

WORKING FAMILIES TASK FORCE



Final Report



April 4th, 2016

EXECUTIVE SUMMARY

After passing an ordinance that will provide more than 400,000 Chicago workers with a raise over the next five years, Mayor Emanuel launched the Working Families Task Force to identify additional reforms to strengthen the protections in place for the city's workers. In addition, nearly 82 percent of Chicago voters supported the adoption of paid sick days for workers citywide via a non-binding referendum held in February 2015. The Task Force examined three issue areas: (1) paid sick leave, (2) schedule predictability for shift workers, and (3) paid family and medical leave. After 6 months of research, community engagement, and deliberation, the task force is proposing a framework for expanding access to sick leave and family and medical leave while recommending further research and discussion on schedule predictability before any legislative action is taken.

The following is a summary of Task Force recommendations:

Paid Sick Leave

The Task Force recommended a framework that would provide workers with paid sick leave while having a nominal impact on employer costs. This proposal would:

- Allow workers to accrue and use up to 5 earned sick days over the course of 1 year.
- Workers would earn sick time at a rate of 1 hour earned for every 40 hours worked. This approach ensures that employees earn and accrue sick time at a proportional rate based on hours worked.
- Accrued sick leave could be used by new employees after an initial 6-month probationary period.
- Allow employees to roll over up to 2.5 unused sick days to the following year.
- Exempt employers that offer combined leave benefits such as Paid Time Off (PTO) from these requirements as long as employees could accrue and use up to 5 days of PTO within a calendar year.
- This framework would not require the pay out of unused sick days by the employer and it would also exempt sick leave benefits that are negotiated as part of a collective bargaining agreement.

A cost model developed by the Civic Consulting Alliance found that this framework would lead to less than a 0.7-1.5% increase in labor costs for most employers.

Family and Medical Leave (FMLA)

The Task Force's proposed framework would allow employees to bank a portion of their earned paid sick time to use exclusively for FMLA-eligible purposes. Only companies that are subject to federal FMLA requirements and only employees eligible for federal FMLA benefits would be qualified for this benefit. Qualified employees could bank up to 5 days of accrued sick leave for FMLA-related purposes only (such as child birth and the treatment of serious illnesses). In the same year as accessing banked FMLA days, employees would be allowed, at minimum, to take up 7.5 days in a calendar year.

Scheduling Practices

Over three months, the Task Force reviewed research, data, and testimonials to better understand the impact that scheduling practices have had on workers and their families. Existing and proposed legislation focused on a variety of provisions that try to address the core objective of increasing stability for working families, each from different angles. Toward that end, there was general agreement within the Task Force that efforts should be made to better understand and reduce unwanted and harmful levels of hour unpredictability for employees – both with regard to income levels and unpredictable schedules – while simultaneously not limiting the exercising of mutually desired flexibility between employers and employees. However, the group believes further examination is warranted before any legislation is proposed, given the high levels of complexity with the issue. Therefore, the task force did not recommend any specific policy proposals to be implemented by legislation, but rather focus on continuing the conversation with key stakeholders.

Additional recommendations

The Task Force proposed additional recommendations to support and incentivize businesses to adopt paid leave policies. These recommendations include creating a City recognition programs for businesses with family friendly policies, and supporting further research into models that expand access to family leave for employees that reduce the cost burden on employers.

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The Task Force would also like to give special thanks to the business representatives, employee and labor advocacy groups, and workers who participated in the 14 focus groups held across the City and provided invaluable input to the committee.

INTRODUCTION

In June 2015, Mayor Emanuel appointed the Working Families Task Force to investigate the issues facing working families in Chicago and to ensure that they have the rights and protections they need to have a fair shot at the middle class. Toward that end, the Mayor instructed the Task Force to develop recommendations for expanding access to earned sick time, fair scheduling practices, and parental leave for working families in Chicago. To ensure that the recommendations consider a wide range of perspectives, the Mayor appointed a broad range of members representative of many groups including employee advocacy organizations, business advocates, employers, and elected officials.

1 – CONTEXT FOR RECOMMENDATIONS

1.1 – The National Conversation

In the aftermath of the 2008 recession, there has been a national conversation about the implications of the recovery on the middle class and the reduction of upward mobility. Such discussions have happened in the context of a long-term declining of the national manufacturing employment base,¹ a proliferation of lower-wage jobs,² a shift from full-time employment to part-time jobs (see Exhibit 1),³ and an increasing bifurcation between high pay and benefits for part of the workforce and lower salaries and limited or no benefits for others.⁴ This bifurcation has had a disproportionate impact on low-wage households, leading to a growing number of working families facing greater financial and occupational instability.

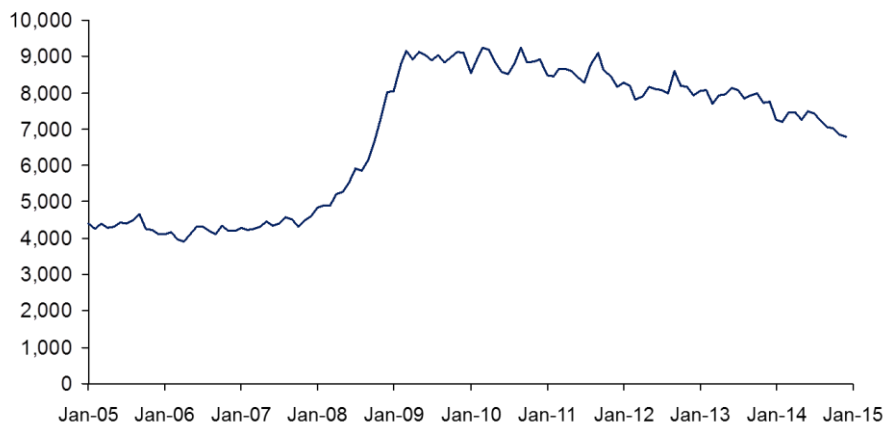
Municipalities and states across the country have begun to take steps to address this growing trend. Discussed and implemented solutions have ranged widely in scope, from increases in the minimum wage to research identifying best practices on how the employer-employee relationship can and should evolve in this new economy. One topic that has repeatedly emerged is that employees' access to benefits – such as paid sick leave, paid family and medical leave, and work schedule predictability – have a direct impact on stability for households and businesses.

Debates on these topics have animated politics and public conversations. The number of legislative initiatives is growing at the local, state, and federal levels. In many cases, the policy discussion has led to concrete actions, both in the public and private sectors. In recent months, prominent employers nationwide have announced policy changes, including:

- The McDonald's Corporation announced in April 2015 that it would raise wages and offer paid time off (PTO) to employees at its company-owned stores;⁵

Exhibit 1

Part Time Employment for Economic Reasons Nationwide
2005-2014, All Industries (Number in thousands)



Note: Part time for economic reasons means persons who indicated that they would like to work full time but were working part time (1 to 34 hours) because of an economic reason, such as their hours were cut back or they were unable to find full-time jobs.

Source: Bureau of Labor Statistics, Labor Force Statistics from Current Population Survey (Data Extracted 2015)

- In June 2015, Chipotle expanded access to its benefits, so that hourly employees now have access to tuition reimbursements, paid sick days, and paid vacation;⁶
- In August 2015, Abercrombie & Fitch announced that it would end using the practice of “on-call shifts” for its employees;⁷
- Starbucks Coffee recently announced that it would end its irregular scheduling in order to improve stability and consistency in hours worked.⁸

More recently, the federal government announced that, from now on, all employees of federal contractors must be provided with paid sick leave.⁹ Indeed, President Obama has placed a strong focus on promoting these discussions highlighting this suite of issues at a White House Summit on Working Families in June 2014,¹⁰ and advocating for the expansion of a host of paid leave policies in early 2015.¹¹

1.2 – The Conversation in Chicago

In the midst of the national conversation on workplace benefits, businesses, workers, and organizations in Chicago have begun to engage on issues facing working families. During the summer of 2014, Chicago’s Minimum Wage Working Group considered and debated proposals to increase the City’s minimum wage, ultimately recommending that the City gradually raise the minimum wage to \$13 per hour,¹² a recommendation which the Chicago City Council reviewed and enacted.¹³ During its deliberations, however, the Working Group also acknowledged that the minimum wage alone would not address the hardships that thousands of Chicago residents face each day; among other issues, the Working Group recognized the importance of paid sick leave and paid family and medical leave, and recommended that efforts be made to study ways to expand access to both. This is an issue that has been addressed in different ways by city actors. In 2011, Mayor Rahm Emanuel announced that the City would expand access to maternity and paternity leave among its own employees.¹⁴ In 2014, Ald. Joe Moreno (1st) and Ald. Toni Foulkes (15th) put forward a paid sick time ordinance as part of the Earned Sick Time coalition’s broader effort to expand access to paid sick leave in Chicago.¹⁵ And in a non-binding referendum held in February 2015, nearly 82 percent of voters supported the adoption of paid sick days for workers citywide.¹⁶ Based on the referendum and the recommendation of organizations and city council members, in June 2015 the Mayor empaneled a Working Families Task Force to study these issues, seeking a balance between the needs of employees and the concerns of employers.

