

# Awareness of New Jersey's Earned Sick Leave

## Testimonials Among New Jersey Workers and Worker Advocates

February 2021

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# Introduction

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In 2009, New Jersey became the second state in the nation to implement a Family Leave Insurance program, which provides wage replacement for workers during periods of family leave. In February 2019, New Jersey further expanded both its Temporary Disability Insurance and Family Leave Insurance programs. Additionally, in 2018, the state implemented the New Jersey Paid Sick Leave Act, allowing employees to accrue and use paid earned sick leave. All of these programs are designed to support and protect workers who wish to take leave due to childbirth and/or bonding, to provide care to family members, for illness, or to visit a healthcare provider.

In October 2019, the New Jersey Department of Labor and Workforce Development (NJDOL) asked the John J. Heldrich Center for Workforce Development at Rutgers, The State University of New Jersey to conduct a 22-month study on these paid leave policies in New Jersey. The Heldrich Center partnered with the Rutgers School of Management and Labor Relations' Center for Women and Work to support data collection and analysis. This study was designed to provide information to inform the implementation, outreach, and consumer/industry education for these three programs. The study was conducted in two phases: interviews with workers and advocates on earned sick leave, and repeated public opinion polling on all three programs. This report presents findings and recommendations from 29 interviews with workers and advocates and focused solely on New Jersey's newly expanded paid earned sick leave law.

# Background

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Studies have shown paid sick leave policies benefit both workers and employers. Paid sick leave policies provide workers the opportunity to regain their health or take care of sick close family members. In turn, workers can return to their jobs fully productive, prevent the spread of disease and illness, and reduce the cost of maintaining workforce stability for employers (National Partnership for Women & Families, 2020a).

While these benefits prove to be positive for both workers and employers, the United States remains one of the few highly developed countries that have yet to pass a national paid sick leave policy (Heymann, Rho, Schmitt, & Earle, 2010). Currently, paid sick leave policies have been embraced and implemented by 11 states, the District of Columbia, and more

than 20 cities and counties nationwide (National Partnership for Women & Families, 2020b). These policies provide tens of millions of workers access to paid sick days. However, paid sick leave policies vary by state and locality where some are more expansive than others and are often shouldered entirely by employers. As a result, paid sick leave is unequally distributed among workers and jobs on various levels (Hill, 2013). Furthermore, the disparity is eminent between the lowest and highest wage jobs. As of March 2020, only 52% of workers in the bottom quartile of wage distribution have access to paid sick leave, compared to 94% in the top quartile; access for full-time workers is at 88%, which is almost doubled compared to 45% for part-time workers (Bureau of Labor Statistics, U.S. Department of Labor, 2020).

# Earned Sick Leave in New Jersey

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The New Jersey Earned Sick Leave Act was signed into law by Governor Phil Murphy and went into effect on October 29, 2018. The law requires employers of all sizes to provide full-time, part-time, and temporary employees the right to use paid earned sick leave to address their own or their families' health needs (State of New Jersey, Office of Governor, 2018). Employees may use earned sick days:

- ▶ For their own health needs or that of a family member, or for those whose close association with the employee is the equivalent of a family relationship;
- ▶ For issues related to domestic or sexual violence, or for the employee to care for a family member or loved one dealing with domestic or sexual violence;
- ▶ Because of a closure of the employee's workplace, or the school or place of care of a child of the employee, due to an epidemic or other public health emergency; and
- ▶ Because of a child's school-related conference, meeting, function, or other event.

Under this law, employees have a right to earn up to 40 hours of paid sick leave per calendar year. Workers accrue earned sick leave at a rate of 1 hour for every 30 hours worked. New employees begin accruing sick leave immediately, but employers have the option of waiting 120 days to allow

employees to use their accrued sick time. All New Jersey workers are eligible for earned sick leave regardless of immigration status; the only employees not covered under the law are union construction workers under contract pursuant to a collective bargaining agreement, per diem healthcare workers, and public employees who already receive sick pay (New Jersey Department of Labor and Workforce Development, 2019).

Prior to earned sick leave passing statewide, an estimated one million workers in New Jersey had jobs that did not offer such benefits. The passage of the law had taken years of effort and started in Jersey City in 2013 when it became the first municipality in the state to pass an [Earned Sick Leave Ordinance](#). The ordinance went into effect on January 24, 2014 to require all local businesses with at least 10 or more employees to provide up to five paid sick days to their employees and companies with fewer than 10 employees to provide five unpaid sick days each year. This law allowed most full-time, part-time, and temporary employees working in Jersey City for at least 80 hours in a calendar year to be eligible for up to a maximum of 40 hours of paid sick leave per year. With Jersey City leading by example, advocates and organizers worked with local governments and gathered necessary signatures in some of the state's largest cities and

towns, including East Orange, Irvington, Montclair, Passaic, Paterson, and Trenton. The passing of paid sick leave in cities became the impetus for the statewide bill's passage and became a core part of Governor Phil Murphy's economic agenda during his campaign.

To date, NJDOL has advertised the benefit to workers through the creation of a website and two iterations of a targeted marketing campaign using public transit advertisements on New Jersey Transit bus, rail, and light rail lines. These advertisements were in English and Spanish. In addition, NJDOL created several targeted outreach materials to schools, through partnerships with the New Jersey School Boards Association, and through training sessions to contractors at other state departments with programs related to family supports. Additional trainings have been held for the New Jersey Head Start Association and details of the law have been presented at several conferences throughout the state. NJDOL, however, is seeking to assess and increase awareness of the law.

Evaluations and audits of sick leave laws in a variety of states and cities have been overwhelmingly positive. Connecticut's sick leave law, the first statewide law in the nation, found that the law increased access to paid sick days to part-time workers and those in industries where workers were less

likely to have them (Appelbaum, Milkman, Elliott, & Kroeger, 2014). Additionally, evaluations have shown that although many business owners were initially opposed to these laws, the majority of employers have not struggled to comply and are satisfied with the overall impacts (Applebaum et al., 2014; Lindemann & Britton, 2015; Petro, 2010). Few employers have reported abuse of the laws and have noted positive benefits such as the reduction of illness in the workplace (Schneider, 2020).

A smaller subset of evaluations focuses on the challenges of implementing these laws for workers and employers. In some cases, employers had difficulty implementing aspects of the laws, like paid sick days tracking on pay stubs in Seattle, but these issues reflect the start-up costs incurred when implementing a new program. For most sick days legislation, public agencies have struggled with persistent unawareness and systems to enforce compliance. In New York City, 43% of complaints were filed because workers were not paid for their sick time, 21% said the policy was not in writing or inadequate, and another 21% said that they were the subject of retaliation when they tried to use sick time (Gans, 2015; Romich et al., 2014). In Seattle, one-quarter of employers surveyed either did not offer leave to their workers or did not offer as much as required.

## Research Questions and Methodology

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The research team at the Heldrich Center and the Center for Women and Work used structured telephone interviews with eligible New Jersey residents and advocates from nonprofit worker advocacy organizations, familiar with the need for and use of earned sick leave policies, to collect qualitative data on awareness and usage of paid earned sick leave. The research team communicated on a regular basis to discuss data needs, preliminary findings, and project progress. The research questions for the study were as follows:

1. To what extent are New Jersey workers aware of New Jersey's earned sick leave law?
2. How do employers inform, or misinform, workers about their rights to earned sick leave in the workplace?
3. Why might workers forgo taking earned sick leave?
4. What are the most common challenges workers experience when taking earned sick leave?

