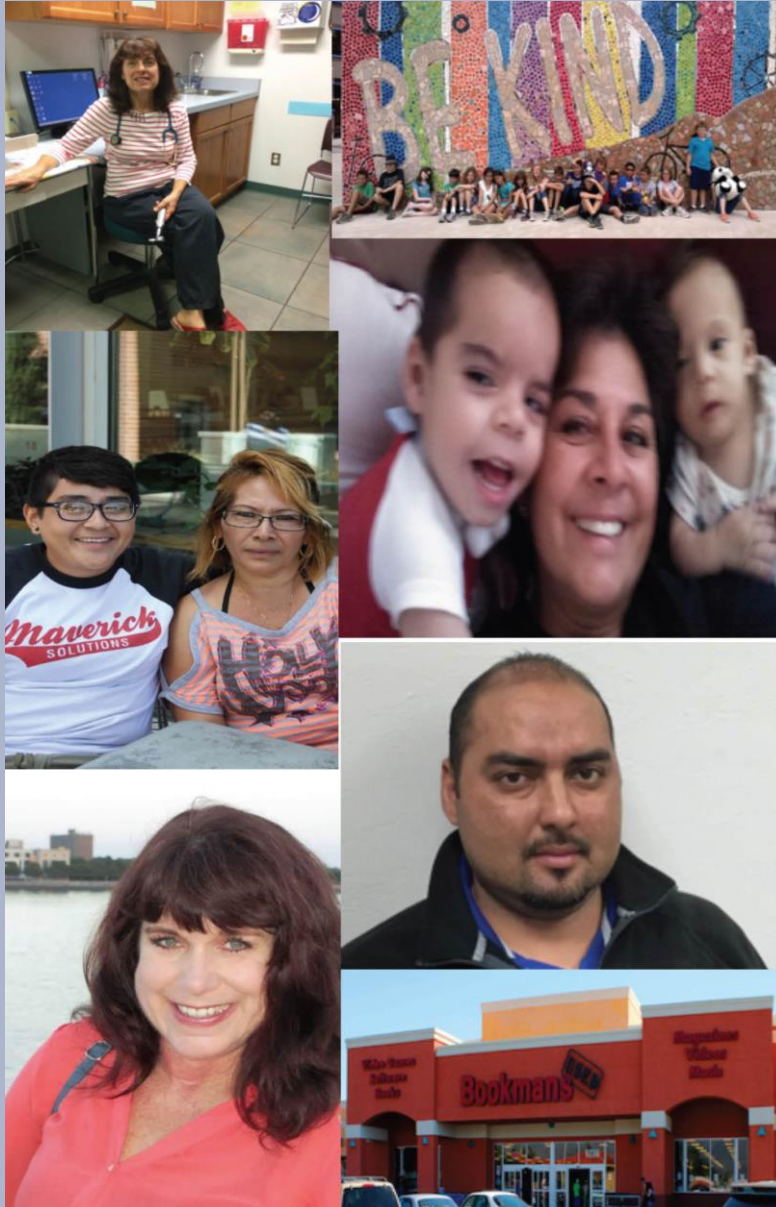


# PAID SICK TIME IN TUCSON:

## Stories from Workers, Service Providers, and Employers



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**WORKERS' RIGHTS CLINIC**



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# Introduction

Around the country, an increasing number of states and cities are recognizing the importance of providing workers with paid sick days so they can take time off of work to deal with serious health problems for themselves or their family members. As of November 2015, four states, the District of Columbia, twenty one cities, and one county have passed laws giving workers paid sick time.<sup>1</sup> In addition, an increasing number of states and cities have paid sick days legislation on the ballot or campaigns to enact such legislation.<sup>2</sup>



From Proven Recruiting “Everything You Need to Know About Paid Sick Leave.”<sup>3</sup>

Currently, Tucson does not have a law that provides paid sick days for employees. In the absence of a law requiring this type of leave, the numbers of employees who receive the benefit are startlingly low, particularly for low-wage workers.

