

TRANSCRIPT

marketplace  of ideas



featuring Co-Founder of Young Workers United

## SARA FLOCKS

On Guaranteeing Paid Sick Leave

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DRUM  
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POLICY

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THE DRUM MAJOR INSTITUTE FOR PUBLIC POLICY  
**MARKETPLACE OF IDEAS SERIES**

**GUARANTEERING PAID SICK LEAVE**

**SPEAKERS:**

**SARA FLOCKS**

Co-Founder, Young Workers United

**HON. CAROLYN MALONEY**

U.S. House of Representatives

**HON. GALE BREWER**

New York City Council

**DAVID JONES**

President & CEO, Community Service Society of New York

Introduction by **REV. DR. JAMES A. FORBES**

Healing of the Nations Foundation

Moderated by **ANDREA BATISTA SCHLESINGER**

Executive Director, Drum Major Institute for Public Policy

**ABOUT DMI'S "MARKETPLACE OF IDEAS" SERIES:**

Never content just to argue theory, the Drum Major Institute provides a platform for policymakers who have successfully worked for social and economic fairness in our public institutions. For far too long the conservative right has defined the limits of what is "possible" in society and politics. The "Marketplace of Ideas" shows that we can transcend these artificial boundaries: it is possible to be progressive, practical, and effective. Previous speakers in the series have included New Jersey Governor Jon Corzine, who signed family leave insurance into law in his state; Boston Mayor Thomas Menino, who catalyzed the rehabilitation of abandoned buildings into affordable housing; Minnesota Attorney General Lori Swanson, who initiated tough standards to crack down on predatory mortgage lending; and Dallas District Attorney Craig Watkins, who transformed the prosecutor's role to include a focus on exonerating the innocent.

# PANELISTS AND SPEAKERS

**SARA FLOCKS** is the co-founder and current Board Member of Young Workers United (YWU), a membership organization in San Francisco, California that organizes young and immigrant workers to improve conditions in low-wage service jobs. Under her leadership, YWU won campaigns to raise the city minimum wage, mandate paid sick days for all workers and won hundreds of thousands of dollars in back wages for workers. Before YWU, Sara worked at the U.C. Berkeley Labor Center where she ran the Young Worker Research Project and Labor Summer, an organizer training program. She began her career in the labor movement as a community organizer for the United Farm Workers. Her publications, co-authored with Stuart Tannock, include “I Know What It’s Like to Struggle: The Working Lives of Young Students in an Urban Community College” and “On the Backs of Young Workers: Taking Stock of the New Supermarket Labor Wars.” She is currently pursuing a Masters in Public Administration at the Harvard Kennedy School.

**HON. CAROLYN MALONEY** represents New York’s 14th Congressional District, including the East Side of Manhattan and several communities in Queens. Maloney is a co-sponsor of the Healthy Families Act, a national paid sick leave bill. She is a national leader with extensive accomplishments on security, financial services, the economy, and women’s issues. As a renowned champion for domestic and international women’s issues, Maloney helped passed legislation to target the demand side of sex trafficking and provide annual mammograms for women on Medicare. Maloney also authored the Debbie Smith bill to process DNA kits, which has been called the most important anti-rape legislation in history. She has doggedly fought for full federal assistance to help the city rebuild from 9/11, most recently helping secure the very first doses of federal money for the health care needs of those made sick by the toxic air at Ground Zero. She has also delivered significant federal funding for the Second Avenue Subway and East Side Access transportation projects, both of which run through her district. Maloney’s career has been a series of firsts. She is the first woman to represent New York’s 14th Congressional District, the first woman to represent New York City’s 7th Councilmanic district, and the first woman Vice-Chair of the Joint Economic Committee, a House and Senate panel that examines and addresses the nation’s most pressing economic issues. She was also the first woman to give birth while serving on the New York City Council. In addition to her work on the Joint Economic Committee, Maloney is Chair of the House Financial Services Committee’s Financial Institutions Subcommittee, which has jurisdiction over the nation’s banking system. As Subcommittee Chair, she has worked to modernize financial services laws and regulations, strengthen consumer protections, and institute vigilant oversight of the safety and soundness of our nation’s banking industry. Maloney is also a senior member of the House Oversight and Government Reform Committee.

**GALE A. BREWER** is a New York City Councilmember who has been representing the Upper West Side and Clinton in the New York City Council since 2002. She was re-elected in November 2005 general election with over 80 percent of the vote, receiving nearly 10,000 more votes than any other incumbent. In the November 2003 election, she received 86 percent of the vote. Her service in the Council is a continuation of nearly 30 years of public service. Brewer chairs the Committee on Technology in Government, where she works to make better use of technology to save money, improve City services, and make government more open and accessible to residents, businesses and non-profits. Brewer has been instrumental in passing numerous laws, including legislation establishing a citywide Broadband Advisory Committee; a bill protecting domestic workers; two bills aimed at eliminating graffiti and unwanted stickers; and legislation requiring City publications as well as all 311 data to be made available via the Web. She also brokered an historic Memorandum of Understanding with the Department of Housing Preservation and Development (HPD) and the Association of Neighborhood Housing Developers (ANHD) to pilot a program to conduct roof-to-cellar inspections on buildings known to have multiple serious violations and dated inspections. Brewer has received numerous awards for her service on over two dozen neighborhood and nonprofit boards as well as her work in the City Council. In 2000, she was cited by the Daily News as “One of 50 New Yorkers to Watch.” She has taught urban policy at Barnard, Baruch, Brooklyn, Hunter, and Queens Colleges. Gale has an MPA from Harvard’s Kennedy School of Government and did her undergraduate work at Columbia University and Bennington College.

**DAVID JONES** is President and Chief Executive Officer of the Community Service Society of New York (CSS), a nonpartisan, not-for-profit organization that promotes economic advancement and full civic participation for low-income New Yorkers. Jones, an outspoken advocate for low-income New Yorkers, writes a bi-weekly newspaper column in the New York Amsterdam News, “The Urban Agenda,” that serves to educate the public and government officials on issues of importance to minority and poor communities. Jones has led CSS since 1986. A highly respected New York City leader on issues of urban poverty and economic advancement, Jones was recently appointed to several prominent New York City commissions. He was Co-Chair of the City Council Commission on the Campaign for Fiscal Equity that made recommendations for the distribution of state funding to city schools. Mayor Bloomberg recently appointed Jones to the Task Force on Career and Technical Education Innovation and the Commission for Economic Opportunity, a task force to attack poverty and unemployment. He was also a member of the Construction Industry Opportunities Commission that addressed inequities in employment opportunities for people of color. Jones is Vice Chair of the Advisory Board of New York City’s Independent Budget Office. He serves on the New York City Department of Health and Mental Hygiene’s Policy Advisory Committee. While receiving his Bachelor of Arts degree from Wesleyan University, Jones interned

for the late Senator Robert F. Kennedy in Washington, D.C. He received a Juris Doctor degree from the Yale Law School in 1974, afterwards clerking for Judge Constance Baker Motley of the U.S. District Court for the Southern District of New York.

**ANDREA BATISTA SCHLESINGER** has led the effort since 2002 to turn the Drum Major Institute, originally founded by an advisor to Rev. Dr. Martin Luther King, Jr. during the civil rights movement, into a progressive policy institute with national impact. Under Andrea's leadership as Executive Director, DMI has released several important policy papers to national audiences including: 'Congress at the Midterm: Their Middle-Class Record' and 'Principles for an Immigration Policy to Strengthen and Expand the American Middle Class.' In 2009, Andrea took a leave of absence from DMI to work as a Senior Policy Advisor to Mayor Bloomberg's reelection campaign. Andrea studied public policy at the University of Chicago. Andrea has worked in various capacities to promote educational equity and youth empowerment. She directed a national campaign to engage college students in the discussion on the future of Social Security for the Pew Charitable Trusts, and served as Director of Public Relations of Teach For America before working as the education advisor to Bronx Borough President Fernando Ferrer. Andrea has been profiled in the *New York Times*, *New Yorker magazine*, *Latina Magazine* and in 'Hear us Now,' an award winning documentary about her tenure as the student member of the New York City Board of Education. She has appeared on the 'Lou Dobbs Tonight' show on CNN and has been published in *New York Newsday*, *Crains New York Business*, *The Mississippi Sun Herald*, *New York Daily News*, *Alternet.com*, *Tom Paine.com*, *New York Sun*, *Colorlines Magazine*, *The Chief-Leader* and *City Limits magazine*. She is a contributor to The Huffington Post, on the Editorial Board of *The Nation* and was named a '40 under 40 Rising Star' by *Crain's New York Business*, a "Next Generation of Political Leaders in New York" by *City Hall Newspaper*, and received a LatinaPAC Dolores Huerta Award for 'making great strides in promoting progress in our community. Andrea is the author of *The Death of "Why?": The Decline of Questioning and the Future of Democracy* forthcoming in June 2009 from Berrett-Koehler Publishers.

**REV. DR. JAMES FORBES JR.** is Vice Chairman of the Drum Major Institute for Public Policy as well as President and Founder of the Healing of the Nations Foundation, an interfaith, not-for-profit organization for the promotion of a holistic understanding of health and wellness. It seeks to broaden the awareness of the inter-relatedness of physical, emotional, mental, spiritual and community health. Dr. Forbes is distinguished Senior Minister Emeritus of The Riverside Church and host of "The Time Is Now" on Air America Radio. Forbes, who was installed as the fifth Senior Minister of Riverside on June 1, 1989, is the first African-American to serve as Senior Minister of this multicultural congregation. He is an ordained minister in the American Baptist Churches and the Original United Holy Church of America. From 1992 to the present, Dr. Forbes has been co-chair of A Partnership of Faith, an interfaith organization of clergy among New York's Protestant, Catholic,

Jewish, and Muslim communities. He is on the board of Manhattanville College, the Interfaith Alliance, Harlem Congregations for Community Improvement, and the United Way. He is a consultant to the Congress of National Black Churches and past President of The Martin Luther King Fellows. In 2000, Dr. Forbes also accepted board appointments to: The Values Institute of America, The Bertram M. Beck Institute on Religion and Poverty at Fordham University, and The Mailman School of Public Health at Columbia University.

# TRANSCRIPT

*The transcript from this event has been edited for length and readability.*

*Internet links are provided in footnotes throughout this transcript as resources for readers seeking to better understand the policy discussion. While we hope they are helpful, the Drum Major Institute for Public Policy is not responsible for the content or continued functioning of these links.*

**REV. JAMES FORBES:** I am Jim Forbes with the Drum Major Institute for Public Policy. I would like to say good morning to everybody and to thank you for joining us for this event today. I am pleased to welcome you to what we delight in calling our Marketplace of Ideas. At the Marketplace of Ideas, we are not just interested in theories that might work out if someone were to try to put them in practice one day. This series highlights public policies with a proven track record, policies that have been successful in another city, state or organization and ought to be considered here in New York City. We bring you the actual policymakers who went through the messy process to make a good idea become a reality.

This morning we are looking at a very simple policy, one that we all understand intuitively: paid sick leave. It seems like a very basic job benefit but 46 million people working in the United States do not have it.<sup>1</sup> They are often low-income workers, people who can least afford to miss a day's pay. Yet when they get sick they have to make a miserable choice, miss a paycheck and maybe be unable to make rent, or pay the electric bill that month, or go to work feeling awful and risk making their illness worse and infecting other co-workers and customers. The situation is equally bad if you have a sick child to care for and then you cannot take time off to take care of that child.

