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Chair Bernie Sanders  
Ranking Member Bill Cassidy  
U.S. Senate Committee on Health, Education, Labor & Pensions  
430 Dirksen Senate Office Building  
Washington, DC 20510

**Via email**

Dear Chair Sanders, Ranking Member Cassidy, and Members of the HELP Committee,

Thank you for marking up the Healthy Families Act (S. 1664), a critically important piece of legislation that will create a nationwide legal right for millions of workers in America to earn up to seven days of paid time off per year to use when they or their loved one are ill or need medical care.

A Better Balance (ABB) is a national nonprofit advocacy organization, which uses the power of the law to advance justice for workers so they can care for themselves and their loved ones without jeopardizing their economic security. Through legislative advocacy, direct legal services, strategic litigation, and public education, our expert legal team combats discrimination against pregnant workers and caregivers and advances supportive policies like paid sick leave, paid family and medical leave, fair scheduling, and accessible, quality childcare and eldercare.

ABB recognizes that when we value the work of providing care, which has long been marginalized due to sexism and racism, our communities and our nation are healthier and stronger. A Better Balance has co-drafted model paid sick leave legislation that has been used and adapted in the more than 30 jurisdictions that have enacted paid sick leave laws, and the over 20 jurisdictions that have enacted emergency paid sick leave laws since the beginning of the COVID-19 pandemic.

In addition to conducting legal research and bill drafting, we have also worked around the country to help defend, implement, and enforce paid sick leave laws where they have passed. We have also worked for more than 15 years to advocate for the passage of the Healthy Families Act (HFA), first introduced by Representative Rosa DeLauro and Senator Edward Kennedy. Congress cannot allow another 15 years to go by without passing this bill into law. The time to act is now.

The first section of this letter includes a summary regarding the need for the Healthy Families Act and highlights several core components of the Healthy Families Act. The second section

provides more in-depth research regarding the ways in which paid sick leave laws benefit workers, employers, and public health.

## **I. Overview of the Need for the Healthy Families Act**

The United States is the only developed nation in the world that does not guarantee its workers paid sick leave.<sup>1</sup> Fortunately, sixteen states (including Washington, D.C.) now guarantee paid sick time, three additional states guarantee general paid time off that can be used for any purpose, and nearly two dozen local governments have passed paid sick time laws.<sup>2</sup> As we estimated in our recent report, *Sick Without A Safety Net*, “more than 58 million workers have been covered by the paid sick leave laws we have helped to pass around the country.”<sup>3</sup> Still, nearly 30 million workers in this country do not have a single paid sick day to care for themselves or loved ones.<sup>4</sup> Low-wage workers, workers with high public contact, women workers in the private sector and working mothers, Latino/a workers, African-American workers, and youth workers are disproportionately less likely to have paid sick time, making the HFA a critical measure to advance racial, economic, and gender justice.<sup>5</sup> Congress has shown that it can pass bipartisan federal paid sick time legislation, when it enacted emergency protections that provided COVID-19 paid sick leave until December 31, 2020. The Healthy Families Act is the natural next step.

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<sup>1</sup> Hye Jin Rho et al., Center for Economic Policy Research, *Contagion Nation 2020: United States Still the Only Wealthy Nation without Paid Sick Leave* (Mar. 19, 2020), <https://cepr.net/report/contagion-nation-2020-united-states-still-the-only-wealthy-nation-without-paid-sick-leave/>.

<sup>2</sup> See “Interactive Overview of Paid Sick Time Laws in the United States,” A Better Balance, <https://www.abetterbalance.org/paid-sick-time-laws/> (last visited June 20, 2023).

<sup>3</sup> See Dilini Lankachandra, Jared Make et al, *Sick Without a Safety Net: Now Is the Time to Build on State Successes with a Federal Paid Sick Time Law: May 2023 Update*, A Better Balance (May 2023), <https://www.abetterbalance.org/wp-content/uploads/2023/05/Healthy-Families-Act-May-2023-Update-Final.pdf>.

<sup>4</sup> U.S. Bureau of Labor Statistics, *Employee Benefits in the United States, March 2022* (Sept. 2022) <https://www.bls.gov/news.release/pdf/ebs2.pdf>.