- 82% of employees in Tucson who work less than 35 hours a week do not receive paid sick time.<sup>4</sup>
- 74% of full-time employees in Tucson who earn less than \$15,000 a year do not receive paid sick time.<sup>5</sup>
- Of seventy five low-wage immigrant women surveyed in Tucson, 80% did not receive paid sick days. Thirteen workers (18%) reported they would not be able to receive permission to take time off to see the doctor. Of the remainder, fifty workers (68%) believed they could take unpaid time off, and only eleven (15%) reported they would receive paid time off if they had to see the doctor.<sup>6</sup>

Behind these numbers are individual workers who are faced with making agonizing decisions between obtaining necessary medical care and earning enough money to survive. At the Workers’ Rights Clinic, we hear about these choices often,

especially when workers come to our clinic after suffering workplace injuries or termination as a result of requests for medical leave. But the public does not often hear these workers' voices. Therefore, we offer the following compilation of stories gathered from workers, health and social service providers, and local businesses in Tucson, talking about what paid sick leave – or the lack thereof – means to them.

## WORKERS

Maria & Arlette – Maria worked 55 hours a week cleaning houses. Her employer refused to give her breaks or time off for appointments and care related to her diabetes. Her daughter Arlette started working at the same job to look after her. Maria was eventually hospitalized and both women encountered stress due to their employer's hostility towards Maria's health care needs.

Terry – Terry, who worked in a local school district, took custody of her two grandchildren, both of whom suffered from serious health problems. Terry benefited from her employer's unpaid sick leave policy. But the resulting financial stress meant that she sometimes found herself having to choose between food and gas money to get her grandchildren to their medical appointments.

Janet – Janet, a single mother working in an occupational health clinic, required time to recover after back surgery. Due to financial distress, Janet had to go back to work before she was able to fully recover. After asking her employer for a few days of unpaid leave, her daughter became ill and she had to ask for an additional day. Her employer then fired Janet from her job.

Javier – After his kidney transplant, Javier needed time off from his job at a car detailing company to go to monthly checkups and take his medication. Javier is the main source of income in his family and the family struggled when he had to take time off to go to the doctor.

Laura – Laura, a housekeeper in a small hotel, fell down the stairs and severely injured her ankle. Her boss threatened to fire her if she took more than one day off. She was never able to take the time to see a doctor and currently walks with a limp.

## SERVICE PROVIDERS

Dr. Jane Hartline – As a family physician in Tucson, Dr. Hartline has seen first-hand the struggle some families go through when they are sick. Dr. Hartline has had patients cancel appointments and go to work sick because they have no other options. She also sees how stress affects families who have to choose between taking care of their own health and paying the bills.

Emerge Center Against Domestic Abuse – Staff members shared many stories of the struggle they witness for domestic violence survivors, who seek to pursue their legal claims and attend to their health care needs but cannot take time off work.

## EMPLOYERS

Bookmans – Bookmans values a healthy environment for both its employees and its customers. This local Tucson institution has found that providing paid sick leave results in better employee morale, more efficient employees, and less turnover amongst its staff.

Satori School – Satori believes that healthy teachers make the best teachers. Providing paid sick leave keeps both teachers and students healthy, as well as providing an extra benefit for its hard-working employees.

## MARIA & ARLETTE



Maria is a 46 year-old woman with severe diabetes, requiring insulin several times a day. In 2012, she began working for a woman who had a small house-cleaning business. On average, she worked 11 hours a day.

Maria's 22 year-old daughter, Arlette, started working at the same company so she could "look after her mother." They were each paid \$300 a week—far below minimum wage, let alone overtime. Money was tight.

While they were working, Arlette tried to make sure that her mother ate and took her insulin properly, but it was difficult with their non-stop schedule. Breaks were not permitted. At times, Maria missed taking her insulin all day.

Maria was unable to make regular doctor's appointments because her employer would not allow her to take time off of work.

When Maria did request time off, her boss would respond angrily, telling her that she was "lazy" and "stupid," or claiming she just "didn't want to work."

On the few occasions when Maria actually did see the doctor, her employer required her to make up the hours she missed immediately after her appointment. They needed the money badly, so Maria agreed.