1.3 – The Importance of Stakeholder Inclusion

The members of the Task Force were drawn from a wide range of organizations and groups – business owners and representatives, trade associations, worker advocates, academics, and City and State elected officials – to ensure that as many diverse perspectives as possible could be heard and included, knowing that many stakeholders play a role in these issues. In addition, the Task Force made an aggressive effort to engage workers and employers of all sizes and industries from across the city, as well as national subject matter experts.

From the outset and throughout the Task Force’s deliberations, members of the Task Force were encouraged to, and did, provide resources, research, and opinions on each of the issues under considerations.

1.4 – Activities of the Task Force

Over a timeframe of approximately 8 months, the Working Families Task Force met 3 times as a plenary group. To fulfill its goal of delivering a set of recommendations to Mayor Emanuel, the Task Force:

- Met to discuss the issues in three different subcommittees, each of which met four to five times;
- Engaged in an extensive public engagement process including 14 focus groups with employers, employees, and advocates at 9 locations throughout the City;

- Heard testimony from academics, policy experts, and representatives from cities and other jurisdictions that have implemented some of the discussed policies;
- Reviewed a substantial collection of reports, articles, and issue overviews, including:
 - Evaluation studies of existing and proposed policies;
 - Recent actions taken by major corporations with regard to these policies;
 - Arguments by those in favor and those opposing action on these issues;
 - Analyses of the broader economic context for working families and employers in the United States;
 - Public health implications of the proposed policies;
- Analyzed and discussed relevant data, including:
 - Breakdowns of Chicago’s workforce and economy as compared to peer cities and the national average;
 - Macroeconomic trends in the jurisdictions where the discussed policies have been implemented;
 - A cost model built to estimate the potential impacts of paid sick days;
- Compared and contrasted existing legislation on these policy issues in other cities, states, and countries;
- Debated the merit and content of possible recommendations, taking all of the input described above into account.

1.5 – Summary of What Informed the Work of the Task Force

Over the course of the fourteen focus groups, which were held across the city – from Uptown to Washington Heights, from Austin to the Loop – the Task Force engaged with dozens of employees and business owners of different sectors and sizes. While the experiences of both groups are of course too varied to be completely captured in this report, a number of consistent themes emerged.

The focus groups with employees brought attention to the disparity – independent of sector or company size – between workers who have access to benefits, especially paid sick time, and those who do not. Employees who have benefits were able to speak to the positive impact they had on their and their family’s well-being.

On the other hand, workers who do not have the same access are routinely confronted with difficult choices, such as going to work sick or foregoing a day’s compensation; which, for low-wage and part time workers, represents a significant – and often indispensable – portion of their income. In several cases, workers reported being disciplined, and in some cases even threatened with termination, when not showing up for work due to illness. The Task Force also heard from many employees who described the challenges that a lack of benefits and unpredictable schedules can impose, such as:

- High levels of stress, due both to unpredictable job schedules and the potential for discipline and/or termination based on factors outside the control of the employee (e.g. the illness of a child);
- Negative impacts on physical well-being caused by being forced to work while sick or injured;
- Being unable to pursue further educational attainment or training;
- Challenges related to working fewer hours than they needed to support their families or were promised, especially given the rising cost of living;
- An inability to maintain a second job, even when working only part-time; moreover, since part-time jobs are less likely to offer benefits, even workers that cumulatively worked full-time hours (or more) per week sometimes were left without access to benefits;
- Difficulty in maintaining consistent childcare arrangements, and instead being forced to rely on last-minute arrangements with friends, family, neighbors, or even, in the case of one employee, a child’s 12-year-old relative.

The Task Force heard from employers – both large and small and across sectors – who have taken different approaches to offering benefits, from those who provided none to those who provided comprehensive suites including paid sick leave, vacation, retirement, and predictable schedules. Those employers who do not currently offer access to benefits, as well as business associations, voiced concern about the potential impact of any mandated leave policies or scheduling regulations. Some employers, such as a retailer based on Chicago’s West Side, as well as a restaurant owner with establishments in the City’s outlying wards, suggested that offering such benefits was simply not economically feasible, either due to the challenges of the current business climate, the economics of their industry, their location, or the skill-level of their employees. The most common concerns included:

- Increased wage costs, and the potential for unintended consequences, such as the reduction of working hours for employees that some employers adopted as a consequence of the mandated higher minimum wage;
- The increased administrative burden of providing benefits due to additional compliance tracking and reporting;
- The broader context of what federal and local government mandates are already requiring from businesses (e.g. the City’s minimum wage increase, the County’s sales tax hike, the Affordable Care Act, and the increase in City property taxes), as well as the combined impact of these policies on the regional business climate;
- Local implementation would widen the disparity with respect to competition with suburban businesses, and add complexity to those businesses managing locations both within and outside of Chicago;
- A broad concern about potential abuse of any new benefits by employees.

From employers who do offer some, or all, of the benefits under discussion, the Task Force heard numerous lessons learned from implementation, as well as the impact such policies have had. Businesses of widely varying sizes and industries (ranging from an insurance office with five staff, to a restaurant operator with more than ten locations in Chicago, to a multinational retail chain with hundreds of thousands of employees) provide a range of benefits to their employees. In a competitive hiring environment, these employers considered having paid sick leave and paid family and medical leave policies as a competitive advantage on retention and recruitment. Even among those businesses that do offer benefits, however, many made a distinction between hourly and salaried workers, or between full- and part-time employees, in the scope of benefits they provided. Reasons for this distinction were varied, but some employers expressed that they viewed full-time and salaried workers as a better target for investment by the company.

Employers who offer these benefits were, on the whole, less concerned about any potential policy actions, although they did express a desire that any potential regulatory action not increase administrative

Expert Testimony

Expert Testimony. The Task Force also heard testimony from academics, policy experts, and public officials. The academics, including two economists and a nationally recognized expert on scheduling practices, voiced some of the same concerns expressed by employers in the focus groups regarding costs and complexity. They also recognized that there are employers around the country proactively addressing the unpredictability of work schedules. The policy experts, including officials from the Chicago Department of Public Health, raised the issue of the societal costs of the status quo. And the public officials, including an administrator from San Francisco and a staffer in the United States House of Representatives, gave color on the impact these policies have had on employees, as well as roadblocks to implementation and unintended consequences of policy actions.

complexity for existing policies. Many employers in this group did not report experiencing any abuse, across all types of benefit policies, while others indicated that abuse, when it existed, was relatively insignificant. Finally, the Task Force heard from some employers who said that they thought that the provision of these benefits was simply the right thing to do, and that their decision to do so was less economic than moral.

1.6 – Framework for Deliberations within the Task Force

From the outset, the Task Force was not intended to draft or recommend legislation. Instead, the Task Force aimed to capture the input of a wide range of stakeholders, and to focus its discussions on general principles for employers and policy makers to embrace and study further, rather than the specific policy details required for implementation.

There was an overall agreement that any provision would be preferably implemented at the highest level of government possible to limit the complexity of dealing with multiple levels of regulations, different regulations for the same entity operating in different geographies, and to ensure an equal playing field with businesses operating in neighboring geographies.

In deliberating, there was substantive and spirited discussion among the Task Force members; however, on certain issues, the Task Force could not reach a uniformly shared consensus. The recommendations laid out reflect the consensus reached by a significant majority of Task Force members, and a summary of concerns discussed.

2 – PAID SICK LEAVE

2.1 – Context

Paid sick leave policies, also known as earned sick leave, provide workers with the ability to take time off when they are too sick to work, or if they need to provide care to a sick family member. These policies help families economically by preventing lost income due to illness, and also mitigate the negative effects on public health. Studies suggest that paid sick leave reduces health care costs by promoting usage of primary and preventive care instead of emergency services. Earned sick leave policies encourage individuals to take advantage of preventative service – individuals are 40% more likely to obtain the flu vaccine,¹⁷ 16% more likely to use outpatient services, 20% less likely to use the ER,¹⁸ and more likely to have a mammogram, pap smear, and a regular doctor’s visit.¹⁹ In addition, several studies have found that workers who come to work sick generally experience twice the number of heart related health incidences²⁰ and were the primary cause of 70% of norovirus outbreaks, the most common related food-borne illness.²¹ Further, paid sick leave policies have been associated with reducing the spread of illness,²² sending fewer sick children to school,²³ and reduced occupational injuries.²⁴

Some employers argue that these policies generate benefits for the employer by improving retention, reducing absenteeism, and improving productivity at work.

