

Lessons from Winning Paid Sick Days in Seattle



THE SEATTLE COALITION
FOR A HEALTHY WORKFORCE

SPECIAL THANKS TO:

Family Values @ Work and its family of funders;

Rockefeller Family Fund;

Women's Funding Alliance; and

The working people of Seattle who volunteered their time and energy for paid sick days.



YOUR SUPPORT WAS CRITICAL
TO THE SUCCESS OF
THE SEATTLE COALITION FOR
A HEALTHY WORKFORCE

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Introduction: Advancing standards

In September 2011, the City of Seattle adopted minimum standards for paid sick and safe leave, covering most people employed inside the city limits.

Beginning in September 2012, an estimated 150,000 people will newly have the right to earn time off with pay to attend to their own health needs, care for a sick family member, or deal with the consequences of domestic violence, sexual assault or stalking. Thousands of additional workers who already have some paid

leave benefits will gain greater access to paid sick days. Many of the people who now must choose between going to work sick or losing a day's pay are employed in restaurants, grocery stores, retail, and health care – putting all of us at risk.

The Seattle Coalition for a Healthy Workforce led a successful campaign to pass the ordinance – and we learned a lot. Here are some of the key ingredients to winning policy change.



Members of the Seattle Coalition gather at The 5 Point Café to thank owner Dave Meinart for supporting Paid Sick Days. From left: Robby Stern, Tatsuko Go Hollo, Anita Nath, Steve Williamson, Elana Dix, Liz Elwart, Gary Burris, Maggie Wykowski, Max Brown, Marilyn Watkins, Aaron Keating, Gabriela Quintana, Allyson Fredericksen, Teresita Torres, Michael Laslett and John Burbank.

Lesson 1: Building a coalition

WHAT WORKED:

- We started with existing relationships and built from there.
- As the coalition grew more diverse, we had to be flexible and adapt both our policy proposal and our strategy to incorporate additional perspectives.

For over a decade, the Washington Family Leave Coalition has advocated at the state level for policy change to support healthy working families.

In 2009, with the H1N1 epidemic raging, and on the heels of successful campaigns for paid sick days in San Francisco, Milwaukee, and Washington, D.C., the Coalition decided to explore possibilities for municipal campaigns in cities around the state.

In Seattle, we identified both a critical mass of interested organizations and a viable route to success through City Council action. The Seattle Coalition for a Healthy Workforce was launched early in 2010.

We continued reaching out to new organizations and networks, striving to identify and connect with opinion leaders and Seattle's diverse communities until the ordinance passed. We also worked to build relationships of trust among coalition partners.



MomsRising members make a “germy” delivery to Seattle City Council members. L to R: CM Jean Godden, Kristin Rowe-Finkbeiner, Sarah Francis, (another) Sarah Francis, and Liz Elwart.



I CHOSE TO SPONSOR THIS BILL, NOT *ONLY* BECAUSE IT WAS THE RIGHT THING TO DO, BUT BECAUSE I BELIEVED THIS WAS A COALITION THAT WOULD GET THE JOB DONE.

- Councilmember
Nick Licata



Photo: Howard Greenwich

STEERING COMMITTEE MEMBERS

Economic Opportunity Institute
King County Labor Council
Legal Voice
Main Street Alliance
MomsRising
Puget Sound Alliance for Retired Americans

Puget Sound Sage
Seattle Women's Commission
Teamsters 117
UFCW Local 21
Washington CAN
Washington State Labor Council

SEATTLE COALITION MEMBER ORGANIZATIONS

A. Phillip Randolph Institute
Allyship
Amalgamated Transit Union, Local 587
American Association of University Women, Washington
American Federation of Teachers, Local 1789
Asian Counseling & Referral Service
Asian Pacific American Labor Alliance
Casa Latina
Cedar River Clinics
Church Council of Greater Seattle
Community Coalition for Environmental Justice
El Centro de la Raza
El Comité
Eleventh District Democrats
Forty-sixth District Democrats
Forty-third District Democrats
FUSE Washington
Got Green
International Alliance of Theatrical Stage Employees, 15
International Community Health Services
International Union of Operating Engineers Local 286
King County Coalition Against Domestic Violence
King County Democratic Central Committee
Latino Political Action Committee of Washington
Lutheran Public Policy Office of Washington
Marine Engineers Beneficial Association
Minority Executive Director's Coalition of King County
National Asian Pacific American Woman's Forum, Seattle
National Organization for Women, Washington Chapter
National Women's Political Caucus, State Chapter
OneAmerica