Over the course of the next two years, Maria's health declined. Eventually, she was hospitalized with a kidney infection. The day that Maria went into the hospital, their employer visited Arlette's house, demanding that she cover for Maria while she was hospitalized. Because they needed the money, Arlette agreed. The day after Maria was released, she worked an 11-hour day. She had a fever later that night.

Maria and Arlette finally left the company. They are currently attempting to recover their unpaid wages. But there is no way to quantify or recover from the impact of the delay in treatment that Maria experienced or the stress they both endured.

## TERRY



Terry had been working for a local school district for two years when the state's child protective service threatened to remove her grandchildren from her son's care.

To avoid having the children go into foster care, Terry decided to take the children in herself. She was the sole income earner in the family. This would be a daunting task for any grandparent, but it was particularly challenging for Terry.

Both of her grandchildren had serious health conditions. Her grandson was born with a rare heart defect and spent the first year of his life in the hospital. Her granddaughter was born with a congenital disorder that resulted in blood clots and swelling in her brain. Terry took responsibility for both grandchildren's care.

To make this work, Terry needed to take time off from work, but her job did not provide paid sick leave. The school district did, however, provide its employees with unpaid sick leave, which they could use or donate to other coworkers. With help from her colleagues, Terry was able to take time off at several key times over the course of the next two years. This gave her the chance to give her grandchildren the stability and support they needed during a very difficult time. During this time, Terry struggled to make ends meet.

She was denied food stamps because her income was too high to qualify, even though she was on unpaid leave from her work, thus not earning a paycheck. Terry's bills piled up. She sometimes had to choose between food and gas money to take her grandchildren to their doctor's appointments.

Still, ultimately, Terry considers herself "lucky." Her job did allow her to take the time off that she needed. Terry feels grateful that her fellow employees were willing to help her, and that she was able to keep her job during this tumultuous time.

Terry and her grandchildren would have benefited from a paid sick leave policy. With such a policy in place, Terry might not have had to choose between putting food on the table and getting her grandchildren to the doctor.

# JANET



Janet is a single mother who worked as a nurse in an occupational health clinic in Tucson for over a decade. As the sole breadwinner for her family, both her job and her kids were very important to her. She carefully arranged her schedule in order to make it to work and also to take care of her kids.

Janet would trade shifts with coworkers, pick up night shifts, and get help from her mother just to make ends meet. If the kids were sick, Janet's mother was there to help take care of them so Janet could go to work.

This carefully balanced schedule fell apart when Janet fell off a ladder and needed back surgery. For the first three weeks after her surgery, Janet's mother helped pay the bills, take care of the kids, and do everything

she could. But her mother also had to work, and money became very tight. Before she could fully recover, Janet's family was in financial desperation, and she had to go back to work sooner than her doctor recommended.

*"I was in so much pain, but my mom could only do so much."*

She immediately returned to full time work. Due to her pain, Janet could not work for very long, and she found she was not herself at work. She was easily exhausted, and often found the pain nearly unbearable. She sometimes had to go into work late, or even ask for the entire day off, without pay.

Soon, Janet had to move her family across town because she could not afford rent at their previous home. Janet was stressed trying to balance the fear of losing her job with her own need to recover from her surgery.

*"I felt like a bad person, like it was my fault."*

After she called in sick a few times, Janet's employer began to monitor her hours closely. When Janet had to call in sick one day to take care of her daughter, it was the final straw for her employer. Janet was fired. If either Janet or her mother had access to paid sick leave, unexpected events like a sick child or an accidental fall would not have led to such disastrous consequences for Janet's family.

## JAVIER



Javier has worked for a car detail company for the past four years. His work is labor intensive: he spends each shift outside, regardless of the weather, cleaning and polishing cars. His company usually details between thirty and fifty cars a day. As is the case with most employers, Javier's employer does not provide paid sick leave.

Javier had a kidney transplant in 2010, so he needs to take medicine regularly. An organization in town assists Javier with the money necessary for the medication, and he has to pick it up from the organization on a regular basis during normal business hours. He also has follow-up visits every three to four months to monitor his kidney transplant.

Earlier this year Javier needed a stent as one of his arteries had a blockage. Surgery was the only solution. This was required immediately, and as a result, he had to take a week off of work to prepare for surgery without much notice.

