Prospects for Expanded Paid Sick Leave Mandates in Missouri: Summary



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Public Support

- The National Opinion Research Center (NORC, 2010) found that 86% of respondents favored mandating seven days of paid sick leave per year.
- When presented with seven arguments in favor of paid sick leave and seven arguments against it, respondents found the pro-paid leave arguments more convincing than the arguments against paid leave.

Employer Support

- o In polls conducted in New York City, Connecticut, San Francisco, and Seattle, a majority of employers said they supported paid sick leave laws.
- Not all employers reported being aware of the paid sick leave laws in their jurisdiction and therefore had not changed their policies. This finding highlights a gap between mandates, enforcement, and compliance. If employer compliance with paid sick leave law is not monitored, the impact of paid leave mandates is difficult to accurately estimate.
- Despite broad public support for paid leave policies, Congress has not yet passed legislation to mandate paid sick leave.
- Between 2007 and 2010, Missouri lawmakers introduced several pieces of legislation to mandate paid sick leave and none have passed.
- A 2015 Missouri law established a prohibition against local governments setting a higher minimum wage or requiring other benefits, including paid sick leave.
- Workers employed full-time by the state of Missouri accrue 10 hours of paid sick leave per month for every month worked.

Background

Past research demonstrates favorable health and economic outcomes for workers with access to paid sick leave compared to workers without access. This brief summarizes the prospects for expanded paid sick leaves mandates at the federal and state level, public and employer support for paid sick leave mandates, and previous legislative proposals at the federal level and in Missouri.

Public Support for Expanded Paid Sick Leave Mandates

National Public Support

Polling has typically shown support for paid sick leave mandates. A national study by the National Opinion Research Center (NORC, 2010) found that 86% of respondents favored mandating seven days of paid sick leave per year, suggesting that the public might be open to programs with more guaranteed paid sick days than are currently proposed in the United States. A hypothetical program that would allot nine days of paid leave per year for full-time workers garnered 71% support. Only a few cities on the West Coast have that many days as part of their local paid leave requirements, and they apply only to large employers.

Exemptions for small employers are common for paid sick leave mandate programs. However, these exemptions are not universally supported by the public. Half of respondents opposed a total exemption for businesses with fewer than 15 employees, and one-third supported a requirement for small employers to provide the same amount of paid sick leave as larger employers. When presented with seven arguments in favor of paid sick leave and seven arguments against it, respondents found more of the pro-paid leave arguments more convincing than the arguments against it. For example, whereas 63% of respondents found the statement "If executives in a company get paid sick days, then all employees should also get sick leave" very convincing whereas only 35% of respondents found the statement "Legislating paid sick days opens the doors to abuse by employees..." very convincing. Table 1 lists the arguments for and against paid leave and their level of support.

Table 1: Opinions About Arguments For and Against Paid Sick Leave ² (NORC, 2010)				
Arguments in Favor of Paid Sick Leave ^a	Very Convincing	Somewhat Convincing	A Little Convincing	Not Convincing at All
If executives in a company get paid sick days, then all employees should also get paid sick days.	63%	18%	5%	13%
Paid sick days are particularly important for workers in the restaurant, child	55%	25%	9%	11%

get paid sick days.				
Paid sick days are particularly important for workers in the restaurant, child	55%	25%	9%	11%
care, and health care industries. Most food service workers get no sick days				
and show up in the restaurants coughing, sneezing, and feverish as they				
prepare and serve meals. This puts all of us at risk. We will all be healthier				
when all workers get paid sick days.				
Requiring paid sick days doesn't hurt employers' bottom line. Sick employees	54%	26%	9%	12%
who show up at work are less productive, and they remain sick and less				
productive longer when they work while sick. Also, they infect other workers				
and this further reduces productivity and hurts profits.				
In America, you shouldn't have to risk your job to take care of your family and	54%	22%	8%	15%
shouldn't have to put your family at risk just to do your job. Unfortunately,				
many workers face these choices every day Our nation needs new labor				
standards to accommodate the needs of today's working families.				
Given the high cost of gas, food, and other goods, workers can't afford to lose	52%	24%	10%	13%
their wages when they are ill or have to care for a sick child or family				
member. They need to have guaranteed paid sick days.				
Companies give their CEOs huge salaries and stock bonuses. They could cut	46%	25%	9%	18%
back on such wasteful expenses and provide sick days to their employees.				
Over 135 countries already guarantee paid sick days for workers. Having	31%	33%	9%	25%
American workers receive this will not put their employers at a competitive				
disadvantage.				

