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April 12, 2016

Robert Waterman, Compliance Specialist  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue N.W., Room S-3510  
Washington, DC 20210

**Re: Proposed Rule Regarding Establishing Paid Sick Leave for Federal  
Contractors, 81 Fed. Reg. 9591 (Feb. 25, 2016), RIN: 1235-AA13**

Dear Mr. Waterman:

On behalf of the Leadership Conference on Human and Civil Rights and 18 undersigned organizations, we write to express our strong support for the Department of Labor's (DOL) proposed rule implementing Executive Order 13706 (EO), *Establishing Paid Sick Leave for Federal Contractors*. This proposed rule will benefit an estimated 828,000 employees of federal contractors. Of these employees, an estimated 437,000 will receive paid sick leave for the first time.

The proposed rule requires contractors to allow employees working on or in connection with a covered contract to accrue up to 56 hours of paid sick time annually to care for their own medical needs, a family member's medical needs, or for purposes related to domestic violence, sexual assault, or stalking. As a result of this rule, fewer workers will have to make impossible choices between their jobs and their health or the health of their families.

**Workers, particularly workers of color, need paid sick days.**

This rule is particularly important for low wage workers and workers of color who are most likely to work in jobs without paid sick leave. For example, 40 percent of workers in the United States lack access to paid sick days in their current jobs.<sup>1</sup> Hispanic workers—both male and female—are least likely to have paid sick days.<sup>2</sup> Less than half of Hispanic workers (46 percent) have access to paid sick days compared with 60 percent of workers overall.<sup>3</sup>

In many families, women of color are the primary source of financial support. More than four million African American families with children have a female head of household who

<sup>1</sup> Jenny Xia, Jeffrey Hayes, Barbara Gault, & Hailey Nguyen, *Paid Sick Days Access and Usage Rates Vary by Race/Ethnicity, Occupation, and Earnings*, IWPR Publication No. B356, Institute for Women's Policy Research (Feb. 2016). Available at <http://www.iwpr.org/publications/pubs/paid-sick-days-access-and-usage-rates-vary-by-race-ethnicity-occupation-and-earnings>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

is her family's sole support.<sup>4</sup> This is also the case for nearly three million Latino families.<sup>5</sup> Unpaid days off have real consequences. For the typical family without paid sick days, just 3.5 days without pay is equivalent to losing an entire month's worth of groceries.<sup>6</sup> For women of color, who are paid less on average,<sup>7</sup> the consequences are even more severe.

**The proposed rule's definition of "family" is appropriate.**

We fully support the proposed rule's definition of family as an "[i]ndividual related by blood or affinity whose close association with the employee is the equivalent of a family relationship." This will enable workers to use paid sick days to care for close family members regardless of biological or legal relationship. The proposed definition encompasses "any person with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship." By emphasizing a significant personal bond, regardless of a biological or legal relationship, the "blood or affinity" standard is broad and flexible enough to recognize diverse family structures.

The ability to use paid sick days to care for family beyond nuclear relatives is especially critical to communities of color and the LGBT community: More than 18 percent of Americans, including about 25 percent of Latino and Black Americans and 27 percent of Asian Americans, live in a multigenerational household.<sup>8</sup> Additionally, LGBT Americans often rely on their "chosen family" as caretakers more often than their non-LGBT peers;<sup>9</sup> LGBT older adults are especially less likely to have family support when they need care and often rely on "families of choice".<sup>10</sup> Therefore, the proposed rule's definition of family helps to ensure that employees of government contractors, particularly employees of color and LGBT employees, do not have to choose between a paycheck and a family health condition. We urge that no changes be made to this definition of family.

**The purposes for which paid sick time can be taken under the proposed rule will lead to a more productive workforce and will improve the health and safety of workers.**

We support the requirement of the proposed rules allowing workers to use their paid sick time for absences from work due to the employee's or a family member's physical or mental illness or need for medical care. This will ensure a healthier and more productive federal contracting workforce. Paid sick

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<sup>4</sup> *Women of Color Need a Paid Sick Days Standard*, Fact Sheet, National Partnership for Women & Families (Sept. 2015). Available at <http://www.nationalpartnership.org/research-library/work-family/psd/women-of-color-need-a-paid-sick-days-standard.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Richard Fry & Jeffrey S. Passel, *In Post-Recession Era, Young Adults Drive Continuing Rise in Multi-Generational Living*, Pew Research Center (July 17, 2014). Available at <http://www.pewsocialtrends.org/2014/07/17/in-post-recession-era-young-adults-drive-continuing-rise-in-multi-generational-living/>.