OPEIU Local 8
Organization United for Reform Washington
Organization United for Respect at Walmart
Planned Parenthood Votes! Washington
Pride At Work, Martin Luther King County Chapter
Public Service Employees Local 1239
Puget Sound Chapter, Coalition of Labor Union Women
Radical Women – Seattle Chapter
Real Change News
Seattle Fire Fighters Union, IAFF Local 27
Seattle Human Rights Commission
Seattle Human Services Coalition
Seattle Immigrant and Refugee Advisory Board
Seattle Lesbian Gay Bisexual Transgender Commission
SEIU Local 6
SEIU Local 775
Statewide Poverty Action Network
Sustainable Seattle
Take Back Your Time
Teamsters Joint Council No. 28
Thirty-seventh District Democrats
Thirty-sixth District Democrats
Thirty-third District Democrats
Unite Here Local 8
United Food and Commercial Workers, Local 141
Washington Association of Churches
Washington Bus
Washington Fair Trade Coalition
Washington Family Leave Coalition
Washington State Coalition Against Domestic Violence
WashTech, CWA Local 17083

Lesson 2: Partnering with business owners

Beyond tokenism

We knew from the beginning that support from local small business owners would be critical to success – and that we would face strong opposition from some lobbies that claimed to be the voice of all business.

We started by reaching out to those with whom coalition partners already had relationships and locally-based businesses with reputations as good employers. Gradually we gained a list of supporters.

A turning point came in the spring of 2011, when coalition leaders sat down with a group of

small business owners and collaborated on developing a new policy that became the basis of the ordinance adopted by the Council. All parties agreed on several principles:

- No one should have to go to work sick – and kids should not have to go to school sick.
- People should not lose income or fear losing their job because they stay home when sick.
- The policy should support the ability of businesses to thrive.



Main Street Alliance of Washington members show their support for the Paid Sick Days ordinance at a Council hearing. From left: Joshua Welter, Main Street Alliance of WA; Will Friedman, Cozi.com; Makini Howell, Plum Bistro; Jody Hall, Cupcake Royale.

Until that point, the Coalition had been advocating a policy similar to ordinances passed by citizen initiatives in San Francisco and Milwaukee: requiring workers be able to earn up to 5 days of paid leave in firms with fewer than 10 employees, and 9 days in larger companies.

The new “Common Ground” proposal had more and larger tiers, as well as added flexibility for small businesses. It also included a higher requirement for major firms that pooled paid leave into a single bank, to maintain equity with firms that separated vacation, sick leave, and paid holidays – a policy innovation the Coalition had included in its initial proposal.

By really listening to small business concerns and incorporating their policy ideas, the Coalition gained as true partners a solid core of business owners with a history of community engagement.

From that point forward, policymakers and the media understood that the Paid Sick Days campaign had strong backing from businesses that would be directly impacted by an ordinance. Although others continued to oppose the ordinance, they could not claim to speak for the “business community”.

BUSINESSES ENDORSING PAID SICK DAYS

5 Point Café
Belltown Inn
Big Mario’s Pizza
Can Can
Central PT & Fitness
Chalkbox Creative
Columbia City Fitness
Cozi.com
Cupcake Royale
FRED Wildlife Refuge
Fuel Coffee
Girlie Press
High 5 Pie
Hillside Quickie
King’s Hardware
Kohl Construction

Linda’s Tavern
Mainstreet Financial Services
Molly Moon’s Homemade Ice Cream
Oddfellows
Perennial Tea Room
Phinney Estate Law
Plum Bistro
Reid Case Management
RJ Richards Construction Enterprises
Sage Bakery & Café
Salvadorean Bakery
Sequoia In-Home Care
Smith
Tutta Bella Neapolitan Pizzerias
Vulcan Knife LLC
Wallingford Pediatrics

Lesson 3: Honing the message and empowering spokespeople

On an intuitive level, everyone knows people spread disease when they go to work sick – especially if they handle food or interact with the public. Public health was a compelling rationale for enacting paid sick leave standards.

