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 advocate for and conduct research and analysis on job quality policies, including paid sick days, paid family and medical leave, and fair scheduling. Further, we work with community and government partners to promote the effective implementation and enforcement of labor standards policies.

The proposed law recognizes that we all need time off from work for personal, medical, family, and civic purposes. This includes time to be with our family and loved ones. It may include time to vote, serve on a jury, or perform military service. It may relate to time needed to work a second or third job. We may need time to care for ourselves or others, including observing our religion, exercising, going to the doctor, or to grieve a loss. We may need time for joyful reasons, such as taking a vacation or pursuing a hobby, or reading a book. As students and/or parents, we may need time for classes, school events, and meetings with teachers. Some of us may need time to apply for essential benefits (SNAP, paid leave, Medicaid, healthcare), visit with a parole officer, or go to the DMV. Or perhaps we just need time to stay home and deal with a leak, call a plumber, or let in a contractor.

The proposed law further recognizes that workers, and particularly low-wage workers, struggle to take time off without suffering adverse consequences. While the law protects some absences, like jury duty,¹ and taking leave for a disability or serious medical condition,² many workers are not compensated for the time they take off.³ People working in New York City benefit from numerous state and city laws, including the Earned Sick and Safe Time law, but still lack protections or the ability to afford to take time off for another needs.

Furthermore, access to time off is not equally available. Over 70 percent of private sector workers in the United States have access to some form of paid leave: paid holidays, paid sick leave, and paid vacations, but these benefits are largely distributed to higher-wage earners.⁴ In the bottom decile of wage earners, roughly 4 in 10 workers have access to paid holidays and vacations, and only 3 in 10 have access to paid sick leave, compared to over 9 in 10 of the top 10 percent of wage earners who have paid holidays, sick leave, and vacations.⁵ Full-time workers are also significantly more likely to have paid time off than part-time workers.

These disparities in access are likely to grow. Union workers, for example, are much more likely to have access to paid holidays, paid sick leave, and paid vacations, than nonunion workers.⁶ But union membership continues to decline, even in New York.⁷

Not having time off has significant health, economic, and real-world consequences. Those without paid sick days are more likely to forgo or delay medical care, which has personal and public financial and health consequences.⁸ During the 2009 H1N1 flu pandemic, people working while sick was the primary cause for an additional 1,500 deaths and 7 million cases of the flu. A lack of paid sick days is associated with lower use of critical preventive services, such as well-child visits and flu vaccinations. Working without a break can also lead to stress, burnout, exhaustion, and serious medical conditions. There is some anecdotal evidence that time off or working fewer hours may enhance productivity⁹ and improve morale.¹⁰