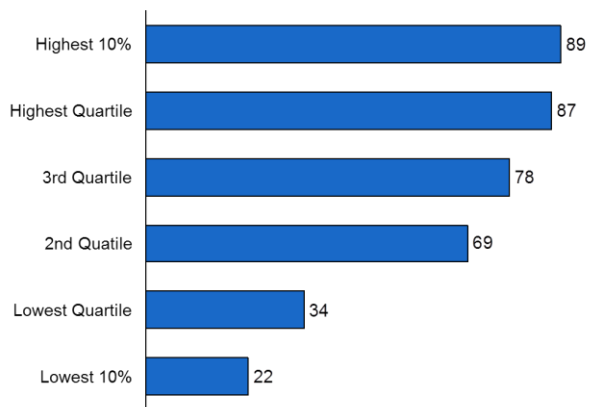
Access to paid sick leave provided by employers on a voluntary basis has increased in the US in recent years, rising from 50% in 1992 to 61% in 2015,²⁵ but there is a significant divide in terms of who gets paid sick leave and who does not. In particular, while 82% of management and professional occupations have access to paid sick leave, only 40% of service occupations do so. Much lower access to the same benefits is provided to part-time workers.²⁶

As a result, millions of American workers are going to work sick. In many employment situations, employees face pressure to work even while contagious, either because of the threat of disciplinary action by their employer, or because they simply cannot afford to take unpaid time off.

Recent surveys and polls have indicated that there is popular support for a change to the status quo. In addition to the non-binding referendum in the City of Chicago discussed above, national surveys have indicated that a significant majority of Americans believe that earned sick leave is an important benefit for both employees and employers.²⁷

Exhibit 2

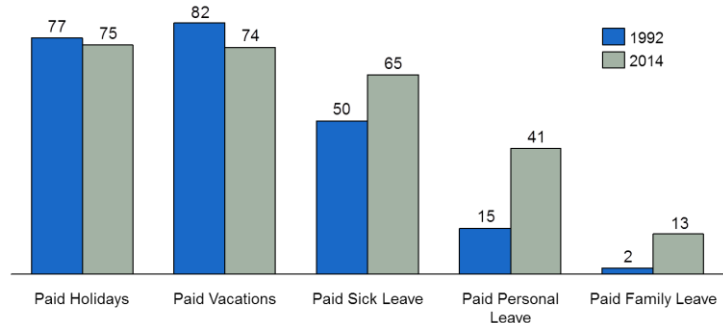
Access to Paid Sick Leave Benefits by Average Wages



Source: Bureau of Labor Statistics, Employee Benefits in the United States (March, 2015)

Exhibit 3

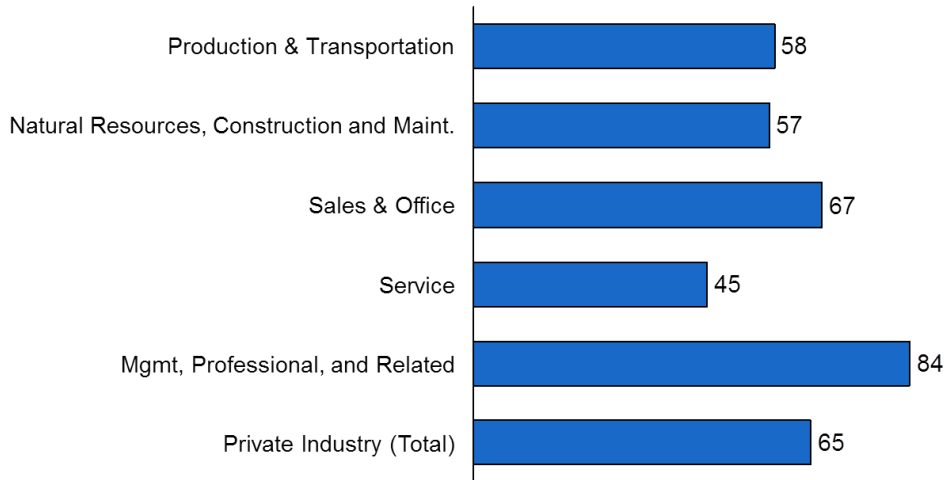
Access to Paid Sick Leave at Private US Companies (%)



Source: Bureau of Labor Statistics, *Beyond the Numbers*, Robert W. Van Giezen, "Paid Leave in Private Industry over the past 20 Years," (Aug. 2013); Bureau of Labor Statistics, Employee Benefits, National Compensation Survey (March, 2014)

Exhibit 4

Percentage with Access to Paid Sick Leave by Job Category



Source: Bureau of Labor Statistics, National Compensation Survey (March, 2015)

2.2 – Impact in Chicago

According to one study, 42 percent of private-sector workers in Chicago, or roughly 460,000 people, do not have access to paid sick days. Such workers are predominantly low-wage – more than three quarters of Chicago workers earning less than \$20,000 per year lack access to paid sick days. In contrast, roughly half of employees earning between \$20,000 and \$35,000 have access to paid sick days, and four fifths of workers who earn more than \$65,000 per year have access.

Disparities in access also exist by occupational category. In Chicago, between 70-80% of employees in service sector occupations (e.g. food preparation and service, personal care and service) do not have access to paid sick days. Additional industrial sectors where employees have limited access to sick leave include construction (71%), transportation and material moving (56%), maintenance and cleaning (56%), and production (53%).²⁸

The Task Force’s focus groups provided insights into the benefits and challenges of paid sick leave policies. As discussed previously, employees consistently considered earned sick leave as their most important priority, not only for personal use but also to care for dependents. Those employees that currently lack access to paid sick leave indicated that they have and will continue to work while sick, due both to their inability to afford the loss of income and fear of reprisals from employers. When employees took unpaid time off due to illness, they were sometimes required to provide a doctor’s note. This requirement was said to present logistical and financial barriers, particularly when required for absences of only one to two days. Employees also reported instances of being disciplined, varying from fewer scheduled hours to the termination of their employment.

As discussed previously, from the employers’ perspective, the Task Force heard from both those that do not offer paid sick leave and those that do. Employers that do not offer paid sick leave expressed reticence on a number of themes identified in the overarching concerns discussed above (e.g. costs, administrative complexity, and potential abuse). Some indicated that they simply could not offer it due to economic factors. Others did not offer certain benefits as part of collective bargaining agreements with their workforce.

In contrast, employers that do offer paid sick leave did so for various reasons, including to improve staff retention in a competitive employment environment and to reduce the likelihood that employees would show up to work sick. Many employers did indicate, however, that the division between paid sick time and vacation time may not be necessary. Instead, they provide a combined paid time off policy, which they have found to address both the issues surrounding complexity and limiting the potential for abuse. As discussed above, the Task Force also heard numerous examples of different treatment for salaried vs. hourly employees – in particular, salaried employees were much more likely to receive paid sick leave than hourly employees.

2.3 – Current Legislation

Exhibit 5

Overview of Paid Sick Leave Legislation

State/Locale	Minimum Employment ¹	Days until usage ²	Work hours to accrue one hour	Accrual begins	Maximum hours accrued ³
California	30 days/ year	90	30	Immediate	24
Connecticut	None	680 hours	40	Immediate	40
Massachusetts	None	90	30	Immediate	40
Oregon	None	90	30	Immediate	40
Vermont	>18 hrs/week	365	52	Immediate	40
Montgomery County, MD	>8 hrs/ week	90	30	Immediate	32 – 56
Washington, DC	None	90	37 - 87	Immediate	24 – 56
Emeryville, CA	2 hrs/ year	90	30	Immediate	48 – 72
Oakland, CA	2 hrs/ week	90	30	Immediate	40 – 72
San Francisco, CA	None	Once accrued	30	90 days	40 – 72
Plainfield, NJ	80 hrs/ year	100	30	Immediate	24 – 40
Jersey City, NJ	80 hrs/ year	90	30	Immediate	40
Newark (and 8 other NJ cities)	80 hrs/ year	90	30	Immediate	24 – 40
New Brunswick, NJ	>20 hrs/week	120	30	Immediate	24-40
New York City, NY	80 hrs/ year	120	30	Immediate	40
Portland, OR	240 hrs/ year	90	30	Immediate	40
Philadelphia, PA	40 hrs/ year	90	40	Immediate	40
Pittsburgh, PA	None	90	35	Immediate	24 – 40
Seattle, WA	240 hrs/ year	180	30 - 40	Immediate	40 – 72
Spokane, WA	240 hrs/year	90	30	Immediate	24 – 40
Tacoma, WA	80 hrs/ year	180	40	Immediate	24

1. Minimum employment within the locale required to be eligible for paid sick leave

2. Minimum number of days after the commencement of employment after which paid sick leave can be used

3. Ranges are typically based on company size, with smaller businesses required to provide fewer hours of paid sick leave (in some cases, such leave is also unpaid)

At least 145 countries ensure access to paid sick days for short- or long-term illnesses, with 127 providing a week or more annually, through a combination of government programs and mandates on employers.²⁹ In the United States, by contrast, there is no such national requirement – proposed legislation exists (H.R. 932, the Healthy Families Act) but has not been enacted into law. Instead, legislative action in the United States has taken place at the state and municipal level. Over the last decade, more than 20 cities, five states, and one county have passed legislation that mandates sick leave (see Exhibit 5 for a sample of municipal and state laws).

