

Earned Safe & Sick Leave: Matrix of Decision Elements for Drafting Policy Language

Element	Task Group's proposal	Other Cities' Policies	Comments/Goals Addressed
<p>1. At what full-time equivalent threshold should employers be required to offer paid leave? (business size)</p> <p>Marshall</p>	<p>All employees are covered.</p>	<p>Over four (4) "full-time equivalent employees" working more than 240 hours/calendar year. (Seattle)</p> <p>Workers with more than 240 hours/calendar year (Portland).</p> <p>All workers (D.C., S.F., Eugene).</p> <p>Workers with more than 80 hours/calendar year (NYC, Jersey City, Newark, Tacoma).</p> <p>Workers with more than 40 hours/calendar year (Philadelphia).</p> <p>Workers with at least 2 hrs per week (Oakland).</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>2. How often should paid sick leave be accrued (accrual rate)?</p> <p>Marshall</p>	<p>Leave should accrue at the rate of 1 hour for every 30 or 40 hours worked.</p>	<p>One (1) hour for every 40 hours worked; up to a total of 24 hours in a calendar year (Tacoma, Philadelphia).</p> <p>One (1) hour/30 hours worked (Oakland, S.F., Eugene, Newark, Jersey City, Portland, NYC).</p> <p>One (1) hour/30 hours worked for businesses of 250+ employees; one (1) hour/40 hours worked for employers with 4-250 employees (Seattle).</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>

		One (1) hour per 87 hours worked (<24 employees); one hour per 43 hours worked (25-99 employees); one hour per 37 hours worked (100+ employees) (D.C.)	
Elements	City of Spokane	Other Cities' Elements	Comments/Goals Addressed
<p>3. Should employers be placed into tiers to distinguish between the rates that employees' paid sick leave time accrues? If so, what would the tiers look like?</p> <p>Blaine</p>	No.	<p>Three (3) tiers in place: Tier One and Tier Two (smaller employers) accrue at least one (1) hour for every 40 hours worked. Tier three (largest employers) accrues at least one (1) hour for every 30 hours worked. (Seattle)</p> <p>See above.</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>4. Should certain employers who employ a small number of employees be exempted from this ordinance? If so, how many?</p> <p>Blaine</p>	No.		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>5. Should there be a limit or cap on the amount</p>	Annual cap should be established in the range of		Health & Well Being

<p>of paid sick leave hours an employee can use in one year?</p> <p>Blaine</p>	<p>24, 40, or 72 hours.</p>		<p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>6. Should employers be placed into tiers to determine the amount of paid sick leave time an employee can use in one year? If so, what would the tiers look like?</p> <p>Blaine</p>	<p>No.</p>	<p>Three (3) tiers in place: Tier One = use up to 40 hours per calendar year. Tier two = use up to 56 hours per calendar year. Tier three = use up to 72 hours per calendar year. (Seattle)</p> <p>10+ employees: up to 72 hours/year; <10: up to 40 hours/year (S.F.)</p> <p>Up to 24 FTEs – 24 hours per year. 25-99 FTEs: up to 40 hours per year; 100+ FTEs: up to 56 hours per year. (D.C.)</p> <p>6+: up to 40 hours/year; <6, up to 40 hours unpaid (Portland).</p> <p>5+ workers: 40 hours/year; <5, 40 hours unpaid (NYC).</p> <p>10+, 40 hours/year; <10, 40 hours</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>