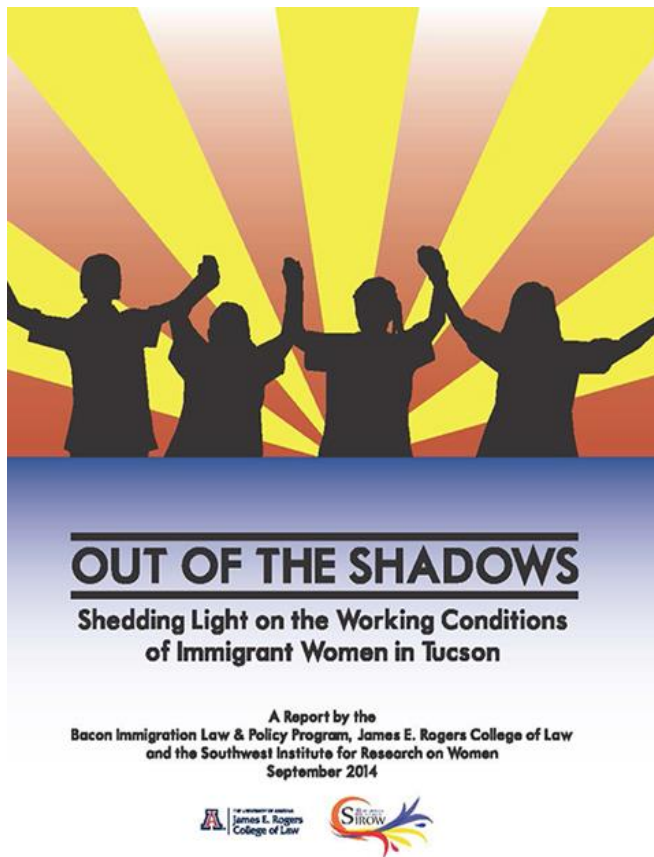
Javier is lucky—his boss told him that his job was safe. However, like most employees, Javier does not get paid during the time he has to take off. He is the primary breadwinner in the family, so any income lost causes his family extreme stress.

Because Javier could not afford to take much time off without pay, he returned to his job the following Monday after his surgery.

“The first day of work after the surgery I was very tired and fatigued but I had no choice—I needed to go back to work, I needed that pay check at the end of the week.”

Javier will need to take medicine for the rest of his life, along with routine doctors visits every couple of months. He worries about the lost income from these days off, and also worries that his employer may lose patience with his requests for time off.

## LAURA



The Workers' Rights Clinic at the University of Arizona, collected surveys from 90 low-wage immigrant women workers and conducted 29 interviews of workers, government officials, and community leaders between April 2012 and March 2013.

The resulting report, "Out of the Shadows: Shedding Light on the Working Conditions of Immigrant Women in Tucson," contained numerous recommendations to address the concerns identified. One recommendation, responding to the high rates of injury and lack of safety net of the women in the study, was to offer paid sick time.

Laura, one of the workers profiled in the report, worked as a housekeeper in a small hotel in Tucson, earning less than minimum wage. About five years into the job, she fell and seriously injured her ankle. She took just one day off. Her employer threatened that she would lose her job if she took off more time. The ankle never fully healed; Laura walks with a severe limp and the ankle is visibly misshapen to this day. Her employer repeatedly said, with regard to the injury, "This is your problem; this is not my problem. I pay you to work."

Like Laura, eighty percent of the survey respondents did not receive paid sick days. Thirteen workers reported they would not be able to receive permission to take time off to see the doctor. . In fact, some are too scared to even ask: "I would feel very bad to bother them [to ask for time off]..." explained one worker.

Under existing law, none of these workers is entitled to take a sick day, regardless of how many years they have been employed. This is particularly concerning in the occupations in which the women surveyed work, which have high rates of injury.



## DR. JANE HARTLINE

Dr. Jane Hartline has specialized in family medicine in Tucson for twenty years. During this time, Dr. Hartline has seen many families struggle between maintaining their personal health and keeping their jobs.