Currently, there is no Illinois law requiring private employers to provide their workers sick leave, paid or unpaid, although many employers do grant it as an employee benefit. In 2015, Sen. Toi Hutchinson introduced SB1836, the Healthy Workplace Act, to require paid sick leave statewide. Its provisions include:

- All employees who work in Illinois would have the ability to earn paid sick leave;
- The hours would begin to accrue at the commencement of employment and could be used 120 days following commencement of employment;
- For every 30 hours worked the employee would accrue one hour of earned sick time, up to a maximum of 56 hours (or 7 standard work-days) of paid sick time during a 12 month period.³⁰

As previously discussed, there has also been proposed legislation in Chicago. The 2014 ordinance introduced by Ald. Moreno and Ald. Foulkes garnered the backing of a majority of Aldermen, and would have allowed all eligible employees to earn one hour of sick time for every 30 hours worked, with a cap of five to nine days a year depending on the size of their employer. The draft ordinance was not voted on, however, and so expired at the conclusion of the previous Council term.

2.4 – Possibilities for Expanding Paid Sick Leave to Paid Family and Medical Leave

In addition to paid sick leave, a number of employee participants in the Task Force’s focus groups identified paid family and medical leave as a critical priority for the stability of their families. When employees do not have access to paid family and medical leave, they are often forced to choose between important family obligations, such as caring for a newborn or an elderly parent, or going to work for the compensation necessary to support themselves and their loved ones. Such difficult choices are likely not as common as those alleviated by earned sick leave policies, but many Task Force members felt that they are no less worthy of consideration in public policy discussions. The United States is the only industrialized nation without mandated paid family and medical supports, and it is not a commonly offered benefit: nationally, only 13% of private sector employees have access to paid family and medical leave, with the Midwest slightly lower at 12%. Moreover, workers with higher wages are significantly more likely to have access to paid family leave: while only 5% of employees in the lowest quartile of wage-earners have access to paid sick leave, 21% of workers in the highest quartile do. Even for unpaid family leave, the same disparity exists, with rates of 78% and 93%, respectively, for the lowest and highest wage quartiles.³¹

Only three American states have paid parental leave in effect – California, New Jersey, and Rhode Island – while a fourth, Washington, has enacted legislation but has yet to set a timetable for implementation. These states offer the benefit usually through existing state temporary disability insurance programs.

Taking the focus group comments and this information into consideration, the Task Force considered the possibility that a paid sick time policy could simultaneously increase access to paid family and medical leave. In conjunction with an earned sick leave policy, this idea could be applied in one or both of the following two forms of coverage. First, the eligible usages for paid sick leave could be expanded to include all FMLA-eligible usages, including the care of a newborn, newly-adopted, or newly-placed child (for either parent, if applicable). Second, unused time at the conclusion of the year could be maintained specifically for FMLA-eligible usages.

2.5 – Recommendations

The Task Force reviewed research, data, and testimonials to better understand the impact paid sick leave policies have on businesses and employees. Based on this information, the Task Force reached general consensus among a significant majority of members on the following eight key principles regarding paid sick leave that should be considered in future discussions by policy makers and stakeholders on the issue.

1. **Employee Eligibility** – An employee that completes 80 hours of work within 120 days of employment should be eligible to accrue earned sick days from the employer.

Rationale:

Based on the discussions in the focus groups, the Task Force concluded that a uniform, easy to understand eligibility criteria would be administratively simpler. This eligibility criterion would capture all employees who regularly work roughly five hours per week or more for a given employer.

2. **Waiting Period Before Usage** – Eligible employees should begin to accrue benefits from the commencement of employment, but should not be eligible to use earned sick leave until sometime ranging from 120 – 180 days after the commencement of employment.

Rationale:

The Task Force wanted to respond to the concerns employers expressed in the focus groups regarding temporary and seasonal employees, as well as new hires. However, the Task Force did not want to define what constitutes temporary or seasonal, and instead decided to address the issue by recommending a waiting period before usage would be allowed. By delaying usage of paid sick days until 120 – 180 days after the commencement of employment, paid sick leave would not be available to employees traditionally considered short-term, seasonal, and/or temporary employees.

Moreover, this waiting period would address business concerns about new employees who do not complete their probationary period (typically 90 – 180 days), especially with regard to unsatisfactory employees abusing any accrued paid sick time. At the same time, since accrual would still begin at the commencement of employment, employees who do make it beyond the probationary period would thus have access to whatever time they accrued in their first 120 – 180 days. Such a policy is also consistent with existing legislation addressing paid sick leave in the United States.

3. **Accrual Rate** – Employees should earn one hour of paid sick leave per every 40 hours worked.

Rationale:

The Task Force wanted to ensure that both full- and part-time employees would have access to paid sick time, but felt that the difference in weekly hours worked should be recognized. As such, rather than recommending that employees be given a set number of days or hours of earned sick leave, the Task Force concluded that pro-rating sick time based on hours worked was a reasonable solution. The recommendation is consistent with the prevailing norm in existing legislation addressing paid sick leave in the United States.

4. **Cap for Accrued Hours** – At minimum, employees should be able to earn and use up to 40 hours of paid sick leave per year, with no differing tiers based on employer size.

Rationale:

The Task Force recognized that different employers have different economic situations, and as such considered ways in which to distinguish between firms. However, the Task Force ultimately concluded that, as a matter of policy recommendation, a single tier was preferable, as any tiered system would impose undue administrative complexity and tracking; both for government and businesses, and especially with regard to businesses that operate at or near the demarcating line.

The Task Force concluded that 40 hours was a reasonable cap for yearly accrual, as a full time employee would accrue roughly 40 hours, or a full work week, of paid sick time in less than a year's time.

5. **Rolling Over Unused Sick Time** – Employees should, at minimum, be allowed to roll over up to 20 hours of unused sick days at the end of the year for use in the immediate following year.

Rationale

This recommendation will ensure that employees who have accrued sick time can take advantage of earned leave early in the calendar year if they or one of their dependents gets sick. "Use it or lose it" policies can have an unintended incentive for employees to max out their benefits to avoid "losing" a benefit. This roll over proposal would help avoid this incentive and ensure that a reasonable amount of earned sick leave is available to employees at the height of flu season in the beginning of the year.

6. **Rolling Over Sick Time for Paid Family and Medical Leave** – Employees should be allowed to roll over, bank, and use at minimum up to 40 hours of unused sick days at the end of the year for future (but within a specified duration) FMLA-eligible uses, which include:

- The birth of a son or daughter, and to care for the newborn child;
- The placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
- To care for an immediate family member (spouse, child, or parent – but not a parent "in-law") with a serious health condition;
- When the employee is unable to work because of a serious health condition.³²

Only those employers that are currently subject to FMLA requirements would be subject to this provision.

Rationale

This recommendation would provide employees with the ability to plan for major life events, such as the birth of a child or a major surgery, by providing them with some paid family and medical leave while not dramatically adding to costs. For example, if an employee worked full-time and accrued 40 hours over the course of a year and used 20 of them (within the estimated ranges of average paid sick day usage on a national level),³³ they could only bank the remaining 20 hours toward FMLA-uses. Moreover, this policy could assist in addressing the potential for employees to abuse paid sick days by eliminating the incentive to "use or lose" benefits.

7. **No Payout of Unused Accrued Sick Leave** – Employers should not be obligated to pay out any hours for accrued unused or banked sick leave.

Rationale

The Task Force concluded that ascribing a cash value to earned sick leave would pose an undue burden on businesses (both due to additional costs and because it would require them to carry these accruing costs on their balance sheets), and would not align with the stated reasons for providing all employees with paid sick leave. Namely, earned sick leave would alleviate the public health concerns involved with employees going to work while sick, as well as allow employees to avoid difficult choices between caring for sick dependents and going to work. Neither of these would be better served by requiring sick days to be cashed out.

8. **Interaction with Existing Paid Time Off Policies** – Employers that offer employees equivalent paid sick time benefits through paid time off (PTO) policies should not be mandated to make adjustments to their policies. Equivalent PTO policies would allow employees to accrue an equal or greater number of hours (or days) of paid sick time per year as defined by state or local policy. If days are given up front such as

at the beginning of each calendar year, they should be at least equal to the minimum cap for paid sick leave accrual as defined by local or state policy.

Rationale

The Task Force did not want to require businesses that already offer such policies to change their practices, or to impose additional burdens upon such businesses. The Task Force also heard from several employers who offer PTO as a way to simplify the administration of benefits, and who said that any requirement to shift back to a defined allocation between paid sick time and vacation would require them to change existing policies, that result in a net loss of paid time off.