		unpaid (Jersey City; Philadelphia). Up to 40 hours/year (Eugene). Up to 24 hours /year (Tacoma).	
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Elements	City of Spokane	Other Cities' Elements	Comments/Goals Addressed
<p>7. Should accrued paid sick leave carry over to the next calendar year?</p> <p>If so, how many hours can be carried over?</p> <p>How many hours can be used in addition to the carried over time?</p> <p>Jenny</p>	<p>Yes, employees should be able to carry over sick leave, up to the annual cap.</p>	<p>Carry over up to 24 hours for a total of 40 hours in the following calendar year (Tacoma)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>8. Should employers be able to count other forms of paid leave, such as vacation time, toward the minimum requirements of paid sick leave?</p> <p>Jenny</p>	<p>“All-purpose PTO” endorsed, as an employer option, and subject to the annual cap and accrual rate limits.</p>	<p>Allowed. Employers must track an employee's use of vacation leave for purpose of paid sick leave time (Seattle)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>9. Should employers be able to request medical documentation (doctor's note)? If so, after how many consecutive days?</p>	<p>Employers should have the option to require documentation for 2 or 3 consecutive leave days taken.</p>	<p>Employers may request medical documentation to support the reason for the absence after the employee has used paid sick leave for three (3) consecutive work days (Seattle)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p>

Jenny			Business Vitality Safety re domestic violence Regional vitality
10. Should employers be required to pay for an employee's documentation (example: doctor's appointment) if employer requires documentation? Jenny	No, unless the employer does not provide insurance coverage for employees.	An employer who offers health insurance is not required to pay for documentation. Employers who do not offer health insurance are required to pay for 50% of a documentation attempt. (Seattle)	Health & Well Being Well Being Prevent Spread of Disease Economic Equality Business Vitality Safety re domestic violence Regional vitality

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<p>11. Should employers be required to post a notice/provide information about paid sick leave to employees? If so, what would that notice look like generally?</p> <p>Diane</p>	<p>Yes, and the City should create it – a basic one-pager FAQ about the ordinance. Easy to post with all other required notices (FMLA, wage and hour, etc)</p>	<p>Required (Seattle)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>12. Should employers be allowed to discipline employees suspected of abusing paid sick leave time?</p> <p>Diane</p>	<p>Yes, at the employer's option</p>	<p>Allowed (Seattle)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>13. Should employers be allowed to frontload the full amount of paid sick leave time?</p> <p>Trent</p>	<p>Yes, employers should have this option for ease and flexibility of administration.</p>	<p>Yes, as long as it meets the minimum number of hours an employee is allowed to use (Seattle)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p>

			<p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>14. Should an entrepreneur who owns multiple businesses be counted as one single employer, or should each business be treated separately?</p> <p>Trent</p>	<p>No – all businesses treated separately – business decision.</p>	<p>Integrated enterprises are considered to be a single employer (Seattle)</p> <p>All workers in certain chains/franchises counted together (NYC; Philadelphia).</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>15. Should shift swapping be allowed between employees due to sickness?</p> <p>Trent</p>	<p>Yes, the employer should have the flexibility to allow this, but should not be required, because the practice does not work in all industries.</p>	<p>Allows employers to establish policies to voluntarily trade shifts so they don't have to use their paid leave time (Tacoma)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>16. Should employers be</p>	<p>Yes, but this requirement</p>	<p>Must provide "reasonable system"</p>	<p>Health & Well Being</p>

<p>Trent</p> <p>required to notify employees of their paid leave time benefit status?</p>	<p>should be basic and very simple in implementation.</p>	<p>of notification (Tacoma)</p>	<p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
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<p>17. Should employees be allowed to waive their right to paid sick and safe leave?</p> <p>Lisa</p>	<p>No, but employees can donate leave hours to other employees, provided they maintain a minimum number of hours for their own use (such as 10).</p>		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>18. At what time should employees begin accruing paid sick? (how many days into employment)</p> <p>Lisa</p>	<p>Accrual begins immediately upon hire, but cannot be used until 90 days of employment has passed.</p>	<p>180 calendar days after start of employment (Tacoma; Seattle).</p> <p>90 days after start of employment (SF, Portland, D.C., Jersey City, Newark, Oakland, Philadelphia, Eugene).</p> <p>120 days after start of employment (NYC)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>19. Should the employee be allowed to cash-out any unused paid leave time? Should an employer be required to offer a paid sick leave cash-out policy?</p>	<p>No.</p>	<p>Not allowed/Not required (Tacoma)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p>