Arguments Against Paid Sick Leave	Very Convincing	Somewhat Convincing	A Little Convincing	Not Convincing at All
Legislating paid sick days opens up the door to abuse by employees. Some	35%	27%	15%	22%
employees will use paid sick days as vacation days but without giving advance				
notice Abuse of paid sick days translates into lost dollars for businesses and				
higher costs for consumers.				
Forcing all employers to provide paid sick leave is unfair to small businesses.	32%	27%	16%	23%
Many simply won't be able to bear the added costs and more small				
businesses will be driven out of business and replaced by large, national				
corporations and chain stores.				
Given the economic downturn we are now in, businesses can't afford to add	26%	25%	16%	32%
new benefits like paid sick leave.				
If employers are forced to increase costs by providing for paid sick days, they	22%	26%	21%	28%
will cut other costs by reducing wages or benefits like health care coverage.				
A one-size-fits-all, paid sick leave mandate from the government would	21%	30%	17%	31%
threaten workers' wages and benefits. Government mandated benefits that				
increase business costs would have to [be] made up by cuts in wages or				
benefits.				
Given the amount of economic competition in the world today, American	21%	23%	17%	37%
employers shouldn't be burdened with new government mandates. Requiring				
paid sick days will just accelerate the loss of jobs overseas.				

^a Response options included: very convincing, somewhat convincing, a little convincing, not convincing at all and, don't know. See: Paid Sick Days: A Basic Labor Standard for the 21st Century (nationalpartnership.org) for survey methodology. Rows may not total 100% due to rounding.

NORC also reported that support for paid sick leave is higher among women than men, Democrats than Republicans, Black and Hispanic Americans than white Americans, and lower-income workers than higher-income workers who already have greater access to paid leave.

Other polls support NORC's 2010 findings. A series of polls conducted by YouGov on behalf of the Huffington Post similarly reported support for paid sick leave above 70% in 2013, 2015, and 2020. Data for Progress, a left-leaning social policy thinktank, found two-thirds of voters supported mandatory paid sick leave in a 2020 survey.³ Polling in Colorado (78% support in 2020), Texas (75% in 2020), North Carolina (69% in 2008), Virginia (88% in 2021), Maryland (74% in 2021), and Michigan (86% in 2015) suggests that the issue continues to win majorities in very different parts of the country.⁴

Employer Support

Few polls have explored support for paid sick leave mandates among employers. In polls conducted in each location, a substantial majority of employers in New York City⁵, Connecticut⁶, San Francisco⁷, and Seattle⁸ said they supported such laws (see Table 2 for details). Many of these employers already provided paid sick leave at the mandated level and could benefit from a mandate that required their competitors to match their benefits. One final issue of note is that not all employers reported being aware of the laws in their jurisdiction and therefore had not changed their policies. This finding highlights a gap between mandates, enforcement, and compliance. If employer compliance with the law is not monitored, the impact of paid leave mandates is difficult to accurately estimate.

Table 2: Percent of Employers Supporting Paid Leave Mandates by State and City				
Jurisdiction	Level of Support	Survey Support Choices		
New York City (2016)	Very supportive (53.1%) Somewhat supportive (32.6%) ⁹	Very supportive, somewhat supportive, not too supportive, not at all supportive		
Connecticut (2014)	Very supportive (39.5%) Somewhat supportive (37%) ¹⁰	Very supportive, somewhat supportive, not too supportive, not at all supportive		
San Francisco (2014)	Supportive (72%) ¹¹	Very supportive and somewhat supportive are combined, the source did not indicate other possible responses		
Seattle (2014)	Very supportive (45%) Somewhat supportive, (25%) ¹²	Very supportive, somewhat supportive, not too supportive, not at all supportive		

These polling results have typically been borne out at the ballot box. Paid sick leave mandates have been approved by voters in Milwaukee (ballot year: 2008, percent voting in favor of the law: 69%), Massachusetts (2014, 59%), Chicago (2015, 82%), Arizona (2016, 58%), San Diego (2016, 63%), and Washington (2016, 57%). ¹³ The Arizona, San Diego, and Washington ballot initiatives also involved minimum wage increases. In Michigan and Maine, the prospect of hard-to-beat initiative campaigns prompted state legislatures to implement scaled-back proposals that kept paid sick leave off the ballot. ¹⁴ On the other hand, a 2017 paid sick leave initiative in Albuquerque lost (albeit by around 700 votes of more than 100,000 cast), ¹⁵ and a 2011 Denver initiative lost by a margin of nearly two to one. ¹⁶

Previous Legislative Proposals

Federal

The public support for paid leave policies described above has not been sufficient to prompt action at the federal level. Since 2004, supporters of a national paid sick leave standard have repeatedly introduced the Healthy Families Act in Congress. ¹⁷ If passed, employers with more than 15 employees would be required to allow their employees to earn one hour of paid sick leave for every 30 hours worked, up to a total of seven days. ¹⁸

A 2010 analysis published by Congress' Joint Economic Committee estimated that the Healthy Families Act would expand paid sick leave to another 30.3 million workers, a 56% increase in coverage. ¹⁹ The gain would be concentrated among low-wage workers and access to paid sick leave would increase by 186% for the bottom quartile of wage-earners. The report highlighted the effect on occupations whose frequent contact with the public or with sick people makes working while ill especially dangerous and estimated that access to paid sick leave would nearly quadruple for food service workers and double for personal care workers. A 2017 U.S. Department of Labor analysis estimated a twelve-percentage point increase in eligibility for paid leave, with somewhat higher gains for women and for Black, Hispanic, American Indian and Alaska Native and other/multiracial workers and much higher gains for employees with low income. ²⁰

