

No. 03-18-00445-CV

In the
Third Court of Appeals
at Austin

TEXAS ASSOCIATION OF BUSINESS; *et al.*
Plaintiffs-Appellants,

- and -

STATE OF TEXAS,
Intervenor-Appellants,

v.

CITY OF AUSTIN, TEXAS; *et al.*,
Defendants-Appellees.

Interlocutory Appeal from the 459th District Court, Travis County, Texas
Cause No. D-1-GN-18-00196

**AMICUS CURIAE BRIEF OF A BETTER BALANCE
IN SUPPORT OF DEFENDANTS-APPELLEES**

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DISCLOSURE OF INTEREST OF AMICUS CURIAE

A Better Balance (“ABB”) is a national legal advocacy organization dedicated to promoting fairness in the workplace and helping employees meet the conflicting demands of work and family. As part of its work, ABB has co-drafted model paid sick leave laws that have been used and adapted in the 45 jurisdictions that have enacted paid sick leave laws, including Austin. ABB has filed amicus briefs in cases challenging paid sick leave legislation in Massachusetts and Arizona in which those laws were upheld.

No persons or entities other than ABB have made, or will make, any monetary contribution to the preparation of this brief. *See* TEX. R. APP. P. 11.

SUMMARY OF ARGUMENT

A request for temporary injunction invokes the court’s equitable discretion. When that injunction will affect third parties—as this one plainly does—a court should balance, not just the narrow harms alleged to befall the named plaintiffs, but also the risk of harm that broad temporary relief shifts onto third parties and the public at large during the interim before trial.

Austin’s Earned Sick Time Ordinance¹ is aimed at, and primarily affects, third parties. Appellants contend that they will personally suffer some marginal harms if the law is not enjoined pending trial, pointing to paperwork and some costs they might incur. But they have failed to squarely address—and certainly did not carry their burden to show—how the balance of equities in this situation would favor temporary relief to avert their harms, at the expense of shifting risks onto third parties and the public at large. This law is aimed at stemming the flow of disease, protecting not just coworkers but the public at large from the serious and sometimes fatal risks of flu and other seasonal outbreaks. Other provisions in the law permit survivors of domestic violence to use this leave time while getting a needed restraining order or making safer living arrangements. Appellants have demanded that the law’s provisions be enjoined *before* the courts actually reach the merits. The district court had discretion to balance the equities differently.

¹ No. 20180215-049 (February 15, 2018) (“the Ordinance”).

ARGUMENT

I. THE AUSTIN EARNED SICK TIME ORDINANCE IS IN THE NATIONAL MAINSTREAM, SIMILAR TO ALL OTHER EARNED SICK TIME LAWS THAT HAVE BEEN ENACTED WITH SUCCESS NATIONALLY.

The private Appellants argue that the Austin Earned Sick Time Ordinance is unconstitutional because of basic policymaking choices made by the City’s elected lawmakers, even attacking whether the idea of sick leave has a “rational basis.” *See* TAB Appellants’ Br. at 47. The core features of the Austin ordinance are similar to those that have been implemented with success in 44 other jurisdictions.² Rather than being constitutionally suspect, this system is “not peculiar” to Austin and “reflects what many ... have thought was an enlightened approach to a problem for which there is no perfect solution.” *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 55 (1973) (rejecting a federal equal-protection challenge to school funding systems for that reason). The Ordinance is firmly in the national mainstream, part of a growing trend in states and cities such as Austin—now the 11th largest metropolitan area in the United States—to set a baseline level of sick-leave policies to protect the health of workers, customers, and the public at large.

² A table collecting citations to the other sick-leave laws that have been enacted nationally is attached to this brief as Appendix A.

A. Why these laws are being passed

According to federal statistics, approximately a third of the private workforce operates without the safety net of sick-leave benefits.³ Those benefits are concentrated among higher-income workers, with the majority of those in the lowest decile (69%) not protected by a sick-leave benefit at all.⁴ A varied mix of states and cities has begun to raise that baseline for workers in their cities and for the public-health benefits that follow—including the State of Arizona, as well as cities in the Midwest and eight of the ten largest cities in the United States (with Austin, as the eleventh largest, now joining them).⁵ After the first such laws were passed more than a decade ago, dozens of jurisdictions followed suit—now covering more than 30 million American workers.⁶ Those early laws have permitted extensive study by economists and policymakers, examining their real-world effects and adapting their lessons to more recent laws, such as Austin’s.