<sup>5</sup> See “Employee Benefits In The United States – March 2022,” U.S. Dep’t of Labor, Bureau of Labor Statistics (2022), Table 6, <https://www.bls.gov/news.release/pdf/ebs2.pdf>; “Latinos and Their Families Need Paid Sick Days,” National Partnership for Women & Families (January 2017), available at <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/ourwork/resources/economic-justice/paid-sick-days/african-american-workers-need-paid-sick-days.pdf>; Kristen Harknett & Daniel Schneider, Mandates Narrow Gender Gaps in Paid Sick Leave Coverage for Low-Wage Workers in the US, 41 *Health Aff.* 1575 (2022), <https://www.healthaffairs.org/doi/10.1377/hlthaff.2022.00727>; Rachel O’Connor et al., Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation, and Job Characteristics, *Inst. for Women’s Policy Research* (July 2014), <https://iwpr.org/wp-content/uploads/2021/01/B337.pdf>. See also *Sick Without A Safety Net*, *supra* note 3, at 17 – 18 (highlighting the importance of paid sick leave for young workers ages 16-24, 22.9 million of whom were employed in the U.S. in 2022, often concentrated in low-wage industries such as leisure and hospitality without access to paid sick time).

**As detailed later in this letter, numerous studies have shown that workers without paid sick time are less likely to seek medical care, more likely to face injuries at work, and more likely to go to work sick and spread illness to colleagues and community members.** Following a challenging winter with RSV, an active flu season, and continued COVID cases, the U.S. has the opportunity to pass a paid sick time law and adopt a policy that would help save lives and livelihoods.

HFA builds on best practices for paid sick leave that have been studied and implemented across the country in the past decade, such as providing comprehensive and universal coverage, a family definition that reflects the reality of families today, sufficient time off, and adequate enforcement. Numerous studies, highlighted in this letter, clearly show that paid sick time laws in the United States have improved worker and public health, while also leading to cost savings and positive effects for businesses. Rather than harming business, these laws have led to savings by successfully reducing worker turnover, boosting worker well-being and productivity, preventing the costly spread of illness, and leveling the playing field among businesses.

**Based on our work on paid sick leave laws around the country, the overwhelmingly positive outcome in the many jurisdictions that have passed workplace leave laws, and the urgent need for job-protected sick time among workers regardless of employer size or profession, we urge the HELP Committee to advance HFA without amendment.**

**The HFA has six key elements that make it sound and workable policy:**

1. HFA ensures workers can take the time they need for preventative care, injury and illness, including both physical and mental illness.
  - a. HFA's public health benefits to businesses and the public writ large will be discussed further below but suffice to say, this country will be an overall healthier one if workers are not forced to come in to work sick for fear of losing their jobs.
2. HFA has a tested model whereby workers will earn 1 hour of sick time for every 30 hours worked, up to 56 hours per year. Small employers may provide unpaid sick time that otherwise meets the HFA's requirements.
  - a. As detailed later in this letter, research shows that workers do not on average take all of the time available to them; one study from the earliest paid sick time law showed that workers only used an average of 3 paid sick days a year, and 25% used none at all.<sup>6</sup> Another recent study by several academics showed that workers who are newly

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<sup>6</sup> See "Establishing Paid Sick Leave for Federal Contractors," 81 FR 67598, Vol. 81, No. 190 (September 30, 2016), p. 67671, <https://www.govinfo.gov/content/pkg/FR-2016-09-30/pdf/2016-22964.pdf> (finding that "Case studies demonstrate that not all paid sick days will be taken. In a comment by the Institute for Women's Policy Research, the organization cited the 2011 IWPR report on San Francisco's Paid Sick Leave Ordinance that found that the average worker used only three paid