5. How do workers access information and resources about their rights to earned sick leave?
6. What are the common misunderstandings among workers about their rights to earned sick leave?

In February 2020, Heldrich Center researchers convened a Technical Review Panel comprised of representatives from worker advocacy groups in New Jersey who work closely with New Jersey workers and who helped spearhead efforts to get the paid earned sick leave law passed in New Jersey. Members of the Technical Review Panel reviewed all study protocols and provided feedback on the protocol questions and the worker recruitment for participation in the study.

The original data collection plan for this study included focus groups of workers and worker advocacy groups to answer the aforementioned research questions. However, when the COVID-19 public health crisis hit New Jersey in March 2020,

researchers revised the methodology to include telephone interviews that allowed for researchers to hear firsthand from workers.

The Heldrich Center worked in connection with five New Jersey nonprofit or worker advocacy groups to recruit workers to participate in structured interviews. These organizations include Make the Road New Jersey, United4Respect, Newark Alliance, New Jersey Citizen Action, and the South Jersey Family Success Center (Acenda, Inc.). These advocacy groups disseminated a screener survey to their databases of workers and provided an endorsement of the research to encourage a greater willingness among workers to participate. The screener collected basic demographics of workers, including employment status, income, occupation, and household composition. It also introduced the study and gave respondents the option to opt in to the study by completing their personal contact information for outreach by researchers. In total, 92 workers completed the screener survey and 68 opted to participate in the research study. See Appendices A, B, and C for online screener survey and research protocols. For their participation, workers were offered a \$50 gift card to Walmart.

Once workers opted in to the study, Heldrich Center researchers sent emails to willing study participants to arrange a date and time for a telephone interview. At that

time, workers could request an interview in English or Spanish. For those who did not respond to the scheduling email, researchers reached out via telephone. Of the 68 study participants who indicated a willingness to be interviewed, 24 scheduled an interview. Workers were contacted up to three times, by phone and/or email, to schedule an interview.

Between August and October 2020, researchers conducted 24 worker interviews and 5 worker advocate interviews. Interviews were conducted via the WebEx platform by one researcher and generally lasted approximately 30 to 45 minutes each. Each interview was recorded, with consent, on WebEx and transcribed using NVivo qualitative software. After the interview was conducted, researchers forwarded the gift card through U.S. mail.

For this analysis, researchers reviewed all interview transcripts individually and generated a list of themes, categories with content descriptions, and a brief data example for reference. Researchers then met to discuss their individual lists and worked collaboratively to compile a set of coding standards and finalized categories. Using NVivo software, one researcher coded all the transcripts and another researcher coded a small random sample of the transcripts to ensure consistency. The findings detailed below were verified and validated by the research team from the Heldrich Center and the Center for Women and Work.

## Findings

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The analysis of 29 interview transcripts resulted in the development of six core findings from this study. These findings fell into three main groups:

- ▶ awareness, uncertainty, and misinformation;
- ▶ use and experiences; and
- ▶ trusted sources of information.

### **Awareness, Uncertainty, and Misinformation**

1. Of the 24 workers, 58% had heard of New Jersey's earned sick leave law prior to being interviewed for this study. This finding is consistent with a national poll conducted by the Eagleton Center for Public Interest Polling at Rutgers

University where 58% of New Jersey residents indicated that they had heard about the state's Earned Sick Leave Law ( $\pm 5.1\%$ ).

Interviews conducted for this project indicated that since the law passed in October 2018, the level of awareness among respondents varied from no awareness to limited/vague or complete awareness of New Jersey's earned sick leave. Eleven of the workers interviewed indicated that they were familiar or fully aware of the law. Workers who described complete awareness of the law learned it from community organizations and coalitions such as Make the Road New Jersey and Time to Care Coalition. For example, a production line worker at a cosmetics company mentioned, "I knew about the law because I am in the group of workers at Make

the Road ... So then I was informed because of that, but not because of my company, not because of the agency I work for." She also relayed that her employer never shared any information about these types of benefits. Workers familiar with the law also described that they learned about it through a variety of sources: from a co-worker who had used it, a human resources website, via one of Governor Murphy's Coronavirus briefings, through correspondence from elected officials years ago, via independent online research, or from a family member. A temporary worker at a factory shared that her employer never informed her of such benefits and she only learned about earned sick leave through a co-worker:

"Well, I actually learned about it on one occasion because I had a colleague who I saw who missed work and then he brought back something like a medical certificate. He showed that he had been unable to go [in to work] and asked to be paid for the day ... He said one is entitled to three sick days for illness. Well, that's what he told me, that after you have been working for a certain amount of time, about a year or six months, is what he said. I told him, 'Oh I didn't know that.' So that's how I found out because if not, and I think a lot of people in the factory didn't know either, because I saw a lot of people who got sick many times and everything, and I never heard of any case that they got paid."

Although she was provided with information about earned sick leave through her co-worker, she later realized that the information was incorrect and she only understood the full scope of the law through a community organization she joined.

Nearly half of the workers interviewed had never heard of the law or did not know they were eligible to receive such benefits prior to this study. For example, a 66-year-old part-time worker shared, "When I heard from you yesterday, I did go online and research it and that was the first time I have actually become acquainted with the actual law." A temporary worker at a hospital recalls "something similar was introduced to me but it seemed like it was specifically related to COVID." Workers who indicated no awareness of the law had different types of employment statuses: part time, full time, contractual, temporary, and self-employed.

2. While many of the people interviewed knew about some sick leave policies, very few could differentiate between federal or state policies and their own employer policies related to sick leave.

When asked to describe their experiences with utilizing their earned sick leave, eight respondents conflated their experience with using either Temporary Disability Insurance and/or Family Leave Insurance, or the federal Family and Medical Leave Act. The conflation of the different programs and policies complicates understanding of whether they fully understood the questions about earned sick leave, and to what extent the public understands the different programs and policies available to them. When sharing her experience using paid leave after giving birth, one respondent stated that she assumed taking sick leave was similar to filing for Temporary Disability Insurance. She further elaborated, "I had to take sick leave, which I'm assuming was the same thing or it is similar to the temporary disability when I had my kid." About halfway through the interview, another worker asked, "So you're saying sick leave is different from disability, correct?" When asked if they could share an example of a time where they had to use their earned sick leave, another worker gave an example when she utilized her temporary disability insurance due to pregnancy. A few other workers provided stories of when they used Family and Medical Leave Act or Temporary Disability Insurance when asked the same question.

Conflation of programs was present both for those who had and those who had not previously used one of the programs. This suggests confusion regarding the available programs, the amount of paid and unpaid time available to workers, and the circumstances in which paid leave can be used.

Respondents who were unfamiliar with the state's earned sick leave law were interested in learning more.

3. Even among those interviewed with knowledge about New Jersey's earned sick leave law, very few were aware of the extent of circumstances for which leave can be used.

The earned sick leave law supports New Jersey workers and public health through eliminating the financial penalty for missing work when a worker or a worker's family member is sick or needs medical care, or when a worker attends their child's school-related meetings or conferences. However, workers who indicated that they were aware of the law also shared that they did not know that they are able to use earned sick leave to care for family members. Some shared that their employer strictly specified that they can only use their earned sick time for themselves. A part-time teacher's aide who lost her job due to the COVID-19 pandemic recalls a time when she had asked to use her sick days for her sick child. She shared, "I remember a time one of my kids was sick and I had to stay at home with them. And they told me that I couldn't

use my sick day for my child being sick." She was informed by her employer that she could only use her sick days strictly for herself. She was told, "They consider sick as you being sick." A few workers shared that they wanted to use their time for family and kids but instead were forced to take a personal day or use their lunch time to tend to their family needs. These claims are reinforced by the advocate interviews: "Across the board, most [New Jersey workers] do not realize they even have this benefit or they are misinformed about it."