Concerns

The following concerns with the above recommendations were discussed and raised by some members of the Task Force:

Cost and complexity

- Employers believed that paid sick leave could increase administrative complexity by requiring new software or processes, forcing employers to spend greater time on administration, and increase the complexity of staffing and scheduling.
- Some members preferred recommending that one hour be accrued per every 30 hours worked as a way to align with other legislative models, while others suggested tying the accrual rate to the definition of full-time work under the Affordable Care Act given that it may be changed legislatively in the future.
- Some task force members would have preferred to create a detailed list of exclusions and definitions for temporary, seasonal, holiday, and other non-eligible employees, in order to lower costs for employers who rely on these occupations.
- Some task force members preferred a waiting period longer than that of the recommendation, as a way to both lower costs and incentivize employees toward longer tenures at an employer. However, several other task force members registered concern that any waiting period would be detrimental to maintaining a healthy workplace, and would have preferred a waiting period of 90 days or less.
- Some task force members believed that any legislation – state or local – should mirror existing employer exemptions found in minimum wage legislation, but others felt strongly that all employees who met the hours-worked criteria should be eligible.
- Some members felt that the provision on capping the amount of hours that can roll over each year at 20 was irresponsible, as it would penalize employees who did not use their sick days and make it difficult if an extensive medical leave were required early in the following year. Moreover, they worried that such a provision would incentivize employees to take any hours in addition to that threshold as “personal days” at the end of the year.
- Some members were concerned about not further distinguishing benefits between full and part-time employees and would have preferred ranges based on hours of employment, while other members were concerned about any employers being exempt from standards.

Further analysis desired

- Some task force members wanted more analysis to be done on how banking paid sick time toward FMLA uses would interact with existing PTO policies before issuing it as a recommendation.

Impact on small businesses

- Some members raised concerns about a single tier having a deleterious impact on small businesses that do not have the cash flow or the experience to implement a sick leave regime, although it was noted by

some that the amount of revenue – rather than the number of employees – would be a more accurate indicator of the potential for deleterious impact.

- Some members were concerned about not further distinguishing benefits between sizes of businesses and would have preferred ranges based on size of employment.

Cost Model

While considering the recommendations described above, the Task Force asked for a cost analysis to be done to determine the recommendations' potential cost implications for businesses. The model was built based on the model used in the Mayor's Minimum Wage Working Group. It relied upon the best publicly available sources of data, including:

- Bureau of Labor Statistics data on wages in the Chicago metropolitan statistical area³⁴
- Bureau of Labor Statistics data on the projected inflation in wages and healthcare,³⁵ as well as Congressional Budget Office estimates of the Consumer Price Index³⁶
- Estimates of benefit costs to employers from the Bureau of Labor Statistics and major payroll³⁷ and accounting firms³⁸

Using this information, the cost model provided an estimate of the potential costs. Because of its underlying assumptions, the numbers it produced were not meant to be taken as the certain outcome of any policy, but instead as a tool for the Task Force to use when evaluating its proposals. Using the Task Force recommendations discussed above (in particular, a 40 hour cap with one hour accrued for every 40 hours worked and a 20 hour cap on time rolling over from year to year), the model projected that for a full-time, non-tipped worker making the median hourly wage in the Chicago area in 2016, the proposals would cost employers:

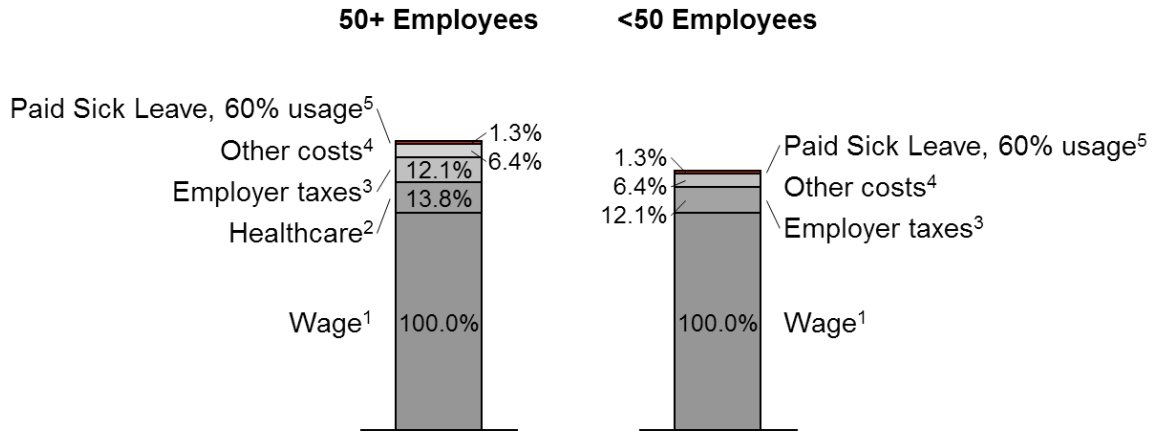
- 0.8-1.5% of base wages
- 0.7-1.3% of compensation costs under current law for large companies
- 0.7-1.5% of compensation costs under current law for small companies
- The ranges are based on different assumptions about usage, ranging from 40% (low) to 80% (high). For reference, national estimates on usage range from two days in leisure and hospitality to four days in professional services³⁹ which would be between 40% to 80% of the proposed cap.

The cost of the Task Force's proposal on banking paid sick days toward days that could be used for FMLA-eligible purposes was not included in the model as data on usage of paid FMLA leave in the United States is less commonly available. Initial estimates would indicate that these costs would be significantly lower than those of paid sick leave, but further study on this issue is encouraged.

It should be noted that the model was meant to capture the additional costs imposed on companies by the proposed policies, and does not cover the *already existing* costs employers incur to replace sick employees when they take unpaid time off. Moreover, it did not include any potential cost-savings to employers, which could result due to improved employee morale, decreased turnover, or increased productivity. While any potential cost-savings are not included in the model given the lack of data available specific to the Chicago region, the task force considered studies that outline these potential benefits (found at the end of this report).

Exhibit 6

Estimated cost of paid sick leave in 2016 under Task Force proposals



1. Wages based on Chicago MSA median wage in 2016 (estimated to be \$18.45 per hour). 2. Based on an estimated healthcare cost of \$2.43 per hour (average cost in private industry in March 2015). 3. Based on the Minimum Wage Working Group model: Employer taxes include estimates of Social Security, Medicare, and state and federal unemployment insurance. 4. Based on the Minimum Wage Working Group model: Includes estimated costs of vacation, overtime, shift changes, and workers' compensation. 5. 60% usage would equal 24 hours, or 3 standard 8-hour workdays.

3 - SCHEDULING PRACTICES

3.1 Context and Background

In today's world, flexibility is a positive attribute sought and appreciated by both employees and employers. Indeed, flexible arrangements can be mutually beneficial – they allow employers to adjust capacity to better respond to business and clients' demands, and allow employees to accommodate family obligations and personal priorities. Evidence suggests that the number of employers who provide access to flexible working arrangements for their employees represents a significant and growing share across industries: according to the National Study of Employers, in 2014, 82% of workers had access to time off during the workday, 45% of workers had control over overtime, and 92% of workers had control over their breaks.⁴⁰

However, flexibility differs from unwanted, involuntary unpredictability of working schedules. Involuntary unpredictable schedules occur when the number and/or time of work hours significantly fluctuate during the week or month. The effects of unpredictable schedules are exacerbated when compounded with limited advance notice of work schedules or any subsequent changes. The rise of such scheduling practices can be ascribed to several factors, but in particular has been driven by the development of more advanced scheduling technologies which give employers an increased ability to develop *just-in-time* scheduling in response to changes in business conditions. This model can provide greater returns for employers, but at the cost of stability for employees and their families.