Lisa			Business Vitality Safety re domestic violence Regional vitality
20. Should paid leave be required for individuals seeking shelter, medical treatment (mental or physical), or law enforcement action related to domestic violence, sexual assault, or stalking? If so, should this also apply to caring for a family member in that situation? Lisa	Yes and yes, can be used to care for a family member.	Yes (Seattle, D.C., Tacoma, Portland, Eugene, and Philadelphia). No (SF, NYC, Jersey City, Newark, Oakland).	Health & Well Being Well Being Prevent Spread of Disease Economic Equality Business Vitality Safety re domestic violence Regional vitality
21. Should paid leave be required for individuals when the employee's place of business has been closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material? Lisa	No consensus on this – group says this needs more work due to number and type of possible scenarios. Impending SRHD report may be able to help clarify these questions.	Applies (Seattle and Tacoma)	Health & Well Being Well Being Prevent Spread of Disease Economic Equality Business Vitality Safety re domestic violence Regional vitality

Elements	City of Spokane	Other Cities' Elements	Comments/Goals Addressed
<p>22. Should paid leave be required for individuals taking leave for bereavement for the death of a family member?</p> <p>Joan</p>	<p>Yes, businesses should be able to allow this leave to be used for bereavement leave.</p>	<p>Applies (Tacoma)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>23. Should paid leave apply for workers who are members of collective bargaining units?</p> <p>Joan</p>	<p>Group needed more information on this kind of issue, in pursuit of fairness within each industry. Particularly, discussion focused on construction industry. Needs more information.</p>	<p>Applies to collective bargaining unit members - unless expressly and clearly waived in the contract (Tacoma, SF, Seattle, Oakland)</p> <p>Does not apply to construction industry CBAs (DC, Newark, Eugene).</p> <p>Does not apply to construction or grocery industry CBAs (NYC)</p> <p>Not mentioned (Portland, Jersey City)</p> <p>N/A to workers covered by CBA (Philadelphia)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>24. Should paid leave apply for contract employees working</p>	<p>Yes, a staffing agency should be considered an "employer".</p>	<p>Ordinance applies to workers working through staffing agency (Tacoma)</p>	<p>Health & Well Being</p> <p>Well Being</p>

Joan through a staffing agency?			Prevent Spread of Disease Economic Equality Business Vitality Safety re domestic violence Regional vitality
Joan 25. Should paid leave apply for temporary and/or part-time employees?	Yes – accrual would just take longer.	Applies (Seattle)	Health & Well Being Well Being Prevent Spread of Disease Economic Equality Business Vitality Safety re domestic violence Regional vitality
Joan 26. Should paid leave apply for students in work-study programs?	No.	Does not apply (Seattle, Portland, NYC)	Health & Well Being Well Being Prevent Spread of Disease Economic Equality Business Vitality Safety re domestic violence

			Regional vitality
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Elements	City of Spokane	Other Cities' Elements	Comments/Goals Addressed
<p>27. Should paid leave apply for paid interns?</p> <p>SandraA:</p>	<p>Yes, but at the employer's option.</p>		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>28. Should employees who telecommute in Spokane receive the paid leave benefit?</p> <p>Sandra</p>	<p>Yes, should apply if the business is based (i.e., licensed) in Spokane.</p>		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>29. Should paid leave apply for workers (not employed by a City employer), but conducting business in the City of Spokane over a certain number</p>	<p>No, would be too difficult to administer.</p>	<p>Applies to workers over 240 hours (Seattle)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p>

of hours? Sandra			Business Vitality Safety re domestic violence Regional vitality
30. Should undocumented employees be entitled to this paid leave benefit? Sandra	The group is unclear about this and does not know how to address.	All employees performing work in Seattle are covered, including workers not legally-authorized to work in the United States (Seattle)	Health & Well Being Well Being Prevent Spread of Disease Economic Equality Business Vitality Safety re domestic violence Regional vitality
31. Should paid leave apply for household employees (nannie, cooks, maintenance workers, gardeners)? Sandra	Yes, unless they are an independent contractor. Group wonders whether there should be a slower accrual rate for this.	Applies if household employs more than four (4) full-time equivalent employees (Seattle)	Health & Well Being Well Being Prevent Spread of Disease Economic Equality Business Vitality Safety re domestic violence Regional vitality
32. Should employees be	Yes.	Employees can use Paid Sick	Health & Well Being