Advocate interviews also reveal that education and information about earned sick leave among employers is not "readily available or shared by employers." Advocates also shared that "large companies in general are more likely to let people know about the benefit because they have more people to cover for employees that use the time." Additionally, depending on the industry and the line of work, advocates shared that the understanding of earned sick leave and its full scope can also be misconstrued or may not apply to them. For example, an advocate shared that there is a lack of information amongst employers that employ home care workers and they oftentimes "do not see their homes as a place of employment and they are seeing it as their own private home ... so they think [earned sick leave] do not apply to them or it is not necessary for them to know these laws." The advocate also went on to explain that "there is a lack of clarity on who is [covered] or who is not covered," which makes it difficult for employees to advocate for themselves. A worker shared that her son, a part-time employee at a warehouse, was initially denied use of his earned sick leave to take care of her when the COVID-19 public health crisis hit. She explained, "He requested the leave to take care of me [and] they told him no, that it had to be him and he had to get tested so what he said was 'No, it is for my mother.' So they said, 'Okay, as far as we know, it has to be you.'" As a former New Jersey government employee, the worker knew that this was incorrect so she asked her son to gather information from the NJDOL website and bring it back to his employer, which led to his earned sick leave usage being approved.

These data suggest that some workers are likely unable to fully take advantage of the earned sick leave benefits due to their own lack of understanding of the full scope of the law, or that of their employers, and/or because of the limited or incorrect information shared by their employers.

## Use and Experiences

4. Worker and advocate interviews revealed inconsistencies in sick leave request and documentation practices.

As the law states, employers may require reasonable documentation, such as a doctor's note, if the employee uses sick leave for sickness or injury for three or more consecutive days. However, interviews with workers reveal that documentation requirements when using earned sick leave varied among employers and such practice is not uniformly applied. Three of the workers shared that their employer required a doctor's note after two days, while other said that their employers required documentation after three or more days, and one worker shared that they can miss up to five consecutive days before they are asked to provide a doctor's note. One worker shared that while her employer did not require documentation for calling in sick, in order to get paid for the sick day, she would need to provide a doctor's note otherwise it would be unpaid. According to the advocate interviews, these types of documentation requests hinder workers from taking advantage of their earned sick leave. One advocate shared that for many low-wage communities, workers forego taking their sick days because they cannot afford to go to the doctor just to get documentation. The same advocate shared an anecdote from a New Jersey worker where the worker mentioned, "I didn't take sick leave because my employer asked me to bring or to produce a medical note. I don't have money to go to the doctor to just get a medical note, so I don't take [my earned sick leave] and I'm just going to work sick." This suggests that although workers may be aware of the existing earned sick leave law, the nonuniformity of employers' documentation request practices has an impact on whether workers take advantage of their earned sick leave.

5. Of those who knew about the policy or had used sick leave in the past, very few workers interviewed reported experiencing any barriers to applying for or receiving sick leave pay. However, advocates discussed enforcement as a major challenge.

When asked to describe barriers they faced when applying for their earned sick leave time, or in being paid for it, respondents did not report any significant challenges. One respondent who was familiar with the law when it was first being implemented described challenges in documentation and payments early on but had accessed their sick time again more recently and reported those previous challenges had been addressed.

The data collected in the worker interviews suggests limited awareness and use of the current program, and as a result, the interviews yielded few, if any, recommendations on how to improve the current earned sick leave policy. However, the respondents with greater knowledge of the program were grateful for it and proud that New Jersey had passed this law. As one respondent reported, "It was a whole game changer, the fact that it was paid. It was totally different. We had money coming in. Yes, we still had medical bills and actually at that point in time we started a three-year hospital stay. And so we used the paid leave, which made a huge, huge difference. And I saw the difference between unpaid and paid."

Interview data suggest that employers yield significant influence over the ease with which workers are able to use their earned sick leave. Advocates interviewed for this study articulated the barriers and attempts at employer retaliation experienced by workers seeking to use their earned sick leave and all agreed that the biggest challenge with earned sick leave is enforcement. From the interviews with advocates, common barriers or challenges that workers experience when using earned sick leave include fear of losing their job, supervisors' negative attitude toward taking sick time because of the effect it has on work production, lack of knowledge of accrued time, and fellow employee attitudes toward taking time off when sick. As one advocate shared on behalf of a worker, "With my past employer, we felt crucified if we even asked how much time we had available for PTO (paid time off) or earned sick leave. It had something we had to track." The same advocate shared that "employers aren't thrilled" with the idea of taking paid time off for sick leave, and that it "depends on how forward thinking of an employer you have." This is also prevalent in temporary agencies as shared by one of the respondents who said, "Because when you ask for a lot of time off when you work for an agency, at a company, well that affects you a lot. They will call you on it. They'll say, 'Oh, you're asking for a lot of time off, we're going to take you out of the group, you're not going to be able to work.'"

### Trusted Sources of Information

6. When asked who they trust most for information related to their workplace benefits, most respondents said their employer, and referred to human resources and their employee handbook as trusted resources.

During the interviews with workers, researchers asked who they trust for information about their benefits, and where they would go if they had an issue at work. A few respondents indicated that their employer held meetings when the law initially passed or explained during their orientation. One respondent shared that her manager sent an email about the earned sick leave law and followed it up with a meeting to address any questions that she or any other employees may have had.

While others did not specifically share how they found out about the law, they indicated that they had no issue asking their employers or going directly to human resources to ask about their benefits. When seeking information about workplace rights and benefits more broadly, one of the most common resources interviewees relied on was their human resources department or their employee handbook. Those interviewed expected to be made aware of all relevant policies and benefits from human resources and onboarding materials when starting a new job. Others responded that they trusted their union representative, Google, the NJDOL website, their company website, and their co-workers.

When asked if they had any questions about any work-related issues or questions about benefits, four respondents indicated that they would first check their employee handbook. If they had further questions, respondents indicated they would reach out to human resources or look at their company's website. It is important to note that these four respondents indicated that they were full-time employees and had full trust in their human resources departments.

Some workers discussed confusion or a lack of guidance in seeking information about their rights and benefits. One advocate commented that "employees are often on their own or they have to do their own research." One person interviewed, who works as a part-time teacher's aide shared, "No, they never explained it to us, we just never had no sick time off. No orientation at all, you didn't get anything." She thought that only those who were considered "certified staff" in her workplace were able to use their sick time for their families or they had to create a special arrangement with the human resources department. A full-time food service manager shared that she follows some New Jersey government pages to stay current with labor issues because she receives no guidance from her manager who informed her that she "had no idea that there was such a law."

# Recommendations for Improved Outreach

In addition to obtaining a more thorough understanding of workers' awareness about paid earned sick leave and the challenges they experience in trying to use it, researchers used the interviews to examine ways New Jersey could improve its outreach and ensure all workers, regardless of status, have equitable access to the policy. To that end, the Heldrich Center and the Center for Women and Work research team offers the following recommendations:

1. Based on feedback from New Jersey residents and advocates, outreach materials should include messaging related to differentiating various leave programs, benefit levels, and qualifying usage.