Unpredictable schedules and unpredictable number of work hours are often referred to as *work hour insecurity*. A fluctuating number of work hours generates high income unpredictability, making it hard for families to budget and save. Unpredictable schedules disrupt and destabilize the well-being of workers' families, because of difficulties in arranging dependent care, maintaining family routines, attending school, obtaining a second job, and even staying eligible for public assistance. Moreover, studies suggest that parents' highly unpredictable schedules negatively affect their children's learning abilities.⁴¹

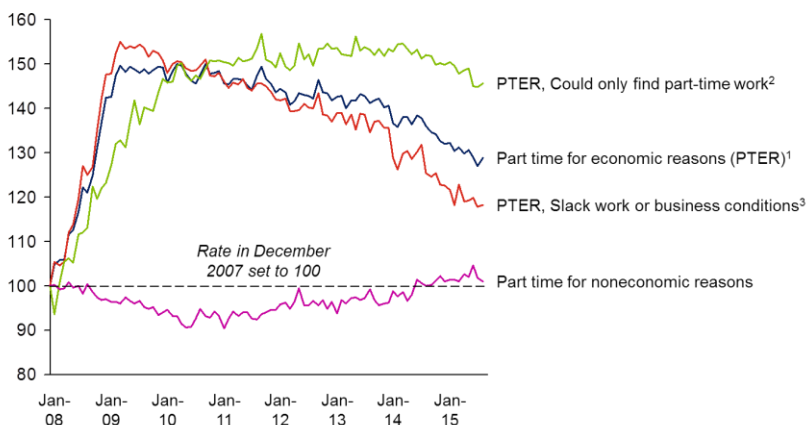
The Economic Policy Institute estimated that nationwide, 17% of the workforce has unstable schedules, either because of irregular/on-call shifts (10%) or split/rotating shifts (7%). The same study also found that women and the lowest-income workers face the most irregular work schedules.⁴² Work hour insecurity and scheduling unpredictability particularly affect hourly shift workers, especially those who work part time and who work in sectors like retail, food service, and construction. According to the Bureau of Labor Statistics, the number of involuntary part time workers (i.e. workers who do not work part time by choice) increased dramatically during the recession and still affects significantly more Americans than in the pre-recession economy.⁴³ The

number of workers who were part time for economic reasons (i.e. those who would prefer full time hours but cannot obtain them) in 2008 was 5,773,000, and in 2009, the number increased to 8,791,000 individuals. While it

Exhibit 7

Part Time Employment by Reason

Change since December 2007, All Industries, Seasonally Adjusted



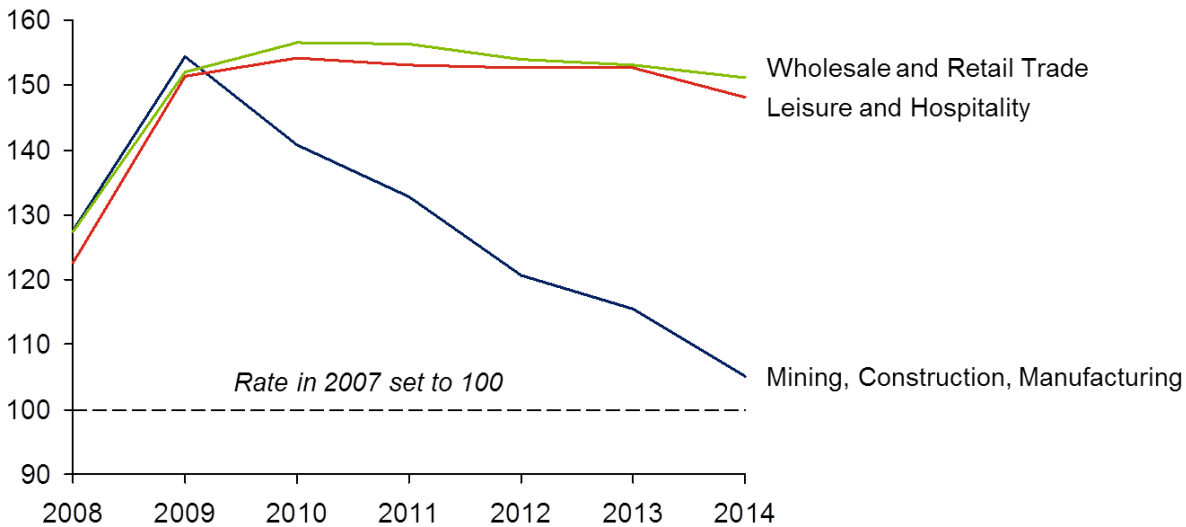
2. Those who "could only find part-time work" are individuals who searched for a full-time job but were only able to be hired as a part-time employee. 3. Those who indicated their status was due to "slack work or business conditions" may have had hours cut by their employer, such as due to a weak economy.

Source: Bureau of Labor Statistics, Labor Force Statistics from Current Population Survey (Data Extracted 2015)

has since declined, the number is still well above pre-recession levels: in 2014, 7,109,000 workers were part time for economic reasons (see Exhibit 7). Of these, 1,405,000 workers were in the wholesale and retail trade industry and 1,390,000 were in the leisure and hospitality industry (see Exhibit 8).

Exhibit 8

Part Time Employment for Economic Reasons by Industry Change Since 2007, Seasonally Adjusted



Source: Bureau of Labor Statistics, Labor Force Statistics from Current Population Survey (Data Extracted 2015)

3.2 – Impact in Chicago

There are currently limited data on this issue specific to the Chicago area; while several local studies are underway, none of these have yet been published.ⁱ The Task Force would encourage that data from such published studies be considered in any future conversations. As a proxy until such data are available, applying the same national proportion of workers with unstable schedules (17% as defined above) to the workforce in Chicago implies that 187,000 workers are impacted.

At a more qualitative level, discussions conducted during the focus groups highlighted that short notice and limited predictability is the norm for workers interviewed in some industry sectors; particularly retail, food service, and construction. In many conversations, unpredictability was discussed as inherent to a particular sector, whether because of the businesses' reliance on weather conditions, supplier deliveries, or other uncontrollable factors to determine schedules. Nevertheless, the dialogue conducted in the focus groups also provided evidence of businesses in those same sectors which successfully adopt practices that minimize work hours insecurity for their employees. Indeed, one studyⁱⁱ found that while employers do have fluctuations in the total number of staffed hours, that variance is much less than that of a given employee in other words, the total hours were much more predictable for employers than for employees.

ⁱ One member of the Task Force conducted a survey of scheduling practices for Chicago fast food workers to that end – for more information, see the study by Alison Dickson, Robert Bruno and Emily Twarog in *Additional Materials Considered by the Task Force*.

ⁱⁱ Study was presented as part of presentation Professor Susan Lambert gave to the Working Families Task Force.

The Task Force heard from a number of employees and employers – from large and small firms alike – who have productive employee/employer relationships and work to proactively address the issues caused by unpredictability and instability. Indeed, these employers often viewed such policies as a competitive advantage in their efforts to increase employee retention, as part of a broader perspective on their personnel as a significant asset to the company.

By contrast, the focus groups also revealed many situations in which workers were subject to chronic unpredictability with respect to their schedules, the number of hours worked, and their weekly income. Employees reported instances of not being scheduled for the number of hours the employers originally quoted them at the outset of employment. Also, employees reported instances of employers hiring new workers to take on additional hours for the same work rather than assigning them to existing workers who would have taken them. Employees also recounted several cases in which their requests for scheduling changes based on significant life events and evolving responsibilities (e.g. the birth of a child or enrolling in classes) were not considered or granted. Employees also described incidents in which they feared retaliation or were actually retaliated against as a consequence of their request for schedule changes, or because they declined unexpected and unscheduled overtime shifts. Such reported retaliation most often took the form of a reduction in working hours.

3.3 Current Legislation

As the issues surrounding scheduling practices are complex and interrelated, states and cities have employed a variety of policies and regulations to address work hour insecurity and more broadly promote fair scheduling practices. These include different combinations of provisions whose goals fall in one of the following categories:

- I. Provide employees with the ability to ask for adjustments to their schedules without discrimination or retaliation from their employer.
 - Such a provision is known as the **Right to Request** and allows an employee to request changes in the terms of employment related to the number of hours, times, and days an employee is required to work or be on call.
 - Such legislation is in place in San Francisco and Vermont and has been introduced in Illinois, Maryland, Massachusetts, Michigan, Minnesota, New York, and Oregon; as well as at the federal level.
- II. Limit the unpredictability of schedules, as well as the consequent unpredictability of income. Such provisions include:
 - **Reporting Time Pay**, which provides compensation for employees who are sent home without working or who are sent home before the end of their scheduled shift
 - Such legislation is in place in California, Connecticut, Washington DC, Massachusetts, New Hampshire, New Jersey, New York, Oregon, and Rhode Island and currently proposed in Indiana, Maryland, and Michigan, as well as at the federal level.
 - **Advance Notice**, which defines how far in advance an employer is required to notify an employee of scheduled shifts. Provisions often require some level of compensation for any alterations to the schedule after the advance notice date has passed (sometimes referred to as *Predictability Pay*).
 - Such legislation is in place in San Francisco and has been introduced in California, Connecticut, Indiana, Maryland, Massachusetts, Michigan, Minnesota, and Oregon, as well as at the federal level.
- III. Compensate employees for time in which the employee is not working but cannot reasonably be devoted to other activities due to employer-imposed constraints. Such provisions include:

- **Compensation for On-Call Shifts**, requiring employers to pay on-call employees for a minimum number of hours, regardless of how many hours the employee actually works.
 - Such legislation is in place in San Francisco and has been introduced in California, Connecticut, Maryland, Michigan, Minnesota, New York, and Oregon.
- **Split-Shift Pay**, requiring employers to provide some level of compensation for split shifts- which is the intervening period, exceeding one hour- that “splits” the shift that an employee is scheduled to work during one day.
 - Such legislation is in place in California and Washington DC and is currently proposed in Michigan and Oregon; as well as at the federal level.

