



THE OFFICE OF SENATE MAJORITY WHIP

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SB 616 (Gonzalez) Paid Sick Days for All Working Californians

SUMMARY

Senate Bill (SB) 616 would increase the amount paid sick leave days an employer is required to provide an employee from three to seven.

EXISTING LAW

The Healthy Workplaces, Healthy Families Act of 2014 (AB 1522, Chapter 317, Statutes of 2014) requires employers provide three paid sick days to employees who work 30 or more days within a year from commencement of employment. This act also prohibits retaliation for using paid sick days, by prohibiting the imposition of certain conditions on the use of paid sick days. However, specified employees are excluded from this provision, including an employee covered by a valid collective bargaining agreement (CBA) if the agreement expressly provides for paid sick days.

Currently, railroad workers have no access to paid sick days despite the passage of the Healthy Workplaces, Healthy Families Act of 2014. A federal district court has ruled that that the Federal Railroad Unemployment Insurance Act of 1928 (RUIA) partially preempted California's paid sick leave law.

Cities and states around the nation have followed California's lead and provided workers with even more generous paid sick leave protections. Currently, Washington, Arizona, Oregon, New York, New Jersey, Colorado, Michigan, Massachusetts, Maryland, Vermont, Maine, and Connecticut, and cities across California

including San Diego, Los Angeles, Santa Monica, San Francisco, Oakland, Berkeley, West Hollywood and Emeryville have granted workers the right to use at least five or more paid sick days per year.

BACKGROUND/PROBLEM

The COVID-19 pandemic highlighted the lifesaving impacts of paid sick leave policies, while clearly exposing the gaps in our existing safety-net for working families.

Research has shown emergency paid leave prevented approximately 400 positive COVID-19 cases per day in each state where workers temporarily gained access to paid sick leave under the Families First Coronavirus Response Act¹. During the ongoing public health crisis, emergency paid sick leave was one of the most effective tools in curbing the spread of COVID-19 and helped keep transmission rates down as the state moves towards a safe reopening.

However, temporary expansions of paid sick leave policies are not enough to provide a reliable safety-net for workers and adequately protect public health year-round.

Since higher wage earners are more likely to have access to more generous benefits, a failure to raise California's minimum requirements for paid sick leave will disproportionately harm low-wage workforces who can

¹ Pichler, Stefan, Katherine Wen, and Nicolas R. Ziebarth. "COVID-19 Emergency Sick Leave Has Helped Flatten The Curve In The United States: Study examines the impact of emergency sick leave on the spread of COVID-19." *Health Affairs* 39.12, October 2020.

least afford to miss work and jeopardize their ability to make ends meet.

For those without earned sick leave benefits, missing three and a half days of work equates to losing an amount of money equivalent to an entire family's monthly grocery budget². This especially disadvantages those in service sector jobs traditionally dominated by women and Latinos, including childcare providers, and janitorial, retail, food service and hospitality workers.

Currently, railroad employees may only take job-protected leave with advance notice, but even when seeking that advance notice, such requests are frequently denied. Thus, when railroad workers are struck by a sudden illness and try to take time off, even as unpaid leave, they are penalized, risking discipline or eventual termination.

Furthermore, paid sick leave can reduce employers' overall costs by containing potential disease outbreaks and allowing workers to recover faster and return to work more productive³. Studies have also shown that paid sick leave decreases the probability of job separation by at least 25%⁴. Workers with paid sick leave are less likely to leave their jobs,⁵ saving businesses money on turnover expenses such as interviewing and training⁶ which can cost anywhere between 25-200% of a worker's annual salary⁷.

SOLUTION

SB 616 would require employers to provide seven sick days to employees who work 30 or more days within a year from commencement of employment.

This bill would extend the anti-retaliation provisions and requirements on the use of paid sick days to CBA employees.

² National Partnership for Women and Families. [Paid Sick Days Lead to Cost Savings for All](#). April 2013.

³ Joint Economic Committee, "Expanding Access to Paid Sick Leave: The Impact of the Healthy Families Act on America's Workers" (March 2010), http://www.jec.senate.gov/public/index.cfm?a=Files.Serve&File_id=abf8aca7-6b94-4152-b720-2d8d04b81ed6; Council of Economic Advisers, "The Economics of Paid and Unpaid Leave" (June 2014), http://www.whitehouse.gov/sites/default/files/docs/leave_report_final.pdf.

⁴ Hill HD. Paid Sick Leave and Job Stability. *Work Occup.* 2013 May 1;40(2):10.1177/0730888413480893. doi: 10.1177/0730888413480893. PMID: 24235780; PMID: PMC3825168.

⁵ Vicky Lovell, Valuing Good Health: An Estimate of Costs and Savings for the Healthy Families Act, *Inst. for Women's Pol'y Res.* 7 (Apr. 2005), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B248.pdf>.