- covered by a paid sick time policy use, on average, only about two additional paid sick days per year.<sup>7</sup> This research reflects how workers save their paid sick days for use when truly necessary. As the Legislature considers SB-1178, it is important to recognize these patterns in paid sick time usage, along with the clear public health benefits and cost savings for employers.
- b. Based on this research, states across the U.S. are increasingly guaranteeing more paid sick time to workers. For example, Colorado’s paid sick time law provides 48 hours of paid sick time to all workers, which is supplemented to 80 hours during a declared public health emergency. The country’s newest statewide paid sick time law in New Mexico guarantees all covered employees 64 hours of paid sick time.
  - c. The vast majority of state laws have no business size carve out at all. Of the 35 paid sick time laws enacted, 32 have no business size carve out and the remaining law (other than Connecticut and Michigan) has a far smaller carve out.<sup>8</sup>
3. HFA recognizes that families in this country are diverse and incorporates a definition that reflects that diversity. Under the HFA, workers can take time to care for a child, parents, spouse, domestic partner, or other relative to whom the worker has a similarly close relationship.
    - a. AZ, CO, NJ, NM, and RI have all adopted family definitions that recognize loved ones with whom the worker has a close relationship and/or caregiving responsibility, as has New York City, Los Angeles, Chicago and Cook County (IL), and Saint Paul and Duluth (MN); moreover, the federal government has used a similar version of this language for its own workforce for over 50 years.<sup>9</sup>
  4. HFA allows workers to use their paid sick time for needs related to domestic violence and sexual assault, both to address their safety, and their medical needs.
    - a. Many workers need time away from their jobs to care for their health after incidents of sexual violence, stalking, or intimate partner violence, or to find solutions, such as a restraining order or new housing, to avoid or prevent physical or sexual abuse. As will be discussed further below, each year, victims of domestic violence are forced to miss nearly eight million days of paid work, costing more than \$700 million annually due to victims’ lost productivity in

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sick days per year and 25 percent used no paid sick days at all”).

<sup>7</sup> Catherine Maclean, et al. “Mandated Sick Pay: Coverage, Utilization, and Welfare Effects,” Washington Center for Equitable Growth (January 2022), <https://equitablegrowth.org/working-papers/mandated-sick-pay-coverage-utilization-and-welfare-effects/>.

<sup>8</sup> See “Interactive Overview of Paid Sick Time Laws in the United States,” A Better Balance, <https://www.abetterbalance.org/paid-sick-time-laws/> (last visited March 7, 2023).

<sup>9</sup> *Id.* See also Funeral Leave, Fed. Reg., Vol. 34, No. 163 (August 26, 1969) (codified at 5 C.F.R. pt. 630); Absence and Leave; Voluntary Leave Transfer Program, 54 Fed. Reg. 4749-01 (January 31, 1989) (codified at 5 C.F.R. pt. 630); Absence and Leave; Sick Leave, 59 Fed. Reg. 62266-01 (December 2, 1994) (codified at 5 C.F.R. pt. 630).

employment.<sup>10</sup>

5. HFA is a balanced bill, that recognizes the needs of both workers and employers. For instance, employers can require reasonable notice, be it 7 days in advance for foreseeable absences or as soon as practicable for unforeseeable absences. Furthermore, employers who already provide comparable paid time off do not need to provide time beyond HFA's requirements.
6. HFA also prohibits retaliation and discrimination for using paid sick time, a key feature that ensures workers are able to take this time without fearing punishment or backlash.

Every day, we hear on our free legal helpline from workers who are struggling to balance work and caring for themselves when ill or when their loved one is ill. In the states where paid sick leave laws are already in effect, we see the difference they make. As we highlighted in *Sick Without A Safety Net*:

“Gloria performs part-time secretarial work in Denver, Colorado. Her husband works for the same employer, also part-time. When they both contracted COVID-19 and needed to miss about a week of work, their employer told them they were not eligible for sick pay because they are part-time workers. In her more than 10 years at this job, Gloria had always tried to avoid missing work, even if she was sick, because she knew her employer would not provide her with sick pay. When she did need to miss work on occasion— such as when her husband was hospitalized—she was not paid. After talking with A Better Balance and learning about Colorado’s paid sick leave law, she was able to share information with her employer showing that Colorado’s paid sick leave law covers part-time employees. Gloria followed up to let us know that the employer paid them for their sick time.”<sup>11</sup>

Gloria was fortunate to live in a state with a paid sick time law. But the ability to care for one’s health should not depend on luck or location. Compare Gloria’s story to that of Clarissa, a worker from Missouri we also heard from through our free legal helpline. Missouri does not have a state paid sick time law.