A man told me just the day before yesterday how he had to go get a test and his daughter, who happened to be available that day, drove him. On the way he passed out. Otherwise, he said he might have been driving, and the results could have been fatal.

Well, in 2006, San Francisco voters decided that this kind of situation was unacceptable. They voted in favor of a ballot initiative to require employers to provide paid sick leave to all employees citywide. The idea is catching on now nationally. Washington, D.C.,<sup>2</sup> passed paid sick leave last year and states like Ohio, Massachusetts, Connecticut, New Jersey and California<sup>3</sup> are considering paid sick leave laws. San Francisco started something and here in New York we are falling behind. Hundreds of thousands of people working in this

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1 <http://www.bls.gov/ncs/ebs/sp/ebsm0006.pdf>

2 <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/04/AR2008030402873.html>

3 For an overview of legislation, see: <http://www.stateline.org/live/details/story?contentId=280734>

city do not have paid sick days. We have got to catch up. Today we will get some insight on how to do that from one of the leaders who helped to draft the proposition. She campaigned for it, fought for it, and brought paid sick leave to 115,000 working people in San Francisco: Sara Flocks.

Ms. Flocks is a co-founder of Young Workers United,<sup>4</sup> a membership organization in San Francisco that is dedicated to improving working conditions for young people in the City's service sector. Ms. Flocks helped found the organization in 2002 and since then, they have won hundreds of thousands of dollars in back pay for workers who were illegally denied it. They joined labor and community allies to successfully raise San Francisco's minimum wage in 2003 and to expand health coverage city-wide. Of course, Young Workers United and Sara Flocks were instrumental in passing the paid sick leave mandate.

Before starting Young Workers United, Sara Flocks worked for the United Farm Workers.<sup>5</sup> What an organization, and how much change has come through the work of that organization. She also worked at the University of California Berkeley at their Labor Center.<sup>6</sup> Now she is studying for a Masters in Public Administration at Harvard's Kennedy School.<sup>7</sup> We are delighted to welcome Sara Flocks to the Marketplace of Ideas this morning. We will also be hearing from a very distinguished panel about the lessons in New York and how the whole country can learn from San Francisco's experience.

**When we first considered paid sick days we thought, "We are having a hard enough time enforcing the laws that exist, how are we going to pass a law?" Because 90 percent of our work was enforcement.**

—Sara Flocks  
Co-Founder, Young Workers United

**SARA FLOCKS:** Thank you so much. I am honored to be here. I am from Young Workers United, which is a membership organization in San Francisco and I am here because we did pass paid sick days in 2006 and it was actually very unexpected. I am not a policymaker and we are not a policy organization, so this was all incredibly new. Basically, we got a lot of our knowledge about how to pass bills from the cartoon, *How a Bill Becomes a Law*.<sup>8</sup> This was very experimental but I do feel like there were a lot of lessons that we learned that I want to share so that this can be replicated around the country.

So you have some background on the organization: the main thing that we do is not pass laws, but enforce them. Most of the cases that we come across are people who are not getting the most basic rights: they are not getting paid minimum wage, they

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4 <http://www.youngworkersunited.org/>

5 <http://www.ufw.org/>

6 <http://laborcenter.berkeley.edu/>

7 <http://www.hks.harvard.edu/>

8 <http://www.youtube.com/watch?v=mEJL2Uuv-oQ>

are not getting overtime, they are not getting their breaks, they are forced to work when they are injured on the job, they are having their timecard shaved where they are being clocked out 10 minutes early, so these are the things we deal with. When we first considered paid sick days we thought, “We are having a hard enough time enforcing the laws that exist, how are we going to pass a law?” Because 90 percent of our work was enforcement.

**[W]e saw workers and talked to workers who said, “You know what, I don’t even expect to have paid sick days, I just work through the pain. I work through pain, I work with sprains, I work with the flu, I work with the colds, I work with whatever. I use my breaks to go throw up if I’ve got the stomach flu.” This is what we heard.**

—Sara Flocks  
Co-Founder, Young Workers United

But what happens during the course of the enforcement, the way that we find our cases, is that we go out and talk to workers. So we spend pretty much all of our time in restaurants, talking to kitchen workers,

to waitresses, talking to janitors, to childcare workers, to basically anybody who will talk to us to find out what is going on. What we found is that we get the same stories over and over and over again. I have this vivid memory of walking into the Cheesecake Factory Restaurant.<sup>9</sup> Do you all know that restaurant? We actually settled a \$4.5 million lawsuit against them for missed breaks, so we knew that they were not the best employer. But I walk in and there was a server who was wearing sunglasses and I thought, “Well that is kind of odd, they are very strict about uniforms.” I asked her, “What’s going on?” She said, “Well, I have pink eye, conjunctivitis, which is contagious and I tried to call in sick but we don’t have sick days and my boss said he would fire me if I didn’t come in so he let me wear sunglasses.” That was one story. So it kind of piqued our interest and we started looking around and listening and we would get story after story after story.

**I talked to one kitchen worker who said, “Look, you know, this is a big restaurant so if the dishwashing machine breaks, they call somebody and they’re here in two minutes and they fix that machine. But if the dishwasher gets sick, they won’t even give him a day to go take care of himself...”**

—Sara Flocks  
Co-Founder, Young Workers United

There was also the woman who was pregnant, eight months pregnant, working and then one day at home started hemorrhaging, thought she was going to have a miscarriage, called into her employer and he said, “You know what, I will fire you if you don’t come in to work today.” She had to make that choice, to lose her job at eight months pregnant—and she lost her job. There were stories of mothers: over and over again we heard from mothers who said, “Look I had to leave my kid home alone with a fever of 103 with the flu, with whatever, because I could not afford to take a day off.” There were mothers who said, “I’m at work I got a call that my...”—if you were allowed to use your cell phone at work—“I got a call that my child broke his arm and I can’t leave work to pick him up.” That is what we heard over and over again. Besides the fact that we saw workers and talked to workers who said, “You know what, I don’t even expect to have paid

9 <http://www.thecheesecakefactory.com/>

sick days, I just work through the pain. I work through pain, I work with sprains, I work with the flu, I work with the colds, I work with whatever. I use my breaks to go throw up if I've got the stomach flu." This is what we heard.

I talked to one kitchen worker who said, "Look, you know, this is a big restaurant so if the dishwashing machine breaks, they call somebody and they're here in two minutes and they fix that machine. But if the dishwasher gets sick, they won't even give him a day to go take care of himself," and it happened over and over and over again. We started to say, "We have to do something about this, this is crazy." So we started doing the research and the numbers—it was good that you guys got the numbers—and we saw that in San Francisco the stories we were hearing were happening all across the nation, added to the number that almost half of all workers in the U.S. don't have any paid sick days.

If you look at the number of workers who have one or two sick days, or have sick days that they can only use if they have a doctor's note if they have healthcare, or can have sick days that they can only use for themselves and not families, that number goes up a lot. So we are looking at a real public health emergency besides just a human rights issue.

We also found that 86 percent of food service workers, the people who are making your food and serving your food, have no paid sick days.<sup>10</sup> That means they have to be at work no matter what kind of illness they have because usually those are the lowest paid workers who cannot afford to get sick. So we found that the workers who do not have paid sick days are the workers who are getting the lowest wages: they are majority women, they are majority people of color, they are majority immigrants and working families. These are the people who need paid sick days the most, and they are the least likely to have them.

We also realize that these workers are our members. We are Young Workers United and we represent low wage service workers and almost nobody in the organization had any kind of paid sick leave. So we said, "Well, you know, there must be some laws out there about that. There has to be something in New York, Madison, somewhere." And what we saw is that there was no law anywhere in the U.S. that gave workers the right to get sick; they just did not have that right. Every worker who came into our office who asked us for help, especially immigrant workers, actually would come in and say, "You know my rights are being violated, I can't take a day off. I'm sick and they're forcing me to work." And we have to say, "You know what, you do not have the right to get sick. You do not have any kind of protection if you call in sick that you

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<sup>10</sup> <http://www.acorn.org/index.php?id=17049>

will not be fired. Employers have that right to fire you if you are ill, even if you try to take care of your child, or if you have a fever or if you broke bones.” And workers were aghast at this. They could not believe it. So we felt like the best we can do is say, “Well, if you have any other problems we can help you. We will try to do the best we can on a case by case basis, but we are sorry you do not have that right.”

I think the tipping point came at a training with our Worker Justice Committee, which is a member led committee that handles a lot of the cases that we have. We try to train service workers to work with their colleagues, with their co-workers, to resolve cases. We were doing a training on workers’ rights and on labor history, “Where do our rights come from?” In the training we asked them, “Where do you think you got minimum wage? Where do you think you got overtime, breaks? Do you think the bosses said, ‘You know what, a minimum wage sounds like a good idea. Oh, you know what I think a paid 10-minute break would be great for my low-wage employees.’ Do you think that is what happens?” Of course, the group said, “No. No, not at all.” So the answer to that was, “You are right; we fought for those rights. Our brothers and sisters in the labor movement fought to have the right to minimum wage, to take a break, to overtime, to the eight-hour day and to end child labor. They gave their lives for those rights.” As Young Workers United, we have an obligation to continue that fight. We need to enforce those rights.

**This is our calling. We have moral obligation to make sure that people do not have to work when they are sick and they do not have to leave their children home alone when they are ill. No one should have to make that choice, and low-wage workers should not have to choose between making the rent and buying food or being able to stay at home with their children. That is unjust and we cannot tolerate it.**

—Sara Flocks  
Co-Founder, Young Workers United

I think all of us kind of had a collective, “Uh-huh” moment at that point. We said, “Wait a minute, so we have this legacy. The people in the labor movement fought for our rights, okay, so we need to fight for paid sick days. This is our calling. We have moral obligation to make sure that people do not have to work when they are sick and they do not have to leave their children home alone when they are ill. No one should have to make that choice, and low-wage workers should not have to choose between making the rent and buying food or being able to stay at home with their children. That is unjust and we

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cannot tolerate it.” So we made the decision and also kind of naively, we said, “How hard can it be to write a law, it can’t be that hard?” We were a little bit wrong.

We wanted to have a law that was worker-friendly. We knew that enforcement was very difficult, so first we wanted to close all of the loopholes that exist. We thought we would take workers, bring them together and basically figure out what needs to

be in the law. Then we would work with policymakers to figure out how we could put this into a real format. So we got all of our members together. They range from ages 18 to 35, and we are a bilingual organization, so we function in Spanish and English. We are immigrant workers, young workers, all basically in the restaurant industry. We got them together and we said, “Look, we are going to write a law. So let’s put up some butcher paper and let’s do this.” This is what they came up with. I am just going to go through some of the highlights because I think you have most of the information.

The one thing that we said we would not compromise on is that this law will cover every single worker in San Francisco in the public and private sector, and it will cover part-time and workers in small businesses—that’s every single worker. That means there will be no minimum hours required. The way it works is that you will earn the hours, so it is accrual and it caps out at nine days. So workers in San Francisco get nine paid sick days a year. For small businesses, it is five days. Workers do not have to find replacements, so if you are sick you do not have to run around to get your replacement, which is very important since most businesses have that policy. You only need a doctor’s note after three consecutive days of absence, because most people do not have healthcare so it costs money to get a doctor’s note, but you can care for yourself and for most family members. We also said that at the beginning of the year you can designate somebody who is not a family member that you can take this leave for because we know how many people are taking care of friends and non-family, who are primary care-givers. You can use the time to go to the doctor or when you get sick. We also did something that we have found very important in every law: we wrote in enforcement that gave it teeth. Because a lot of employers find that it is actually cheaper to pay the fine and continue to break the law. We tried to make it as strong as we could so that if you break this law you are going to pay, because you cannot deny people paid sick days.