⁶ Christine Siegarth Meyer et al., Work-Family Benefits: Which Ones Maximize Profits?, *13 J. Managerial Issues* 28 (2001)

⁷ Abay Asfaw et al., Potential Economic Benefits of Paid Sick Leave in Reducing Absenteeism Related to the Spread of Influenza-Like Illness, *59 J. Occupational & Envtl. Med.* 822, 826 (2017).

This bill would require railroad employers to allow their railroad employees to take at least seven days of unpaid sick days annually.

SUPPORT

California Labor Federation (Sponsor)
SEIU California (Co-Sponsor)
UFCW- Western States Council (Co-Sponsor)
California Conference of Machinists (Co-Sponsor)
California Teamsters Public Affairs Council (Co-Sponsor)
California Work and Family Coalition (Co-Sponsor)
Legal Aid at Work (Co-Sponsor)
California State Legislative Board, Sheet Metal, Air, Rail and Transportation Workers - Transportation Division (SMART-TD) (Co-Sponsor)
A Better Balance
AARP California
Alameda Labor Council
American Academy of Pediatrics, California
American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO
American Medical Women's Association
Asian Americans Advancing Justice - Asian Law Caucus
Asian Law Alliance
BreastfeedLA
Bronski, P.C.
California Alliance for Retired Americans
California Attorneys for Criminal Justice
California Breastfeeding Coalition
California Catholic Conference
California Child Care Resource and Referral Network
California Coalition on Family Caregiving
California Commission on Aging
California Employment Lawyers Association
California Environmental Voters
California Immigrant Policy Center
California Nurse-Midwives Association
California Nurses Association
California Pan-Ethnic Health Network
California Partnership to End Domestic Violence
California Professional Firefighters
California Rural Legal Assistance Foundation
California Teachers Association
California WIC Association
California Women's Law Center
Californians for Pesticide Reform
Caring Across Generations
Center for Law and Social Policy (CLASP)
Center for Workers' Rights
Central California Environmental Justice Network

Central Coast Alliance United For a Sustainable Economy
Central Coast Labor Council
Centro Legal De La Raza
Chinese Progressive Association
Citizens for Choice
CLUE (Clergy and Laity United For Economic Justice)
COLAGE
Community Services Unlimited Inc.
Contra Costa Central Labor Council
Disability Rights California
East Bay Alliance for a Sustainable Economy (Ebase)
Electric Universe
Elevator Constructors Local 8
Equal Rights Advocates
Evolve California
Family Caregiver Alliance (FCA)
Family Values @ Work
Family Violence Appellate Project
Fight for \$15 and a Union
Food Empowerment Project
Friends Committee on Legislation of California
Futures without Violence
Grace - End Child Poverty in California
Housing Rights Committee of San Francisco
Human Impact Partners
IFPTE Local 21
Indivisible Ca StateStrong
Inland Empire Breastfeeding Coalition
Innercity Struggle
Instituto De Educacion Popular Del Sur De California
(IDEPSCA)
Jewish Center for Justice
JTMW LLC
Justice at Last
Justice in Aging
Korean Community Center of the East Bay
La Best Babies Network
Labor Occupational Health Program
Latinas Contra Cancer
Legal Aid at Work
Los Angeles Alliance for a New Economy
Los Angeles County Federation of Labor, AFL-CIO
Macla/Movimiento De Arte Y Cultura Latino Americana
Main Street Alliance
Maternal and Child Health Access
Mixteco Indigena Community Organizing Project (MICOP)
Mujeres Unidas Y Activas
NARAL Pro-Choice California
National Association of Social Workers, California Chapter
National Council of Jewish Women Los Angeles
National Council of Jewish Women-California
National Domestic Workers Alliance

National Employment Law Project
National Partnership for Women & Families
North Bay Jobs with Justice
North Bay Labor Council
Northern Ca. District Council of the International
Longshore and Warehouse Union
Nursing Mothers Counsel
One Fair Wage
Orange County Equality Coalition
Our Family Coalition
Parent Voices California
Pesticide Action Network
Physicians for Social Responsibility - Los Angeles
Powerswitch Action
Prevention Institute
Public Advocates Inc.
Public Counsel
Rape Counseling Services Of Fresno
Rising Communities (Formerly Community Health
Councils)
Sacramento Central Labor Council, AFL-CIO
San Diego County Breastfeeding Coalition
San Mateo County Central Labor Council
Santa Clara County Wage Theft Coalition
SJSU Human Rights Institute
SoCalCOSH
Street Level Health Project
Techequity Collaborative
Thai Community Development Center
The Restaurant Opportunity Center of the Bay
UAW Local 230, Region 6 - Western States
UDW/AFSCME Local 3930
United Steelworkers District 12
Voices for Progress Education Fund
Warehouse Worker Resource Center
Watsonville Law Center
Women For: Orange County
Women Organized To Make Abuse Non-Existent (Woman
Inc.)
Women's Foundation California
Working Partnerships USA
Worksafe

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