As described in the findings section of this report, awareness was relatively low across workers interviewed, and conflation of leave programs was a major challenge in understanding earned sick leave. Other misconceptions and areas with less awareness included number of days allotted, how to check days available, and what circumstances qualify for use of earned sick leave days. Materials should make these points clear. Examples of responses from workers include:

- ▶ Clearly define the different paid leave policies that exist and the reason for each policy: "I think that what is paid is a little confusing because I don't know, some of them tend to overlap ... Like if you have medical leave and then you want to take emergency paid leave and they may sound similar, but they're different ... So I think just explaining that, in terms we're all able to understand, like I said, I still feel a little bit confused and lost if I don't compare them. Yes, it can be a little confusing. For other people that are not familiar with these terms and everything and the differences in the different options that you have available."
- ▶ Ensure that workers fully understand how paid leave is accrued and that employers comprehend their responsibilities reporting it: "What I think needs to be better explained is about the way that they acquire. Like, when I heard it explained I would have a question like does it have to be 30 consecutive hours or is the 30 hours altogether?"
- ▶ Articulate the comprehensive list of circumstances under which paid leave can be taken: "I didn't know a lot of the details where it expanded more beyond just being sick yourself."

Overall policy awareness is the first barrier NJDOL must overcome. As one respondent commented, "I think just people understanding what the paid sick leave is in New Jersey, that's the thing that's not clear. I think people may not understand how it applies." Either following or alongside initial awareness efforts, clarity in program benefits and qualifying usage, as well as defining the various leave programs available, will be necessary. Methods through which this information could be shared are detailed in the recommendations below.

2. While workers pointed to employers as a trusted source of information, this only captures a portion of the community. Outreach strategies should seek to inform workers and job seekers outside of their workplaces.

To increase awareness and use of earned sick leave in New Jersey, the state should consider three main strategies: promoting the advocate role in outreach and enforcement, expanding online learning resources, and developing a broader outreach coalition. These efforts could help to build a sustainable outreach strategy that will exist beyond any single marketing campaign.

## Deputizing Advocates as Community Representatives

Advocates interviewed for this study described difficulty in supporting workers with employers without the authority of an agency like NJDOL. One advocate recommended that NJDOL "deputize" a community leader to speak to employers and employees about enforcement of the law. This individual could be a NJDOL employee with the authority to be embedded in the community, educating workers of their rights. Another recommendation included the development of a designated community outreach enforcement program (Fine, 2015), providing community organizations with outreach toolkits, and developing a paid leave hotline. Other advocates discussed the importance of utilizing their local relationships and specific knowledge of certain groups in outreach efforts. One advocate commented that it is important to understand "how critical it is to have those close relationships with institutions, organizations that are doing the grassroots work, especially through the enforcement." Advocates acknowledged the challenges related to marketing budgets and barriers to outreach but stressed the importance of increasing awareness of this benefit among New Jersey residents.

## Capitalizing on Existing Training Materials in a Virtual Environment

When asked if they can share an experience where they have searched for information about their workplace rights and benefits, workers shared that the NJDOL website is a trusted source of information. One worker mentioned, "I get most of my information from online ... in regard to any of my leave, any information that I may not have clarity on, I go to the state's website to get my information." NJDOL should develop a more robust library of online learning resources related to earned sick leave. These can include a more comprehensive list of responses to frequently asked questions, a basic video introduction to the program, and recordings of webinars or trainings. For example, Seattle provides a comprehensive document sharing responses to [frequently asked questions](#), as well as a [recorded webinar](#) related to gig workers and sick time on its Office of Labor Standards website. This effort can build on the successful resources such as the COVID-19 leave table NJDOL created and can be built into the existing paid leave web page.

## A Broader Outreach Coalition

While the advocacy community will be an important and sustainable long-term partner in awareness and use of the program, NJDOL should expand outreach efforts to meet workers where they are. One concern following this study's data analysis was that many workers expect benefits information provided to them once when they begin working, but they may not fully understand the policy until they need to use it. The state should build on outreach to the medical community as has been suggested for Family Leave Insurance by NJDOL to also include information related to earned sick leave. This could inform caregivers of young children in places like their pediatrician's office that they have a benefit available to them should they need to take time off for an appointment or for a sick child. Similarly, coordination with the New Jersey Department of Education and local school districts could support outreach at schools, prior to back-to-school nights or parent-teacher conferences, informing caregivers of their ability to use earned sick leave for school meetings. This could also address the concerns of the teacher's aides that were interviewed in this study

who shared their lack of clarity and awareness of earned sick leave. These efforts could improve awareness of uses of earned sick leave other than personal illness.

NJDOL could also increase outreach to job seekers at the American Job Centers (otherwise known as One-Stop Career Centers), Unemployment Insurance orientations, job training centers, and temporary employment agencies. Job seekers at these organizations may enter low-wage and precarious employment, where their earned sick leave accrual and its use could be complicated by shift work or separation of their employer and their worksite. One worker commented about temporary employment agency workers who may be targeted for benefit violations: "A lot of them tend to be people who may not have all their working papers. People who, you know, don't have high school diplomas. So, they're, you know, they're living on the margins."

3. Outreach efforts should include additional materials for employers in their own administration of earned sick leave.

In addition to developing a more robust outreach strategy to target workers, NJDOL should improve outreach to employers to ensure a full understanding of the policies and their responsibility. These outreach efforts could include presentations at business associations, adding resources on the website such as recorded trainings for businesses, and developing a toolkit for employers with templates to track and report earned sick leave to their employees.

In California, the earned sick leave law requires that employers put up a clear poster in a commonly used shared space in their offices. In addition, employers must regularly show employees how much time they have accrued, either through a notice on their pay stub or in documentation provided on the same day as their paycheck (Small Business Majority, n.d.). New York City has developed several marketing documents to clearly specify employer and employee rights and responsibilities, and improve employer understanding of the process. Figure 1 is an example presented in the appendix of New York City's [2015 One-Year Milestone](#) report, which includes similar informational material for employers. New York City also posts to its website annual reports and [video testimonials](#) from workers who have used their paid sick leave.

Figure 1: New York City Sick Leave Poster

**NYC Consumer Affairs**  
 Bill de Blasio Mayor | Julie Menin Commissioner

## PAID SICK LEAVE: WHAT EMPLOYEES NEED TO KNOW

Under New York City's Earned Sick Time Act (Paid Sick Leave Law), covered employees have the right to use sick leave for the care and treatment of themselves or a family member.

The Department of Consumer Affairs (DCA) prepared this sheet to provide guidance to employees about their rights under the law. DCA will update this sheet as appropriate. Please note the date at the bottom of the sheet. To read the law or Frequently Asked Questions about the law, go to [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave).

### EMPLOYEES COVERED/NOT COVERED BY THE LAW

Covered	Not Covered
<ul style="list-style-type: none"> <li>Full-time employees</li> <li>Part-time employees</li> <li>Transitional jobs program employees</li> <li>Undocumented employees</li> <li>Employees who are family members but not owners</li> <li>Employees who live outside of New York City</li> </ul> <p>Employees must work 80+ hours per calendar year in New York City.</p> <p>See "Domestic Workers" section on back.</p>	<ul style="list-style-type: none"> <li>Employees who work 80 hours or less a calendar year in New York City</li> <li>Students in federal work study programs</li> <li>Employees whose work is compensated by qualified scholarship programs</li> <li>Employees of government agencies</li> <li>Physical therapists, occupational therapists, speech language pathologists, audiologists who are licensed by the New York State Department of Education</li> </ul> <p><i>These professionals are not covered under the law if they call in for work assignments at will; determine their own work schedule; have the ability to reject or accept any assignment referred to them; and are paid an average hourly wage, which is at least four times the federal minimum wage.</i></p> <ul style="list-style-type: none"> <li>Independent contractors who do not meet the definition of an employee under New York State Labor Law (Go to <a href="http://labor.ny.gov">labor.ny.gov</a> and search "Independent Contractors.")</li> <li>Participants in Work Experience Programs (WEP)</li> <li>Certain employees subject to a collective bargaining agreement</li> </ul>

**Note:** If your employer has an existing policy allowing employees to use sick leave, the policy must meet or exceed the requirements of the law.

