



2301 21st Ave. South, Suite 355, Nashville, TN 37212 | t: 615.915.2417 | info@abetterbalance.org | abetterbalance.org

**Testimony Before the House Committee on Labor and Industrial Relations
in Support of HB 832**

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**Submitted by Feroza Freeland, Policy Associate, and Elizabeth Gedmark, Vice President,
A Better Balance**

A Better Balance is a non-profit legal organization that advocates for workers across the economic spectrum so they can care for themselves and their loved ones without sacrificing their economic security. We have co-drafted model paid sick leave legislation that has been used and adapted in the 48 jurisdictions that have enacted paid sick leave laws across the country, we have experience working with agencies to educate the public and enforce paid sick leave laws, and we have also worked tirelessly in recent months with lawmakers to enact emergency paid sick leave measures in response to the unprecedented COVID-19 public health crisis. We host a free and confidential legal helpline to provide information to workers across the country. Through our Southern Office, which serves states across the Southeast, including Louisiana, we have heard from countless workers who lack access to paid sick leave and are faced with an impossible choice between their health or the health of their loved ones and their economic security.

We urge you to vote yes on House Bill 832. This bill provides paid sick leave for working families in Louisiana who need time off to recover from an illness, like COVID-19, or who are caring for a loved one or a child whose school has closed due to a public health emergency. We applaud Representative Matthew Willard for championing this important legislation, and we thank Chairman Barbara Carpenter for calling this hearing.

Far Too Many Workers Lack Access to Paid Sick Leave

Nationwide, nearly 33 million private-sector workers do not have access to paid sick leave, with low-wage workers, Latino and Latina workers, and African-American workers disproportionately less likely to have paid sick time.¹ In the South, nearly 30% of workers do not have access to a single paid sick day.² Now more than ever, with the public at risk of contracting

¹ See “National Compensation Survey: Employee Benefits In The United States – March 2019,” U.S. Dep’t of Labor, Bureau of Labor Statistics (2019), Table 31, <https://www.bls.gov/ncs/ebs/benefits/2019/employee-benefits-in-the-united-states-march-2019.pdf>; “Latinos and Their Families Need Paid Sick Days,” National Partnership for Women & Families (March 2020), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/latino-workers-need-paid-sick-days.pdf>; “African Americans and Their Families Need Paid Sick Days,” National Partnership for Women & Families (January 2017), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/african-american-workers-need-paid-sick-days.pdf>.

² “National Compensation Survey: Employee Benefits In The United States – March 2019,” U.S. Dep’t of Labor, Bureau of Labor Statistics (2019), Table 31, <https://www.bls.gov/ncs/ebs/benefits/2019/employee-benefits-in-the-united-states-march-2019.pdf>.

and spreading COVID-19, and many caring for loved ones who are ill, all workers must be able to take the time they need to care for themselves and their loved ones without sacrificing their economic security. However, without guaranteed paid leave, many workers simply cannot afford to stay home when they or a loved one are sick or may feel they have no choice but to come in to work while ill or recovering.

In an important first step forward, Congress recently passed the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which extend critical emergency paid leave protections to some workers.³ However, an estimated 784,000 workers in Louisiana were left out of these protections.⁴ Further, under new regulations, hundreds of thousands more may be excluded if their employer so chooses, including healthcare professionals and first responders. In addition, the federal emergency paid leave protections sunset on December 31, 2020, and workers in Louisiana need a permanent right to paid sick time. Given these gaps in federal law, it is more critical than ever that Louisiana take permanent action to extend sick leave to all workers.

Paid Sick Leave Protects Public Health, Especially During a Pandemic

Paid sick leave has broad public health benefits and helps reduce the spread of contagious illness.⁵ For example, it is estimated that the lack of paid sick leave was responsible for 5 million incidents of flu-like illness during the H1N1 pandemic.⁶ People without access to paid sick leave are more likely to go to work while they have a contagious illness and are nearly twice as likely to send a sick child to school or daycare than those with access to this critical protection.⁷ A lack of access to paid sick days is particularly harmful for service industry workers. Nearly two-thirds of restaurant workers have cooked or served food while sick⁸, and in 2011, nearly one in five food service workers went to work while vomiting or with diarrhea, creating dangerous health conditions.⁹

³ Fact Sheet: The Families First Coronavirus Response Act (FFCRA) & the Coronavirus Aid, Relief and Economic Security (CARES) Act, A Better Balance (April 29, 2020), <https://www.abetterbalance.org/resources/federal-coronavirus-proposal-the-families-first-coronavirus-response-act-h-r-6201/>.

