

Earned Paid Sick Time – Frequently Asked Questions

A state economy works best for everyone when working people can balance work, family, and life’s challenges. At some point in their lives, all workers experience a personal health issue or family illness. Yet in Massachusetts, as in most states, if you are sick and have to miss work, not only can you miss a day’s worth of pay, but you can also get fired. In order to better address these issues, a growing number of cities and one state have passed earned paid sick time laws. Below are answers to some frequently asked questions about this important issue.

What is Earned Paid Sick Time (EPST)?

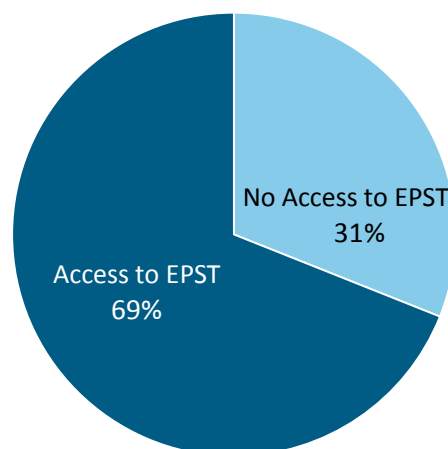
Earned paid sick time allows workers to earn paid time off in order to address a health issue. Eligible workers commonly use sick time to take care of themselves when they are too sick to work, to see a doctor, or to care for a sick family member.

EPST laws vary across the country. Specifically, they differ in how quickly sick time is available, the circumstances in which they can be used, how many days/hours can be earned, and how much notice is required in order to use earned sick time.

Who does and does not get EPST now?

Since it is not required by law in Massachusetts, about 1 in 3 workers in Massachusetts do not have access to earned paid sick time. Those lacking coverage are predominantly in low-wage jobs.

Roughly One in Three Workers Do Not Have
% of MA workers, 2012

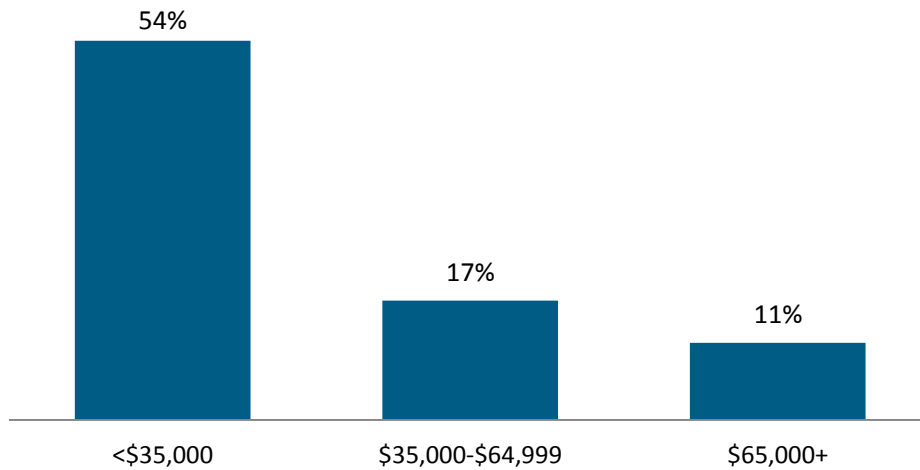


Source Note: The following figures are based on the Institute for Women’s Policy Research analysis of the 2010-2012 National Health Interview Survey (NHIS) and 2012 IPUMS American Community Survey (ACS). Estimates include people 18 years of age or older working in private sector and state and local government jobs in Massachusetts. These estimates exclude federal government workers, the self-employed, and members of the armed forces.

The less one earns, the less likely a worker will have EPST. In fact, over half of the lowest wage earners do not have access, whereas only 11 percent of those who earn above \$65,000 do not have earned paid sick time (as shown in the graph below).

