

WHAT DOES ACCESS TO PAID SICK AND SAFE DAYS LOOK LIKE?

Paid Sick Days (PSD) were designed for workers who needed time to care for themselves or a loved one during illness or injury. While that definition included routine doctor's appointments and caring for chronic illness, it often did not cover some needs that occur during working hours - such as finding care in the aftermath of domestic violence and sexual assault. A new type of leave, usually referred to as Paid Sick and Safe Days (PSSD), gave workers the option of using their time to recover from violence, to seek help, to meet with their lawyers, and to find new housing. Over the 17 year history of paid sick time laws, PSSD became the norm in most jurisdictions, and safe time is finding a home in Paid Family and Medical Leave (PFML) laws as well. Only a few jurisdictions with paid sick days do not include paid safe day coverage, and only one place that we know of (Westchester County, NY) offers paid safe days without paid sick days.¹

State and federal policy context

While current federal law sets a standard for some workers to have unpaid leave for serious illness and injury, there is no guaranteed access to time off from work for short term needs - either paid or unpaid. At the beginning of the COVID pandemic, Congress included paid sick time related to COVID as part of the Families First Coronavirus Response Act (FCCRA), the first time workers had a federal law protecting their jobs and income while sick. When FCCRA and similar federal COVID legislation expired, workers lost access to paid sick days unless they lived in a jurisdiction that had a sick time law or received sick time through their employer.

Despite the lack of federal protections, people working in certain jurisdictions have guaranteed paid sick and/or safe) days. In November 2006, San Francisco became the first jurisdiction to pass a paid sick days law. In the past 17 years, a total of 68 cities, counties, and states enacted similar laws. Nearly 22 million workers earn paid time off under these laws. This report examines the 36 active PSD and PSSD laws as of 2022. It does not include laws that were preempted by state government or any PTO laws.

Paid Sick Days: Coverage across states, cities and counties

In the jurisdictions that offer paid sick days, we see a wide variety of coverage. The minimum number of employees in a business, the minimum hours worked by an employee, and the maximum amount of hours an employee can earn all may vary between laws. This research offers an overview of how workers may use the laws in different jurisdictions.

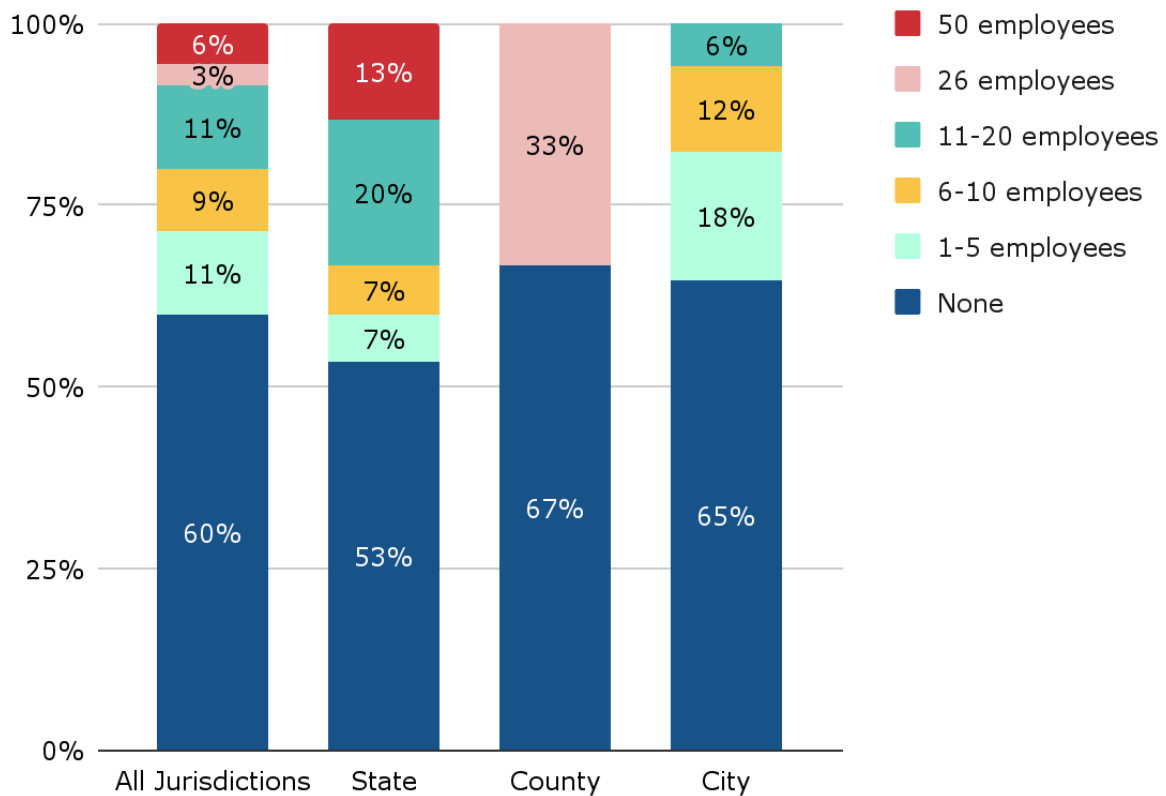
¹ Westchester County originally had a paid sick days law, but they chose to sunset the law when New York's statewide law took effect.