³ See U.S. Dep’t of Labor, Bureau of Labor Statistics, Employee Benefits In The United States – March 2018 14 (2018), <https://www.bls.gov/news.release/pdf/ebs2.pdf>.

⁴ *Id.* at 14.

⁵ See Paid Sick Days, Nat’l Partnership for Women & Families, <http://www.nationalpartnership.org/issues/work-family/paid-sick-days.html> (last visited Aug. 9, 2018).

⁶ *Map: Paid Leave and Paid Sick Days Laws are Helping More Than 41 Million People Better Care and Provide for Their Families*, Nat’l Partnership for Women & Families, <http://www.nationalpartnership.org/issues/work-family/how-many-million-americans-benefit.html> (last visited Aug. 27, 2018).

B. Austin adopted the core features of that national model for sick-leave laws.

In adopting the Earned Sick Time Ordinance, Austin built on the proven model of the dozens of other paid sick leave laws already on the books. Like each of those laws, Austin’s provides that workers will accrue a sick-leave benefit computed based on the number of hours worked.⁷ And, like each of them, it provides that the accrued sick leave can be used for the employee to care for his or her own medical condition or that of a family member.⁸ Following the example of a majority of those jurisdictions, Austin’s law also allows workers to use this accrued leave time for purposes of escaping domestic violence.⁹ And it draws distinctions between employers based on whether employees have separately, collectively bargained for benefits, so as not to disturb those arrangements.¹⁰ Those features are “not peculiar” to Austin, *San Antonio Indep. Sch. Dist.*, 411 U.S. at 55, and the district court did not abuse its discretion by declining to order temporary injunctive relief based on Appellants’ constitutional theories.

⁷ *E.g.*, ARIZ. REV. STAT. §23-372; NYC ADMIN. CODE §20-913.

⁸ *E.g.*, D.C. CODE §§32-531.01(4) & 32-531.02(b)(3) (leave can be used when medical care is needed for a defined set of family members).

⁹ For example, Arizona’s law provides that earned leave time can be used for “absence necessary due to domestic violence, sexual violence, abuse or stalking,” when needed for medical help, “[s]ervices from a domestic violence or sexual violence program or victim services organization,” counseling, relocation, or court proceedings related to the domestic violence. ARIZ. REV. STAT. §23-373(A)(4).

¹⁰ *E.g.*, ARIZ. REV. STAT. §23-381; CAL. LABOR CODE §245.5(a)(1).

II. THE SPECULATIVE HARMS THAT THE PLAINTIFFS SAY THEY FEAR HAVE NOT BEEN MANIFESTED IN OTHER JURISDICTIONS WITH SIMILAR LAWS, WHERE THE “REAL-WORLD EFFECTS” ARE POSITIVE.

One reason that temporary injunctions demand more than mere “fears”¹¹ or “speculation”¹² about harm to the plaintiff is that self-interested predictions are so often so wrong. The Appellants’ testimony here is explicitly framed in the language of the harm being “all kind of guesswork right now,” affecting a number of employees one witness “couldn’t even guess,” with feared effects on business credit that another was merely “guessing at.” *See* City Appellee Br. 41-46 (discussing this testimony). That does not warrant a temporary injunction.

In other cities, subjective fears like those offered by the Appellants have proven wrong. Indeed, studies show sick leave policies are, when all factors are

¹¹ *7-Eleven, Inc. v. Cardtronics, LP*, No. 05-17-00623-CV, 2017 Tex. App. LEXIS 10627, at *10 (App.—Dallas Nov. 10, 2017, no pet.) (“Fear and apprehension of injury are not sufficient to support a temporary injunction.”) (citing *Frequent Flyer Depot v. Am. Airlines, Inc.*, 281 S.W.3d 215, 227 (Tex. App.—Fort Worth 2009, pet. denied) (same)).