The direct cost of paying for the additional leave taken was estimated to be 0.2% of payroll, or \$13.8 billion. The National Federation of Independent Business (NFIB), a lobbying group that represents employers, estimated that the bill would result in 430,000 fewer private sector jobs by 2020 and a reduction of \$72.1 billion in U.S. real GDP by 2021. Advocates of paid sick leave mandates have criticized the NFIB's research on this issue for failing to weigh this cost against the benefits they expect from paid sick leave mandates, including reduced spread of contagious diseases.

The Healthy Families Act has yet to advance to a vote. An attempt by Democratic lawmakers to put similar provisions for permanent paid leave in an emergency COVID-19 proposal also failed. The bill was reintroduced in the 117th Congress and co-sponsored by 35 Senators and endorsed by President Joe Biden.²⁴

Missouri

In recent decades, Missouri lawmakers have introduced several pieces of legislation to mandate paid sick leave and none have passed. The Paid Sick Leave Act, introduced in 2009 and 2010, had a somewhat unusual program design, simply granting seven days of paid sick leave after 12 months of work, in comparison to the more common approach of accruing leave on a per-hour basis. ²⁵ The Healthy Families, Healthy Communities Act, introduced several times between 2007 and 2010, has a more conventional accrual method: one hour of leave for every 37 hours worked for businesses with 10 or more employees. ²⁶ These bills did not proceed past assignment to the relevant committee.

The state legislature's activity on the issue has focused instead on *preventing* the adoption of paid sick leave mandates in Missouri. A 2015 law, passed over then-Governor Jay Nixon's veto, created a blanket prohibition against local governments setting a higher minimum wage or requiring other benefits, including paid sick leave. As of 2020, 23 states had laws preempting local paid sick leave requirements.²⁷ Interestingly, for full-time Missouri state employees, state regulations provide for the accumulation of 10 hours of sick leave per month for every month worked.²⁸

Jobs With Justice Proposals

Missouri voters appear more supportive of legislation improving labor standards than their elected legislators, as seen in a recent vote to raise the minimum wage and overturn a right-to-work law. Missouri Jobs With Justice (JWJ), a pro-labor advocacy organization, took steps to put paid sick leave on the ballot in a statewide referendum in 2018 and 2022.

The 2022 proposal featured six prospective programs that varied along several dimensions (e.g., employer size, industry, and union status), allowing the organization to advance different policy designs based on assessments of their effectiveness and likelihood of passage. Taken together, they represent one organization's estimation of the range of paid sick leave policies that might be politically and economically feasible in Missouri.

All JWJ proposals allowed the accrual of one hour of leave for every 30 hours worked but vary in how they treat different groups of workers and the cap in accrual for different businesses. For example, one proposal provides 40 hours of paid sick leave (five days) for businesses with more than 15 employees and 24 hours (three days) for smaller businesses. Another proposal would provide 56 hours of paid sick leave (seven days) for large employers and 40 hours (five days) for smaller employers. The first proposal is similar to

Arizona's, and the latter is similar to New York's, though with a different threshold for what constitutes a small employer (15 employees in Missouri, four employees in New York).

Under the JWJ proposals, leave could be taken for personal illness, to look after a sick family member, or to handle legal, medical, or practical matters after experiencing domestic violence. Three proposals have been submitted for each cap: one including all workers, one excluding workers in the construction industry, and one allowing collective bargaining agreements to waive the requirement. According to a JWJ representative, these exemptions reflect their understanding that benefit structures in the construction industry generally do not include paid sick leave.²⁹

The 2018 and 2022 JWJ initiatives considered plans regarding the administration of paid sick leave laws in Missouri. Both proposals empower the state to enforce the law but do not mandate that the state do so. In response to the 2018 initiative, the Missouri Department of Labor and Industrial Relations (MO DOLIR), if tasked with enforcement of the law, estimated 1.5% of businesses covered would generate complaints that required 3.5 additional full-time equivalent employees to address 613 complaints per year.³⁰ The department published a more extensive response to the 2022 proposals that generated a much higher estimate: 10 additional full-time equivalent employees if the department handled 100 complaints per year at a total cost of over \$1.2 million per year.³¹

Missouri JWJ submitted a letter to the state auditor related to the 2018 proposals, estimating the savings of the proposal for employers and the community at-large to be worth more than \$200 million and citing background research from the Institute of Women's Policy Research (IWPR). The letter did not estimate corresponding costs associated with the proposal.³² A submission by the Missouri Budget Project concerning the 2022 JWJ proposals estimated a net savings of \$17.4 million for employers due to reduced flu contagion, reduced presenteeism, and reduced turnover.³³

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