### NOTICE OF EMPLOYEE RIGHTS

Employee	Date Written Notice Due to Employee
New	First day of employment
First employed on or after April 1, 2014	
Existing	May 1, 2014
Already working for employer before April 1, 2014	

If you are a covered employee, your employer must give you written notice of your right to sick leave. You have a right to the notice in English and, if available on the DCA website, your primary language. **Keep a copy of the notice.**

### AMOUNT OF SICK LEAVE (See "Domestic Workers" section on back, if applicable.)

Number of Employees Employed by Employer	Amount of Sick Leave per Calendar Year	Paid or Unpaid Sick Leave	Rate of Pay
5 or more	Up to 40 hours	Paid	Regular hourly rate but no less than \$8.75 per hour (minimum wage)
1-4	Up to 40 hours	Unpaid	Not Applicable

\*Note: "Calendar Year" means any regular and consecutive 12-month period of time determined by an employer. The Notice of Employee Rights must state the employer's calendar year.

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### SICK LEAVE ACCRUAL AND USE – IMPORTANT DATES (See "Domestic Workers" section below, if applicable.)

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
1 hour for every 30 hours worked	April 1, 2014 <i>(Existing employee)</i>	July 30, 2014 <i>(Existing employee)</i>
	First day of employment <i>(New employee)</i>	120 days after first day of employment <i>(New employee)</i>

**Exception:** If you are covered by a collective bargaining agreement that is in effect on April 1, 2014, you begin to accrue sick leave under City law beginning on the date that the agreement ends.

**Keep a copy of all documents that show your amount of sick leave and your sick leave accrual and use.**

### ACCEPTABLE REASONS TO USE SICK LEAVE

You can use sick leave when:

- You have a mental or physical illness, injury, or health condition; you need to get a medical diagnosis, care, or treatment of your mental or physical illness, injury, or condition; you need to get preventive medical care.
- You must care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventive medical care.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.

The law recognizes the following as family members: Child (biological, adopted, or foster child; legal ward; child of an employee standing *in loco parentis*); Grandchild; Spouse; Domestic partner; Parent; Grandparent; Child or parent of an employee's spouse or domestic partner; Sibling (including a half, adopted, or step sibling).

### ADVANCE NOTICE

If the need is foreseeable, your employer can require up to seven days advance notice of your intention to use sick leave. If the need is unforeseeable, your employer may require you to give notice as soon as practicable (reasonable). Your employer may require you to provide written verification that you used sick leave for sick leave purposes.

### DOCUMENTATION

Your employer can require documentation from a licensed health care provider if you use more than three consecutive workdays as sick leave. The Paid Sick Leave Law prohibits employers from requiring the health care provider to specify the medical reason for sick leave. Disclosure may be required by other laws.

### UNUSED SICK LEAVE

You can carry over up to 40 hours of unused sick leave to the next calendar year. However, your employer is only required to let you use up to 40 hours of sick leave per calendar year.

### RETALIATION

Your employer cannot retaliate against you for requesting or using sick leave. Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in your hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

### COMPLAINTS

You may file a complaint with DCA. To get the complaint form, go online to [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave) or contact 311 (212-NEW-YORK outside NYC).

DCA will conduct an investigation and work with your employer to try to mediate your complaint. DCA will keep your identity confidential unless disclosure is necessary to conduct the investigation, mediate the complaint, or is required by law.

### Domestic Workers

*Below is information about amount of sick leave and sick leave accrual and use specific to domestic workers under City law. This leave is in addition to the three days of paid rest to which you are entitled under New York State Labor Law. Go to [labor.ny.gov](http://labor.ny.gov) and search "Domestic Workers' Bill of Rights." All other information on this sheet applies to you.*

Amount of Sick Leave per Calendar Year	Paid or Unpaid	Rate of Pay
2 days	Paid	Regular hourly rate but no less than \$8.75 per hour (current minimum wage) Go to <a href="http://labor.ny.gov">labor.ny.gov</a> and search "Minimum Wage."

Rate of Accrual	Date Accrual Begins	Date Sick Leave Available for Use
2 days after 1 year on the job	DCA will provide guidance at <a href="http://nyc.gov/PaidSickLeave">nyc.gov/PaidSickLeave</a>	DCA will provide guidance at <a href="http://nyc.gov/PaidSickLeave">nyc.gov/PaidSickLeave</a>

**QUESTIONS?** To contact DCA, visit [nyc.gov/PaidSickLeave](http://nyc.gov/PaidSickLeave), email [PaidSickLeave@dca.nyc.gov](mailto:PaidSickLeave@dca.nyc.gov), or call 311 and ask for information about Paid Sick Leave.

Source: New York City's Paid Sick Leave First Year Milestones Report, 2015

Additionally, NJDOL should develop outreach materials that are accessible and multilingual. Most commonly used languages in New Jersey include Spanish, Chinese, Portuguese, Tagalog, and Italian. This can help ensure that people with disabilities and those with limited English proficiency can access the information they need about earned sick leave.

- Although barriers and retaliation were not prevalent among those using leave in this study, advocate interviews highlight instances of these occurrences. NJDOL should develop clearer enforcement and anti-retaliation guidelines and online reporting tools.

As described above, the workers in this study who were familiar with earned sick leave did not experience significant barriers or retaliation when seeking to use their leave. However, interviews with advocates shed light on experiences within populations where these barriers are more likely to occur, such as for part-time contractual workers and domestic workers. One advocate interviewed

mentioned that workers seeking paid sick leave often do not push the issue with employers and forgo their earned sick leave out of fear of losing their jobs. He reiterated this issue throughout the interview and the importance of getting the information to workers and enforcement of the law:

"In other businesses [such as] restaurants, laundromats, or warehouses, there is a fear from some of the workers to request even if they have the right to paid sick leave, there's the fear of retaliation, so that's a big problem. One is about the information and the other is about enforcement. I would cover the enforcement piece that is very critical. I think it is very key for any legislation."

This is supported by one worker who faced similar issues with the agency she worked with that kept placing her in factories that threatened her if she used her earned sick leave. She shared, "It's the fear of speaking up because they might say to you, 'Oh well, if you feel like that, then don't come back.'" While the advocates interviewed for this study were able to highlight some of these occurrences, this may be specific

to the populations with which they work. More research is necessary to understand the extent to which retaliation occurs for other populations not mentioned. NJDOL should build the infrastructure to better identify barriers and retaliation, to communicate enforcement and anti-retaliation definitions and guidelines, and to allow for easier reporting of worker complaints.

Details about retaliation are currently included and defined in the [New Jersey Earned Sick Leave FAQs](#) sheet, but not prominently displayed in the document. The fact sheet is currently 21 pages long and needs to be more concise and be included on a web page rather than a PDF. NJDOL should include robust language explaining anti-retaliation in all of its outreach materials so it is prominent and visible for workers to access.