**We went to the Spanish press, the Chinese press, the Tagalog press, on the buses, everywhere that workers were. We tried to get people out to vote. This is also a law where workers actually have to stand up to their boss and ask to take a paid sick day, so we wanted people to be educated up front because if people do not know about their rights then they are not going to ask for them.**

—Sara Flocks  
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What we needed then was a strategy. We decided that we were going to go through the electoral process. It is not because we had anything against the legislative process but going through the electoral process, which we do all the time in California, is familiar.<sup>11</sup> It would help us meet three of our major goals besides passing paid sick days. Our first goal is that we are committed to building the power of young and immigrant workers and also raising their visibility. For many of these laws, the workers they benefit are invisible. We see them every day, they pour our coffee, they serve us food, but we do not really see them, we do not know what their lives are

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11 The electoral process refers to enacting the legislation as a ballot initiative that citizens can vote on directly, as opposed to passing a bill through the city legislature to be signed by the Mayor.

like, we do not know if they are sick or have a sick child at home. So we wanted to put this issue in the foreground: this is an issue of low-wage workers, of immigrant workers, of the people who make San Francisco or New York run. They are basically concentrated in the restaurant and tourist industry, where these cities are making their money. We felt like the electoral process would put them at the foreground.

The second strategic aim was to have a massive education campaign of workers and of businesses. It was a big election in 2006, it was our mayoral election, and there would be a lot of coverage, and we put it in our strategy and in our plan that we would have as much exposure as possible everywhere that workers were. We went to the Spanish press, the Chinese press, the Tagalog press, on the buses, everywhere that workers were. We tried to get people out to vote. This is also a law where workers actually have to stand up to their boss and ask to take a paid sick day, so we wanted people to be educated up front because if people do not know about their rights then they are not going to ask for them.

**We also said that it was fair, it gives people time to heal; it is healthy because it does reduce the spread of illness in the workplace, and it makes workers more productive. It is also not very expensive: workers on average take 1.8 days of paid sick leave. It is also compassionate. This allows people to care for themselves, for their family and for their elders.**

—Sara Flocks  
Co-Founder, Young Workers United

And the third strategic aim is that we did not want to have to compromise. Now, we have nothing against the legislative

process, but we felt that in our position in San Francisco we were not strong enough to get everything we wanted. We saw other places where paid sick days failed; what advocates did in order to get compromise is say, “Oh you know what, we’ll exempt part-time workers. We’ll exempt workers who work under 20 hours a week. Basically, we’re going to exempt the people who need it most because these are the people who are struggling by putting together three or four different part-time jobs.” So we said, “We draw the line. This law is designed to raise the floor for all workers, especially those at the bottom. We are not going to make a compromise around part-time workers that is going to create more inequality.” That was our strategy.

Our coalition was basically all grassroots organizations. I am just going to run through them quickly. Of course labor was there and labor was strong: the San Francisco Labor Council,<sup>12</sup> Unite Here,<sup>13</sup> which is the hotel workers; the United Food and Commercial Workers;<sup>14</sup> the Committee of Intern and Residents,<sup>15</sup> our public health doctors were very strong; St. Peters Housing Committee,<sup>16</sup> which is Spanish speaking tenants; and the Chinese Progressive Association,<sup>17</sup> which is Chinese speaking workers. Our campaign was a basic electoral campaign. We did outreach, door knocking, and had a lot of visuals. Paid sick days is great for visuals; you want a giant ball of Kleenex, for

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12 <http://www.sflaborcouncil.org/>

13 <http://www.unitehere.org/>

14 <http://www.ufcw.org/>

15 [http://www.cirseiu.org/ourhospitals/nor\\_cal\\_news/default.aspx](http://www.cirseiu.org/ourhospitals/nor_cal_news/default.aspx)

16 <http://www.comitedevivienda.org/>

17 <http://www.cpasf.org/>

instance. We had an attack germ in our Sick Days Super Heros. We spent a lot of time at city hall dressed as germs, it was great. People loved it or didn't.

Our messaging was very important and we made sure the people that delivered the message were always workers, and that it was always a worker speaking to the press. We said it was very simple, "All workers deserve paid sick days." People understand this issue, it polls very well, it polls at 70 percent approval in San Francisco and nationally it is the same.<sup>18</sup> You work, you get a paid sick day. We also said that it was fair, it gives people time to heal; it is healthy because it does reduce the spread of illness in the workplace, and it makes workers more productive. It is also not very expensive: workers on average take 1.8 days of paid sick leave. It is also compassionate. This allows people to care for themselves, for their family and for their elders. That was our message, very simple. We had workers all across the city giving this message out. We got massive coverage in the Chinese language and Spanish press, pretty much every day they were out campaigning for us. And as for opposition, the Chamber of Commerce<sup>19</sup> and the Golden Gate Restaurant Association<sup>20</sup> opposed the legislation but did not fight it partly because we worked with them very closely before we put it on the ballot. They were actually incredibly helpful in crafting it even though they were very opposed. So on Election Day the legislation passed overwhelmingly, by 60 percent, and it went into effect. Everyone said that hell fire would rain down on San Francisco and we would fall into the ocean but we are fine.

**So on Election Day the legislation passed overwhelmingly, by 60 percent, and it went into effect. Everyone said that hell fire would rain down on San Francisco and we would fall into the ocean but we are fine.**

—Sara Flocks  
Co-Founder, Young Workers United

We actually passed universal healthcare at the same time. It was incredible and I cannot tell you how workers felt to see, to know, that we passed this. We wrote this law, we passed it and we are going to go to work the next day and we are going to start accruing time. We benefit. It was a pretty amazing moment when we did paid sick

days and became the first city in the country to do so. A lot of what I get when I speak is, "Well you know what, San Francisco it is a workers' paradise, or a hell depending on which side you are on. You guys have everything. San Francisco is not replicable, you can't do it here, you can't do it other places, you guys are so progressive." What we say to that is, "No one was giving us paid sick days. If we didn't stand up and fight for paid sick days we still wouldn't have them. We fought for paid sick days, not our city. It was all of us in coalition standing up and fighting for them."

I just wanted to end with a quote by Martin Luther King, because I feel he can end any speech much better than I can. And it is very simple: "The time is always right to do what's right," and paid sick days is the right thing to do and the right time to do now. So I wish you the best of luck. Thank you.

18 <http://www.norc.uchicago.edu/News/American+Workers+Overwhelmingly+Support+Paid+Sick+Days.htm>

19 <http://www.sfchamber.com/>

20 <http://www.ggra.org/>

**ANDREA BATISTA SCHLESINGER:** Thank you everyone for coming this morning. My name is Andrea Batista Schlesinger and I work for the Drum Major Institute. We have a fantastic panel here and I am going to introduce them in turn, then throw some questions at them.

I first wanted to introduce, and it is an honor to have her here, Congresswoman Carolyn Maloney. Time Magazine called her, “A tenacious, resilient legislator.” The Sun said, “Her entire career has been marked by a kind of personal courage.” And the Village Voice characterized her as “A tiger in the House on every dollar due New York.” Maloney’s career has been a

series of firsts: she is the first woman to represent New York’s 14<sup>th</sup> Congressional District, the first woman to represent New York City’s Seventh Councilmanic District and the first woman vice chair of the Joint Economic Committee,<sup>21</sup> which is a House and Senate panel that examines and addresses the nation’s most pressing economic issues and relevant to today and the concept of paid leave in general. She was also the first woman to give birth while serving on the New York City Council. I do not think it was actually at City Hall, but almost.

**The federal government should be passing these bills. It really should be a federal responsibility. But thank goodness we are a federal system and we can have initiatives on the local and state levels that can push the federal government to act. We have a bill before Congress. I am a co-sponsor of it, it is the Healthy Families Act.**

—Representative Carolyn Maloney

**Not only are we 139th behind the countries from the Harvard study on paid sick leave but we are tied for last in paid family leave. 163 countries guarantee paid family leave, which makes us tied along with Swaziland and Papua New Guinea. And when it comes to leave to attend parent/teacher conferences we are tied for last place.**

—Representative Carolyn Maloney

Representative Maloney, 37 countries have policies guaranteeing parents some type of paid leave for sick children. Two thirds of those guarantee them more than a week. The U.S. has nothing like this. One hundred and thirty nine countries provide paid leave for short or long-term illness.<sup>22</sup> The U.S. offers unpaid through the Family and Medical Leave Act<sup>23</sup> but it does not cover all workers. One hundred

and sixty three countries offer workers guaranteed paid leave in connection with childbirth, and the U.S. does not. So my questions is: why does the United States lag behind? What’s wrong here?

**REP. CAROLYN MALONEY:** Well, we are working on it; we have a bill before Congress.<sup>24</sup> But I just have to respond to your first remark on giving birth. One reason I work hard on these issues is I was not fired by my 250,000 constituents for giving birth and having a child. But when I worked for New York State and had my first daughter I was literally terrified that I would be fired, so I called the personnel

21 <http://jec.senate.gov/>

22 <http://www.hsph.harvard.edu/globalworkingfamilies/images/report.pdf>

23 <http://www.dol.gov/esa/whd/fmla/>

24 <http://www.govtrack.us/congress/bill.xpd?bill=h110-5873>

office—this is a true story—and I asked them, “What about your leave policies? I’m going to have a child.” Their answer to me was, “Women just leave. They do not come back. They just leave.” And I said, “You have no leave policies?” They said, “No, you could apply for disability.” Well I do not think having a child is a disability and just as a moral issue I would never do that. Now we have made some progress since then, but not much, as Andrea’s numbers point out.

I also want to respond to Sara’s statement about the woman who gave birth and was told, while hemorrhaging, that she would be fired if she did not come in. In 1978, we passed a law, the Pregnancy Discrimination Act,<sup>25</sup> and so we have laws on the books, but it goes back to enforcement. I know so many women who call my office and say, “I am being fired because I am pregnant,” and we have to tell them that you can fight this. But interestingly enough, obviously breast feeding is part of pregnancy but now they are firing women if they pump milk, even if you are in the bathroom on your lunch hour. I mean, it is just outrageous. We lag behind the rest of the world in so many ways. I have got to say thank goodness we have got some states and some cities that can get out there and show us the way.

The federal government should be passing these bills. It really should be a federal responsibility. But thank goodness we are a federal system and we can have initiatives on the local and state levels that can push the federal government to act. We have a bill before Congress. I am a co-sponsor of it, it is the Healthy Families Act, HR1542,<sup>26</sup> and it is authored by Rosa DeLauro and Senator Ted Kennedy. Our bill would guarantee workers in firms of more than seven employees seven paid sick days a year. 46 million Americans have no paid sick leave would gain access to paid sick leave through this law. In addition, 1 million Americans would see an increase in the number of paid sick days they can take and 19 million Americans would gain paid sick days for leave for doctor visits and family care.