<p>allowed to use paid sick leave to care for adult children over the age of 18?</p> <p>Sandra</p>		<p>Leave time for care for adult children in temporarily incapacitating situations, or if "incapable of self-care because of mental or physical disability" (Seattle, Tacoma)</p>	<p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>33. Should an employee who has been separated from a company and return a short term later (normally within a year) have their earned paid sick leave hours reinstated?</p> <p>Sandra</p>	<p>At employer option</p>	<p>"When there is a separation from employment and the employee is rehired within six months in the same calendar year of separation by the same employer, including different business locations of the employer, previously accrued unused paid leave shall be reinstated." (Tacoma)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>

Elements	City of Spokane	Other Cities' Elements	Comments/Goals Addressed
<p>34. Should there be a delayed implementation schedule for earned safe and sick leave in Spokane? If so, how long?</p> <p>Cheryl</p>	<p>Yes, at least one year from the effective date.</p>		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>35. Should new businesses be given a one year grace period from the time of business registration to implement the ordinance?</p> <p>Cheryl</p>	<p>Not clear from the group discussion. One option raised was to give “small businesses” an extra year after the effective date to come into compliance.</p>		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>36. What City of Spokane department/director should be responsible for enforcement and administration of earned safe and sick leave across the city?</p>	<p>City to decide this.</p>	<p>Finance Director (Tacoma)</p> <p>Office for Civil Rights (Seattle)</p> <p>Office of Labor Standards Enforcement (SF)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p>

<p>Should a new City Department be created to enforce labor standards?</p> <p>Cheryl</p>		<p>Department of Employment Services (DC)</p> <p>Possibly under contract with state Bureau of Labor & Industries (Portland, Eugene)</p> <p>Department of Consumer Affairs (NYC)</p> <p>Department of Health and Human Services (Jersey City, Newark)</p> <p>Mayor's designee (Philadelphia)</p> <p>Not assigned (Oakland)</p>	<p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
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Elements	City of Spokane	Other Cities' Elements	Comments/Goals Addressed
<p>37. Should an earned safe & sick leave ordinance prescribe how a business should track the use of paid sick leave or should the City of Spokane develop these rules with a stakeholder group of businesses?</p> <p>Austin</p>	<p>No consensus from the group on this question.</p>		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>38. How long should employers be required to maintain paid sick and safe leave records post-employment of an employee?</p> <p>Austin</p>	<p>7 years or the duration of any limitations period for enforcement called out in the ordinance.</p>		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>39. Should there be a private right of action for enforcement?</p> <p>Austin</p>	<p>Group was unclear on this, but seems to have consensus that if there is, there should be a requirement for exhaustion of administrative remedies first.</p>	<p>Yes (SF, DC, Portland, Jersey City, Newark, Oakland).</p> <p>Yes, but exhaustion of administrative remedies required (Eugene, Philadelphia).</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p>

		No (Seattle, NYC, Tacoma)	Business Vitality Safety re domestic violence Regional vitality
<p>40. Should this ordinance include language covering a time for re-evaluation by the City leaders?</p> <p>Austin</p>	<p>Yes, but the group did not call out what kind of re-evaluation should be required.</p>	<p>Office of the City Auditor will conduct an evaluation of the Ordinance 18 months after it takes effect (Seattle)</p>	<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>
<p>41. Other decision elements?</p> <p>Austin</p>	<ul style="list-style-type: none"> • Penalties – what would they be? • Education and compliance effort first, then enforcement. • Some group members raised the notion of incentives for businesses to offer • What kind of education for businesses required if/when this is 		<p>Health & Well Being</p> <p>Well Being</p> <p>Prevent Spread of Disease</p> <p>Economic Equality</p> <p>Business Vitality</p> <p>Safety re domestic violence</p> <p>Regional vitality</p>

	implemented?		