In addition, the complaint filing process should be more user-friendly. As it is currently developed, workers are taken to the "wage theft" PDF [form](#) that requires access to a computer and understanding of how to navigate the extensive website to file a complaint. Instructions for submission is also unclear. A direct link submission form on the website specific to Earned Sick Leave or a hotline should be developed to ease accessibility issues. Additionally, a mobile-friendly option to submit complaints online would improve the ease of reporting for workers. Examples of this include Seattle, and, in an effort to support filing by phone, New York City's 311 line supports the filing of complaints.

5. NJDOL should develop an outreach-based feedback loop to ensure its efforts are successful, and to allow for notification for needed modifications where they are not successful.

Findings from this study reveal that advocacy groups serve as an instrumental part of where workers receive their information and communicate their concerns about their rights. Advocacy groups work with a broad range of workers and provide great insight to what is occurring on the ground for workers. Following initial outreach efforts, NJDOL should develop a feedback loop for organizations supporting outreach to report about their progress. NJDOL should make every effort to hear input from these advocacy groups to get meaningful feedback as these groups could provide on-the-ground experience of workers. This could be done first through a survey to all outreach organizations with questions about progress, unmet needs, and recommendations for future outreach, which can be a mutually informative process. In the long term, NJDOL could either administer a quarterly

survey, or develop a second survey, sent to organizations and linked on the departmental website (with safeguards to ensure only valid responses are collected) to solicit ongoing experience and recommendations. NJDOL should have one staff member responsible for reviewing feedback and develop an internal reporting process to ensure necessary staff are made aware of a summary of responses.

6. It is critically important for NJDOL to be able to track the progress of its outreach efforts on leave take-up rates. To measure success of program awareness, NJDOL should pursue improvements in administrative data quality and use.

NJDOL needs metrics by which it can measure the effect of its outreach efforts. In the absence of the possibility of mandatory reporting by employers to NJDOL of earned sick leave usage, NJDOL should consider the alternative methods presented below. These include: tracking earned sick leave correspondence and analyzing usage and experiences with annual population surveys and targeted focus groups.

### **Tracking Earned Sick Leave Correspondence**

As discussed above, most workers interviewed for this study did not have enough knowledge of the policy to provide critiques of the law or requirements. The first barrier will be increasing awareness while simultaneously preparing to address issues such as retaliation and strategic enforcement. The Heldrich Center and the Center for Women and Work anticipate that as awareness and usage increases due to expanded marketing initiatives, more workers will come to NJDOL with questions and complaints. NJDOL should track the number of such correspondence, to compare any change in calls or emails regarding the policy, and to categorize the types of questions being asked. If resources allow, NJDOL can create a data dashboard on complaints. This can track how many complaints are coming in, where they are coming from, and how many are investigated and resolved. This can circumvent tracking issues and assess if NJDOL has the capacity to investigate in a timely manner.

One example of a similar effort is the National Network to End Domestic Violence, which conducts an [annual census](#) of domestic violence shelters one day each year. This annual count asks shelters to track calls, current shelter residents, calls with needs that could not be met, and community education training attendees. While such a count cannot be extrapolated for total annual use or need, it can be compared across states, and longitudinally across years to track change over time.

In addition, New York City tracks who is accessing information from its website, including the total number of visits, resources downloaded, and information on industry. A similar quarterly report from NJDOL on traffic to its earned sick leave web page and number of resource downloads could be one measure of awareness.

### **Analyzing Usage and Experiences with Annual Population Surveys and Targeted Focus Groups**

NJDOL should develop an annual survey of workers and/or employers to gain insights into program awareness, opinions, and usage. While this may not be a fully representative estimate of program usage, it will allow NJDOL to gain insights into awareness, unmet needs, and which sectors and demographic groups are most likely to report not having access to paid leave. A survey of employment establishments would inform outreach strategies and enforcement, and may provide an estimate of usage. While this did not necessarily come up in the interviews with workers and advocates, NJDOL should make every effort to clean current administrative data and make it usable to track awareness. However, since this may be cost prohibitive, some alternative options are provided below.

NJDOL can also rely on national surveys and studies (Barthold & Ford, 2012; DeRigne, Soddard-Dare, & Quinn, 2016; Xia, Hayes, Gault, & Nguyen, 2016) to gain a better understanding of which workers in certain sectors or demographic groups are most likely to report not having access to or having difficulty using their earned sick leave.

The Washington Center for Equitable Growth compiled [a database of national surveys](#) that provide such information. This information can inform outreach efforts, as well as a regular review of experiences in the state, such as targeted focus groups with workers in certain sectors. Datasets of interest include:

- ▶ [American Time Use Survey – Leave and Job Flexibilities Module Data](#)
- ▶ [National Health Interview Survey](#)
- ▶ [Employee Benefits Survey](#)
- ▶ [National Health Interview Survey](#)
- ▶ For leave programs with more robust administrative data, the [Census Bureau linked administrative data program](#) may provide additional insights into program usage.

Using state and national data to inform targeted qualitative research can help NJDOL gain further insights into worker experience. Focus groups of workers could provide insights into how certain groups are experiencing paid leave in the state. Participants can be recruited through One-Stop Career Centers or temporary employment agencies, seeking newly employed workers who may be in low-wage jobs. NJDOL can seek feedback from specific demographic groups such as parents of young children through outreach to childcare centers or from Hispanic workers through advocate outreach. Questions can include awareness of leave policies, experiences using leave, remaining unmet needs, and recommendations for policy improvements.

# Conclusion

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Throughout this research, several key themes emerged:

1. Workers are prone to conflate the various paid leave policies in New Jersey and require greater education around who, when, and for what reasons they can access paid earned sick leave; and
2. Workers are likely to experience common challenges to accessing paid earned sick leave, chiefly inaccurate documentation requirements, misinformed employers that do not fully comprehend their responsibility under the law, and varying degrees of difficulty in accessing benefits based on workplace.

Since the sample for this study was small and skewed toward having full-time employment at companies with more formal human resources departments, workers in this study reported fewer barriers and relied heavily on human resources to receive and access information about their benefits. However, advocates who represent worker interests agree that there needs to be more education and information about earned sick leave for both workers and employers throughout the state.

Based on findings from these interviews, the state should consider the following outreach efforts to broaden worker awareness of earned sick leave and increase access to the benefit:

- ▶ Improve outreach materials to include differentiation of various leave programs, benefit levels, and qualifying usage;
- ▶ Include additional materials and information for employers;
- ▶ Develop and implement strategies to inform workers and job seekers outside of their workplace environment;
- ▶ Develop clearer enforcement and anti-retaliation guidelines and online reporting tools; and
- ▶ Develop an outreach-based feedback loop to ensure these efforts are successful, track progress, and improve administrative data quality and use.

With successful implementation of these recommendations, NJDOL will both improve overall public awareness and understanding of the policy and also embed structural mechanisms through which the department can assess its progress. This continuous cycle of outreach, tracking, and improvement will be critical to increasing usage of earned sick leave in the state.

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# Appendix A. NJDOL Earned Sick Leave Screener

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## Q1

The New Jersey Department of Labor is conducting a study to understand what New Jersey workers know about the recently passed earned sick leave law to inform their outreach strategy. To hear directly from workers about how much they know about earned sick leave, and to understand how workers get information about work-related policies, researchers from Rutgers, on behalf of NJDOL, are conducting a series of phone interviews to ask workers questions about their experiences with paid sick leave.