This is an important bill. We have not passed it yet, but I think that it is not only a moral issue—as Sara pointed out, “Why should you choose between food on the table and working and your health?” It is just outrageous that we do not have it—but I would say that it is very much of a social issue as well. And because the people who lack paid leave are in constant contact with the public, and when they come to work sick, I would say it is a public health issue. 78 percent of food service workers do not have paid sick leave. I mean, how would you like your food served by someone with the flu? 55 percent of retail workers do not have paid sick leave. 29 percent of health-care and social assistance workers do not have paid sick leave. In one hotel in Nevada a worker who lacked paid sick days, for example went to work with a stomach virus and infected 600 guests and 300 employees. There have also been studies that show the financial benefits to businesses that have paid sick leave.<sup>27</sup>

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25 <http://www.eeoc.gov/types/pregnancy.html>

26 <http://www.govtrack.us/Congress/bill.xpd?bill=h110-1542>

27 For a summary of this research ,see <http://www.timetocareny.org/Attachments/Fact%20Sheet-Healthy%20Businesses%20Need%20Healthy%20People.pdf>

Now, New York State has paid sick leave for state workers, but we do not have it for the public at large. I have a bill that has gotten out of committee that I hope we can pass. It provides paid sick leave for pregnancy and for having children and when you are out having a child. I have some stats that show not only are we 139th behind the countries from the Harvard study<sup>28</sup> on paid sick leave but we are tied for last in paid family leave. 163 countries guarantee paid family leave, which makes us tied along with Swaziland and Papua New Guinea. And when it comes to leave to attend parent/teacher conferences we are tied for last place. I have a bill in on both of these issues. Thirty-four countries guarantee this right, 17 with pay, the U.S. does not and

we are tied for last in protecting the right to breast feed.<sup>29</sup> 107 countries provide protection for women who breast feed, the United States does not.<sup>30</sup> And I cannot tell you I get more phone calls on women being fired in this particular area than any other. In early childhood education, which is like mother's milk, we are tied

**I think that in New York City this is a good time to think about this for several reasons. First of all, we have a booming tourism and restaurant industry, and I think San Francisco is a model where similar industries exist.**

—New York City Councilmember Gale Brewer

with Ecuador at 39th. The federal studies show that of all the areas to invest for making a productive citizen who is balanced and will give back to society and have a wonderful life themselves, the most important area is early childhood education and we are not funding that here either.

But we have a paid sick leave bill before Congress. We are working to pass it. We will need Ted Kennedy to help us in the Senate. We have sent so many bills to the Senate that have died there and I am thrilled that the bill has passed out of committee. We do have paid sick leave for federal workers and it is a generous policy, you accrue days, but we have no paid family leave for having a child. And often what we do is pass it for our federal workers first and then we move to the general public. I have a bill in with Pete Stark, that would expand paid family leave to the general public.<sup>31</sup>

**ANDREA BATISTA SCHLESINGER:** Thank you. I wanted to introduce Councilwoman Gale Brewer who represents the Upper West Side in the New York City Council since 2002. And although no one is counting, she was re-elected in November 2005 with nearly 80 percent of the vote receiving 10,000 more votes than any other incumbent who was re-elected, and her service in the Council is a continuation of nearly 30 years of public service. My question to you is a relatively direct and a simple one. Can New York City do what San Francisco did? Can New York City have paid sick leave?

**COUNCILMEMBER GALE BREWER:** Yes. Next question. We are done.

**REP. CAROLYN MALONEY:** Are you ready to dress up like a germ?

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28 <http://www.hsph.harvard.edu/globalworkingfamilies/images/report.pdf>

29 *Id.*

30 *Id.*

31 [http://www.stark.house.gov/index.php?option=com\\_content&task=view&id=1252&Itemid=62](http://www.stark.house.gov/index.php?option=com_content&task=view&id=1252&Itemid=62)

**COUNCILMEMBER GALE BREWER:** I am sure that people on the steps of City Hall will be ready to dress up like a germ. A Better Balance, which is a wonderful group and I see some folks here, both Nancy and Sherry, have been incredibly supportive.<sup>32</sup> I mean, we did pass the Living Wage Bill in New York City<sup>33</sup> and I think that is a model for the kind of coalition that could come together around paid sick leave. That was in the beginning of 2003 or the end of 2002 and it involved unions and the Working Families Party<sup>34</sup> and people who care about workers' rights. I think that in New York City this is a good time to think about this for several reasons. First of all, we have a booming tourism and restaurant industry, and I think San Francisco is a model where similar industries exist—we no longer have manufacturing in the depth that we did before, and hospitality in general is the new backbone to a certain extent. This of course excludes some of the financial industries, but they utilize restaurants and hotels as well.

**The Independent Budget Office projects that New York City will lose about 60,000 jobs between now and the middle of calendar year 2009. Is it political suicide at this particular moment to support a paid sick leave policy, since certainly employers will argue that it makes it harder for them to stay in business?**

—Andrea Batista Schlesinger  
Executive Director, The Drum Major Institute

**Two thirds of the respondents, both those at 100 percent of poverty and at 200 percent and below say they want paid sick leave, that they think it would be important for themselves and their family. This is also true for people above those income levels. So there is a broad political consensus.**

—David Jones  
President and CEO

The Community Service Society of New York

I happen to have a lot of foster kids, as Carolyn knows, and adopted kids, and a lot of them work in the restaurant industry. There, everything is half and half, meaning half on the books, half off the books. That is illegal, and it is obviously a really short shift in terms of health insurance. So the fact of the matter is these industries would be perfect for this kind of legislation. I do think that the San Francisco model makes sense in terms

of the kinds of days off as a result of the time worked and I think it would be good. We in New York travel on subways, and we do not have cars generally, so the notion of spreading disease is always a concern, particularly once you get to the workplace. So there are lots of ways that we can approach this issue.

I do think the unions would like to have perhaps some kind of an opt-out issue. We are a union city, at least we like to think of ourselves as such, and we are proud of it, so the question would be how to work with them. For instance in the restaurant industry, some, not many, workers are unionized and so we would have to work with that kind of structure. But the short answer to your question is yes, we have a bill that has been drafted thanks to A Better Balance and to the folks in the Speaker's office modeled after the San Francisco ballot. We would never get a ballot initiative

<sup>32</sup> <http://www.abetterbalance.org/cms/>

<sup>33</sup> [http://www.brennancenter.org/content/resource/mayor\\_bloomberg\\_signs\\_new\\_york\\_city\\_living\\_wage\\_law/](http://www.brennancenter.org/content/resource/mayor_bloomberg_signs_new_york_city_living_wage_law/)

<sup>34</sup> <http://www.workingfamiliesparty.org/>

here so were going to go for the legislative approach. We are not rich like Mr. Lauder and able to pay everybody to collect signatures for something that I won't mention here.<sup>35</sup> We are very rich in terms of substance and organizing and knowing how to put together coalitions. So I think this is a great coalition of women's groups, labor organizations, worker organizations and immigrants. We have a wonderful group of immigrants who participate not only in labor but also lots of organizing around parent organizations, schools and family and certainly affordable housing, so I think it is a good coalition.

**ANDREA BATISTA SCHLESINGER:** Now before I introduce David, I just want to push a little bit to address what I think is a lingering issue. Talking about this particular moment, Sara said, "The time is now." But the Independent Budget Office projects that New York City will lose about 60,000 jobs between now and the middle of calendar year 2009. Is it political suicide at this particular moment to support a paid sick leave policy, since certainly employers will argue that it makes it harder for them to stay in business?

**COUNCILMEMBER GALE BREWER:** I think that this is a good time because of the industries needing to be more part of our community. People are only going to stay in a business and make business grow if they can stay around, if they have something in terms of substance and the ability to be sustainable. So I think it's a good time to be doing this.

**DAVID JONES:** Yes, and I agree that this politically is the time when people need this kind of support. It is not a backbreaker in terms of private industry and the leverage is here politically. When we have the political leverage and alignment this is the time to move. We cannot wait for the perfect economic times to come up with something so essential to working people.

**ANDREA BATISTA SCHLESINGER:** You are hearing from David Jones who since 1986 is President and Chief Executive Officer of the Community Service Society of New York, a non-partisan, not-for-profit organization that promotes economic advancement and full civic participation for low-income New Yorkers. One of the Community Service Society's great contributions to driving the debate is their Unheard Third poll.<sup>36</sup> And in your poll of February 2007, you found that two thirds of New York City's working poor, that is almost a quarter of a million people, have no paid sick days.<sup>37</sup> Half of the near poor, one third of moderate and

The problem is that we are going in the wrong direction as we have done this survey. In 2002 essentially we had about 40 percent of people who had sick leave, but it has now crept down to 34 percent. The trend lines are all going in the wrong direction. People are losing this benefit even when they are working like crazy.

—David Jones

President and CEO

The Community Service Society of New York

35 Billionaire cosmetics heir Ronald Lauder financed two New York City voter referendum imposing term limits on city-level elected officials.

36 [http://cssny.org/research/unheard\\_third/](http://cssny.org/research/unheard_third/)

37 [http://www.cssny.org/userimages/downloads/UnheardThird\\_booklet\\_2007.pdf](http://www.cssny.org/userimages/downloads/UnheardThird_booklet_2007.pdf)

higher income people also lack sick days. Is this one of these issues that can bring New Yorkers across socioeconomic status together?

**DAVID JONES:** I think so. The Unheard Third—first of all I have to thank Nancy Rankin<sup>38</sup> who was the conceptualizer, when she was head of public policy, for the Unheard Third. It is the largest survey and poll of low-income people in the nation at this point; it is performed by a national polling firm. We basically raise the question that we are supposed to be representing people in poverty. Have we ever checked in to ask their essential barriers? There is a certain chauvinism that obviously creeps in from the not-for-profit sector, as in other places, and it has shined a real spotlight, particularly on this issue of sick leave. Two thirds of the respondents both those at 100 percent of poverty and at 200 percent and below say they want paid sick leave, that they think it would be important for themselves and their family. This is also true for people above those income levels. So there is a broad political consensus that we are starting to pick up.

The problem is that we are going in the wrong direction as we have done this survey. In 2002 essentially we had about 40 percent of people who had sick leave, but it has now crept down to 34 percent. The trend lines are all going in the wrong direction. People are losing this benefit even when they are working like crazy and this is the time to start bringing it

**How many times do you hear that, family values? On the federal level, we have not passed anything to help families since 1993 and that was the landmark year when we passed the Family and Medical Leave Act giving 12 weeks of unpaid leave for sickness or a birth of a child, or taking care of an elderly parent.**

—Representative Carolyn Maloney

forward. I get concerned about one part of the coalition and I sort of talk against myself. When we did the living wage effort, in addition to businesses who objected many in the not-for-profit sector objected. And I think we have to make sure that we align, whether willingly or not, not-for-profits who are generally paying their workers very low wages and make sure they are going to go along with this.

**ANDREA BATISTA SCHLESINGER:** And was that the principal objection?

**DAVID JONES:** It was money. The difficulty in my argument with my brethren in the not-for-profit sector is that we are essentially saying that we are trying to serve the poor but we are willing to impoverish our own work force. We cannot have it both ways here. There is a real problem that is going on and we have to be honest with ourselves about it. In the not-for-profit sector, we have to demand a high enough living wage for our own workforce if we are going to really be successful advocates for the poor. So one of the things that I am getting worried about is that there is a certain problem here that is of our own making.

