Debra Ness, President

President, National Partnership for Women & Families

nationalpartnership.org
Paid Sick Days vs. Paid Family and Medical Leave

**Paid Sick & Safe Days**

- **Short-term: Days or Hours**
  - To recover from short-term illnesses like the flu.
  - To care for a sick family member.
  - To access abortion care (including appointments and travel time).
  - To seek assistance in cases of domestic violence.
  - To seek preventive care – for example, well baby visits or annual physicals.

  *Fully paid through payroll*

**Paid Family & Medical Leave**

- **Long-Term: Weeks or Months**
  - To undergo medical treatment or recover from a serious illness.
  - To bond with a new child.
  - To care for a family member undergoing medical treatment.
  - To care for an aging or ill family member.
  - For reasons related to family member’s military service

*Paid from state fund based on payroll contributions*
More than 32 million private sector workers cannot earn a single paid sick day.

Workers of color – particularly women of color – are disproportionately impacted by a lack of paid sick days.

- Nearly 40 percent of black workers and approx. 14 million Latino workers are unable to earn a single paid sick day.

Public facing industries have the lowest rate of paid sick days access:

- 81% of food service workers do not have paid sick days
- 75% of child care service workers do not have paid sick days

Paid sick days reduce the rate of contagion:

- A recent study found that the general flu rate in jurisdictions with paid sick days laws decreased by 5.5% to 6.5% after the laws took effect.
  - In Washington state, a paid sick days law cut the share of retail and food service workers who reported working while sick by 8 percentage points.
State Overview:
- 12 states, including the District of Columbia, and 22 local jurisdictions across the country have paid sick days laws in effect
- 10 states, including the District of Columbia, have passed and enacted paid family and medical leave laws

Federal Overview
- Healthy Families Act
  - Would establish a national paid sick & safe days standard
- FAMILY Act
  - Would establish a national paid family and medical leave program

Emergency Paid Sick Days Legislation
- Families First Coronavirus Response Act (FFCRA)
- PAID Leave Act
  - Would provide emergency and permanent paid sick days and paid family and medical leave
Provides two weeks (80 hours/10 work days) of paid sick leave

- Applies to employers with fewer than 500 employees
- DOL has discretion to exempt businesses with fewer than 50 employees
  - Small businesses can seek a hardship exemption
  - DOL has discretion to exempt certain health care providers and first responders

Purposes for which paid sick time can be taken:

- To obtain a medical diagnosis if one is experiencing symptoms
- To comply with a recommendation or isolation from a public health official or health care provider
- To care for an individual who is subject to a quarantine or isolation recommendation (rate of pay reduced to 2/3)
- To care for a child if school or place of care is closed (rate of pay reduced to 2/3)
- If one is experiencing “any other substantially similar condition”

Employee must be unable to work or telework to take leave under the FFCRA
Provides 12 weeks of job protected emergency paid leave
- First 10 days may be unpaid (may be covered by emergency paid sick time)
- For subsequent leave, employer must pay employee at 2/3 wage replacement, up to $200/day and $10,000 total

Applies to employers with fewer than 500 employees
- DOL has discretion to exempt businesses with fewer than 50 employees
- Available to employees who have been on the job for at least 30 days
- DOL has discretion to exempt certain health care providers and emergency responders

Purpose:
- The employee is unable to work because the employee’s child’s school or place of care is closed, or the child’s usual care provider is unavailable, due to a Covid-19 related public health emergency

Job protection:
- Employee has the right to job restoration under the FMLA
- Exception for employers with fewer than 25 employees under certain conditions

Sunsets on December 31, 2020