“After I gave birth to my first child, I was excited to get back to my job at a fast food restaurant where I hoped to continue growing in my career. When I returned to work, I needed to take breaks to express breast milk, which were routinely denied to me. As a result of not being able to pump when I needed to, I developed an infection called mastitis which caused my milk supply to drop. I needed to see the doctor, which

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<sup>10</sup> “Intimate Partner Violence: Consequences,” Centers for Disease Control and Prevention (December 2013), <http://www.cdc.gov/ViolencePrevention/intimatepartnerviolence/consequences.html> (last visited September 21, 2015); R.F. Hanson, et al., “The Impact of Crime Victimization on Quality of Life,” *Journal of Traumatic Stress*, 23(2) (April 2010), pp. 189–197, <https://www.ncbi.nlm.nih.gov/pubmed/20419728>.

<sup>11</sup> See *Sick Without A Safety Net*, *supra* note 3, at 10.

caused me to lose out on critical income because I did not have access to any paid sick time at my job. I also needed to take my son to the doctor because he got sick when my milk supply dropped. That was more work I had to miss without pay. The loss of income was made worse by the fact that I had to pay for medical expenses out of pocket. My attorneys at A Better Balance helped me secure the pumping breaks I was entitled to, and since then, Congress has made the law stronger by passing the PUMP Act. However, millions of workers in the fast food industry and other industries throughout the U.S. still have no right to paid sick time. If I had at least had access to paid sick time at my job when I needed it, that would have lessened the financial hardship I experienced. I don't want any woman to have to go through what I went through, and I think everyone should have the right to paid sick time.”

We urge the HELP Committee to keep Clarissa's story in mind today and pass the HFA out of Committee to better the lives of the workers who make this country run.

## **II. Paid Sick Time Laws Benefit Workers, Employers, and Public Health**

In recent years, voters and policymakers have increasingly addressed the fact that large segments of the American workforce lack paid sick time. Based on research that underscores the success of paid sick time laws, sick leave laws around the country are increasingly comprehensive, universal, and inclusive. Congress now has the opportunity to bring those benefits to workers nationwide.

### ***a. Research clearly shows that comprehensive paid sick time laws have not caused problems for employers or the economy and, indeed, have a positive business effect.***

San Francisco's paid sick time law is the oldest in the U.S., passed by ballot in 2006, and its impacts have been well researched. Fifteen years of evidence shows there have been no adverse effects on San Francisco business and that job growth has been as substantial or better than in adjoining counties.<sup>12</sup> After the law's first anniversary, Kevin Westlye, Director of the Golden Gate Restaurant Association, told the *SF Chronicle* that, “[s]ick leave is one issue where people just looked at adjusting their policies and moved on. It hasn't been a big issue.”<sup>13</sup>

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<sup>12</sup> Kevin Miller and Sarah Towne, “San Francisco Employment Growth Remains Stronger with Paid Sick Days Law Than Surrounding Counties,” Institute for Women's Policy Research (September 2011), p. 1, <http://www.iwpr.org/publications/pubs/san-francisco-employment-growth-remains-stronger-with-paid-sick-days-law-than-surrounding-counties>.

<sup>13</sup> Ilana DeBare, “S.F. Sick Leave Law Celebrates 1 Year,” SFGATE (February 6, 2008), <https://www.sfgate.com/business/article/S-F-sick-leave-law-celebrates-1-year-3229376.php>.