The phone interview should take no longer than one hour. The interview will be confidential, and your name will not appear in any reports or documents. You will receive a \$50 gift certificate to Walmart for your participation. If you would like to be considered for participation in a telephone interview, please complete the questions below and submit to the research team. If you are selected, a researcher will contact you with more information.

## Q2 To begin, where did you hear about this study?

- Make the Road New Jersey
- Acenda Inc.
- Other \_\_\_\_\_

## Q3 Which statement best describes your current employment status?

- Working (paid employee)
- Working (self-employed)
- Not working (temporary layoff from a job)
- Not working (looking for work)
- Not working (retired)
- Not working (disabled)
- Not working (other) \_\_\_\_\_

## Q4 At your current job, do you get paid time off from your employer when you are sick or have to take off to care for a loved one?

- Yes
- No

## Q5 At your most recent job, do you get paid time off from your employer when you are sick or have to take off to care for a loved one?

- Yes
- No

## Q6 How familiar are you with New Jersey's earned sick leave law?

- Extremely familiar
- Very familiar
- Somewhat familiar
- Not at all familiar

## Q7 As a result of the COVID-19 public health crisis, did you lose your job or work less hours?

- Yes
- No
- Unsure

## Q8 Are you receiving unemployment insurance payments while you are unemployed or working less hours?

- Yes
- No
- Unsure

## Q9 How many jobs do you currently work?

- 1
- 2
- 3
- 4 or more

## Q10 Please indicate the occupation(s) of your current or most recent primary job(s).

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**Q11 Based on a typical week, which category best represents your average hourly wage?**

- Less than \$11
- \$11 to \$13
- \$14 to \$16
- \$17 to \$19
- \$20 or more

**Q12 Are you Spanish, Hispanic, or Latino or none of these?**

- Yes
- None of these

**Q13 Which race categories below best describe you?**

- White
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Pacific Islander
- Other \_\_\_\_\_

**Q14 What is your gender?**

- Female
- Male
- Other (specify): \_\_\_\_\_
- Prefer not to answer

**Q15 What is your current marital status?**

- Single (never married)
- Married, or in a domestic partnership
- Widowed
- Divorced
- Separated

**Q16 How many children or dependents live in your home?**

- 0
- 1
- 2
- 3
- 4
- 5 or more

**Q17 Including yourself, how many people live in your home?**

- 1
- 2
- 3
- 4
- 5
- 6 or more

**Q18 What is the highest level of school you have completed or the highest degree you have received?**

- Less than high school degree
- High school graduate (high school diploma or equivalent, including GED)
- Some college but no degree
- Associate degree in college (two year)
- Bachelor's degree in college (four year)
- Master's degree
- Doctoral degree
- Professional degree (JD, MD)

**Q19 In which county do you live?**

▼ Atlantic County ... Warren County

**Q20 What is your preferred language for the phone interview?**

- English
- Spanish
- Other \_\_\_\_\_

**Q21 If you would like to be contacted for participation in an interview as part of our study, please provide your contact information below. This information will only be used for the purposes of scheduling an interview, and sending the \$50 gift card for your participation after the interview.**

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Email Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Mailing Address \_\_\_\_\_

# Appendix B. Earned Sick Leave – Interview Protocol – Worker Version

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## Introduction

Hello. My name is \_\_\_\_\_ and I work at the [Heldrich Center for Workforce Development/ Center for Women and Work] at Rutgers University.

The New Jersey Department of Labor has asked the Heldrich Center and the Center for Women and Work at Rutgers University to help them develop a comprehensive, broad-based outreach campaign to inform New Jersey workers about their rights to paid sick leave. We want to talk with you today about your experience working in New Jersey and about taking time off from work. We want to hear and understand your experiences and challenges with taking paid sick time and how we can help get the word out about your right to take paid sick leave. Our goal is to help better educate workers about their rights to paid sick time off.

## COVID-19 Questions (assuming these are happening while New Jersey is stay-at-home)

**We are going to ask you questions about two points in time. The first set of questions will be about your experience with paid sick leave during, and immediately following, the COVID-19 public health crisis. The second set of questions will be more broadly about your experience with paid sick leave before COVID, but with some questions about any changes since. Thank you for agreeing to assist us in this effort by sharing your experiences.**

1. Since the start of the COVID-19 crisis, have you lost your job (either entirely or reduced hours, furlough, laid off, etc.) or are you still working?
2. What is/was your job?  
[If still working]
3. Has your employer notified you of any changes to your sick leave policy since the start of COVID-19? How is this different than your previous policy?  
[If not working]
4. Were you paid for any unused sick time you may have accrued after losing your job?

## Background Questions about Work/Industry

Now I am going to ask you a few more questions about your experience and background more generally.

5. Can you tell me a little about what you do for a living?
6. How long [have you been/were you] working in this position?
7. Do you typically work regular hours/shifts or do your work hours change?

## I am going to read some information to you about New Jersey's earned sick leave law:

"Under New Jersey's earned sick leave law, most employees have a right to earn up to 40 hours of sick leave per year. This law applies to part-time and full-time employees and businesses of all sizes. *(The law does not apply to union workers in construction, per diem healthcare workers, or public employees who already receive sick pay.)*

"For every 30 hours worked, employees are entitled to one hour of leave, for a maximum of 40 hours in a year. New employees begin accruing sick leave immediately but employers have the option of waiting 120 days to allow employees to use their accrued sick time.

"Employees may use earned sick days:

- ▶ For their own health needs or that of a family member, or for those whose close association with the employees is the equivalent of a family relationship.
- ▶ To deal with issues related to domestic or sexual violence, or for the employee to care for a family member or loved one dealing with domestic or sexual violence.
- ▶ Because of a closure of the employee's workplace, or the school or place of care of a child of the employee, due to an epidemic or other public health emergency.
- ▶ A child's school-related conference, meeting, function, or other event."

## Awareness

8. Were you aware of the New Jersey earned sick leave law?
  - a. If YES:
    - i. How did you hear about this law? [Probes: a group like (referring organization); your employer; today's focus group; a friend, family member, or co-worker; a community-based organization, ads on a bus, TV, Facebook or other social media)]
    - ii. Can you tell me how/if your employer shares information about the earned sick leave benefit?
  - b. If NO: Skip to Next Section

## Utilization Experience and Challenges

9. Can you describe an instance in the past year where you had to take off work because you were sick, one of your family members was sick, you needed to attend a child's school-related meeting, or another reason?
  - a. Were you able to use paid sick time?
  - b. How did you go about requesting time off?
  - c. How did your employer/supervisor/manager respond?
  - d. Did you experience any difficulty in requesting your earned sick leave?
  - e. Have your co-workers shared their experiences with taking sick time? Was their experience similar or different than yours?
  - f. At your job, does the ability to use earned sick leave vary by shift or position or other differences between workers?
  - g. Have you noticed any differences in these processes since the start of the COVID-19 shutdown?
10. Were you paid in a timely manner for earned sick time you requested?
  - a. If not, tell us about what happened.
  - b. What was your experience?
11. Have there been times when you wanted to use sick time but didn't?
  - a. Can you talk about why you didn't use your earned sick time or request the time off?
  - b. Does your ability to take earned sick leave vary based on your shift or position?
  - c. Are there any other reasons why you believe you cannot/should not take sick time?
12. If they have experienced barriers to taking earned sick time:
  - a. Can you tell me more about the barriers you faced when taking sick time? (employer asserts they are not eligible; fear of retaliation such as lost hours or losing your job)
  - b. If your employer told you that you are not eligible, what reasons did they provide?
  - c. If you are afraid of retaliation, what type of action are you concerned about? (losing their job/layoffs, different shifts or schedules, assigned different duties or work, loss of points)
  - d. If you were going to file a complaint about being denied your sick time or retaliation from the employer, who would you go to or what would you do?
  - e. Have you noticed any differences in how your employer deals with paid sick time since the start of the COVID-19 shutdown?
13. Has your employer ever asked you for documentation when you tried to take sick leave? If so, what did they require? When did they require it?
14. What do you and your co-workers do when you are denied earned sick time or another work benefit or right? (file a complaint, contact the department of labor, complain to human resources)
15. Is there anything important related to earned sick time that you think we should know? Are there important details we may have missed?