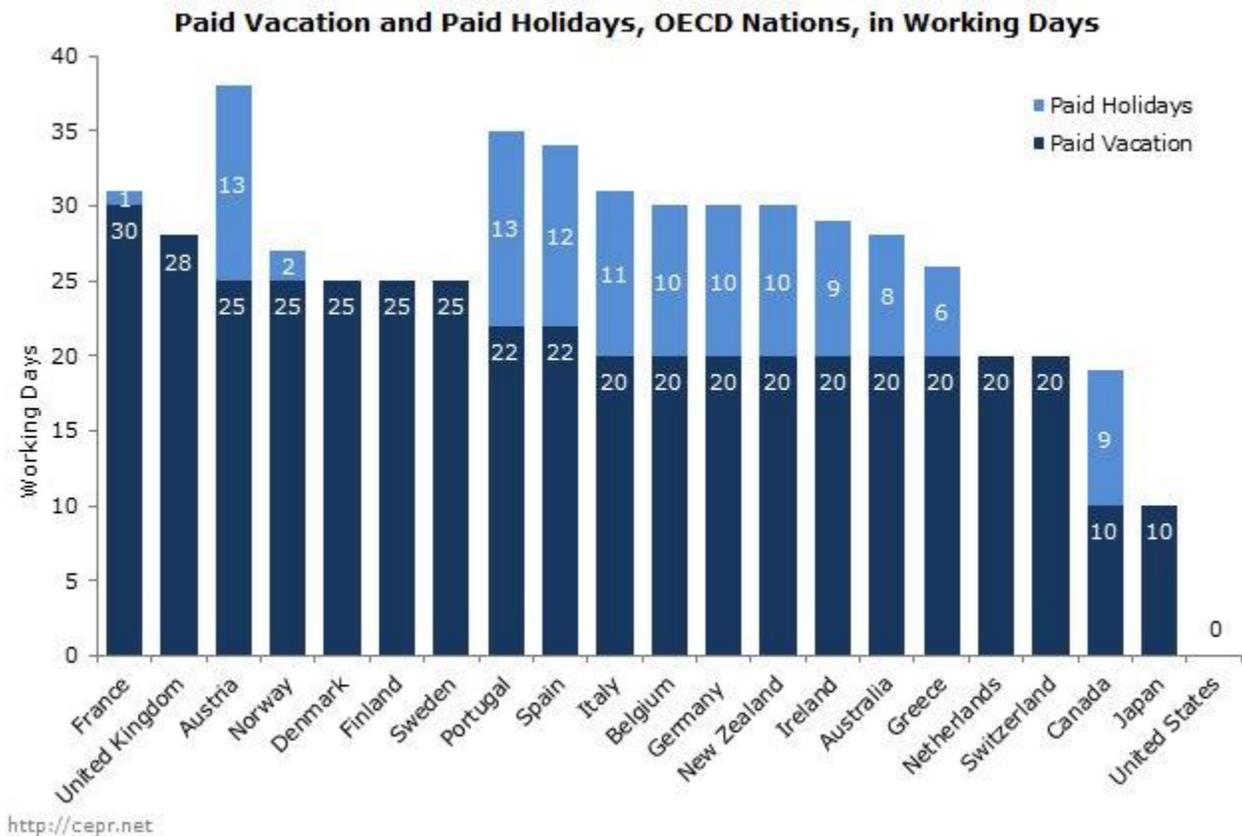
While New York City is one of an increasing number of jurisdictions with a paid sick days law,¹¹ some people, such as parents with young children, may still need to supplement those days off. In the first year of life of a baby's life alone, the American Academy of Pediatrics recommends eight visits to the pediatrician, just for well-child check-ups.¹² Infants and toddlers catch colds and other minor illnesses easily and often require additional doctors' visits and increased parental supervision at home as they recover. This bill could serve as an important resource for parents with toddlers and other young children that may need doctor's appointments, have childcare gaps, or want to engage with their children's development and school but not want to expend their sick time to meet with a teacher, childcare provider, or discuss behavior challenges.

The benefits of paid time off also extend beyond short and long-term health. Driving with an expired license, for example, can result in fines; unpaid traffic fines can result in suspended licenses, which can ultimately result in misdemeanor convictions. "If people stop driving when their licenses are suspended, they may no longer be able to reliably get to work, which means they risk losing their jobs and going deeper into debt."¹³

Having paid time off also allows low-wage workers to care for family members, address emergencies, and handle other unforeseen circumstances without the risk of losing their job. Among the many challenges of job loss for low-wage workers is the risk of losing benefits like SNAP. Currently, when SNAP recipients aged 18-49, without children or a documented disability, lose their job, they are at risk of losing their SNAP benefits for not complying with the rule that requires people to work a set number of hours per week to qualify for SNAP. Access for low-wage workers to up to 10 days of paid leave will decrease "churn" and allow people to receive the assistance they need and maintain economic stability.¹⁴ Food is necessary to work,

live and thrive. Allowing people to have 10 days of paid leave will allow for food to remain on tables, without the risk of people cycling on and off of SNAP because of hours taken off due to unforeseen circumstances.

As with so many other critical labor standards, the United States is the only advanced economy that does not guarantee paid vacation or holidays.¹⁵ Workers in Europe receive at least 20 paid vacation days a year, in addition to paid holidays. As illustrated in the following chart by the Center for Economic and Policy Research, people working in the U.S. are guaranteed zero paid vacation days or holidays.



Workers in the U.S. are working harder than ever, but not reaping the benefits. Worker productivity over the past four decades has been steadily increasing while hourly compensation has stagnated.¹⁶ The Fair Labor Standards Act created a 40-hour workweek and required minimum hourly wages and overtime for working over 40 hours, but those minimum standards have not kept pace with inflation, increasing poverty.¹⁷ There are many steps we need to take to improve job quality for workers earning low wages, including access to living wages, paid sick days, paid family and medical leave, and predictable schedules. But workers also sometimes just need a paid day off, without fear of losing critical pay or their job. They've earned it.