<sup>9</sup> See, e.g., *Still Out, Still Aging: The MetLife Study of Lesbian, Gay, Bisexual, and Transgender Baby Boomers*, pp. 13-15, MetLife Mature Market Institute and American Society of Aging (Mar. 2010).

<sup>10</sup> Robert Espinoza, *The Diverse Elders Coalition and LGBT Aging: Connecting Communities, Issues, and Resources in a Historic Moment*, Vol. 21, No. 3, p. 9, Public Policy & Aging Report (Summer 2011).

time reduces recovery time, promotes the use of regular medical providers rather than hospital emergency departments, and reduces the likelihood of people spreading illness.<sup>11</sup>

We also strongly support the proposed rule's requirement that workers be allowed to use their paid sick leave for purposes related to domestic violence, sexual assault, or stalking of an employee or an employee's family member. Survivors of domestic and sexual violence are often forced to lose days of paid employment. For example, 36 percent of rape and sexual assault victims lost more than 10 days of work, and more than half of stalking survivors lost five or more days of work.<sup>12</sup> Additionally, survivors of domestic violence miss nearly 8 million days of paid work each year, costing more than \$700 million annually due to lost productivity.<sup>13</sup> Allowing use of paid sick leave for these survivors means that workers will not have to lose days of paid employment due to the violence they face.

### **Paid sick days will improve the economy and efficiency of federal contracting.**

There is ample evidence demonstrating that paid sick leave improves employee retention, reduces workplace contagion and injury, and increases productivity.<sup>14</sup> Research shows that an employee is at least 25 percent less likely to voluntarily leave a job when given access to paid sick days,<sup>15</sup> thus reducing the high costs of employee turnover. Additionally, because workers without paid sick days are 1.5 times more likely report to work with short-term, easily spreadable illness rather than sacrificing critical income,<sup>16</sup>

<sup>11</sup> Human Impact Partners. (2009, September 3). *A Health Impact Assessment of the Healthy Families Act of 2009*, Human Impact Partners (Sept. 3, 2009). Available at <http://www.humanimpact.org/downloads/national-paid-sick-days-hia-report/>; K. Miller, C. Williams, & Y. Yi, *Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits*, Institute for Women's Policy Research Publication (Nov. 2011). Available at <http://www.iwpr.org/publications/pubs/paid-sick-days-and-health-cost-savings-from-reduced-emergency-department-visits>; T. W. Smith & J. Kim, *Paid Sick Days: Attitudes and Experiences*, National Opinion Research Center at the University of Chicago Publication (June 2010). Available at <http://news.uchicago.edu/static/newsengine/pdf/100621.paid.sick.leave.pdf>; R. Drago & K. Miller, *Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic*, Institute for Women's Policy Research Publication (Feb. 2010). Available at <http://www.iwpr.org/publications/pubs/sick-at-work-infected-employees-in-the-workplace-during-the-h1n1-pandemic>; S. Kumar, S. C. Quinn, K. H. Kim, L. H. Daniel, & V. S. Freimuth, *The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness Incidence During the 2009 H1N1 Pandemic*, 102(1), pp. 134-140, *American Journal of Public Health* (Nov. 17, 2011). Available at [http://www.cdc.gov/phpr/documents/science/AJPH\\_2011\\_300307v1.pdf](http://www.cdc.gov/phpr/documents/science/AJPH_2011_300307v1.pdf); S. Pichler & N. R. Ziebarth, *The Pros and Cons of Sick Pay Schemes: Testing for Contagious Presenteeism and Shirking Behavior*, Deutsches Institut für Wirtschaftsforschung Publication (2015). Available at [http://www.diw.de/documents/publikationen/73/diw\\_01.c.514633.de/dp1509.pdf](http://www.diw.de/documents/publikationen/73/diw_01.c.514633.de/dp1509.pdf).