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Paid Sick Days Based on Job Type

- Firm size: The biggest variation we see in paid sick days coverage is based on the business size of an employer. In recent years, more laws require that businesses of any size provide paid sick days, and 60% of all laws make that requirement. City laws are most likely to cover all workers, with 65% of jurisdictions offering paid sick days to firms with 0 or more employees. State laws, however, are least likely to cover all business sizes. Only 53% of state laws require coverage for all firm sizes, and in 13% of states, the law only covers businesses employing 50 people or more.

Sick Days by Firm Size



- Hours worked: In most cases, workers are eligible for paid sick days regardless of whether they are full time, part time, or temporary workers. 94% of policies in all jurisdictions include part time workers, and 83% of policies in all jurisdictions include temporary workers.
- Tipped workers: In 77% of jurisdictions, tipped workers must earn the minimum wage (not the tipped minimum wage but the regular minimum wage) when they take paid sick time.

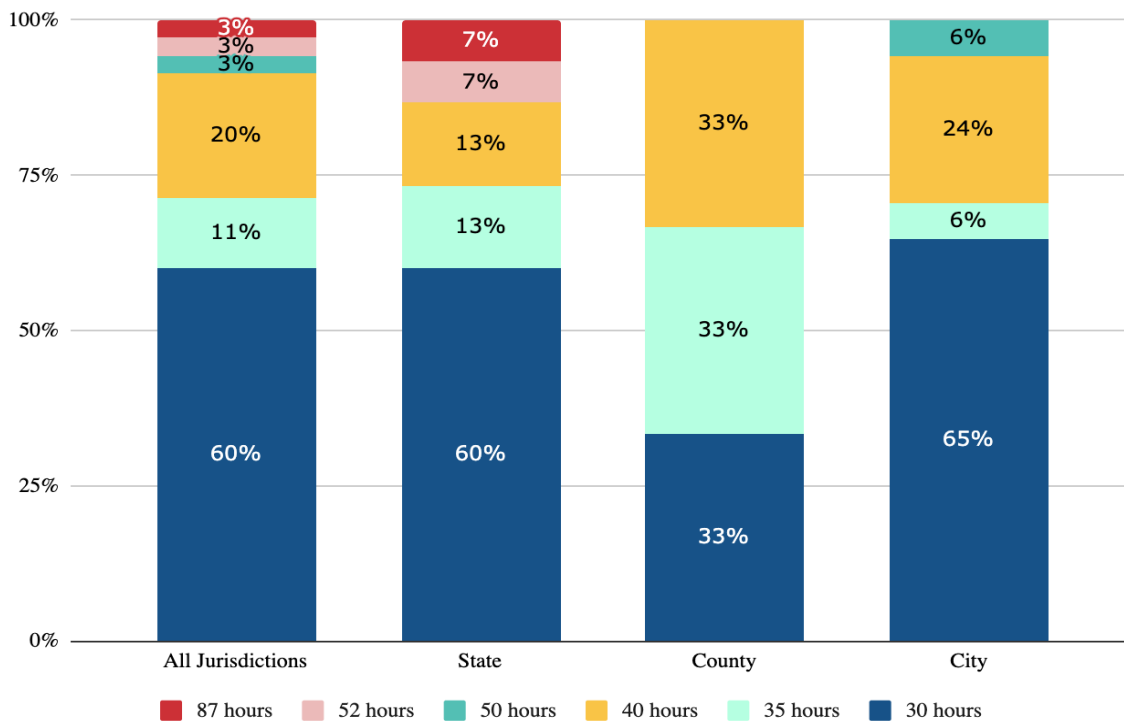
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- Tenure requirements:
 - Under 63% of paid sick time laws, workers do not need to have worked a specific amount of time in order to qualify for paid sick leave. In the other 37% of laws, we see a wide variety of tenure requirements, measured by hours worked, days worked, and average time worked.
 - However, while many workers begin earning leave on their first day on the job, most (86%) cannot take leave right away. Most jurisdictions (71%) require employees to work 90 days before they can use their accrued leave.

Paid Sick Days by Time Available

- Earning leave: Under paid sick days laws, employees must work a certain number of hours in order to earn one hour of paid sick time. This amount varies between 30 hours and 87 hours of work; however, most jurisdictions require between 30-40 hours of work to earn one hour of leave. In many cases, employers can choose to frontload time off at the beginning of the year instead of waiting for the employee to accrue the time off.
- Maximum leave: While employers may provide as much leave as they wish, each law sets a maximum amount for what they have to provide per year. This amount ranges from 24 hours of leave to 80 hours of leave, with 49% of jurisdictions capping the maximum amount at 40 hours.