There are two problems Dr. Hartline sees when people go to work sick.

First, they don't recover as well. If people work while sick, their illness can be prolonged, or can worsen.

Second, if an individual goes to work while sick, they put others at risk of getting sick, too. For example, Dr. Hartline notes that the flu generally requires at least a week to recover. But for many people, taking a week off work is difficult if not impossible. Dr. Hartline has seen many of her patients continue to go to work while sick because they have no choice.



When children get sick, parents have the same struggle. Dr. Hartline says that if parents cannot get time off work to take care of their sick kids, they have no choice but to send them to school sick. This of course puts other kids at risk of being sick.

Patients also have trouble scheduling appointments for themselves or their children to go see the doctor. Many individuals work while a doctor's office is open. Dr. Hartline has seen patients delay and even cancel important doctor appointments because they cannot get time off from work.

Some patients who cannot make it into work have asked for consultations over the phone, which makes it very difficult to diagnose an illness properly. Other times, parents wind up taking their children to the emergency room for what should have been a simple doctor's visit.

According to Dr. Hartline, if people are able to make it to regular appointments, they are easier to treat. Additionally, if people have paid sick time accrued to make it to the doctor, it puts less stress on families. Dr. Hartline says that people without paid sick time have a lot of added stress, and it can become harder to recover from an illness.

According to Dr. Hartline, "it shouldn't have to be like that." Everybody gets sick. It isn't fair for some people to risk losing a portion of their paycheck or even their job just to get treated.

## CINDY GARCIA, Emerge Domestic Violence City Court Liaison



Courtrooms, like doctor's offices, are open during normal business hours. This forces many domestic violence victims, especially low-wage workers, to decide between attending their court hearings and working that day.

As Emerge's domestic violence victim's liaison, Cindy advocates for all victims assigned to Tucson City Court.

Cindy "attends every court appearance with the victim... sometimes this process takes over a year, with monthly court appearances." Cindy says that victims who are unemployed when the court process starts can't even look for a job—they won't get the time off they need, let alone with pay.

Cindy tells a "typical story" of one of her current participants, Mary, who gave permission to have her story shared.

Mary is a single mother working full-time, with hopes to attend college next spring. It is not ever easy for Mary to pay all of her bills, but with all of her recent court appearances, even "just getting by" has been difficult. Mary—like the overwhelming majority of the workers with whom Cindy works—has expressed concerns over the money she loses each day she has to attend court. Worse, Mary fears she will lose her job. Her employer eventually asked her why she was missing work so much and crying everyday. Embarrassed, Mary felt she had to no choice but to explain her situation to her employer. Lately, Mary has been questioning if it is even worth it to continue with the court process.

Cindy warns, "Some cases have to be dismissed if victims are not present. When victims do not attend court, they are not being heard." This affects the progress of the case, and potentially the safety of the victim.

## Additional Comments from Emerge Staff



“In the lives of our participants, who are trying their best to keep everything afloat independently, the support of their community is what can determine the success of creating, sustaining and getting to celebrate a life free of abuse.”

Daniela Munoz-Alvarez,  
Program Manager – Transitional Services

I’ve worked with several women in the situation where they have to take unpaid time off to petition for an [order of protection], and then can’t go to the hearing their abuser sets to contest it because it’s usually within 10 days and they can’t afford the additional unpaid time off. So they don’t attend the hearing and the [order of protection] is dismissed. This scenario then gets used against them at some point with abuser or his attorney arguing that “obviously” she can’t be too concerned about her safety if she didn’t show up at the hearing to contest her order. This can cause image/perception problems in custody litigation.

Amy Gomez, Treatment Provider Specialist

Paid leave for victims facing domestic abuse is an absolute necessity. One example is a participant currently residing in our domestic abuse shelter in Tucson. She experienced a range of physical abuse including strangulation from her abuser in September 2015. She had to relocate from her community to seek safety on a new side of town and shelter. After months of hard work to reestablish her life, she was able to gain new employment. However, due to the medical complications related to the abuse, she has had to miss multiple days of work to seek health care. As you can imagine, it is difficult for her to try and explain her situation to a new employer and take off time needed to heal, as she fears how her manager will perceive her requests of time off.