¹² “Injunctive relief is not proper when the claimed injury is merely speculative; fear and apprehension of injury are not sufficient to support a temporary injunction.” *Edison Cement Corp. v. N.C. Furniture Direct I, Ltd.*, No. 03-15-00772-CV, 2017 Tex. App. LEXIS 6909, at *6 (Tex. App.—Austin July 26, 2017, no pet.) (mem. op.) (affirming the district court’s denial of a temporary injunction after having originally granted an emergency stay pending appeal).

considered, often a net positive for businesses.¹³ Paid sick leave reduces worker turnover, which reduces the cost of promoting job openings, interviewing, and training new hires.¹⁴ It also improves the productivity of workers by reducing “presenteeism,” when workers are hindered by illnesses and health conditions.¹⁵ At the least, there is more at stake than merely up-front compliance costs. By focusing on their own perceived *costs* from the law without fully accounting for *potential benefits* they would reap from the law, Appellants have failed to show a net harm that might support the extraordinary remedy of temporary injunctive relief.

The economic due-process claim also asks the courts to consider “the statute’s ultimate, real-world effect.” *See* TAB Appellant Br. 41 (citing *Patel v. Tex. Dep’t of Licensing and Reg.*, 469 S.W.3d 69 (Tex. 2015)). In that regard, Appellants decry the supposed lack of “Austin-specific evidence to evaluate the issue.” Appellant Br. 41. One wonders how such geographically specific evidence might be gathered, when Appellants have obtained an injunction against the law

¹³ Zoe Zilliak Michel, *The Business Benefits of Paid Sick Time*, Center for Law and Social Policy (Jan. 2016), <http://www.clasp.org/resources-and-publications/publication-1/Business-Case-for-HFA-3.pdf>.

¹⁴ C. Siegwarth Meyer et al, *Work-Family Benefits: Which Ones Maximize Profits?*, *Journal of Managerial Issues* 13(1), Spring 2001.

¹⁵ Walter F. Stewart et al, *Lost Productive Work Time Costs from Health Conditions in the United States: Results from the American Productivity Audit*, *Journal of Occupational and Environmental Medicine*, 45(12) December 2003, <http://www.nationalpartnership.org/research-library/work-family/psd/lost-productive-work-time-american-productivity-audit.pdf>

ever going into actual, real-world effect in Austin. But in any event, the legal test does not demand “Austin-specific evidence.” It is perfectly rational—and perfectly constitutional—for a city to study the real-world outcomes of similar laws elsewhere. Indeed, that might be the surest way *before* a law goes into effect to discern its “real-world” effect.

In other cities, much like in Austin, some local businesses loudly opposed the adoption of sick-leave ordinances. The real-world experience of those cities has shown the fears unfounded. A detailed study examined the real-world effects of the law in New York City, with researchers at the Center for Economic Policy Research surveying businesses of all sizes to determine their attitudes toward the law, how it affected their costs, and how they changed their business behavior in response to the law.¹⁶ In short: it worked well. As a result, 86% of New York City employers surveyed described themselves as supportive of the law, with more than half saying they were “very supportive.”¹⁷ The speculations about employees abusing the law proved wrong. An overwhelming 98% of employers surveyed by

¹⁶ Eileen Appelbaum & Ruth Milkman, *No Big Deal: The Impact of New York City’s Paid Sick Days Law on Employers*, Center for Economic Policy Research and the Murphy Institute of the City University of New York, at 3-5 (Sept. 2016), <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>.

¹⁷ *Id.* at 28.

the authors reported no known cases of abuse of paid sick leave.¹⁸ As one restaurant owner put it, the misuse he feared prior to the law’s passage “didn’t happen. No one has taken a paid sick day because they just didn’t feel like coming in that day. There is no abuse.”¹⁹ The survey also found that employees are cautious in their use of paid sick leave; as one employer stated “[p]eople ration it. People want to save it up in case something serious happens.”²⁰ The speculation about employer costs were also overblown. Most employers were able to cover absences with cost-free measures, such as temporarily reassigning duties to other employees or putting some work on hold.²¹

The same has been true in other major cities that, like Austin, have chosen this type of ordinance. In Washington, D.C., a study by the district’s auditor found, five years after passage of the law, that it simply “did not have the economic impact of encouraging business owners to move a business from the District nor did the [law] have the economic impact of discouraging business owners to locate

¹⁸ Eileen Appelbaum & Ruth Milkman, *No Big Deal: The Impact of New York City’s Paid Sick Days Law on Employers*, Center for Economic Policy Research and the Murphy Institute of the City University of New York, at 4 (Sept. 2016), <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>.

