

# Sick leave ordinance goes before Portland City Council

**Commissioner Amanda Fritz takes the lead on a workers rights advance that would impact two in five Portland workers**

By **DON McINTOSH**  
Associate Editor

Portland workers will have a guaranteed right to sick leave starting next year — if City Council approves a draft ordinance released Jan. 17 by Commissioner Amanda Fritz.

In a lively two-hour question-and-answer session on Jan. 23, Fritz defended the proposal, and got a foretaste of the arguments some employers will make against it.

Under the proposed ordinance, employees would earn one hour of sick leave for every 30 hours worked — up to 40 hours per calendar year. The leave would be unpaid at employers with five or fewer employees, and paid at employers with six or more. Employees would have the right to use the sick leave when they or a close family member or domestic partner are sick, injured, or in need of preventive medical care.

The ordinance would go into effect Jan. 1, 2014 — if the Oregon Legislature fails to adopt standards that are equal or better before that time. Portland City Council calls on the Oregon

Legislature to pass a statewide sick leave law, in the 2013 legislative agenda it approved Jan. 16.

A sick leave mandate would have many public benefits, the draft resolution declares. It would prevent the spread of contagious illness in the workplace. It would allow parents to care for sick children, reducing exposure to contagious illness in schools. And it would reduce the perceived competitive disadvantage that some responsible employers face that currently provide paid sick time to their workers.

Up to 40 percent of Portland workers have no paid sick leave currently, according to the proposal's backers.

At a well-attended Jan. 23 info session that she hosted, Fritz faced both critics and advocates. Supporters of the ordinance included representatives of Working America and the Oregon Working Families Party, a contingent from the hotel workers union UNITE HERE, and small business people like union print-shop owner Bill Dickey. But Fritz also heard from critics who argued that giving workers the right to sick leave would send the message that Portland is unfriendly to business. It would be a record-keeping hassle, others said. Business activists who seemed ready to oppose a sick leave mandate in any forum told Fritz that it would be better to address it in the state Legislature, or that the City is moving too fast.

"What's the rush?" asked a business lobbyist. Fritz' reply: "What do you think would be accomplished in six months that couldn't be accomplished in six weeks?" And, she added, it doesn't take effect until 2014, so there'd be plenty of time for City Council to make common-sense amendments before then.

Others argued that Fritz' proposal would end up hurting workers, because businesses would cut health insurance or vacation benefits to pay for the sick leave mandate.

"Many of the businesses this would apply to are multinational corporations that pay minimum wage and have no benefits of any kind," Fritz answered. "What are they going to take away?"

One Clackamas business owner wanted to know if his truck drivers would be subject to the law if they drove through Portland on the way to make deliveries in Hillsboro, and seemed to say he'd rather send his drivers the long way to their destination than give them paid sick leave.

Several speakers in suits declared that the added cost would be a hardship that would put some businesses out of business. Fritz pondered aloud the mathematics of that: If every worker used the maximum five sick days a year — and had to be replaced during their absence — that would add 1.9 percent to the payroll cost of businesses with six

or more employees. But the cost would likely be less, Fritz said: Studies of San Francisco's sick leave ordinance (which has been in effect since 2007) found that about a quarter of workers used no sick leave at all in a given year, and median usage was three days a year, even though San Francisco workers get five to nine days a year.

Employers sometimes complain of absenteeism, but "presenteeism" can be a problem too, Fritz said: "Americans come to work whether we're sick or not, and that doesn't work out so well for the rest."

Workers have a legal right to sick leave in 163 countries. But in the United States, only San Francisco, Washington, D.C., Seattle, and Connecticut have such laws thus far.

In its current draft, Portland's ordinance would be stronger than the Connecticut law but weaker than San Francisco's. In Connecticut, only hourly workers in service-sector businesses of 50 or more employees have the right to paid sick leave. In Seattle, workers accrue up to five, seven or nine days of paid sick leave per year depending on employer size, but businesses with fewer than five employees are exempt. Washington, D.C.'s, law covers all workers, with three, five, or seven days a year of sick leave, depending on the size of the employer.

Everybody Benefits — the union-

backed coalition that brought the paid sick leave proposal to Fritz — looks at San Francisco's ordinance as the model. It provides up to five days a year of paid sick leave at workplaces with under 10 employees, and nine days a year at larger workplaces. And it applies to all employers — just as all employers are subject to minimum wage, workers' compensation, and unemployment insurance laws.

But Fritz, out of concern that paid sick leave could be a burden for very small businesses, left the leave unpaid for employers with fewer than six employees in her proposed ordinance. The draft ordinance can still be amended, however, and Portland Commissioner Steve Novick told the Labor Press he's in favor of a stronger ordinance that would apply to all employers and grant more than five days a year. Novick wouldn't say whether he would attempt to amend the proposed ordinance, but said he would definitely oppose any attempt to make it weaker.

Advocates are calling on supporters to pack City Hall for City Council's first official hearing on the ordinance — 2 p.m. Thursday, Jan. 31. After the hearing, a dozen-member task force led by Fritz and fellow Commissioner Dan Saltzman will take four weeks to consider modifications to the proposed ordinance. City Council would then vote on the ordinance in late February.

Fritz is encouraging citizens not to wait until the council hearing to register opinions about the proposal, but to take a look at the ordinance and send in comments and suggestions now, e-mailing her and the other members of the Council.

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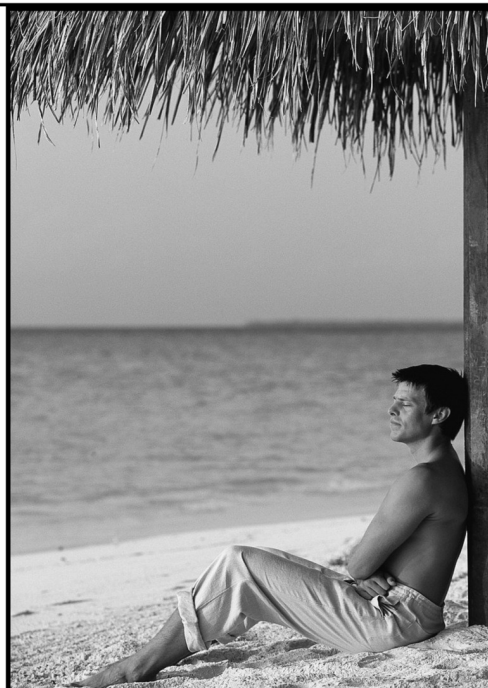
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