We also found a social justice frame, particularly concerning children, often clinched the argument. The thought of kids languishing sick and miserable in the school nurse’s office, combined with data on the high percentage of low-income parents without paid sick leave, made an incontrovertible moral case for adopting paid sick days standards.

A third message we used was family economic security, intertwining it with public health and social justice: when staying home with the flu means not being able to pay rent or feed the kids that month, even the most responsible employee will opt to go to work – even if it means spreading disease.

While building the Seattle Coalition, we also compiled the research to design policy and make the case for paid sick days to diverse audiences. This allowed the Coalition to analyze paid sick leave legislation from other jurisdictions, draft a policy proposal, prepare materials summarizing the most relevant data, and respond quickly when questions arose.

We used multiple spokespeople throughout the campaign to deliver and validate different parts of our message, including:

- **Health professionals**, including school nurses, pediatricians, physicians serving low-income clinics, and public health experts who could describe how disease spreads and the impacts on individual health and system costs when people are forced to postpone treatment;
 - **Small business owners** who could make the most convincing case that businesses benefit from healthy employees;
 - **Coalition spokespeople** who detailed why paid sick leave was important to their own membership, as well as answer questions about policy and data.
- **Workers** who could describe the pressures from supervisors and family economics to work sick, and the negative consequences to themselves and their family members;



School nurse Robin Fleming speaks to supporters prior to the full Council vote on September 12th, 2011.



Grocery worker Tasha West-Baker speaks outside City Hall on September 12th, 2011 - just before the Paid Sick Days ordinance was passed.

WHAT WORKED:

- Sticking to our main message of public health, bolstered by a social justice lens.
- Illustrating facts with personal stories.
- Using multiple spokespeople to deliver and validate different parts of our message: school nurse, pediatrician, grocery clerk, small business owner, public health professional, and policy expert.
- Doing our homework and being prepared before we launched the public campaign.
- Providing multiple media outlets with continuously fresh material and new people to interview.

Lesson 4: Working with policy makers

In the end, Seattle's City Council voted 8 to 1 in favor of the ordinance, with the full support of the mayor. Getting there was not easy.

Seattle had no history of enacting labor standards for the private sector. Interminable delay and lengthy stakeholder processes are the typical Seattle way of dealing with controversial issues. *Not acting* was initially perceived as the safest course by most policy makers.

KEYS TO VICTORY

Building relationships with all Council Members

We met with every council member multiple times, and included coalition partners who already had established relationships or who represented key constituencies of special importance to that individual. We gradually built relationships of trust and respect.

We also encouraged organizations and communities to make their own appointments and individually express support for paid sick days.



The introduction of the Paid Sick Days ordinance. From right: Dr. David Springer; David Freiboth (President, MLKCLC); Mayor Mike McGinn; CM Nick Licata; CM Jean Godden; speaking: Jody Hall (Owner, Cupcake Royale); Marilyn Watkins (EOI), Robby Stern (PSARA), Will Friedman (Cozi.com), Maureen Bo (PSARA), Dave Meinart (The 5 Point Café), Max Brown (MLKCLC), and Stefan Moritz (UNITEHERE 8).

Gaining support from the Administration

From the beginning, we worked with people in City administration and the mayor's office. The Office of Civil Rights was the only City agency with existing enforcement authority in the private sector (Public Health is dealt with by the County). We approached the Director and staff early on to gain their input on both policy and strategy.

Making delay not an option

The Coalition repeatedly demonstrated our ability to pack large meeting halls with supporters and to flood Council inboxes and voicemail with messages. Our communications team worked hard to keep paid sick days a high profile media story. Our coalition was strong enough to maintain public attention and keep pressure to move forward at a high level through the whole process – until the final vote.

Cyrus the Virus was a familiar face germ at Coalition events, mounting counter-protests in favor of the virus community, and, in some cases, drawing a response from the opposition.