My other concern is holding our own electeds, who represent people in these communities, accountable. It is incredible—I have not seen people go to the floor

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38 A short biography about Nancy Rankin appears here: <http://www.dfoy.org/2007/dropout/panelists/rankin.html>

**We found a lot of what was happening is that people always say, “Oh, you are going to hurt small business,” but it’s usually large business who is saying that, not small businesses themselves.**

—Sara Flocks  
Co-Founder, Young Workers United

of the State Assembly or the Senate and filibuster saying, “Nothing is going to pass until I get essential benefits for the people who are the majority of my constituents.” They are not fighting for their own and I think that it is time to—and that is why unionization becomes so critical. We did a study, also

under Nancy’s leadership, of security guards in the City of New York.<sup>39</sup> We have 63,000 of them total, and they earn about \$10 an hour. Virtually none of them have health insurance and none of them have time off. The difficulty is that about a third or more of these workers are being subcontracted by the city. In other words, they are providing security services that the city subcontracts out to a private organization and allows that organization to pay substandard wages and no health insurance and no paid leave—so the city is getting a real cheap ride here and it becomes sort of a shell game that we have to recognize.<sup>40</sup> There are controls of this government that already could solve part of this problem by demanding that when they subcontract out for services that at least a living wage is paid and at least you have paid sick leave and some kind of health security. I will stop there.

**REP. CAROLYN MALONEY:** David, that’s such a good idea. I’m going to legislate that when contracting out on the federal level. How many times do you hear that, family values? On the federal level, we have not passed anything to help families since 1993 and that was the landmark year when we passed the Family and Medical Leave Act giving 12 weeks of unpaid leave for sickness or a birth of a child, or taking care of an elderly parent. A critically important bill, it was vetoed several times by the first President Bush, and it was one of the first bills, if not the first bill, that President Clinton put forward; it was thrilling for me to be able to vote in favor of it. Compared to the Republican domination of Congress where we were very limited in what we could do, we are very excited about moving forward now with paid sick leave and paid family leave but we concentrated on trying to expand the Family and Medical Leave Act and I think there are some lessons from it. The major opposition to the passage of the Family and Medical Leave Act was small businesses and so that law is capped at 50 employees. You have to have 50 employees to take advantage of it. Now, in our bill on the Healthy Families Act for paid leave, we go down to 10 employees. But for years I have had a bill in with my good friend Lynn Woolsey to expand the

**This is the Chamber of Commerce who is crying small business and we need to break that down and realize that we are also leveling the playing field. A lot of people want to provide these benefits and they cannot because their competitors do not.**

—Sara Flocks  
Co-Founder, Young Workers United

39 <http://www.cssny.org/userimages/downloads/ShortchangingSecurity.pdf>

40 New York City security guards were later unionized and in May 2009, they achieved a 26 percent pay raise and health benefits. See <http://www.nytimes.com/2009/05/18/nyregion/18union.html>

Family and Medical Leave Act down to 25 employees.<sup>41</sup> I have gone to the Platform Committee meetings of the Democratic Party and put amendments forward to have it lowered to 25 unsuccessfully.

But in any event it has been a very hard objective to lower that requirement. We also have amendments in to expand coverage to doctor's visits and parent/teacher conferences in schools. These are just modest expansions and we have not been able to pass them on the federal level. But I just mention that the resistance that we felt in the initial passage of the Family and Medical Leave Act and what we still feel in any expansion comes from the major employers in our nation, which consists of small businesses.

**ANDREA BATISTA SCHLESINGER:** Can I push on that point? If we were to consider paid sick leave, for example, in New York, would we anticipate that it would be the small business community that would be most resistant? Of course because their profit margins are less. In San Francisco were you able to overcome that opposition and how could we learn from that here in New York?

**SARA FLOCKS:** We found a lot of what was happening is that people always say, “Oh, you are going to hurt small business,” but it’s usually large business who is saying that, not small businesses themselves. So we spent a lot of time meeting with the Small Business Association and meeting with the Chamber. One of the things about paid sick days that is so great is that it is not that expensive, especially when you employ low-wage workers. Because what happens when they take a day off is that you are still paying them the same wages, which are very low. A lot of small businesses, because it’s kind of an informal environment, do not actually replace the worker who is sick, they will often have the owner fill in, so it is not a huge impact. Actually when we talked to small business their biggest concern was the administration. I mean, people calling us and asking, “How do you track your paid sick days?” I responded, “Microsoft Excel.” It is not that hard. So, it was more of a question of dispelling a lot of fears. This is the Chamber of Commerce who is crying small business and we need to break that down and realize that we are also leveling the playing field. A lot of people want to provide these benefits and they cannot because their competitors do not.

I turned to the audience and said, “The only way you can deal with this kind of bigotry or whatever you are calling it is vote the bastards out of office.” When you do not, well, the premise of debate is that people at least have a common vision of democracy. When that premise breaks, when people start talking this kind of trash—while I am sure they have paid sick leave at the Heritage Foundation—you cannot do anything but use political power to essentially move them out. That is why unionization of the workforce becomes just critical.

—David Jones  
President and CEO

The Community Service Society of New York

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<sup>41</sup> For examples, see: [http://maloney.house.gov/index.php?option=com\\_issues&task=view\\_issue\\_prs&issue=264&Itemid=35](http://maloney.house.gov/index.php?option=com_issues&task=view_issue_prs&issue=264&Itemid=35)

**COUNCILMEMBER GALE BREWER:** I think an interesting aspect here is that we do have a public health-aware Commissioner, and this is indicated by the trans-fat and smoking ban and the fact that we are trying to make our city healthier from an environmental perspective.<sup>42</sup> I think this is part of the cost of being an environmentally friendly city: we should be a healthy city and that means workers' rights are taken into account, that means health is seen in an environmental light, etcetera. So that is another aspect. We have more than one Chamber of Commerce. I do not know about other cities but the Bronx has many, Brooklyn has many, Queens, Staten Island, and I think that would be an approach: to talk to each one of them. But it is also my impression that it is not expensive and that people can fill in. In this case, I cannot speak for the entire non-profit community, but I think that it would be a slightly different discussion than the living wage because people understand that this is something that is important to families. So the timing is right for several reasons that might not be obvious and may not be solely focused on workers' rights but as a part of a healthier city overall.

**Abuse was one of the number one arguments that was used against us. They started talking about this "Martini flu" that was spreading through San Francisco. That was when workers got drunk and were hung over so they used paid sick days...We chose to ignore claims that workers are all drunks and that they will abuse this law.**

—Sara Flocks  
Co-Founder, Young Workers United

**DAVID JONES:** I tend to agree. Essentially this really did not come home to me until we had a small demonstration with the 75 security guards at the Empire State Building, all of whom were not unionized. They make \$10 an hour, have no sick leave and no health insurance. People pay rents that are extraordinary and the seeming unwillingness to provide even the most basic supports for the working people

there, people who are potentially critical first responders, to allow them to go sick, to defend us as you are stuck in an elevator, for instance. I do not think people know what they are doing here and I think if you put this issue in front of people they will get it. Be stuck in an elevator of the Empire State Building and realize the person who is going to be your first responder may be deathly ill and have no training and be earning \$10 an hour and may say, "What the hell?" as a real first response. So I think we have to humanize this issue, add a human face on this as we move it ahead. It is necessary to bring this home to people throughout New York.

**ANDREA BATISTA SCHLESINGER:** But let me in all fairness offer some of the reasons why we would not want to give benefits to those workers. And to do that, I would like to turn to a Web memo from the Heritage Foundation.<sup>43</sup> "Mandatory paid sick leave invites misuse that harms co-workers and customers. Some workers have used the Family and Medical Leave Act to excuse tardiness and to skip work. Co-workers face the burden of covering for shirking employees who misuse their leave. Customers suffer unpredictable delays and shortcomings in service." And to

<sup>42</sup> New York City Health Commissioner Thomas Frieden was known for vigorous public health efforts around smoking and nutrition. See <http://www.latimes.com/news/nationworld/nation/la-na-cdc16-2009may16.0.7978225.story>

<sup>43</sup> <http://www.heritage.org/Research/Labor/wm1450.cfm>

**This is not automatic: unlike a living wage or a minimum wage, this is an opt in. So you need to assert your own rights. At the same time we are dealing with the most vulnerable members of the workforce, like part-timers, low-wage workers and the immigrant workforce. What is the likelihood that they are going to assert their right to paid leave?**

—Andrea Batista Schlesinger  
Executive Director, The Drum Major Institute

back up these claims this is their evidence: “One large manufacturing company has found that almost half of their FMLA leave has been intermittent leave of a few hours at a time and that workers often use the leave to avoid discipline for showing up late. Other companies have found that workers use FMLA leave to avoid working undesirable shifts. Verizon has found workers who are taking

FMLA leave for back pains but who are nonetheless well enough to fly to Disney World for a family vacation.” I will say that this paragraph, which would not pass muster in a Drum Major Institute memo to explain something that affects millions of people, that this is research by anecdote, which is actually not even a Heritage Foundation anecdote, but commented in response from somebody else, the Manufacturers Alliance<sup>44</sup> testimony in front of Congress, so it is three times removed. Those are the arguments against paid sick leave by one of our most prominent, well-funded, well organized think tanks around. This message certainly was not just for me to come and download it: it is in everyone’s hands, it is every Senator’s hands, it is in every Representative’s hands—so how do we respond?

**DAVID JONES:** I had this discussion with Jason Turner once. Turner was Giuliani’s Welfare Commissioner.<sup>45</sup> He believed that even food stamps created dependency. I turned to the audience and said, “The only way you can deal with this kind of bigotry or whatever you are calling it is vote the bastards out of office.” When you do not, well, the premise of debate is that people at least have a common vision of democracy. When that premise breaks, when people start talking this kind of trash—while I am sure they have paid sick leave at the Heritage Foundation—you cannot do anything but use political power to essentially move them out. That is why unionization of this workforce becomes just critical. The only thing elected officials know, and some of them are very nice like Gale and Carolyn, but some of them do not do so good, and the only thing they seem to appreciate is the likelihood

that people will ultimately vote them out of office if they do not respond to the basic needs of their constituents. And in this case I think the only way to keep that kind of rhetoric under control is to have political consequences for people who try to follow alternative visions of society.

**REP. CAROLYN MALONEY:** I agree with David completely, the basic and hardest and most effective policy tool is an election and this administration has rolled back family rights, women’s rights, and environmental rights in so many subtle ways. As we sit here the Bush Administration has set up a commission or committee to

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<sup>44</sup> <http://www.mapi.net/>

<sup>45</sup> <http://www.heritage.org/about/staff/jasonturner.cfm>

review the Family and Medical Leave Act,<sup>46</sup> which is really putting the flag up that they are looking at ways to curb it and roll it back as they did with Title IX and other initiatives that benefit women and families. So I could not agree more, the ultimate tool is to just vote them out of office.

**SARA FLOCKS:** Abuse was one of the number one arguments that was used against us. They started talking about this “Martini flu” that was spreading through San Francisco. That was when workers got drunk and were hung over so they used paid sick days, which apparently went on everywhere.