Exhibit 10

Overview of Scheduling Legislation

State/Locale	The Right To Request	Reporting Time Pay	Advance Notice	Limiting Split Shift	Limiting On-Call
San Francisco, CA	Enacted	Enacted	Enacted		Enacted
Illinois	Proposed				
California		Enacted	Proposed	Enacted	Proposed
Connecticut		Enacted	Proposed		Proposed
Washington, DC		Enacted		Enacted	
Indiana		Proposed	Proposed		
Maryland	Proposed	Proposed	Proposed		Proposed
Massachusetts	Proposed	Enacted	Proposed		
Michigan	Proposed	Proposed	Proposed	Proposed	Proposed
Minnesota	Proposed		Proposed		Proposed
New Hampshire		Enacted			
New Jersey		Enacted			
New York	Proposed	Enacted			Proposed
Oregon	Proposed	Enacted	Proposed	Proposed	Proposed
Rhode Island		Enacted			
Vermont	Enacted				
United States	Proposed	Proposed	Proposed	Proposed	

No legislation is in place or proposed in Chicago addressing any of these concerns. In Illinois, Rep. Will Guzzardi introduced HB 3554 in 2015, which would address the right to request, although no action has yet been taken by the full General Assembly.

3.4 Summary of Task Force Discussion

Over three months, the Task Force reviewed research, data, and testimonials to better understand the impact that work hour insecurity has on workers and their families.

Existing and proposed legislation focuses on a variety of provisions that try to address the core objective of increasing stability for working families- each addressing a different component. Toward that end, there was general agreement within the Task Force that efforts should be made to better understand and reduce unwanted and harmful levels of unpredictability for employees – both with regard to income levels and unpredictable schedules – while simultaneously not limiting mutually desired flexibility between employers and employees. However, the group urges further examination is warranted before any legislation is proposed.

The Task Force felt that this topic was both complex and significant enough to merit further discussion and consideration beyond the conclusion of its own work, especially given the growing discussion nationally on the topic. As such, the Task Force has included a recommendation for further discussion and study at the end of this section. In addition, the majority of Task Force members reached consensus on six key principles surrounding the issue of work hour insecurity. Business organizations, subject matter experts, and policy makers should consider these principles further in order to develop better scheduling practices that promote stability and productivity for businesses and employees. However, several members registered concerns about the consensus recommendation and asked that any prospective policy makers keep these concerns in mind. The concerns are reflected in the recommendations below.

9. **Right to Request** – The Task Force agreed that employees should have the right to request- in good faith- changes to their schedules without fear of retaliation or discrimination from their employer. Such changes could include:

- The number of hours an employee is required to work or be on call
- The times and days when an employee is required to work or be on call
- The location where an employee is required to work

While not endorsing specific provisions, the Task Force also agreed that the definition of *retaliation or discrimination* in response to a request found in the proposed “Schedules that Work Act” could provide a reasonable framework for understanding undesirable business practices. In the Act, these actions were defined as an employer subjecting an employee to:

- Discharge
- Threats to discharge or demote
- Suspension
- Reduction in work hours
- Other adverse employment action

The Task Force further agreed that employers should put forward a good faith effort to work with employees toward accommodating their requests. A portion of the group agreed that, if the employer denies the employee’s request, the employer should strive to provide the employee with a reason for the denial.

Rationale:

By encouraging employees and employers to engage in a dialogue, unwanted unpredictability and uncertainty for both employees and employers can be further reduced.

In the focus groups, the Task Force heard from employees who said that they refrained from asking their employers for schedule changes due to fears that their employers might lower their hours in response. They were particularly concerned that the employers might perceive them as “not wanting the hours,” when in reality these requests would have been in response to significant life events, second jobs, classes, etc.

Concerns:

Although consensus was reached on the principle that employees should have the right to request changes, opinions were divided on whether employers should be *required* to grant the request unless a bona-fide business reason to deny the request existed. Some members argued that without employer responsibilities, or without a requirement that reasons be provided in writing, such provisions would not address the central problem of employers who are unwilling to work with their employees.

However, other members felt strongly that employers' should not have to provide any reason for denying a request, and should be under no obligation to grant any request, both due to potential difficulties in administering such requests and the potential legal liabilities from any regulation in this area.

10. **Advance Notice** – The Task Force agreed that for workers who desire it, employers should strive to provide predictable schedules when feasible, as an aspirational business best practice. A majority of Task Force members also agreed that employers should post employee schedules with some duration of advanced notice.

Rationale:

By providing employees with greater predictability and stability with regard to their schedules, such a business best practice aligns with the general principle outlined above.

Some members argued that under the status quo, employers can utilize the flexibility of their employees at no cost to themselves. In the focus groups, the Task Force heard from numerous employees with unpredictable schedules, which posed significant difficulties for them with respect to childcare, educational advancement, maintaining a second job, and spending time with their family. The Task Force also heard from employers who offer varying degrees of advance notice, from four days to several weeks, while still maintaining the flexibility and operational leeway necessary to maintain their business operations.

Concerns:

Several members felt that employers should be allowed to provide, or not provide, notice as the business situation allows, as it is their capital and resources that are at stake in the operations of the firm. Also, even among the Task Force members that favored requiring employers to provide employees with advance notice, there was no consensus on the duration of such notice – discussions ranged from less than a week to four weeks, as members attempted to balance the necessities of business operations with the costs that such unpredictability can impose on employees. During the expert testimony, the Task Force also heard about the potential unintended consequences of actions in this area – for example, making it harder for employers to accommodate last-minute scheduling changes requested by employees – leading to a general consensus that any policies should be carefully considered and evaluated before adoption.

11. **On-Call Compensation and Split-Shift Compensation** – The Task Force recognized the problems posed by abuse of on-call scheduling and split-shift practices. However, as much of these problems would be alleviated by the improvements in stability and predictability accompanying other policy changes, the Task Force did not recommend any policies in this area. Rather, it recommended that the problems of on-call scheduling and split shifts be kept in mind when other policy issues are considered.
12. **Reporting Time Pay** – A majority of the Task Force agreed that as a best practice, employers should strive to provide some level of compensation to employees who report to work but are sent home before the end of their scheduled shift.

Rationale:

By providing workers some level of pay for a scheduled shift, and thereby reducing the uncertainty they face with regard to their weekly or monthly income, this recommendation aligns with the guiding goal of increasing stability.

In the focus groups, the Task Force heard from employees who had been sent home early from their scheduled shifts with no compensation. Such circumstances, and the unpredictability of when they might occur, made planning their expenses very difficult, especially for those employees who worked at low-wage positions or were part of single-earner households. In addition, several states have longstanding policies addressing reporting time pay.

Concerns:

The Task Force did not reach a firm consensus on the level of compensation that employers should receive, although conversations ranged from none, to two hours, to four hours, to half of the scheduled shift.

Several members felt that, if there was no work to be done, employers should have no obligation to pay employees, regardless of their scheduled shift. The principal reason for this objection was that if there was no work to be done, the employer would be burdened with additional compensation costs precisely when they could least afford it, i.e. when business was slow. However, other members noted that, in cases where reporting time pay is in place, employers are rarely forced to make use of it, as they can often assign employees additional tasks (e.g. inventory) rather than sending them home.

One member also noted that such policies might have unintended consequences: for example, rather than scheduling an eight-hour shift, an employer might now schedule a four-hour shift and then ask an employee to stay on if additional work is required.

Finally, all members acknowledged that this issue requires greater study and consideration, due to the complexities involved, and in particular that any policy should carefully consider the distinction between standard hourly workers and those who earn the tipped sub-minimum wage (primarily impacting those in the full-service restaurant industry).

13. **Increased Work Hours** – The Task Force recognized that, for many employees who desire them, additional hours could provide greater financial sustainability and stability to their families. Indeed, this was not only the case for part-time employees who desired full-time work, but also true of part-time employees who would prefer, for example, fifteen hours per week rather than seven. As such, the Task Force encouraged employers to work with employees, and to grant them additional hours when mutually feasible. However, the Task Force declined to recommend any policy action due to the complexities involved in mandating that additional hours go to existing employees, including both regulatory issues and benefit thresholds.
14. **Continuing the Discussion** – Because many of the policies affecting this issue are relatively novel in the United States, the Task Force considered scheduling issues to be worthy of future consideration and study. These issues are widespread, and seem to have significant economic implications for both employers and employees. The Task Force therefore recommends that a group continue to discuss and analyze the problem of scheduling unpredictability, both from a business best practice and regulatory policy perspective, as well as how these issues could be proactively addressed). The Task Force also recommends that these issues be taken up by groups such as the City's Small Business Advisory Council.