Over Half of Workers Earning Under \$35k Do Not Have EPST

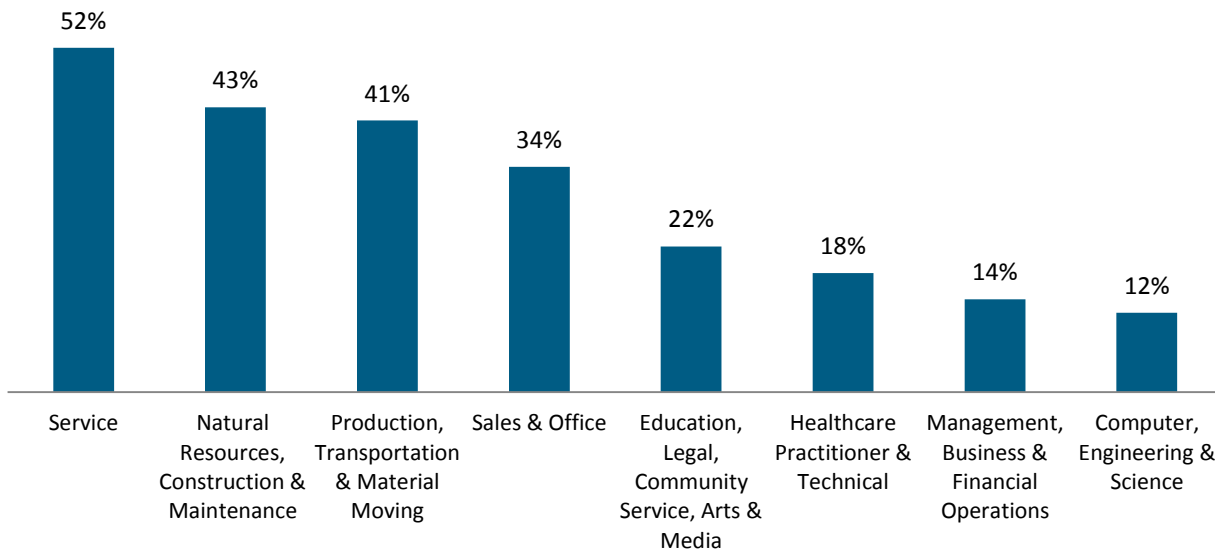
% of MA workers who do not have EPST by personal earnings, 2012



More than half of service industry workers do not have access to a single earned paid sick day. Workers in white-collar jobs, such as computer, engineering, and science occupations, generally have higher levels of education, higher earnings, and more workplace protections like EPST.

Over half of Workers in Service Jobs Do Not Have EPST

% of MA workers who do not have EPST by industry, 2012



Do EPST laws exist elsewhere?

In the absence of a federal requirement, eight cities and one state have passed their own EPST laws in recent years. San Francisco, Washington D.C., and Seattle were among the first U.S. cities to codify EPST into law. Most recently in 2014, Portland, OR, Newark, NJ, Jersey City, New York City, and San Diego passed paid sick time laws. Additionally, Connecticut was the first state to enact a statewide paid sick day law in 2011. Although these laws increase access to workplace flexibility for many workers, coverage is not universal.

What is EPST’s relationship with the Family and Medical Leave Act (FMLA)?

The Family and Medical Leave Act is a federal law that provides important yet limited protections. It grants unpaid job protection to eligible workers to deal with serious health conditions or with the birth, adoption, or foster care of a child. It requires that employees must work close to fulltime and for large employers (companies with 50 or more workers). As a result of these limitations, about 40 percent of the workforce is not covered by the FMLA.¹

These protections contrast with EPST’s more expansive protections in a few ways. First, EPST is paid, whereas the FMLA does not require employers to provide paid leave. Second, EPST is used to recover from a short-term illness, such as the flu, or to care for an immediate family member, whereas the FMLA is designed for longer-term medical issues. Third, FMLA only covers larger employers.

EPST & FMLA Comparison

	EPST	FMLA
Paid	Yes	No
Job Protection	Yes	Yes
Applicability	Short-term medical care	Long-term medical care
Federal Standard	No	Yes

¹ U.S. Department of Labor, Wage and Hour Division, “FMLA is Working” http://www.dol.gov/whd/fmla/survey/FMLA_Survey_factsheet.pdf