Studies of New York City’s paid sick time law showed steady job growth in the year after the law went into effect. On the law’s first anniversary, the city released a report touting its successful implementation and noting that since the law went into effect, “the city has had steady job growth and the lowest unemployment in six years.”<sup>14</sup> The city further reported that “New York City’s economy has thrived since the enactment of PSL [paid sick leave],” and that in the period covering the law’s implementation “economic indicators were a cause for celebration, not concern as many had predicted.”<sup>15</sup>

A 2016 report surveying employers showed that New York City’s paid sick time law has worked well for business. An overwhelming 98% of employers reported no known cases of abuse of paid sick leave.<sup>16</sup> One employer, Tony Juliano, has 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.”<sup>17</sup> 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.<sup>18</sup> Given these results, employers in New York City have a positive view of the paid sick leave law; 86% of employers surveyed now described themselves as supportive of the law, with more than half saying they were “very supportive.”<sup>19</sup>

Studies in D.C. and Seattle also saw no negative economic effects—in either job loss or movement of businesses out of the city—following implementation of their paid sick time laws. Five years after passage of the District’s sick time law, the D.C. Auditor found that the law “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 a business in the District of Columbia.”<sup>20</sup> Likewise, a study of the economic impact of Seattle’s sick leave law found that a “preliminary look at available data shows no widespread negative

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<sup>14</sup> “NYC’s Paid Sick Leave Law: First Year Milestones,” New York City Department of Consumer Affairs (June 2015), p. 4, <http://www1.nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeaveLaw-FirstYearMilestones.pdf>.

<sup>15</sup> *Id.* at 6.

<sup>16</sup> 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. 4, <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>.

<sup>17</sup> Zoe Ziliak Michel, “During Healthy Families Act Days of Action, Business Owners Stress Benefits of Paid Sick Time,” Center for Law and Social Policy (CLASP) (May 16, 2016), <https://www.clasp.org/blog/during-healthy-families-act-days-action-business-owners-stress-benefits-paid-sick-time>.

<sup>18</sup> Appelbaum and Milkman, “No Big Deal,” *supra* note 16, at p. 19.

<sup>19</sup> *Id.* at 28.

<sup>20</sup> Yolanda Branche, “Audit of the Accrued Sick and Safe Leave Act of 2008,” Office of the District of Columbia Auditor (June 2013), p. 19, <http://dcauditor.org/report/audit-of-the-accrued-sick-and-safe-leave-act-of-2008/>.

economic impact as some opponents of the ordinance feared.”<sup>21</sup> In fact, King County, which includes Seattle, continued to outpace the state in job growth following implementation of the law. Seattle maintained its share of King County’s businesses and revenues, with no evident business flight, including in the retail and food services sectors.<sup>22</sup>

Paid sick time has been shown to reduce worker turnover, which leads to reduced business costs incurred from recruiting, interviewing, and training new hires.<sup>23</sup> Paid sick time also reduces the risk of “presenteeism”—workers coming to work with illnesses and health conditions that reduce their productivity—a problem that costs the national economy \$160 billion annually (\$207.6 billion after adjusting for inflation).<sup>24</sup>

It is also important to recognize that workers on average do not use all of the paid sick days available to them. For example, when the federal government required contractors to provide 56 hours of paid sick time, the U.S. Department of Labor’s cost estimates accounted for the fact that average paid sick time usage is lower than the overall leave available:

“Although the [Federal Contractor] Executive Order will allow employees to accrue up to 56 hours of paid sick leave annually, many employees will not use all paid sick leave that they accrue (and many others will not work a sufficient number of hours on covered contracts to accrue 56 hours of paid sick leave in an accrual year). Case studies demonstrate that not all paid sick days will be taken. In a comment by the Institute for Women’s Policy Research, the organization cited the 2011 IWPR report on San Francisco’s Paid Sick Leave Ordinance that found that the average worker used only three paid sick days per year and 25 percent used no paid sick days at all.”<sup>25</sup>

The cited paid sick time usage under San Francisco’s law—an average of three days—is especially notable given that San Francisco’s law allows workers in businesses with more than 10 employees to earn up to 72 hours of paid sick and safe time (with smaller employers receiving less paid sick time). Research on New York City’s paid sick time law has also found that workers are cautious in their use of sick time; as one employer stated, “[p]eople ration it.

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<sup>21</sup> 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” (September 2013), p. 4, <http://www.coionline.org/wp/wp-content/uploads/PSD-1-Year-Report-Final.pdf>.