4 – ADDITIONAL RECOMMENDATIONS

4.1 Background

In addition to the specific issues surrounding paid sick leave and scheduling practices, the Mayor asked the Task Force to examine what might be done, more broadly, to support working families in Chicago, particularly through non-legislative solutions including expanding access to paid family leave.

To address the issues surrounding paid family and medical leave, the Task Force initially considered the potential of a Temporary Disability Insurance (TDI)-based family leave program for Chicago, similar to what is currently operating in California, New Jersey, and Rhode Island. Due to costs and the perceived difficulty of establishing such a system at the City-level at this time, the Task Force ultimately decided not to pursue this path. The Task Force was still interested, however, in expanding access to paid parental and family leave, and subsequently considered the idea of banking unused paid sick time for the purposes of paid family and medical leave. Since this proposal is intertwined with that of earned sick leave, the Task Force's recommendation on the issue has been captured above (see section 2.5, recommendation 6).

The remainder of the Task Force's recommendations were driven by a desire to develop innovative solutions to the shifting nature of the workforce, as well as a desire to incentivize employers to continue to offer and expand upon the benefits they provide to their workers. During the focus groups, the Task Force heard from numerous employers that the primary inhibitors to greater benefit packages are costs and administrative complexity; as such, the Task Force worked to incorporate both of these challenges into its recommendations.

4.2 – Innovation: Shared Security Accounts

Traditionally, employee benefits are tied to a worker's current employer. However, the growth in the part-time workforce, as well as the rise to prominence of independent contractor and freelance positions, has led to a system in which fewer workers have job-based benefits. These developments, coupled with the growth of lower-wage jobs that provide lower levels of benefits, has given rise to a large and increasing number of workers without access to the benefits many employees would consider standard.

One potential solution to this emerging problem is known as a Shared Security Account (SSA). Although this concept has not been broadly tested in the United States, an SSA is a vehicle for providing benefits that works similarly to Social Security but can encompass a greater variety of benefits. Like Social Security, SSAs utilize an amount of money – either based on a defined percentage or specified dollar amount – that is automatically contributed to an account that funds some future value such as vacation time, retirement, healthcare coverage, or other benefits.

Also similarly to Social Security, SSAs are accounts that *follow* workers and are not tied to jobs. While funding details (whether paid for by employers, employees, or both) as well as administrative concerns (who should operate and maintain the accounts) are dynamic and adjustable, the three key features of SSAs are:

- Proration – ½ time of work earns ½ the benefits
- Portability – accounts are tied to workers, not jobs
- Universality – all workers, regardless of status (full-time, part-time, contractor, etc.) and employers should be treated equivalently, with the only distinctions based on proportional differences in compensation and time worked

Because of these key features, for example, if a person with an SSA worked more than the traditional 40 hours per week across multiple jobs, her effort would be rewarded commensurately with contributions flowing into one account that proportionally reflect her multiple places – and hours – of work.

Recommendation

15. **Studying and Piloting Shared Security Accounts** – The Task Force unanimously recommends that the City seek private and/or public funding to formally study and pilot Shared Security Accounts. The study should have in scope:
- **Eligibility** – The analysis should consider the implications of a program that allows all workers to be eligible, regardless of job status or type.
 - **Coverage** – Benefits included in SSAs can be divided into two categories: accrual and insurance. The Task Force recommends that the study focus only on accrual benefits.
 - **Funding** – The study should contemplate scenarios needed to fund accrual benefits through some combination of employee, employer, and shared employee/employer-funding options, all routed through payroll deductions and prorated based on hours worked (based on a standard eight-hour day, 40-hour week, and 52-week year).

Rationale:

For the eligibility provisions, universal eligibility would provide access to benefits to many employees who are traditionally unable to access them, such as individuals who work multiple part-time jobs, or who work short-term positions as independent contractors. Such an eligibility provision would also maximize the pool of potential employees, providing the system with greater scale and potentially reducing per-capita costs accordingly.

For the coverage provisions, while both accrual and insurance benefits are important to employees, accrual benefits (e.g. paid sick leave, paid vacation leave, and matching retirement contributions) are simpler to administer than complex insurance benefits such as health insurance. As such, an initial focus on accrual benefits could prove more feasible.

For the funding provisions, proration allows part-time workers greater access to benefits, while still recognizing that full-time workers have greater hours. Funding via payroll deductions would allow for benefits accrued from multiple employers to be aggregated easily into one account.

In the focus groups, the Task Force heard from many workers who did not have access to benefits of any kind. The reasons for this lack of benefits varied: some employees spoke of having hours reduced so that they would not be eligible for benefits their employers offer to full-time workers; others worked multiple part-time jobs, none of which provided benefits; and still others discussed times in which they changed jobs and did not have benefits during the beginning of their tenure at their new workplace. Each of these situations could potentially be addressed by the development of an SSA as described above. From an employer perspective, SSAs would meet the common theme voiced by businesses that benefits programs not be administratively burdensome, because the actual accounts would be housed and managed by a third-party, not each individual business (the accounts are tied to workers, not to jobs).

Furthermore, payroll deduction is the method used to accommodate and fund a number of benefit programs such as Social Security and Medicare, and the paid parental leave programs in California, New Jersey, and Rhode Island.

Concerns:

The Task Force wanted to ensure that any study consider the possible interplay between SSAs and the recently created Illinois Secure Choice Savings Program (an auto-enrolled Roth IRA plan designed to address the more than two million Illinoisans without access to an employer-sponsored retirement plan),⁴⁴

in order to mitigate any negative interactions between programs that, with proper forethought, could be complementary.

Two members voiced a preference for implementing a waiting period before workers would be eligible to participate in an SSA program to reward employees that demonstrate a baseline level of employer loyalty. Other members responded that this might render the program counter to its stated goals, and asked that the study consider the implications of such a provision. Additionally, two members raised concerns over the potential administrative costs that businesses might bear under any SSA. Finally, there was disagreement over whether these accounts should be totally employee funded or funded through joint contributions from the employee and employer(s).

4.3 – Incentives: Recognition for Family-Friendly Companies

The Task Force was also interested in exploring actions the City could take that might influence more businesses to expand access to benefits among their employees. After considering a number of proposals (some of which are outlined in *Ideas for Future Consideration* below), the Task Force ultimately settled on the establishment of a recognition program for family-friendly companies.

Recommendation

16. **Recognition Programs** – The Task Force recommends the City support businesses deemed as family friendly. Such companies should at minimum provide:
- Paid sick leave to all employees;
 - A certain level of flexibility and predictability to its scheduling practices;
 - Paid family and medical leave to all employees.

The City could offer publicity and advertising to support these businesses. Potential venues for such publicity include:

- Showcasing organizations and its products/services at public City-sponsored events;
- Profiling businesses on the City website;
- Providing some type of media exposure (e.g. on the City's digital billboards);
- City Council resolutions;
- Networking sessions or venture capital investment meetings for business owners and executives.

The City could also provide these businesses with exclusive access to dedicated career fairs, in order to provide a selective venue for connecting employers and job seekers and to build a pipeline of talent to organizations that support working families.

Rationale:

While different in scope from operational cost-savings, recognition can be a powerful incentive that influences behavior. Moreover, through the focus groups, the Task Force heard from numerous employers who were interested in public recognition for their existing family-friendly policies. These employers thought that such recognition could serve as positive tools for recruiting, position their business as a “good place to work,” and create a positive image for their customers.

Beyond publicity and advertising, the employer focus groups revealed the need for companies to have access to talented and skilled workers, especially small companies without dedicated human resources staff. As a result, the proposed career fairs could provide positive recognition to firms that offer these family-friendly policies.

Concerns:

Some members strongly believe that any recognition program, while certainly a positive for the selected companies, would not offset the costs of expanding benefits. Other members, particularly business associations, stressed the need for coordination so that any existing programs are not unnecessarily duplicated or marginalized.

5 – IDEAS FOR FUTURE CONSIDERATION

Over the course of the Task Force's deliberations, focus groups, and discussions, several ideas emerged which, while not necessarily within the scope of the Task Force, provide avenues the City should separately pursue as part of its ongoing work to support businesses. In particular, the City should consider addressing these ideas through venues such as the Small Business Advisory Council.

These ideas fall into three broad categories:

1. **Streamlining City business practices** – Several business environment processes and procedures were identified where greater efficiency would reduce administrative burden for employers, such as obtaining and renewing permits, licenses, and loading zones.
2. **Utilizing discount purchasing** – The City could possibly use its bulk purchasing power to negotiate favorable terms for small businesses. Possibilities include:
 - Office supplies;
 - Printing and design services;
 - HR services.
3. **Leveraging City services** – Small businesses could realize cost savings by utilizing services provided through the City's existing infrastructure, including:
 - The City's health insurance plan;
 - Legal services;
 - Benefits administration.

Enforcement

The Task Force would also like to ensure that, for any governments that take up these recommendations, they develop and communicate plans to enforce any policies with key stakeholders including employer and employee groups.

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Paid Sick Leave

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