¹⁹ *Id.* at 18.

²⁰ *Id.* at 16.

²¹ *Id.* at 19.

a business in the District of Columbia.”²² Likewise, a study of the economic impact of Seattle’s paid sick leave law at the time of its one-year anniversary found that a “preliminary look at available data shows no widespread negative economic impact as some opponents of the ordinance feared.”²³

III. THE EQUITIES STRONGLY DISFAVOR A BROAD TEMPORARY INJUNCTION, ESPECIALLY GIVEN THE IRREPARABLE HARMS TO PUBLIC HEALTH.

When a requested temporary injunction will affect third parties—as this one plainly does, on its face, by restricting access to sick leave by Austin workers and changing the ground rules for innumerable other local employers—a court should balance, not just the narrow harms alleged to befall the named plaintiffs, but also the risk of harm that broad temporary relief shifts onto third parties and the public at large during the interim. *Methodist Hosps. of Dall. v. Tex. Indus. Accident Bd.*, 798 S.W.2d 651, 660 (Tex. App.—Austin 1990, writ dismissed w.o.j.) (“The court was bound to take into account other considerations ... for example, the issue of comparative injury or a balancing of the ‘equities’ and hardships, including a consideration of the important factor of the public interest.”).

²² Yolanda Branch, *Audit of the Accrued Sick and Safe Leave Act of 2008*, Office of the District of Columbia Auditor (June 19, 2013), <http://www.dcauditor.org/sites/default/files/DCA092013.pdf>.

²³ Main Street Alliance of Washington, *Paid Sick Days and the Seattle Economy: Job Growth and Business Formation at the 1-Year Anniversary of Seattle’s Paid Sick and Safe Leave Law* (Sept. 2013), <http://www.eoionline.org/wp/wp-content/uploads/PSD-1-Year-Report-Final.pdf>.

The State avoids even acknowledging other equitable considerations, focusing solely on an “irreparable harm” that it says flows “inexorably” from tension between a challenged action and state law. *See* State Appellant Br. 20 & State Reply Br. 12. Its support for this is a footnote in a recent U.S. Supreme Court decision construing a federal statute regarding appellate jurisdiction from three-judge federal courts. *See* State Appellant Br. 20 (citing *Abbott v. Perez*, 138 S. Ct. 2305, 2324 n.17 (2018)); 18 U.S.C §1253. That case was not about the propriety of temporary injunctions, and certainly did not command fifty states to disregard equitable considerations when evaluating state-law injunctions. The Texas Supreme Court has, to the contrary, held that general equitable principles continue to apply even when a litigant contends that the basis for its requested injunction is a purported violation of state law. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 210 (Tex. 2002); *see also* TEX. CIV. PRAC. & REM. CODE §65.001 (“principles governing courts of equity”).

Even assuming the State has an “irreparable harm,” that does not compel the district court to grant a temporary injunction. “A temporary injunction is an extraordinary remedy and does not issue as a matter of right.” *Butnaru*, 84 S.W.3d at 204 (citing *Walling v. Metcalfe*, 863 S.W.2d 56, 57 (Tex. 1993)). A party who meets the three elements of *Butnaru* merely triggers the district court’s power to take the next step—determining, based on its own exercise of equitable discretion,

whether to grant or deny the injunction. 84 S.W.3d at 204; *Reliant Hosp. Partners, LLC v. Cornerstone Healthcare Grp. Holdings, Inc.*, 374 S.W.3d 488, 503 (Tex. App.—Dallas 2012, pet. denied) (“While rule 683 does not specifically require a balancing of equities and public interest, numerous courts have considering them when deciding if a trial court properly granted or denied an injunction.”).