Lesson 5: Expecting opposition

We anticipated – and received – strong opposition. Helpful factors in prevailing included:

- **Partnering with small business owners in drafting the policy** – We discovered that having a few business spokespeople was necessary but not sufficient to overcome an organized chorus of opposition. Rewriting our policy proposal with small business owners gave it far more credibility.
- **Sustaining visible public support** – We repeatedly packed City Hall with supporters, and kept the email and phone call counts strongly in our favor.
- **Maintaining message discipline and building urgency** – Our opponents did not want to say people should work sick. Instead, they tried to argue that the poor economy made this the wrong time to act. We were prepared with facts about San Francisco's economy, but pivoted quickly back to our message, insisting that sick children, vulnerable elderly, and struggling working families had already paid too high a price and could not wait.



Seattle Coalition members induct Starbucks into the "Hall of Shame" for not offering paid sick days to their hourly employees.

Conclusion: Inspiring new wins for public health and working families

Every locality is unique, and timing is often critical to the success of any campaign. Every state and local campaign will, in the end, follow a somewhat different path.

Seattle's win was made easier by the success of earlier campaigns and the documented experience following implementation in San Francisco.

We hope these notes from the Seattle campaign inspire people across the U.S. to take up the challenge of changing policy and establishing new standards for a healthier workforce and stronger communities.



Seattle Mayor Mike McGinn signs the Paid Sick and Safe Days ordinance at Plum Bistro on September 23, 2011. In foreground from L to R: Marilyn Watkins, Makini Howell, CM Jean Godden, Tasha West-Baker, CM Nick Licata, Robby Stern, and Gabriela Quintana (with son). *Photo: Jen Nance/Office of the Mayor*

Summary Provisions: Seattle Paid Sick and Safe Days Law

EFFECTIVE SEPTEMBER 1, 2012

Paid leave by business size: (based on full time equivalent employees and a 40-hr work week)

- **5 to 49 FTE:** employees accrue 1 hour for every 40 worked, up to a 40 hour cap.
- **50 to 249 FTE:** employees accrue 1 hour for every 40 worked, up to a 56 hour cap.
- **250+ FTE:** employees accrue 1 hour for every 30 worked, up to 72 hours. If the employer provides a combined paid leave policy, such as PTO, employees accrue up to 108 hours.

Permitted uses of paid sick and safe time:

- For the employee's illness or injury, diagnosis, treatment, and preventative care;
- For health needs of a child, spouse, domestic partner, parent, parent-in-law, or grandparent;
- To cope with the consequences of domestic abuse, sexual assault, or stalking;
- If the worker's place of business, or a child's school or place of care, is closed for a public health emergency.

Flexibility and responsibility:

- **PTO and other paid leave:** Employers may provide PTO, another method of accrual, or more generous benefits as long as the minimum is available as sick and safe time.
- **Shift swapping:** With the consent of their employers, workers may swap shifts instead of taking paid leave. Restaurants and bars may arrange shift trades for a worker who calls in sick *and* deduct paid sick time with the consent of the employee.
- **Carry over and caps:** Accrued leave up to the cap carries over into the next year. Employees are not entitled to use more leave than their capped amount in a year.
- **Waiting period for new employees:** Leave begins accruing immediately, but employees aren't entitled to use it for 180 days.
- **Retaliation prohibited:** Workers cannot be penalized for using leave for covered purposes.
- **Recordkeeping:** Employers do not need to change recordkeeping practices, as long as records reasonably reflect hours worked and leave accrued and taken.
- **Payment of medical certification costs:** Employers may require documentation for absences longer than 3 consecutive days. If employers do not offer health insurance, employers and employees each pay 50% of the costs of obtaining such documentation.
- **Collective bargaining agreements:** Labor unions and their employers may bargain over provisions.



EOI is an independent, nonpartisan, non-profit public policy center working to restore the promise of the middle class. Through research, education and advocacy, we shape public debate and advance new policy ideas to build an economy that works - for everyone.

As a 501(c)3 organization registered in the state of Washington, we are fully funded through the charitable contributions of individuals, foundations, and other organizations who believe in our work and want to see it succeed.