**ANDREA BATISTA SCHLESINGER:** You guys have all the fun on the West Coast.

**SARA FLOCKS:** So we ignored that part. But when we were implementing the law we had to spend basically two months across the table from the Chamber of Commerce and Golden Gate Restaurant Association working out this law. Somehow, it did become a big issue because they said, “How do we monitor and track these things?” Behind closed doors it was an issue and we did have to reassure them that there were legal devices so we could not take away your power of management, if there are irregularities, you can still discipline, you can still run your business. This is to protect workers from being fired and to give them the opportunity to call in sick and retrieve pay. If you feel like there is a pattern of abuse we are not going to prosecute for that. And then our Office of Labor Standards and Enforcement<sup>47</sup> said, “We are busy. We are not going to go over these cases and say, ‘Oh, you fired someone because they were calling in sick every Monday.’” So it was an issue when we were negotiating with the Chamber and the Small Business Association. But we did ignore claims that workers are all drunks and that they will abuse this law. That concern came out right away.

**ANDREA BATISTA SCHLESINGER:** I just want to ask one more question of the panel and then turn it over to you so you can begin to think of your questions. This is not automatic: unlike a living wage or a minimum wage, this is an opt in. So

you need to assert your own rights. At the same time we are dealing with the most vulnerable members of the workforce, like part-timers, low-wage workers and the immigrant workforce. What is the likelihood that they are going to assert their right to paid leave? You have to say: “I am entitled, I am going to take these days, I am entitled to keep my job and you cannot penalize me.”

**Mothers are discriminated against now more in the workforce than anyone else. We have been working with groups like Sara’s all over the country; there is going to be a ballot initiative in Milwaukee, and there are bills being introduced in North Carolina, in Philadelphia, in Massachusetts, Connecticut, Minnesota, and California, so this is really a movement.**

—Sherry Leiwant  
Co-founder, A Better Balance

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<sup>46</sup> For an overview, see, [http://www.epi.org/content.cfm/webfeatures\\_viewpoints\\_fmlla\\_assault](http://www.epi.org/content.cfm/webfeatures_viewpoints_fmlla_assault)

<sup>47</sup> [http://www.sfgov.org/site/olse\\_index.asp](http://www.sfgov.org/site/olse_index.asp)

**COUNCILMEMBER GALE BREWER:** In our city between some of the wonderful immigrant rights groups, the Working Families Party and the great press, I do think that like with the living wage, people are aware that it exists because if it does not get publicized then people may not follow the law. We have city agencies and state agencies that do not have the capacity, particularly in these hard budget times, to have the enforcement mechanisms that we should on any level. So I do think that it is incumbent upon government and the non-profit advocacy organizations to make it known. That is how it works in this city.

**Our job now has been mainly to get out there and tell workers that you need to start asking for paid sick days.**

—Sara Flocks  
Co-Founder, Young Workers United

**REP. CAROLYN MALONEY:** I think it is a terrific question because major companies are facing discrimination suits from their employees for employees trying to correct rights or take advantage of rights. Even today if you drove your

Mitsubishi to the airport, filled it up at Sunoco for your gas, made a call on a Verizon to one of your friends before you got on a Boeing built plane run by United Airlines, and then bit into a Krispy Kreme donut, you would have just enriched six American companies that have recently settled discrimination suits. There are several American companies from our district that are facing discrimination suits as well. A very interesting book by Arlie Hochschild talked about companies where they tout these family friendly policies, “You can take your paid sick leave, you can take your maternity leave.”<sup>48</sup> She tracked three families. If you took those benefits you were then discriminated against, sidelined or faced what researchers are calling the maternal wall. Whereas if a man has a child he gets a promotion, if a woman has a child they said she cannot work because she is too loving, she is a nice person; it is becoming the case that the biggest discrimination against women is having a child, which is, you know, absolutely, completely and totally outrageous.

I just want to close with a bill that I created that addresses this issue; it is called “Flex Time.”<sup>49</sup> It has passed in England. It does not cost any money and the Chamber of Commerce should love it. Repeat, it does not cost any money. They hate it. Do you know what the bill says? It says merely that an employee can talk to their employer about flex time or part-time so that they can raise their family without being fired. That is what the bill says. Incidentally it is supported by labor now too, and there is tremendous opposition to it. It has worked well in London and other cities just making the employer aware of your situation and trying to work it out. One in four small businesses are started by women mainly

**It is sort of like when you think of portable health insurance: we are all trying to get portable health insurance. Well we need to think of sick days perhaps in a portable way for the different kinds of workers that we have today.**

—New York City Councilmember Gale Brewer

48 The book is *The Time Bind: When Work Becomes Home and Home Becomes Work*, see <http://www.powells.com/biblio/0805066438?&PID=33241>

49 <http://www.govtrack.us/congress/bill.xpd?bill=h110-4301>

because they cannot work in the structure that we have without getting fired or sidelined or pushed out of the way. So I think that is a very important issue and the facts that there are so many cases right now on particularly this issue in court.

**ANDREA BATISTA SCHLESINGER:** I want to introduce Sherry Leiwant,<sup>50</sup> who is a co-founder and board member of A Better Balance, the Work and Family Legal Center, which has done a lot of the work around conceptualizing paid family leave and paid sick leave in the city and in the state. Sherry, do you have a question for the panel?

The question is, how much of an obstacle to passage of paid sick leave and other similar legislation is due to large campaign contributions from the rich special interest groups, and if we could reduce or even eliminate some or all of these contributions—and yes there is a way to do it—how much of a difference would it make?

—Dan Jacoby  
Democracy for New York City

**SHERRY LEIWANT:** I just want to say that we are a legal organization really and thank you to Carolyn because we have been working with a lot of women who have been discriminated against exactly as you say. Mothers are discriminated against now more in the workforce than anyone else. We have been working with groups like Sara's all over the country; there is going to be a ballot initiative in Milwaukee,<sup>51</sup> and there are bills being

introduced in North Carolina, in Philadelphia, in Massachusetts, Connecticut, Minnesota, and California, so this is really a movement. We are hoping to get something going as Gale has said here in New York City. Gale has been a great leader on this as well.

But I really wanted to ask Sara more about what issues have come up on the implementation side, because you wrote a great law. But as we all know, as great as a law can be it does not mean anything unless people take advantage of it. I wonder if you are tracking what is going on that front, and what issues have come up, and what would you say were the hardest issues for you?

**SARA FLOCKS:** We actually ended up delaying implementation. It was scheduled to be implemented 90 days after the election and we made a deal with the Chamber of Commerce to delay it because there were so many questions. It was so new, and we managed to get the mayor to pay for all of the education of workers, which is millions of dollars for signs on the subway and everywhere. I think a lot of the issues are going to surface around tracking and also when people are denied leave and when retaliation occurs. We do not know because nothing has come up. We are still waiting. We really want to wait for that one big case and we are working with our office of Labor Standards and Enforcement to find a case that we can make into a big kind of publicity case. But a lot of what happened in implementation is employer

50 [http://abetterbalance.org/cms/index.php?option=com\\_content&task=view&id=25&Itemid=45](http://abetterbalance.org/cms/index.php?option=com_content&task=view&id=25&Itemid=45)

51 In November 2008, Milwaukee's paid sick leave referendum passed by a wide margin. See <http://www.jsonline.com/news/statepolitics/33874059.html>

confusion. A lot of people just did not know how to track it, did not understand accrual, and there were tons of questions about independent contractors. Really, there were a lot of very technical things that I do not think our organization really understood. And that is why we rely on organizations like yours, like the Institute for Women’s Policy Research,<sup>52</sup> which has been phenomenal and NELP,<sup>53</sup> and that it is so important to have those organizations out there. Our job now has been mainly to get out there and tell workers that you need to start asking for paid sick days. The other thing that we have decided that we need to do is to make sure your employer is recording sick time because I think that is going to be a problem if the employer says, “Well, you know, I just do not have a record, sorry,” and then workers are denied all of this time that they have accrued. So we do not know how much that’s happened but I expect that that will be an issue.

**Domestic workers and the farm workers have been excluded from the labor laws ever since the days of slavery. This continues today. Today we are fighting for a Bill of Rights to try to alleviate the problems and reverse the injustices that were brought upon domestic workers... We don’t get paid sick days and that is one thing we are fighting for and I am going to use some of your strategy to help boost that.**

—Marilyn Alcindore  
Organizer, Domestic Workers United

**ANDREA BATISTA SCHLESINGER:** To follow-up on that, Councilwoman Brewer, you know, in San Francisco they had a very strong office of Labor Standards and Enforcement. Do you think if we were to do this in New York City that we have the strength of that kind of a regulatory arm in place?

**What we are calling for is for 12 weeks to take care of a newborn, newly adopted or a sick family member including domestic partners. Whereas paid sick days are the days of incidental absence when you are ill or your child is ill or other family member is ill; so we are talking about two different needs here.**

—Donna Dolan  
Chair, New York State Paid Family Leave Coalition

**COUNCILMEMBER GALE BREWER:** I am taking notes. I can say that we have an office. We also have the Commission on Human Rights, which I think could be beefed up quite a bit.<sup>54</sup> The independent contractors, construction workers who go from job to job; they do not work every single day of the year because the construction work is not there. It is sort of like when you think of portable health

insurance: we are all trying to get portable health insurance. Well we need to think of sick days perhaps in a portable way for the different kinds of workers that we have today.

**ANDREA BATISTA SCHLESINGER:** Other questions?

**DAN JACOBY:** I am Dan Jacoby with Democracy for New York City.<sup>55</sup> I want to go back to the first question that Andrea asked, which was not really answered, which

52 <http://www.iwpr.org/index.cfm>

53 The National Employment Law Project, <http://www.nelp.org/>

54 <http://www.nyc.gov/html/cchr/>

55 <http://www.dfnyc.org/>

is why are we so far behind, and also bring in the point Mr. Jones mentioned about getting people out of office. The question is, how much of an obstacle to passage of paid sick leave and other similar legislation is due to large campaign contributions from the rich special interest groups, and if we could reduce or even eliminate some or all of these contributions—and yes there is a way to do it—how much of a difference would it make?

**Our biggest opponent was the restaurant industry. The Golden Gate Restaurant Association tried at every moment to kill this bill and they were difficult to work with. I wish that we would have started earlier to work with them because they were sort of helpful when they would talk to us, which mainly they would not.**

—Sara Flocks  
Co-Founder, Young Workers United

**REP. CAROLYN MALONEY:** Well I began my government career as a policy analyst in New York State, and I am a former issues chair of Common Cause,<sup>56</sup> have worked my whole life on campaign finance reform and authored the campaign finance reform bill in the City Council,<sup>57</sup> and the one in Washington. It does not seem to work. Even though you limit it, it still has tremendous influence and I believe the next step is just take money out of politics. I would support no money in politics, have

**What we are hearing today in this room are people sharing a lot of values that are not getting enacted. I was struck by Franklin Roosevelt's comment when Eleanor made him meet with progressive advocates and his famous comment was, "I agree with you. I agree with you. Now go out there and make me do it."**

—Mike D'Innocenzo  
Professor of History, Hofstra University

the public financing of campaigns,<sup>58</sup> have debates and literature that comes out of that funding, and literally remove money from politics. Now, I am co-sponsor of a bill that advocates public financing of campaigns. Regrettably, we have very few co-sponsors in the federal government. When I was on the City Council, we even had a bill on total public financing and we have very few co-sponsors then—the will

of the American public is not there in support of public financing of campaigns. But I would say the answer is to completely remove the influence of money and power in campaigns and to level the playing field between candidates. I think that is what we should do and some of us are working very hard to accomplish that.