A. Workers and their families will be less healthy with a temporary injunction in place.

Paid sick leave has been shown to reduce recovery time, promote the use of regular medical providers rather than hospital emergency departments, and reduce the spread of illness to other members of the workforce and to the public.²⁴ Access to paid sick leave can also help decrease the likelihood that a worker will put off needed care, and can increase the rates of preventive care among workers and their children.²⁵ A study by researchers at the Centers for Disease Control and Prevention found that workers who have access to paid sick leave are significantly more likely to undergo routine cancer screenings and to visit a doctor or obtain other medical care. Women workers with paid sick leave are more likely to receive cancer screenings at suggested intervals, and adult workers with paid sick leave are

²⁴ Vicky Lovell, *Paid Sick Days Improve Public Health by Reducing the Spread of Disease*, Institute for Women’s Policy Research (Feb. 2006), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B250.pdf>.

²⁵ *Id.* at 14-15.

more likely to undergo a colonoscopy or sigmoidoscopy.²⁶ Appellants have not shown that the balance of equities favors making the public bear those risks of harm in the interim before a merits trial.

B. The Austin public, including customers and others who come into contact with workers, will also be less healthy with a temporary injunction in place.

Paid sick leave reduces contagion in obvious ways. Workers in jobs with high levels of public contact, such as restaurant workers, have been especially unlikely to have paid sick leave.²⁷ A peer-reviewed epidemiological study found that nearly one in five food service workers had come to work vomiting or with diarrhea in the past year, creating dangerous health conditions.²⁸ The largest national survey of U.S. restaurant workers found that two-thirds of restaurant waitstaff and cooks have come to work sick.²⁹

²⁶ Lucy A. Peipins, *The Lack of Paid Sick Leave as a Barrier to Cancer Screening and Medical Care-Seeking: Results from the National Health Interview Survey*, BMC Public Health (2012), <http://www.biomedcentral.com/content/pdf/1471-2458-12-520.pdf>.

²⁷ Rachel O'Connor et al, *Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation and Job Characteristics*, Institute for Women's Policy Research (July 2014), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B337.pdf>.

²⁸ Steven Sumner et al, *Factors Associated with Food Workers Working While Experiencing Vomiting or Diarrhea*, Journal of Food Protection, 74(2) (2011), http://www.cdc.gov/nceh/ehs/ehsnet/Docs/JFP_ill_food_workers.pdf.

²⁹ Restaurant Opportunities Centers United, *Serving While Sick: High Risks & Low Benefits for the Nation's Restaurant Workforce, and Their Impact on the*

The availability of paid sick leave also makes even non-workers, such as elderly family members, healthier. During a disease outbreak, public health officials implore sick workers to stay home and keep sick children home from school—both to prevent the spread of illness and to safeguard workplace productivity.³⁰ The Austin Public Health Department asks citizens to “help stop the spread of the flu” by “[s]tay[ing] home if you are sick.”³¹ Staying home is precisely what sick-leave policies allow, and precisely what Appellants ask this Court to make more rare. If the temporary injunction does *not* have that effect, then it does not alleviate the Appellants’ speculated harms from “hav[ing] to provide an employee ... to replace the absent one.” *See* TAB Appellant Br. 11-12. What studies confirm is that people without paid sick leave are far more likely to show up at work with a contagious illness like flu.³²

Consumer (Sept. 30, 2010), http://rocunited.org/wp-content/uploads/2013/04/reports_serving-while-sick_full.pdf.

³⁰ U.S. Occupational Safety and Health Administration, *OSHA Fact Sheet: What Employers Can Do to Protect Workers from Pandemic Influenza*, <http://www.osha.gov/Publications/employers-protect-workers-flu-factsheet.html>.

³¹ *Flu in Austin (Influenza)*, Austin Public Health, <http://www.austintexas.gov/department/flu-austin-influenza> (last visited Aug. 24, 2018).

³² Tom W. Smith and Jibum Kim, *Paid Sick Days: Attitudes and Experiences*, National Opinion Research Center at the University of Chicago (June 2010), available at <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-attitudes-and-experiences.pdf>.