<sup>12</sup> *Stalking*, Bureau of Justice Statistics, U.S. Department of Justice (Dec. 2013). Available at <http://www.bjs.gov/index.cfm?ty=tp&tid=973>; *National Crime Victimization Survey: Personal and Property Crimes, 2000*, Bureau of Justice Statistics, U.S. Department of Justice (Aug. 2002).

<sup>13</sup> *Intimate Partner Violence: Consequences*, Centers for Disease Control and Prevention (Dec. 24, 2013). Available at <http://www.cdc.gov/violenceprevention/intimatepartnerviolence/consequences.html>; R.F. Hanson, G.K. Sawyer, A.M. Begle, & G.S. Hubel, *The Impact of Crime Victimization on Quality of Life*, 23(2), pp. 189–197, *Journal of Traumatic Stress*, (Apr. 2010). Available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2910433/>.

<sup>14</sup> E.g., *Paid Sick Days: Good for Business, Good for Workers*, Fact Sheet, National Partnership for Women & Families (Aug. 2012). Available at <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-good-for-business-and-workers.pdf>.

<sup>15</sup> H. D. Hill, *Paid Sick Leave and Job Stability*, 40(2), pp. 143-173, *Work and Occupations* (2013).

<sup>16</sup> T. W. Smith & J. Kim, *Paid Sick Days: Attitudes and Experiences*, National Opinion Research Center at the University of Chicago Publication (June 2010). Available at <http://news.uchicago.edu/static/newsengine/pdf/100621.paid.sick.leave.pdf>.



paid sick days reduce the risk that employees will spread illness at work. Lastly, paid sick days can lead to improvements in productivity by helping workers recover and return to work more quickly.<sup>17</sup> Therefore, providing paid sick leave unquestionably meets the standard to improve the economy and efficiency of federal contracting.

Finally, we note that providing paid sick leave to employees will not unduly burden federal contractors. Ample evidence from the private sector and cities and states with paid sick day laws demonstrates that compliance burdens for contractors are minimal and are far outweighed by the benefits of the law. In San Francisco, for example, the Vice President of the local Chamber of Commerce – which led the fight against the law with dire predictions about its impact on employers – told *The New York Times* that the law’s impact was “minimal” and that “[b]y and large, [paid sick days] has not been an employer issue.”<sup>18</sup> Additionally, employers broadly support paid sick time: polling shows that CEOs support paid sick time 73 percent to 16 percent, and support “more time off to take care of sick children or other relatives” 83 percent to 5 percent.<sup>19</sup>

Thank you for the opportunity to comment on this proposed rule. Establishing paid sick leave for employees of federal contractors benefits the employers as well as the employees. We urge the administration to act swiftly to implement final regulations in order to ensure that workers can take the sick days they need for the health of themselves, their families, their coworkers, and the economy. For any additional information please contact June Zeitlin, Director of Human Rights Policy at 202-263-2852 or [zeitlin@civilrights.org](mailto:zeitlin@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
 9to5, National Association of Working Women  
 9to5 California  
 9to5 Colorado  
 9to5 Georgia  
 9to5 Wisconsin  
 American Civil Liberties Union (ACLU)  
 Black Women’s Roundtable  
 Center for Women Policy Studies  
 Equal Rights Advocates  
 Institute for Science and Human Values  
 NAACP  
 National Center for Transgender Equality  
 National Employment Law Project

<sup>17</sup> *A Health Impact Assessment of the Healthy Families Act of 2009*, Human Impact Partners (Sept. 3, 2009). Available at <http://www.humanimpact.org/downloads/national-paid-sick-days-hia-report/>.

<sup>18</sup> R. Swarns, *Despite Business Fears, Sick-Day Laws Like New York’s Work Well Elsewhere*, *New York Times* (Jan. 26, 2014). Available at <http://www.nytimes.com/2014/01/27/nyregion/despite-business-fears-sick-day-laws-like-new-yorks-work-well-elsewhere.html>.

<sup>19</sup> Mary Bottari, *Highlights of Luntz Poll of American CEOs Shows Broad Support for Progressive Policies*, PRWatch, Center for Media and Democracy (Apr. 4, 2016). Available at <http://www.prwatch.org/news/2016/04/13075/top-gop-pollster-chamber-commerce-lobbyists-poll-shows-your-members-support>.



National Employment Lawyers Association  
National Women's Law Center  
Sargent Shriver National Center on Poverty Law  
UltraViolet  
Women Employed