<sup>22</sup> *Id.*

<sup>23</sup> Christine Siegwath Meyer, Swati Mukerjee & Ann Sestero, “Work-Family Benefits: Which Ones Maximize Profits?” *Journal of Managerial Issues*, 13(1), pp. 28- 44.

<sup>24</sup> 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-worktime-american-productivity-audit.pdf> (Unpublished calculation based on \$226 billion annually in lost productivity, 71 percent due to presenteeism).

<sup>25</sup> Establishing Paid Sick Leave for Federal Contractors,” 81 Fed. Reg. 67,598, 67,690 (Sept. 30, 2016).



People want to save it up in case something serious happens.”<sup>26</sup>

Even when average usage of paid sick time is lower than what may be available, a higher threshold of available paid sick time is still necessary. In a given year, many workers may ration their leave and not face as strong a need for time off, while they may face an unexpected emergency the following year; each year, some workers will face health or safety needs that necessitate the full amount of time.

Recognizing these benefits and the lack of negative business consequences, San Francisco, D.C., and New York City—all among the earliest adopters of paid sick time laws—later went back and *expanded* their paid sick leave laws, underscoring how well these laws are working for workers, employers, and communities. When Congress passes the HFA, businesses around the country will thrive.

***b. HFA will improve the public health and well-being of all people in this country.***

In addition to the positive effect on business, paid sick time laws improve both employee health and the larger public health of the community. It is especially relevant right now that access to paid sick time reduces the spread of contagion. Workers in jobs with high public contact, such as restaurant and child care workers, are very unlikely to have paid sick time.<sup>27</sup> As a result, these workers may have no choice but to go to work when they are ill, increasing the risk of passing illnesses to co-workers and customers while also jeopardizing their own health.<sup>28</sup> 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.<sup>29</sup> The largest national survey of U.S. restaurant workers found that two-thirds of restaurant waitstaff and cooks have come to work sick.<sup>30</sup>

Overall, people without paid sick time are 1.5 times more likely than people with paid sick time to go to work with a contagious illness like the flu, a fact that is costly and disruptive on an

<sup>26</sup> Appelbaum and Milkman, “No Big Deal,” *supra* note 16, at 16.

<sup>27</sup> Rachel O’Connor, Jeff Hayes & Barbara Gault, “Paid Sick Days Access Varies by Race/Ethnicity, Sexual Orientation, and Job Characteristics,” Institute for Women’s Policy Research (July 2014), <https://iwpr.org/publications/paid-sick-days-access-varies-by-raceethnicity-sexual-orientation-and-job-characteristics/>.

<sup>28</sup> Won Kim Cook, et al. “A Health Impact Assessment of the Healthy Families Act of 2009,” Human Impact Partners (September 2009), [http://go.nationalpartnership.org/site/DocServer/WF\\_PSD\\_HFA\\_HealthImpactAssessment\\_HIA\\_090611.pdf?docID=5101](http://go.nationalpartnership.org/site/DocServer/WF_PSD_HFA_HealthImpactAssessment_HIA_090611.pdf?docID=5101) (last visited February 4, 2020).

<sup>29</sup> 3 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](http://www.cdc.gov/nceh/ehs/ehsnet/Docs/JFP_ill_food_workers.pdf).

<sup>30</sup> “Serving While Sick: High Risks & Low Benefits for the Nation’s Restaurant Workforce, and Their Impact on the Consumer,” Restaurant Opportunities Centers United (September 2010), [http://rocunited.org/wp-content/uploads/2013/04/reports\\_serving-while-sick\\_full.pdf](http://rocunited.org/wp-content/uploads/2013/04/reports_serving-while-sick_full.pdf).

annual basis and catastrophic during a pandemic.<sup>31</sup> During the H1N1 pandemic a decade ago, research showed that workers with lower rates of access to paid sick time were more likely than those with higher rates of access to paid sick time to go to work sick, and as a result, the pandemic lasted longer in their workplaces as the virus spread among co-workers and throughout the community.<sup>32</sup> Researchers have already demonstrated that access to paid sick leave similarly reduces COVID transmission and cases.<sup>33</sup> One study found that temporary access to paid sick leave led to a decrease in 400 COVID cases per day per state without existing paid sick leave requirements during the height of the pandemic.<sup>34</sup> Even during a regular flu season, let alone a pandemic, government officials strongly advise that sick workers stay home to prevent the spread of illness.<sup>35</sup> However, because many workers lack paid sick time, they may be unable to comply, risking transmission to colleagues and the larger public. In addition, parents who do not have paid sick time are more than twice as likely to send a sick child to school or daycare, which spreads illness.<sup>36</sup>