Because of how diseases spread, these sick-leave policies can dramatically benefit public health. During the recent H1N1 (flu) pandemic, workers with lower rates of access to paid sick leave were more likely than those with higher rates of access to paid sick leave to go to work sick, and as a result, the pandemic lasted longer in their workplaces as the virus spread from co-worker to co-worker.³³ One study computed that the lack of paid sick leave resulted in five million additional cases of influenza-like illness during that cycle.³⁴ And as we are reminded annually, flu is deadly. In the 2017-2018 flu season, the City of Austin counted up 49 influenza-associated deaths among Travis County residents.³⁵ The temporary injunction also freezes, as part of the “status quo,” the lack of sick leave policies for the pendency of the appeal—perhaps for the 2018-2019 flu season, or beyond.

³³ Robert Drago and Kevin Miller, Sick at Work, Infected Employees in the Workplace During the H1N1 Pandemic, Institute for Women’s Policy Research (Jan. 2010), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B284.pdf>.

³⁴ Supriya Kumar, Sandra Crouse Quinn, Kevin H. Kim, Laura H. Daniel & Vicki S. Freimuth, *The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness During the 2009 H1N1 Pandemic*, 102 Am. J. Pub. Health 134, 139 (2012).

³⁵ *Travis County Influenza Surveillance Report*, Austin Public Health, available at http://www.austintexas.gov/sites/default/files/files/Health/Epidemiology/Flu/Flu_Report_-_3-26-18.pdf.

C. Survivors of domestic violence in Austin will be more vulnerable with a temporary injunction in place.

Austin’s Ordinance allows the accrued sick-leave time to be used to escape sexual and domestic violence. Survivors sometimes need time away from work to seek solutions, such as obtaining a restraining order or new housing, to simply avoid or prevent physical or sexual abuse. According to surveys from the Bureau of Justice Statistics, 36 percent of rape or sexual assault victims lost more than 10 days of work following victimization, and more than half of stalking victims lost five or more days of work.³⁶ The temporary injunction shifts some of the risk of harm to those survivors, whose own “status quo” might also be frozen by the same broad injunction demanded by Appellants—and rightly denied by the district court.

CONCLUSION AND PRAYER

The nuanced policy choices involved in designing sick-leave requirements, and who should do so, will eventually be up to other elected officials. But by trying to accelerate their own favored policy outcome by seeking a merely temporary injunction, the Appellants presented the district court with an equitable question that required it to consider the risks of harm that a temporary injunction would

³⁶ Bureau of Justice Statistics, U.S. Department of Justice, Stalking (Dec. 2013), <https://www.bjs.gov/index.cfm?ty=tp&tid=973>; *see also* Survivors of Domestic and Sexual Violence Need Paid Safe Days, Nat’l Partnership for Women & Families (October 2017), <http://www.nationalpartnership.org/research-library/work-family/psd/survivors-of-domestic-and-sexual-violence-need-paid-safe-days.pdf>.

shift onto third parties. This Court need not form any view about the ultimate wisdom of the law to conclude that, on this record, the Appellants failed to carry their heavy burden to show that the balance of those equities were so strongly in their favor here that the district court could be said to have abused its discretion by denying a temporary injunction. This Court should affirm and, accordingly, dissolve its own temporary injunction.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with Texas Rules of Appellate Procedure 9.4 because the font used in the body of the brief is no smaller than 14 points, and the font used in the footnotes is no smaller than 12 points. The sections of the brief covered by Rule 9.4 contain exactly 3,765 words.

/s/ Don Cruse

Don Cruse

CERTIFICATE OF SERVICE

I certify that on September 28, 2018, this **Amicus Curiae Brief of A Better Balance in Support of Defendants-Appellees** was served on counsel of record for each party under Texas Rule of Appellate Procedure 9.5(b) through the electronic filing system:

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APPENDIX A: OTHER SICK-LEAVE LAWS

State Laws

Arizona	Ariz. Rev. Stat. §§ 23-364 and 23-371, <i>et seq.</i>
California	Cal. Lab. Code § 245, <i>et seq.</i>
Connecticut	Conn. Gen. Stat. § 31-57r. <i>et seq.</i>
Massachusetts	Massachusetts General Laws Chapter 149, §§ 148C, 148D
Maryland	Md. Code Ann. Lab. & Empl. § 3-1301, <i>et seq.</i>
Michigan	<i>Ballot initiative approved by State Legislature on 9/5/18 (to be codified)</i>
New Jersey	N.J. A1827 ACS 1R (2018) (to be codified)
Oregon	Or. Rev. Stat. §§ 653.256, <i>et seq.</i> , 659A.885
Rhode Island	R.I. Gen. Laws § 28-57-1, <i>et seq.</i>
Vermont	21 Vermont Statutes § 481, <i>et seq.</i>
Washington	Wash. Rev. Code Chapter 49.46