⁴ Sarah Jane Glynn, Coronavirus Paid Leave Exemptions Exclude Millions of Workers from Coverage, Center for American Progress (April 17, 2020), <https://www.americanprogress.org/issues/economy/news/2020/04/17/483287/coronavirus-paid-leave-exemptions-exclude-millions-workers-coverage/>.

⁵ 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>.

⁶ Supriya Kumar et al., The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness Incidence During the 2009 H1N1 Pandemic, 102 *Am. J. Pub. Health* 134 (Jan. 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3490553/>.

⁷ Tom W. Smith & Jibum Kim, Paid Sick Days: Attitudes and Experiences, *Nat'l Opinion Res. Ctr. at U. of Chi.* (June 2010), <https://www.issuelab.org/resource/paid-sick-days-attitudes-and-experiences.html>.

⁸ Rest. Opportunities Ctrs. United, *Serving While Sick: High Risks & Low Benefits for the Nation's Restaurant Workforce, and Their Impact on the Consumer* (Sept. 30, 2010), <https://chapters.rocunited.org/publications/roc-serving-while-sick/>.

⁹ Steven Sumner et al., Factors Associated with Food Workers Working While Experiencing Vomiting or Diarrhea, 74 *J. Food Protection* 215 (2011), http://www.cdc.gov/nceh/ehs/ehsnet/Docs/JFP_ill_food_workers.pdf.

Further, workers with paid sick leave are more likely to seek preventive care than those without it, leading to better health outcomes, reduced healthcare burdens, and savings for taxpayer-funded health programs. Workers with access to paid sick days report better general health than workers without it and are less likely to delay preventive medical care for themselves or their loved ones.¹⁰ Because of their ability to seek preventive care, workers with paid sick days are also less likely to use hospital emergency departments, reducing national emergency department visits and medical costs by \$1.1 billion annually.¹¹ During the current public health emergency, it is more critical than ever to reduce the burden on our already-strained healthcare system.¹²

Paid Sick Leave Benefits Businesses

Paid sick leave has been shown to provide benefits to businesses, like increased productivity, without significantly increasing costs.¹³ Paid sick leave helps reduce worker turnover, which leads to reduced costs incurred from recruiting, interviewing, and training new hires.¹⁴ Further, paid sick leave reduces the risk of “presenteeism”—the widespread phenomenon of workers coming to work with illnesses and health conditions that reduce their productivity—a problem that leads to costly disruptions for employers through the spread of illness in the workplace and costs the national economy \$160 billion annually (\$207.6 billion after adjusting for inflation).¹⁵

These business benefits have been borne out in the states and localities that have already enacted paid sick leave. In one city, an employer stated that before the city’s paid sick leave law passed, “there were concerns that I and other small businesses had. But as it turns out, it hasn’t had the kind of impact that I worried about. Not even close. And in fact, the impact that I saw in my business was a much stronger bond between ourselves and our employees, higher productivity, and a *more* successful business, not a *less* successful business.”¹⁶

Survey data shows that most employers in one city with a paid sick leave law were able to cover absences with cost-free measures, such as temporarily reassigning duties to other employees or

¹⁰ Kevin Miller et al., Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits, Inst. for Women’s Pol’y Res. (Nov. 2011), <http://www.iwpr.org/publications/pubs/paid-sick-days-and-health-cost-savings-from-reduced-emergency-department-visits>.

¹¹ *Id.*

¹² Melinda Deslatte and Rebecca Santana, Louisiana hospitals, medical staff stretched thin amid virus, Associated Press (April 3, 2020), <https://apnews.com/1974442190e872dda682c7acfb926283>.

¹³ Zoe Ziliak Michel, *The Business Benefits of Paid Sick Time*, CLASP (Mar. 2017), <http://www.clasp.org/resources-and-publications/publication-1/Business-Case-for-HFA-3.pdf>.

¹⁴ Christine Siegarth Meyer et al., *Work-Family Benefits: Which Ones Maximize Profits?*, 13 J. Managerial Issues 28 (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*, 45 J. Occupational & Env’tl. Med. 1234 (Dec. 2003), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/lost-productive-work-time-american-productivity-audit.pdf>

¹⁶ Zoe Ziliak Michel, *During Healthy Families Act Days of Action, Business Owners Stress Benefits of Paid Sick Time*, CLASP, <https://www.clasp.org/blog/during-healthy-families-act-days-action-business-owners-stress-benefits-paid-sick-time>.

putting some work on hold.¹⁷ Given these results, employers in the city have an overwhelmingly positive view of the paid sick leave law; 86% of employers surveyed described themselves as supportive of the law, with more than half saying they were “very supportive.”¹⁸

Despite these business benefits, many employers in Louisiana still do not offer paid sick leave. In fact, it is estimated that over 40% of all workers in the state lack access to paid sick leave.¹⁹ Especially in times of public health crisis, we simply cannot rely on voluntary measures alone. As our federal government has recognized, in times like these, it is only fitting to guarantee paid sick leave to level the playing field and ensure the health and safety of our communities.