New York City's proposal requiring employers with at least 5 employees to provide at least 10 days of earned, paid time off each year would make New York one of the only jurisdictions in

the U.S. to provide workers this important benefit. CLASP urges the City Council to continue its leadership on providing critical labor standards protections, particularly for workers receiving low wages, and pass this proposed bill.

Sincerely,

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¹ 28 U.S. Code § 1875

² See, e.g., Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., as amended by the ADA Amendments Act of 2008; Family and Medical Leave Act of 1993, 29 USC § 2601 et seq.

³ U.S. Department of Labor Bureau of Labor Statistics Employee Benefits, Survey Table 32: Leave benefits: Access, private industry workers, March 2018,

<https://www.bls.gov/ncs/ebs/benefits/2018/ownership/private/table32a.htm>

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ U.S. Department of Labor Bureau of Labor Statistics, Economic News Release, “Union Members Summary,” Jan. 2019, <https://www.bls.gov/news.release/union2.nr0.htm>; U.S. Department of Labor Bureau of Labor Statistics, “Union Members in New York and New Jersey — 2018,” https://www.bls.gov/regions/new-york-new-jersey/news-release/unionmembership_newyork_newjersey.htm.

⁸ Why Low-Wage Workers Need the Healthy Families Act, CLASP, 2019,

https://www.clasp.org/sites/default/files/publications/2019/03/2019_why_low_wage_workers.pdf.

⁹ Nicole Lyn Pesce, *This may be the secret to a longer life (and you’re not doing it enough)*, MarketWatch, Aug 28, 2018, <https://www.marketwatch.com/story/this-may-be-the-secret-to-a-longer-life-and-youre-not-doing-it-enough-2018-08-28>.

¹⁰ Celina Ribeiro, *The Australian company that banned work on wednesdays*, BBC, April 2019,

<http://www.bbc.com/capital/story/20190429-the-australian-company-that-banned-work-on-wednesdays>. An analysis of **workers in Sweden** found that those working a 6-hour day were more productive than those working an 8-hour day. Firms in **Australia** and New Zealand **experimented** with a four-day work week, where workers still got paid for five days. Unsurprisingly, staff reported “lower stress levels, higher levels of job satisfaction and an improved sense of work-life balance. The founder “wondered if having an extra day to manage their home life would make his staff more focused and productive in the office – and data and anecdotal evidence has proved his theory an unequivocal success.”

¹¹ See CLASP’s website www.enforcingsickdays.org.

¹² Rebecca Ullrich, Patricia Cole, Barbara Gebhard, and Stephanie Schmit, *Paid Leave: A Critical Support for Infants, Toddlers, and Families*, CLASP and Zero to Three, 2017, <https://www.clasp.org/publications/report/brief/paid-leave-critical-support-infants-toddlers-and-families>.

¹³ Emily Yoffe, “Innocence Is Irrelevant,” *The Atlantic*, Sept. 2017,

<https://www.theatlantic.com/magazine/archive/2017/09/innocence-is-irrelevant/534171/>.

¹⁴ Dottie Rosenbaum, *Lessons Churned: Measuring the Impact of Churn in Health and Human Services Programs on Participants and State and Local Agencies*, Center on Budget and Policy Priorities, 2015,

<https://www.cbpp.org/research/lessons-churned-measuring-the-impact-of-churn-in-health-and-human-services-programs-on?fa=view&id=5286>.

¹⁵ Rebecca Ray, Milla Sanes, and John Schmitt, *No-Vacation Nation Revisited*, Center for Economic and Policy Research, 2013, <http://cepr.net/publications/reports/no-vacation-nation-2013>.

¹⁶ Jay Shambaugh and Ryan Nunn, “Revitalizing Wage Growth: Policies to get American workers a raise,” Brookings, February 2018, <https://www.brookings.edu/multi-chapter-report/revitalizing-wage-growth-policies-to-get-american-workers-a-raise>.

¹⁷ Ben Zipperer, *The erosion of the federal minimum wage has increased poverty, especially for black and Hispanic families*, Economic Policy Institute, 2018, <https://www.epi.org/publication/the-erosion-of-the-federal-minimum-wage-has-increased-poverty-especially-for-black-and-hispanic-families/>; Heidi Shierholz, *More than eight million workers will be left behind by the Trump overtime proposal*, Economic Policy Institute, 2019, <https://www.epi.org/publication/more-than-eight-million-workers-will-be-left-behind-by-the-trump-overtime-proposal-that-number-will-grow-to-11-5-million-in-the-first-10-years-of-implementation/>.