Hours Worked to Earn One Hour of Sick Time



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Paid Sick Days by Reasons to Use Leave

- Care types: All laws allow workers to use leave in order to receive preventative care, care for physical health, and care for mental health - either for themselves or their family members. Only 3% of jurisdictions (all cities) specifically name substance abuse treatment as a reason to use leave - however, workers in other places may still be able to receive treatment as a physical or mental health issue.
- Public health emergencies:
 - 60% of all laws allow workers to use their paid sick time if their business is closed due to a public health emergency. County laws lead the way here, with 100% of county laws offering this use.
 - 60% of laws also allow employees to care for their children using paid sick days if the child's school or place of care closes under a public health emergency.
 - However, only 17% of laws give the same access to workers who must care for elders or other groups when their places of care are shut down in a public health emergency.
- Weather events: While the effects of climate change become more drastic each year, so far, very few paid sick days laws have adapted to meet those needs. Only 6% of laws explicitly allow workers to use paid sick days during weather events.

Paid Sick Days by Family Member

- Family members covered: Paid sick days laws include different concepts on who makes up a family. While the most equitable option - allowing workers to decide who they consider family - has become more ubiquitous in recent years - not all laws treat family members equally.
 - Children and spouses are covered by all paid sick days laws. However, partners are only covered by 80% of paid sick days laws.
 - Parents are covered by 97% of laws.
 - Grandparents and grandchildren are covered in 94% of laws.
 - Siblings are covered in 89% of laws
 - People to whom an employee has an expectation to care for (also known as people with whom the employee has an affinity) are covered in 54% of the laws

Paid Sick Days by Documentation Requirements

- 89% of laws require a doctor's note or other "reasonable documentation" of illness. Usually these notes are necessary if an employee is out of the office for 3 or 4 consecutive days.

Paid Sick Days Worker Protections

- 97% of all laws protect workers from job loss and retaliation while taking paid sick days.

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Paid Safe Days

Thirty-two of the thirty-six laws examined include paid safe days. Most paid safe days laws follow the lead set by the paid sick days law in their jurisdiction. The information below highlights any differences we see between the two, as well as anything notable about paid safe days themselves.

Paid Safe Days Based on Job Type

- Firm size: One variation we see between paid sick days and paid sick days coverage is around the size of the employer. In both cases, 63% of all laws require coverage regardless of business size. However, while 13% of paid sick days laws focus on businesses of 50 people or more, all paid safe days laws kick in with a maximum of five employees.

Paid Safe Days by Reasons to Use Leave

- Care types: Safe days laws enumerate different reasons to use safe time.
 - Domestic violence is covered in 97% of all laws.
 - Sexual assault and stalking are covered in 94% of all laws.
 - Human trafficking is covered in only 9% of all laws.

Paid Safe Days by Family Member

- Family members covered: Just like paid sick days, paid safe days laws include different concepts on who makes up a family.
 - Children are covered by 78.1% of safe days laws.
 - Parents, spouses, grandparents, and grandchildren are covered by 72% of all safe days laws. However, partners are only covered by 56% of all laws.
 - Siblings are covered in 69% of laws.
 - People to whom an employee has an expectation to care for (also known as people with whom the employee has an affinity) are covered in 38% of the laws.
 - In 22% of laws, safe days can only be used for the worker. No family members are covered.

Paid Safe Days Worker Protections

- 97% of all laws protect workers from job loss and retaliation while taking paid safe days.

Next steps to achieve equity

For workers to achieve equity in paid sick and safe days laws, jurisdictions need to ensure that as many people are covered by the law as possible. All workers need access to paid sick and safe days regardless of the number of workers in a business, the number of hours they work, or even how long they've worked there. Workers who have committed to a new job should have the right to keep that job whether they become ill on day one or day one thousand.

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Similarly, paid sick and safe days should be available to all workers to care for whomever they view as family.

The most equitable PSSD policies in effect right now:

- Cover all workers, regardless of firm size or hours worked
- Ensure all workers, including tipped workers, earn their regular pay while taking PSSD
- Eliminate tenure and work requirements to begin earning PSSD, and allow workers to begin using their time as soon as possible
- Allow workers to earn one hour of PSSD for every thirty hours worked and to accrue at least 80 hours per year
- Provide PSSD to workers when businesses, schools, and places of care close due to public emergencies and climate disasters
- Give workers the ability to care for everyone they consider family
- Prevent employers from requiring doctor's notes until four consecutive days of absence
- Shield workers and their families during instances of domestic violence, sexual assault, stalking, and human trafficking
- Protect workers from job loss and retaliation when using their time

While some PSSD policies are more equitable than others, all have at least one place where they can improve. Advocates, administrators, and legislators can work together to continue updating and implementing PSSD laws to support their communities.

Equitability Assessment Chart

Using the data from this report, Family Value @ Work created a chart based on PSD and PSSD laws. This chart highlights the most equitable option currently available and the median/majority option chosen by each jurisdiction type, allowing workers, advocates, and government officials to see how equitable their law is and where they can make changes. [The chart is available here.](#)

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