**ANDREA BATISTA SCHLESINGER:** A question here? Introduce yourself please.

**MARILYN ALCINDORE :** I am an organizer of the Domestic Workers United<sup>59</sup> and this is an organization that is made up of nannies, housekeepers and elderly caregivers. Right now we are campaigning for a Bill of Rights.<sup>60</sup> One of the problems within the U.S. where the bill is concerned is that the domestic workers and the farm workers

56 Common Cause is a good government group that fights for campaign finance reform among other issues <http://www.commoncause.org/>

57 For an overview history of New York City campaign finance law, see <http://glrfireplace.albanygovernmentlawreview.org/2009/03/16/new-york-citys-campaign-finance-law-is-unconstitutional/>

58 <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQlwG&b=4773857>

59 <http://www.domesticworkersunited.org/>

60 <http://www.domesticworkersunited.org/media/files/98/BOR-Background.pdf>

have been excluded from the labor laws ever since the days of slavery. This continues today. Today we are fighting for the Bill of Rights to try to alleviate the problems and reverse the injustices that were brought upon the domestic workers within the industry. We have people today that are working for less than the minimum wage stipulated by this government. The problems that we face is that there are no laws to represent us, no laws whatsoever. This is over four years that we have been going to Albany fighting for this bill. And a lot of people are humiliated. They are abused both physically, emotionally and sexually humiliated within this industry. The thing is that we have to come together not only dependent on the people, the legislators and the Council, but we have to come together as a whole community, a network, and fight. We don't get paid sick days and that is one thing we are fighting for and I am going to use some of your strategy to help boost that. Thank you.

**ANDREA BATISTA SCHLESINGER:** Excellent. Does anybody on the panel want to talk specifically about this industry and the relationship to paid leave?

**COUNCILMEMBER GALE BREWER:** Now, we have done a bill in the City Council that would help those domestic workers who come through the employment agencies,<sup>61</sup> which is not that many, and we all have a resolution in support of the state legislation. But I think that as always the speech is absolutely correct in terms of this agent but this can only be done at the state level not the city level—otherwise we would have done it.

**ANDREA BATISTA SCHLESINGER:** I want to introduce Donna Dolan who is with the Communication Workers of America<sup>62</sup> and Director of Work Family Issue and she is the Chair of the New York State Paid Family Leave Coalition.<sup>63</sup> Although you are asking a question, I am also hoping that in your question you may be able to address this, which we have been talking a lot about paid sick leave, also talking about paid family leave. Allow me to do a bit of a plug. The Drum Major Institute will have an event in September on New Jersey's Paid Family Leave Law with Governor Corzine. But focusing, can you, in your question, indulge us and also explain the difference.

**DONNA DOLAN:** Paid family leave is for longer periods of time. What we are calling for is for 12 weeks to take care of a newborn, newly adopted or a sick family member including domestic partners. Whereas paid sick days are the days of incidental absence when you are ill or your child is ill or other family member is ill; so we are talking about two different needs here. We are working now in Albany for the needs for longer periods of time. On paid sick days, we are delighted to be partnering with A Better Balance. We are talking about the fact that the public health care emergency that we feel is present here in New York State, in New York City, and why we need paid sick days for New York City's workforce.

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61 <http://www.nytimes.com/2003/05/15/nyregion/new-protections-for-nannies-are-approved-by-council.html>

62 <http://www.cwa-union.org/>

63 <http://www.timetocareny.org/>

So my question is at this point is for Sara. Sara, I would like you to comment a little more about your meetings with the Chamber of Commerce in San Francisco: how often did these have to occur? Did you bring in other small business groups, because we know that this is our main opposition for paid sick days here in New York City? Thank you.

**In New York, we have had some controversial campaigns that have been successful and it is coalition building that does it... So I think [enacting paid sick days in New York] would take an interesting combination of the environmental health groups and those who care about working people. It is an unusual collaboration but it takes that kind of push to get a majority and then to get the Mayor's support.**

—New York City Councilmember Gale Brewer

**SARA FLOCKS:** I have to laugh really hard because I think we kind of freaked out the Chamber because they have a beautiful office and we walked in with our committee, which consists of representatives from all of our coalition members, restaurant workers from Chinatown, representatives

from Parent's Voices,<sup>64</sup> our workers who came in with skateboards that had to be confiscated at the door because guards thought they were weapons. The meetings were incredibly productive we thought. They brought in a lot of their key members and a lot of their small business members and were incredibly knowledgeable about parts of the law that we did not know, particularly about being an employer and how to deal with this from that perspective. So even though they really opposed that we were going to the ballot, that was the biggest issue because they wanted to cut out part-time workers. They were very helpful in crafting a law that they could basically live with. A lot of their opposition was ideological as well, because most of the members do give paid sick days. Our biggest opponent was the restaurant industry. The Golden Gate Restaurant Association tried at every moment to kill this bill and they were difficult to work with. I wish that we would have started earlier to work with them because they were sort of helpful when they would talk to us, which mainly they would not.

**Well, this is the opportunity. I think we are coming into a mayoral election that is virtually wide open and I think there is a yearning for a base of working people in the city of New York for some significant changes and signs that the city is going to take their interest to the fore.**

—David Jones  
President and CEO

The Community Service Society of New York

So, I would say start early and listen, and be open to a lot of their suggestions we never would have considered but they were helpful. They also helped us once it passed, they helped us get the money, and they used their pull to be able to make sure that people knew about it both employers and workers, which was incredibly useful because, as we have been saying, if people do not know about the law it doesn't work. So I would not discount them.

**ANDREA BATISTA SCHLESINGER:** A question here?

64 <http://www.parentvoices.org/about.htm>

**MIKE D'INNOCENZO:** I am Mike D'Innocenzo. I teach at Hofstra University. My question is for the elected officials, Congresswoman Maloney and Councilwoman Brewer. And I have always liked Martin Luther King's comment, "That we go farther faster when we go together." So my question is how we move from values that are widely shared to public policy. I have been reading a book called *The Political Brain*<sup>65</sup> that shows that people share a lot of these values but they do not elect the officials who deliver on them. What we are hearing today in this room are people sharing a lot of values that are not getting enacted. I was struck by Franklin Roosevelt's comment when Eleanor made him meet with progressive advocates and his famous comment was, "I agree with you. I agree with you. Now go out there and make me do it."

So my question for you is: we have a lot of separated groups working on lots of good projects and even more people, as Dr. King said, who are people of good will and share good values. What do you do as elected officials to try to bring those groups together so they can help you deliver on the public policy?

**COUNCILMEMBER GALE BREWER:** It is probably easier on the local level than on the national level. In New York, we have had some controversial campaigns that have been successful and it is coalition building that does it. As I said, we are a union town and so working in collaboration with the Central Labor Council is always helpful with the 51 members of the City Council. Also I think that the immigrant groups have come together under the coalition of immigrant rights and they are able to produce rallies of huge numbers. I am a big supporter of domestic workers, so that also is a group that has been increasingly working with the Central Labor Council and some of the unions. The Working Families Party has both a very interesting model of an endorsement aspect<sup>66</sup> and a policy aspect and I think that is another place because the elected officials in the City Council are likely to get endorsed or not get endorsed by the Working Families Party and they have contacts with ACORN and with the unions, so that is another place to go for support. All of these organizations that I have mentioned, as well as the policy

I would add that many of these issues are primarily women's issues because even though my husband helps in the home and so forth it is primarily a woman's responsibility when the child is sick, not to mention that many women are single mothers, to take care of the child. It is the mother's responsibility to give birth to the child. So a lot of these sick days and maternity leave days and family and medical leave days really are for women. We are 51 percent of the population. Why are we letting them get away with this?

—Representative Carolyn Maloney

The unions in San Francisco were incredible; they really helped us with our collective bargaining opt-out, which is part of the law... A lot of them also said, "Well we can also use this as a bargaining chip because employers right away are going to say, "We want to opt-out of this law," and the union can say, "Well, what are you going to give us?"

—Sara Flocks  
Co-Founder, Young Workers United

65 <http://www.thepoliticalbrain.com/videos.php>

66 For more on how the Working Families Party's endorsement aspect works, see <http://www.workingfamiliesparty.org/elections/fusion-the-secret-weapon/>

that comes out of Better Balance and some of the women's organizations, are local and have impact now. If we are going to pass this—because 38 of the 51 members go out at the end of 2009—it would be good to try and do it now because there is momentum nationally and locally.

In terms of the restaurant workers and the restaurant industry: again, public health may not exist as such a substantive issue in other parts of the country, but because of the trans fat and then listing the calories on the menus, these are very controversial issues. A guy named Charles Hunt is head of the Restaurant Association.<sup>67</sup> I sat in some meetings on these issues and they were not ones that he wanted to embrace but he did. So, there is knowledge here that things are changing and that we are a different city and we are going to approach things slightly differently. So I

**Our interpretation of the law in San Francisco is that it does [apply to undocumented immigrants] because it applies to any worker that is working and the San Francisco Office of Labor Standards and Enforcement interprets that to mean if you are working then they are not going to ask, so the law applies to you.**

—Sara Flocks  
Co-Founder, Young Workers United

think it would take an interesting combination of the environmental health groups and those who care about working people. It is an unusual collaboration but it takes that kind of push to get a majority and then to get the Mayor's support—I do not know what the Mayor's position would be on this but if it was non-supportive we would have to have a veto proof majority. But in New York those are some of the coalitions that have been very effective in passing legislation.

**ANDREA BATISTA SCHLESINGER:** Actually, I want to ask both you and David this. You know, I was struck that Sara said that they pick the mayoral election season to do this. If we cannot do it before, do you see paid sick leave becoming an issue in the 2009 mayoral election?

**DAVID JONES:** Well, this is the opportunity. I think we are coming into a mayoral election that is virtually wide open and I think there is a yearning for a base of working people in the city of New York for some significant changes and signs that the city is going to take their interest to the fore. I think a lot of us are talking on this issue but on many issues involving the working poor that this may be one of the best opportunities to try to line up candidates around core issues like this.

**REP. CAROLYN MALONEY:** I would say that ultimately, it comes down to votes and we live in a democracy. You need to get a majority of votes in the House and the Senate to pass it. Believe it or not members of Congress and members of the City Council, Assemblymen, Senators, they listen to their constituents. So, your constituents have to raise this issue and tell them they are important. I would add that many of these issues are primarily women's issues because even though my husband helps in the home and so forth it is primarily a woman's responsibility when the child is sick, not to mention that many women are single mothers, to take care of the child. It is

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67 <http://www.nysra.org/index.cfm>

the mother's responsibility to give birth to the child. So a lot of these sick days and maternity leave days and family and medical leave days really are for women. We are 51 percent of the population. Why are we letting them get away with this? We are only 16 percent of Congress yet when a woman is in a room the focus on family issues are: "How dare you not pass this, how dare you talk about taking that out of the bill?" I even wrote a book about it called *Rumors of Our Progress Have Been Greatly Exaggerated: Why Women's Lives Aren't Getting Any Easier*.<sup>68</sup>

Now in Congress during these past years when we were under Republican rule in the House and the Senate, many of us got very artful in how to stop things. And there are about five groups that when something would go to the floor that was horrendous to women I would call them and I would say, "Alert your base," and they would send out e-mails to their membership and their membership would then call the members that represented them and we were able to stop some of the bad things. We ought to use that same network if we would work together in a coalition to pass positive things. But what you will see sometimes is that Planned Parenthood will only work for abortion rights, but they are not going to get involved with paid family leave and others get involved in equal rights and not in paid family leave. We really need to get this coalition working together and energizing our base to go to your elected officials and say simply, "If you do not vote for this I am going to run against you. If you do not vote for this I am going to support another candidate to run against you." Believe me, it is very effective, I have used it several times.