Municipal Laws

District of Columbia	D.C. Code § 32-131.01, <i>et seq.</i>
Berkeley, CA	Berkeley Code § 13.100.010, <i>et seq.</i>
Emeryville, CA	Emeryville Code § 5-37.01, <i>et seq.</i>
Los Angeles, CA	Los Angeles Code §187.00, <i>et. seq.</i> & §188.00 <i>et. seq.</i>
Oakland, CA	Oakland Code § 5.92.010, <i>et seq.</i>
San Diego, CA	San Diego Code § 39.0101, <i>et seq.</i>
San Francisco, CA	San Francisco Code Chapter 12W
Santa Monica, CA	Santa Monica Code § 4.62, <i>et seq.</i>
Cook County, IL	Cook County Code § 42-1, <i>et seq.</i>

Chicago, IL	Chicago Code § 1-24-010, <i>et seq.</i>
Montgomery County, MD	Montgomery County Code Chapter 27, Article XIII
Duluth, MN	Duluth Ordinance 18-009-O (to be codified in Duluth City Code Chapter 29E)
Minneapolis, MN	Minneapolis Code § 40.10, <i>et seq.</i>
Saint Paul, MN	Saint Paul Code § 233.01, <i>et seq.</i>
Newark, NJ	Newark Legislation File # 13-2010, Version 6
Passaic, NJ	Passaic Code Chapter 128
East Orange, NJ	East Orange Code Chapter 140
Paterson, NJ	Paterson Code Chapter 412
Irvington, NJ	Irvington Code Chapter 277
Trenton, NJ	Trenton Code Chapter 230
Montclair, NJ	Montclair Code Chapter 132
Bloomfield, NJ	Bloomfield Code Chapter 160
Jersey City, NJ	Jersey City Code § 3-350 <i>et seq.</i>
Elizabeth, NJ	Elizabeth Code Chapter 8.65
Plainfield, NJ	Plainfield City Code Chapter 8, Article 5
Morristown, NJ	Morristown Ordinance O-35-2016
New Brunswick, NJ	New Brunswick Code Chapter 8.56
New York City, NY	N.Y.C. Admin. Code § 20-911, <i>et seq.</i>
Philadelphia, PA	Philadelphia Code § 9-4101. <i>et seq.</i>
Pittsburg, PA	Pittsburgh Code § 626, <i>et seq.</i>
Austin, TX	Austin Code § 4-19-1, <i>et seq.</i>
San Antonio, TX	Ordinance 2018-08-16-0620 (to be codified in San Antonio City Code City Code, Chapter 15)
Seattle, WA	Seattle Code § 14.16.010, <i>et seq.</i>
Tacoma, WA	Tacoma Code § 18.10.010, <i>et seq.</i>

APPENDIX B: YEARS OF ENACTMENT

2006	San Francisco, CA
2008	District of Columbia
2011	Connecticut (statewide) Seattle, WA
2013	Jersey City, NJ
2014	Newark, NJ New York City, NY California (statewide) Passaic, NJ East Orange, NJ Paterson, NJ Irvington, NJ Trenton, NJ Montclair, NJ Oakland, CA Massachusetts (statewide)
2015	Tacoma, WA Philadelphia, PA Bloomfield, NJ Emeryville, CA Oregon (statewide) Montgomery County, MD Pittsburgh, PA Elizabeth, NJ New Brunswick, NJ
2016	Vermont (statewide) Plainfield, NJ Morristown, NJ

	<p>Santa Monica, CA Minneapolis, MN Los Angeles, CA San Diego, CA Chicago, IL Berkeley, CA Saint Paul, MN Cook County, IL Arizona (statewide) Washington (statewide)</p>
2017	Rhode Island (statewide)
2018	<p>Maryland (statewide) Austin, TX Duluth, MN New Jersey (statewide) San Antonio, TX Michigan (statewide)</p>