Around the country, paid sick time has been shown to reduce recovery time, increase primary and preventive care, and lower health care expenditures by promoting the use of regular medical providers rather than hospital emergency rooms.<sup>37</sup> Nationally, providing all workers with paid sick time would result in \$1.1 billion in annual savings in hospital emergency department costs, including more than \$500 million in savings to publicly funded health insurance programs such as Medicare, Medicaid, and SCHIP.<sup>38</sup> It is more critical than ever to reduce the burden on our already-strained healthcare system and avoid unnecessary strain on hospital emergency rooms,

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<sup>31</sup> Tom W. Smith and Jibum Kim, “Paid Sick Days: Attitudes and Experiences,” National Opinion Research Center at the University of Chicago Publication (June 2010), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-sick-days/paid-sick-days-attitudes-and-experiences.pdf>.

<sup>32</sup> Robert Drago and Kevin Miller, “Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic,” Institute for Women’s Policy Research (January 2010), <http://www.iwpr.org/publications/pubs/sick-at-work-infected-employees-in-the-workplace-during-the-h1n1-pandemic>.

<sup>33</sup> See Stefan Pichler et al., “COVID-19 Emergency Sick Leave Has Helped Flatten The Curve in The United States,” Health Affairs (October 2020), <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00863> (finding that states that gained access to paid sick leave under the temporary and now sunset Families First Coronavirus Response Act reported 400 fewer COVID-19 cases per state per day).

<sup>34</sup> See Dilini Lankachandra et al., *Sick Without a Safety Net: Now Is the Time to Build on State Successes with a Federal Paid Sick Time Law*, A Better Balance (March 2022), <https://www.abetterbalance.org/sick-without-a-safety-net/>

<sup>35</sup> See U.S. Occupational Safety and Health Administration, “OSHA Fact Sheet: What Employers Can Do to Protect Workers from Pandemic Influenza,” (May 2009), <http://www.osha.gov/Publications/employers-protect-workers-flu-factsheet.html> (last visited February 4, 2020); “What do I do if I’m sick?” Florida Department of Health (May 5, 2020), <https://floridahealthcovid19.gov/treatment/>.

<sup>36</sup> Smith and Kim, “Paid Sick Days: Attitudes and Experiences,” *supra* note 31, at 6.

<sup>37</sup> Vicky Lovell, “Paid Sick Days Improve Public Health by Reducing the Spread of Disease,” Institute for Women’s Policy Research (January 2006), <http://www.iwpr.org/publications/pubs/paid-sick-days-improve-public-health-by-reducing-the-spread-of-disease>.

<sup>38</sup> Kevin Miller, Claudia Williams & Youngmin Yi, “Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits,” Institute for Women’s Policy Research. (November 2011), pp. iii, 14-15, <http://www.iwpr.org/publications/pubs/paid-sick-days-and-health-cost-savings-from-reduced-emergencydepartment-visits>.

while also ensuring workers are able to get vaccinated and obtain boosters—and take time off for side effects—for themselves and loved ones. A study by Centers for Disease Control and Prevention researchers also found that workers who have access to paid sick time are significantly more likely to undergo routine cancer screenings—including mammograms, Pap tests, and colonoscopies—and to visit a doctor or obtain other medical care.<sup>39</sup>

Paid sick time has also been shown to prevent employee accidents, which in turn helps to prevent disruptions for employers and ensures safer and more efficient work. A study by researchers from the National Institute for Occupational Safety and Health at the Centers for Disease Control and Prevention found that workers with access to paid sick time were 28% less likely than workers without access to paid sick time to be injured on the job.<sup>40</sup> The strongest connection between access to paid sick time and a lower incidence of occupational injuries occurs in high-risk sectors and occupations.<sup>41</sup>