### **Workplace Communication**

16. In general, when it comes to questions or concerns about your workplace rights, who do you trust for the best information?
17. Can you share an experience where you have searched for information about your workplace rights and benefits?
18. If you had an issue at work, where or how would you search or look for information?

### **Recommendations**

19. One of our main reasons for conducting this interview is to inform NJDOL on how it can improve its outreach to New Jersey workers to increase awareness about New Jersey's earned sick leave law. There are some concerns that not all workers and communities are aware of it. What recommendations would you have to raise awareness about the law and workers' rights to their earned sick time? (What are your ideas? Where should the state and advocacy groups invest time and energy getting the word out? Which parts of the policy need to be better explained? What should the messages say?)

# Appendix C. Temporary Disability Insurance/Family Leave Insurance/Earned Sick Leave – Interview Protocol – Stakeholder Version

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## Introduction

Hello. My name is \_\_\_\_\_ and I am with the Heldrich Center for Workforce Development at Rutgers University.

The New Jersey Department of Labor has asked the Heldrich Center at Rutgers University to help them develop a comprehensive, broad-based outreach campaign to inform New Jersey workers about their rights to paid sick leave. Since you are part of the worker advocacy community, and understand the experiences and challenges facing New Jersey's workers, we hope you can shed light on the experience of workers who use earned sick leave, which groups of workers are experiencing the most challenges to utilization, and how New Jersey can improve its outreach and information campaign about its earned sick leave policy so more workers have access to it.

Thank you for agreeing to assist us in this effort by sharing your experiences.

## Background

Under New Jersey's earned sick leave law, most employees have a right to earn up to 40 hours of sick leave per year. This law applies to part-time and full-time employees and businesses of all sizes. (*The law does not apply to union workers in construction, per diem healthcare workers, or public employees who already receive sick pay.*)

For every 30 hours worked, employees are entitled to one hour of leave, for a maximum of 40 hours in a year. The sick time earned is available to the employee after the 120th day they begin employment.

Employees may use earned sick days for:

- ▶ Their own health needs or that of a family member, including: children, grandchildren, spouse, domestic partner, civil union partner, parent or grandparent, or any other individual related by blood to the employee or whose close association with the employees is the equivalent of a family relationship.

- ▶ In cases when the employee or a family member is an employee (or family member of employee) being a victim of domestic or sexual violence.
- ▶ A child's school-related conference, meeting, function, or other event.

## Awareness

1. How informed, would you say, are the workers you represent about earned sick leave?
2. From your experience, how are employers informing their workers about sick leave rights? (Additional probes):
  - a. What written notification is being provided? Is this offered in multiple languages?
  - b. Where are written materials posted?
  - c. Which types of employers (industry, firm size, occupations) are most/least likely to inform employees about sick leave rights?
  - d. Can you provide an example of how you became aware of the way employers notify their workers about their earned sick leave rights?
3. Are there other ways workers learn about their sick leave rights (e.g., word of mouth, public marketing, community organizations)?
4. Which workers are at risk of not getting the information they need to take advantage of earned sick leave? (e.g., temps, off-site workers, telecommuters, domestic workers)
5. Based on your knowledge, are workers adequately informed about their earned sick leave benefits and when they can use them?

## Utilization Experience and Challenges

6. From what you are hearing from workers, what are the common misunderstandings or misconceptions workers have about their current earned sick leave benefits?

7. From what you are hearing, what are some common misunderstandings or misconceptions employers have about the current earned sick leave policy?
8. What are the most common reasons why workers might choose to forgo taking earned sick leave?
9. What are the most common challenges workers experience when they take earned sick leave? (Additional probes):
  - a. Ineligibility due to misclassification?
  - b. Threats or actual retaliation? [If threats/retaliation] what forms does this take?
    - i. Formal discharge/layoff
    - ii. Schedule/shift assignments
    - iii. Project/duty assignments
  - c. Requiring legally unnecessary documentation?
  - d. Waiting months for sick leave payment?
  - e. Not provided notification of hours worked or time available to take?
  - f. Does the employer require a waiting period before the employee can take earned sick leave?
  - g. Is there a negative culture at the workplace around taking paid time off for sick leave?
10. For workers who request using their earned sick leave but are denied, what recourse options are available?
  - a. From what you've seen, are workers likely to pursue any recourse if denied their earned sick leave?
  - b. Which, if any, are workers more/less likely to pursue and why?
  - c. How should a formal complaint process happen in theory and how does it typically happen, if at all, in practice?

## Recommendations

11. Earned sick leave has been on the books since October 2018.
  - a. Between now and then, what are some things that have gone well to support its implementation?
  - b. What have been the biggest challenges since the law went into effect?
12. Based on your position and the employees or clients you work with, what is the best way to get the information out to workers?
  - a. Where would you recommend this information be advertised? (e.g., Employers, word of mouth, public information campaigns, community-based organizations, advocacy groups)
13. What can the state agencies like the New Jersey Department of Labor and Workforce Development do to help? (how can they help workers, employers)

## Conclusion

14. Is there something that you would like to share that we have not asked you about? What are we missing? What else do we need to understand?

## Acknowledgments

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The authors of this report were Kristine Joy Bacani, Research Project Assistant; Laurie Harrington, Assistant Director, Research and Evaluation; and Stephanie Holcomb, Research Associate, all of the Heldrich Center; and Elaine Zundl, Research Director of the Center for Women and Work.

Robb C. Sewell provided editorial assistance. InBum Chung was the graphic designer.

## About the Heldrich Center

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The John J. Heldrich Center for Workforce Development at Rutgers University is a university-based organization devoted to transforming the workforce development system at the local, state, and federal levels. The center, located within the Edward J. Bloustein School of Planning and Public Policy, provides an independent source of analysis for reform and innovation in policymaking and employs cutting-edge research and evaluation methods to identify best practices in workforce development, education, and employment policy. It is also engaged in significant partnerships with the private sector, workforce organizations, and educational institutions to design effective education and training programs. It is deeply committed to assisting job seekers and workers attain the information, education, and skills training they need to move up the economic ladder.

As captured in its slogan, "Solutions at Work," the Heldrich Center is guided by a commitment to translate the strongest research and analysis into practices and programs that companies, community-based organizations, philanthropy, and government officials can use to strengthen their workforce and workforce readiness programs, create jobs, and remain competitive. The center's work strives to build an efficient labor market that matches workers' skills and knowledge with the evolving demands of employers. The center's projects are grounded in a core set of research priorities:

- ▶ Career and Technical Education
- ▶ Data Collection and Analysis
- ▶ Disability Employment
- ▶ Job Seekers in Transition
- ▶ Program Evaluation
- ▶ Trend Analysis

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