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With the Democratic Congress, Groups Gear Up for Fight Over Paid Sick Days

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With the Democratic Congress expected to move quickly to raise the minimum wage, many Democrats, women's organizations and liberal groups are gearing up for a fight on another workplace issue: paid sick days.

Supporters point to studies showing that nearly half of American workers do not receive paid sick days. But many Republicans and businesses complain that such legislation would impose another mandate on companies, driving up their costs.

Advocates of paid sick leave cite workers like Naomi Nakamura, who lost a week's pay when her 103-degree fever forced her to miss five days from her job at a video rental store in San Francisco.

Ms. Nakamura said, "Some employees didn't want to lose their pay, so they showed up for work even though they had strep throat, and they just spread it to other people."

Last month, San Francisco voters approved a measure requiring all employers to provide paid sick days, making it the first jurisdiction in the nation with such a requirement. The vote was 61 percent to 39 percent.

Now supporters are planning a big push for sick day legislation not just in Congress, but in Maine, Maryland, Montana and several other states. Senator Edward M. Kennedy, a Massachusetts Democrat, introduced a bill last year to require companies with at least 15 employees to provide seven paid sick days a year, but that bill languished in the Republican-led Congress.

Now that Democrats have won control of Congress, Mr. Kennedy, the incoming chairman of the Health, Education, Labor and Pensions Committee, is more optimistic.

"It has a wildfire of support across the country," he said. "When you talk to workers, this is, besides an increase in the minimum wage, the most important issue for these families. This is a families issue. This is a values issue."

Mr. Kennedy's bill, like a House bill sponsored by Rosa DeLauro, a Connecticut Democrat, would provide a total of seven paid sick days not just when workers are ill, but when members of their families are ill -- or need to go to the doctor for checkups and tests.

A big problem with not having paid sick days, Mr. Kennedy said, is that many parents, not wanting to miss work, let their sick children go to school, spreading their illnesses. Mr. Kennedy said his bill would guarantee paid sick days to 66 million who do not now have them.

Business lobbyists plan to fight the effort.

"Supporters of legislation like this complain about unfunded mandates in education when it comes to No Child Left Behind, but they don't hesitate to impose unfunded mandates on employers," said Randel Johnson, vice president

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for labor, immigration and employee benefits at the United States Chamber of Commerce. "The employer community is not going to roll over on this issue."

Susan Eckerly, vice president for federal policy at the National Federation of Independent Business, said, "I could see where this would pass the House, but if you put this on the floor of the Senate, it would be a good candidate for a filibuster."

Mr. Kennedy acknowledged that possibility. "We'll need some of our Republican colleagues," he said.

Advocates plan to build a coalition like the one that won passage of the Families and Medical Leave Act in 1993 after a long struggle -- including two vetoes by the first President Bush. The coalition backing paid sick days includes the United States Conference of Catholic Bishops, the National Partnership for Women and Families, and Acorn, an association of community organizations that helped win passage of a minimum wage increase in six states on Election Day.

"These kinds of policies that create flexibility in the workplace are important to make families be healthy and economically secure," said Debra Ness, president of the National Partnership. "You'd be hard-pressed to talk to a woman today at any point of the economic spectrum who isn't struggling with this issue."

Jody Heymann, a professor of social policy at McGill University, pointed to studies showing that children get well sooner when their parents take time off to care for them. She said the United States was the only industrial nation not to require paid sick days when workers are ill.

"Enough firms do this to show that companies can provide this and compete economically," Professor Heymann said.

But many business owners complain that mandates like paid sick days require lots of paperwork and take a one-size-fits-all approach.

Steve Caughran, owner of a printing shop outside Fresno, Calif., said, "Any time the government is mandating something and creates an extra burden on business, it becomes another regulatory tax and raises costs."

He said that to attract workers most companies needed to provide good benefits, including sick days. He said he offered most employees about 14 paid days off each year, to be taken as vacation or sick days.

The **Institute for Women's Policy Research** found that 77 percent of workers in the lowest quarter by wages did not have paid sick days, while 43 percent of middle-class workers did not and 31 percent of workers in the top quarter did not.

Leonardo Prado, a restaurant worker in San Francisco, said not having paid sick days was a financial and emotional strain. Mr. Prado, who is divorced, said that last June when his 4-year-old, Antonio, got sick for two days, he had to hire a baby sitter for \$10 an hour, even though he earned \$8.82 an hour as a waiter, not counting tips.

"It really hurt in the wallet," Mr. Prado said. "You didn't have the option to say: 'I can't work this day. I have to take care of my son.'"

A community group in San Francisco, Young Workers United, sponsored the referendum, after many workers had complained about the issue.

Businesses hardly fought the measure, considering it a lost cause. "San Franciscans have a history of voting their social conscience as long as someone else writes the check," said Kevin Westlye, executive director of the Golden Gate Restaurant Association, which opposed the referendum.

He said consumers would be hurt, predicting that restaurants would raise prices because of the sick days mandate and a mandate for employers to contribute toward health insurance. The higher prices, he said, might cause some restaurants to lose business -- and perhaps close.

"There's no such thing as a free lunch on something like this," he said.