I think that it is difficult for participants in this situation, as they are trying to start a new life and seek new opportunities and don’t want to disclose to new employers their situation, due to fear of being judged or fired because they need more support than another possible employees without the same complications.

Kelly Evans, Clinician

## BOOKMANS



Bookmans Entertainment Exchange has been buying, selling, and trading used books, music, movies, video games, and musical instruments since the 1970s. Founded in Tucson, Bookmans has expanded to seven stores throughout Arizona. Its largest store is in Tucson, and has more than forty employees.

From the first day of employment, Bookmans offers its employees both paid and unpaid “sick/emergency” time, which can be used for virtually any reason.

According to Stephen Ebel, assistant manager at Bookman’s on Speedway,

“It would be short-sighted not to do it.”

He explains that there is an “initial investment to give people that kind of sick time... but if you are going to spend the money, time, and effort training ... it seems like a wasteful thing” not to offer paid sick leave.

Stephen emphasizes that to keep a high quality staff, “Morale is a big thing.” If employees come to work while sick, Bookmans may ultimately be understaffed, especially “if [employees] are not happy with their jobs. A good book buyer takes a year ... to buy and resell effectively. If you’re constantly churning [through] employees, you have no consistency. For us, that makes no sense.”

Bookmans also recognizes that not having paid sick leave creates a domino effect. Stephen refers to working while sick as “a multiplier,” that puts other people at risk of getting sick as well. Stephen said that employees at Bookmans deal with “lots of kids, money, old stuff, and lots of potential germs.” Without some type of paid sick leave, many employees who rely on their income to pay the rent would be forced to go to work sick. When Stephen visits other businesses, he sees the “walking wounded working behind the counter.” This is not what Bookmans wants to see in its stores.

Overall, Bookmans sees the value in providing paid sick leave to its employees. It has been a key part of their successful business model, and a way to ensure it provides its workers with a healthy work environment.

## SATORI SCHOOL

*"It's all about the kids. I just want my staff to be great teachers to kids. Supporting them is doing the little extras."*



Satori School has been open nearly 30 years and has 65 employees and 240 students. Of its staff, some are paid hourly, some are salaried, some work year-round, and others work a shortened school-year schedule. But they have one thing in common: *All* receive paid sick leave. Why? "Because it's the right thing to do," Executive Director Jo Honea says. In fact, this year, she increased the amount of paid sick leave Satori's hourly employees received.

At Satori, paid sick time begins accruing from the first day employees start working. Paid sick time can be used immediately and if the employee is salaried, some sick days can carry over to the next year. "Everyone gets sick." Employees "should be able to have something" when that happens. Paid sick leave is one way to give a "little extra for people who work so hard... if you don't get money when you are sick, you get stressed."

Although budget is a concern, to Ms. Honea, "it's all about the kids. I just want my staff to be great teachers to kids. Supporting them is doing the little extras." And she understands that that paid sick time helps employees feel supported. Employees at Satori are "so much like a family that we just want to help each other. If someone needs extra support, we will make that happen."



## Conclusion

The stories of workers like Maria and Arlette, Terry, Javier, and Janet, illustrate the harsh reality faced by many workers today in Tucson who lack access to paid sick leave. We were surprised by the emotional stories we heard, and struck by what some employees endure to avoid losing even one paid day of work. Every one of the workers with whom we spoke to saw their health worsen—illnesses aggravated or extended—when they were forced to work while sick.

Dr. Hartline and the domestic violence advocates from Emerge confirmed that the consequences of paid sick time policies extend far beyond the individuals directly impacted. Nearly every resident of Tucson is effected when people go to work sick, send their sick children to school, or are unable to participate in domestic violence court proceedings.

Employers like Bookmans and Satori already recognize that paid sick leave increases employee's productivity and job satisfaction. A happy, healthy employee is a more productive employee. The experiences of these local employers demonstrates the positive effects for workplaces, families, and the community at large when employers provide workers with paid sick time.

We hope this compilation of stories contributes to an understanding what is at stake for workers and the community as a whole when paid sick time is not universally provided.