HFA would also guarantee time off for victims and survivors of sexual assault and domestic violence. More than one in four American women report having experienced a negative impact from sexual violence, physical violence, and/or stalking by an intimate partner at some point in their lives.<sup>42</sup> Many workers need time away from their jobs to care for their health after these incidents or to find solutions, such as a restraining order or new housing, to avoid or prevent physical or sexual abuse. Each year, victims of domestic violence are forced to miss nearly eight million days of paid work, costing more than \$700 million annually due to victims' lost productivity in employment.<sup>43</sup> Furthermore, many survivors report job loss, due at least in part to the domestic violence.<sup>44</sup> Loss of employment can be particularly devastating for survivors of domestic violence, who often need economic security to ensure their and their children's safety.

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<sup>39</sup> Lucy A. Peipins, et al., “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* (12)520 (2012), <http://www.biomedcentral.com/content/pdf/1471-2458-12-520.pdf>.

<sup>40</sup> Abay Asfaw, Regina Pana-Cryan & Roger Rosa, “Paid Sick Leave and Nonfatal Occupational Injuries,” *American Journal of Public Health*, 102(9) (September 2012), <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2011.300482>.

<sup>41</sup> *Id.*

<sup>42</sup> Matthew J. Breiding, et al. “Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization – National Intimate Partner and Sexual Violence Survey, United States, 2011,” *Morbidity and Mortality Weekly Report*, Centers for Disease Control and Prevention 63(SS08) (September 5, 2014), <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm>.

<sup>43</sup> “Intimate Partner Violence: Consequences,” Centers for Disease Control and Prevention (December 2013), <http://www.cdc.gov/ViolencePrevention/intimatepartnerviolence/consequences.html> (last visited September 21, 2015); R.F. Hanson, et al., “The Impact of Crime Victimization on Quality of Life,” *Journal of Traumatic Stress*, 23(2) (April 2010), pp. 189–197, <https://www.ncbi.nlm.nih.gov/pubmed/20419728>.

<sup>44</sup> Susan Lloyd and Nina Taluc, “The Effects of Male Violence on Female Employment,” *Violence Against Women*, 5(4) (April 1, 1999), pp. 370–92, <http://vaw.sagepub.com/content/5/4/370.short?rss=1&ssource=mfc>.

***c. Based on an Understanding of the Clear Need and Benefits, Voters Across Party Lines Support Paid Sick Time as a Basic Labor Standard***

Regardless of political party, large majorities of voters in the United States recognize the need for paid sick time and support paid leave laws. In one recent poll, 87% of voters said they supported paid sick days and paid family leave for all workers impacted by the COVID-19 pandemic, including 91% of Democrats, 86% of Republicans and 71% of Independents.<sup>45</sup> Across party lines, voters also overwhelmingly say they are more likely to support elected officials who support general paid sick days legislation.<sup>46</sup> Numerous polls show similarly high public support for paid sick leave requirements.<sup>47</sup>

**III. Conclusion**

Comprehensive, inclusive paid sick leave laws like the HFA come with a track record of success and lead to benefits and savings for business, as demonstrated by research and the experience of other jurisdictions. Paid sick time laws improve worker health and safety, reduce the spread of illnesses, and improve public health throughout the larger community.

For the reasons outlined in this letter, we urge all members of the HELP Committee to support and advance the HFA without amendment. We also urge the Committee to advance the Paycheck Fairness Act and PRO Act, two other critical pieces of workers' rights legislation. Thank you again for your consideration and the opportunity to submit this letter of support.

Sincerely,

Sherry Leiwant  
Co-Founder and Co-President

Jared Make  
Vice President

Sarah Brafman  
National Policy Director

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<sup>45</sup> Vicki Shabo, "High Levels of Bipartisan Public Support for National Emergency Paid Sick Days and Paid Family and Medical Leave in the Wake of COVID19," *New America*, April 10, 2020 Memo, p. 5.

<sup>46</sup> *Id.* at 4.

<sup>47</sup> *Id.*



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