**ANDREA BATISTA SCHLESINGER:** Let's go in the back.

**KATE FERRANTE:** Hi, I am Kate Ferrante with Local 32BJ SEIU<sup>69</sup> and we represent property service workers from Connecticut to D.C. Councilwoman Brewer, you mentioned New York as a union town, and we might want to consider an opt-out provision in the law. I was wondering if you could explain the thinking about that a little bit. To Sara: could you talk about your experience working with the unions in San Francisco? Were there things that they did really well that we should repeat or were there areas where unions could have been more helpful and weren't?

**SARA FLOCKS:** The unions in San Francisco were incredible; they really helped us with our collective bargaining opt-out, which is part of the law. Because for some of the major unions like Unite Here,<sup>70</sup> the United Food and Commercial Workers,<sup>71</sup> which is grocery, and Macys,<sup>72</sup> who hates this law, the paid sick days in their contract was less than what the law was, so they were very excited about it. But a lot of them also said, "Well we can also use this as a bargaining chip because employers right away are going to say, "We want to opt-out of this law" and the union can say, "Well, what are you going to give us?" So a lot of unions have used that very

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68 <http://www.rumorsofourprogress.com/>

69 <http://www.seiu32bj.org/index.asp?cookies=True>

70 <http://www.unitehere.org/>

71 <http://www.ufcw.org/>

72 <http://www.macys.com/>

successfully. We had some trouble with the building trades just because as you said they don't have paid sick days. But one of the things that I just recently heard is that the carpenters have leveraged the Paid Sick Days law to get a \$2 an hour increase or something major to their health and welfare benefits. So they are using this law to benefit workers in some way. Union support was critical, it was amazing and I think they did a great job just supporting the law.

**ANDREA BATISTA SCHLESINGER:** Last quick question.

**MEAGAN IZEN:** My name is Meagan Izen. I'm with the Applied Research Center.<sup>73</sup> My question is specifically about HR 1542<sup>74</sup> and any of the other legislation that we have been talking about how it protects specifically undocumented immigrants.

**ANDREA BATISTA SCHLESINGER:** Great question.

**REP. CAROLYN MALONEY:** Okay, 1542 does not protect undocumented workers.

**SARA FLOCKS:** Our interpretation of the law in San Francisco is that it does because it applies to any worker that is working and the San Francisco Office of Labor Standards and Enforcement interprets that to mean if you are working then they are not going to ask, so the law applies to you. And that is basically how we tried to write it as much as possible but you still have to fight for that. The restaurant industry would fall apart. It's 80 percent undocumented workers, I think, in San Francisco, so obviously we have to be incredibly careful about enforcement, but with the support of a great regulatory agency that we are so lucky to have we are able to do that kind of work. Still, we had to fight to get the people into office who do that work, so I think it is very important to pay attention to who we have enforcing laws we pass.

**ANDREA BATISTA SCHLESINGER:** I just want to ask each of the panelist to close and maybe in doing so offer a prediction of whether or not paid sick leave will become a reality in New York and nationally.

**COUNCILMEMBER GALE BREWER:** Well I will start by saying thank you for giving the kickoff publicly because the bill is about to be on the street as they say in draft form and this will be the time to say we will need everybody's support in making it happen. It has been great to hear about some of the challenges and opportunities from San Francisco because I think they are similar and we can work together. The only way we are going to make it happen is a broad coalition and I think what we heard today was the makings of that broad coalition and we need to do it before term limits end. Thank you very much.

**DAVID JONES:** I agree with Gale that this is the time. I think this is a rather modest impact on all industries and this can be negotiated, this is not a budget breaker.

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<sup>73</sup> <http://www.arc.org/content/view/517/43/>

<sup>74</sup> The Healthy Families Act

I think you have across the state strong support for these kinds of ideas and I think it is just making the elected officials step up to the responsibility for their own constituents.

**SARA FLOCKS:** Well I am just so excited to hear that New York is going to do this and I think it will pass and I wish you all the best of luck. I very much admire all the work that the coalitions have done. In New York, we always look to New York City for inspiration, so good luck. Congratulations in advance.

**REP. CAROLYN MALONEY:** I join my colleagues in thanking the Drum Major Institute for beating the drum on these important issues. I predict that we will pass in the House paid family leave for federal employees, that it will die in the Senate, that sick leave will not get out of the House, we are moving into an election season. But I predict that a very important bill for New York, which I think is a national scandal and that is paying for the care, forget the leave, the care of the 9/11 heroes and heroines who rushed into burning buildings or worked in construction on the piles and do not have health care, I believe that that important bill expanding healthcare for them will pass the House this year.

**ANDREA BATISTA SCHLESINGER:** How about a round of applause for this great panel?

Please come back in September for our discussion on paid family leave with Governor Corzine. Thank you everybody.

[END]

# WHO IS THE DRUM MAJOR INSTITUTE FOR PUBLIC POLICY?

**DRUM  
MAJOR**  
INSTITUTE FOR PUBLIC  
POLICY

The Drum Major Institute for Public Policy is a non-partisan, non-profit think tank generating the ideas that fuel the progressive movement. From releasing nationally recognized studies of our increasingly fragile middle class to showcasing progressive policies that have worked to advance social and economic justice, DMI has been on the leading edge of the public policy debate. Founded during the civil rights movement, DMI equips those on the frontlines with the tools to more effectively advance an agenda of social and economic justice, including research, model policies, policy-driven Web sites, and even young talent. For more information, please visit [www.drummajorinstitute.org](http://www.drummajorinstitute.org)

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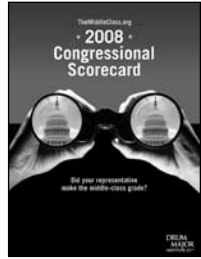
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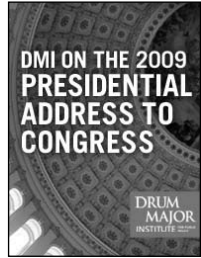
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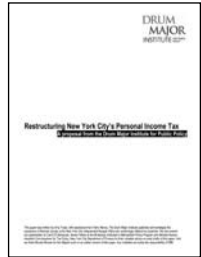
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February 2009 / 224,000 New York City households are too poor to pay state and/or federal income taxes, yet still owe taxes to the city. Almost all are households with children, most are headed by single parents. DMI proposes eliminating city income taxes on these households and paying for it with a tax increase on the city’s wealthiest residents. The plan was endorsed by New York City Council Speaker Christine Quinn, Councilmember David Yassky, and State Senator Liz Krueger.



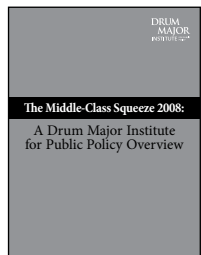
### 2008 YEAR IN REVIEW

December 2008 / In this Year in Review, the Drum Major Institute for Public Policy offers a look back at 2008 through the best and worst of the year’s public policy, including a program to expand health care access in San Francisco (one of the best) and the Paulson financial bailout plan (one of the worst). We also highlight on-the-ground stories from five American cities, include an idiosyncratic election timeline, and recommend the year’s best books for progressives. As always, we provide a hawk’s eye view of what the think tanks on the conservative right are up to and our 2008 Injustice Index, a by-the-numbers appraisal of the Bush legacy.



### MIDDLE-CLASS SQUEEZE 2008: A DMI OVERVIEW

September 2008 / Most Americans aim to attain—or hold onto—a middle-class standard of living including a reliable job with fair pay; access to health care; a safe and stable home; the opportunity to provide a good education for one’s children, including a college education; time off work for vacations and major life events; and the security of looking forward to a dignified retirement. With this overview, DMI brings together the latest data illustrating how precarious that standard has become.

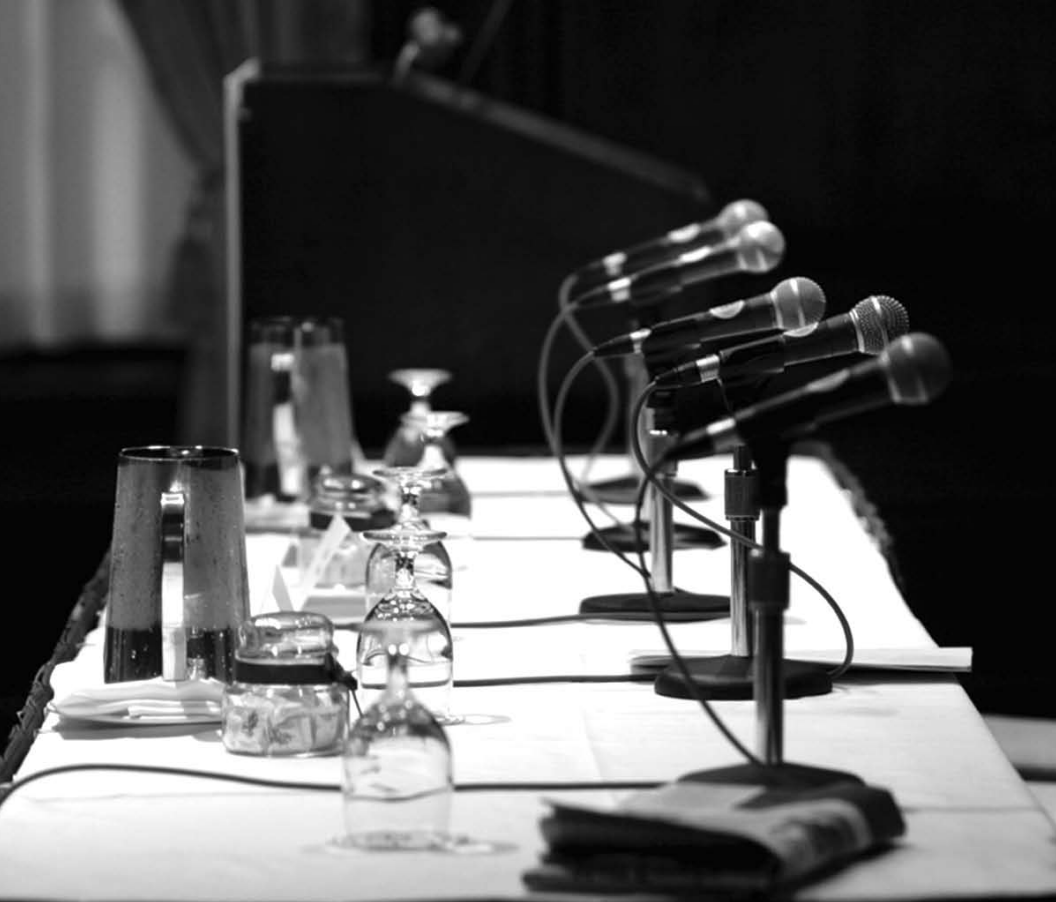


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"The Drum Major Institute's recent forum on increasing accountability and developing better uses for economic development subsidies with Minnesota State Senator John Hottinger was both informative and enlightening. I found it so useful to hear about the ideas of both colleagues in government and well-informed advocates about effective legislation in other states, particularly Minnesota's progressive and far reaching bill."

—NEW YORK STATE SENATOR LIZ KRUEGER



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