Paid Sick Leave Benefits Taxpayers

As stated above, paid sick leave measures ease burdens on taxpayers by reducing the burden on our tax-payer funded healthcare programs. For example, individuals on Medicaid who have access to paid sick leave are better able to seek care and attend to health concerns before they become serious and it may be too late for inexpensive treatment. This should be an important consideration for states and localities that may be facing revenue constraints or budget concerns. And as we have seen with the spread of the novel coronavirus, public health matters greatly affect our economy and measures to control the spread will benefit Louisiana’s economy as reopening occurs.

HB 832 Accurately Reflects Today’s Families

In addition to providing critical public health and economic protections, HB 832 has an inclusive definition of family that accurately reflects today’s families. The bill gives covered workers the right to paid leave to care for siblings, grandparents, extended family members, and close loved ones regardless of any legal or biological relationship. This family definition has a track record of success. Eleven states and cities—including the state of Arizona and multiple cities in Texas—have already adopted paid sick time laws that include extended family and other loved ones, and approximately 16 million workers are covered by these laws.²⁰ The federal government, our nation’s largest employer, has used an inclusive family definition in the context

¹⁷ Eileen Appelbaum and Ruth Milkman, “No Big Deal: The Impact of New York City’s Paid Sick Days Law on Employers,” Center for Economic and Policy Research and the Murphy Institute of the City University of New York (September 2016), p. 19, <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>.

¹⁸ *Id.*, p. 28.

¹⁹ Access to Paid Sick Days in Louisiana, Institute for Women’s Policy Research (March 2015), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B346%20Louisiana%20Access%20Rates.pdf>.

²⁰ Paid Sick Time Laws, A Better Balance (April 17, 2020), <https://www.abetterbalance.org/paid-sick-time-laws/?export>.

of funeral leave since 1969, voluntary leave transfers since 1989, and sick and annual leave since 1994.²¹

In addition to the longstanding and growing usage of the family definition in this legislation, Louisiana’s demographics show a clear need for recognizing a range of family members. Nearly 36% of households in the state consist either of an individual who lives alone—as nearly 525,000 Louisianians do—or someone who lives with nonrelatives, such as roommates or a significant other.²² In an emergency or during an illness, these individuals may rely on care from loved ones such as extended relatives, significant others, a best friend who is like a sibling, or a loving neighbor. In a 2016 national survey, 32% of people in the U.S. reported taking time off work to provide care for a chosen family member. Higher rates were reported by LGBTQ participants and participants with disabilities.²³ This means that all workers will be able to take care of their ill loved ones at a time when they need it more than ever.

Conclusion

As the COVID-19 pandemic continues to ravage our communities, it is clearer than ever that providing paid sick leave for all workers is a public health and economic necessity. We urge you to protect the health and well-being of workers, their loved ones, and all Louisianians by voting yes on House Bill 832.

²¹ The relevant language covers “any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.” Absence and Leave: Funeral Leave, 34 Fed. Reg. 13,655 (Aug. 26, 1969) (codified at 5 C.F.R. pt. 630) (first implemented during the Vietnam War, allowing federal workers to take funeral leave for the combat-related deaths of loved ones); Absence and Leave; Voluntary Leave Transfer Program, 54 Fed. Reg. 4749 (January 31, 1989) (codified at 5 C.F.R. pt. 630); Absence and Leave; Sick Leave, 59 Fed. Reg. 62,266 (December 2, 1994) (codified at 5 C.F.R. pt. 630).

²² See *Selected Social Characteristics in the United States: Louisiana*, U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates, Table DP02, <https://data.census.gov/cedsci/table?id=ACS%205-Year%20Estimates%20Data%20Profiles&table=DP02&tid=ACSDP5Y2018.DP02&y=2018&g=0400000US22> (last accessed May 2020).

²³ Katherine Gallagher Robbins et al., *People Need Paid Leave Policies That Cover Chosen Family*, Washington: Center for American Progress (2017), <https://www.americanprogress.org/issues/poverty/reports/2017/10/30/441392/people-need-paid-leave-policies-that-cover-chosen-family/>.