



the work and family legal center

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Orange County's LGBT and HIV/AIDS Communities Need Earned Sick Time!

VOTE YES ON THE BALLOT INITIATIVE TO GUARANTEE SICK TIME FOR WORKERS IN ORANGE COUNTY

Did you know that more than 2.6 million workers in Florida lack a single paid sick day to use when they or their loved ones are sick? Earned Sick Time is crucial for all workers, but it is especially important to people living with HIV/AIDS, LGBT workers, and their families. And since the proposed ordinance extends sick time to LGBT families on the same basis as all other families, passage of the Earned Sick Time Initiative would represent a step towards full health and workplace equality for Orange County's LGBT community.

Why Do Orange County's LGBT and HIV/AIDS Communities Need an Ordinance to Ensure Earned Sick Time?

- **Ensuring the Health of Employees and Benefiting Employers:** While most of us take sick time for granted, 45% of private sector workers in Florida—more than 2.6 million individuals—lack paid sick time.¹ Many of these workers are part of Orange County's LGBT community, which is growing at a significant rate. Between 2000 and 2010, the number of same-sex couples in Orange County increased by 63%. Furthermore, Orlando now has the fifth-highest number of same-sex couples per capita of all mid-sized cities in the United States.² Based on these statistics, a large number of LGBT workers in Orange County are forced to go to work ill because they cannot afford to lose pay or risk losing their jobs. In addition to reducing the spread of illness, studies have shown that paid sick time helps business by promoting productivity and reducing turnover.³ San Francisco implemented an earned sick time law in 2007, and its success has been clear. Recent research confirms the policy's public health benefits and shows that two-thirds of the city's employers support the law.⁴
- **Protecting and Recognizing LGBT Families:** The Earned Sick Time Initiative would strengthen LGBT families by allowing workers to take time off to care for their partners and children. Additionally, some LGBT workers in Orange County who already have sick time cannot use it to care for domestic partners; the Earned Sick Time Initiative is LGBT-inclusive and would ensure that workers could use their earned sick time to care for domestic partners. According to census data, individuals in a same-sex relationship in Florida are significantly more likely to be employed than married, different-sex adults in the state.⁵ Due to this high rate of employment, LGBT workers have a heightened need for workplace benefits that recognize LGBT families. Moreover, research has shown that many same-sex couples in Orange County are raising children.⁶ On average, same-sex couples raising children in Florida have significantly lower household incomes than different-sex, married parents.⁷ As a result, LGBT parents in Florida are less likely to be able to afford to take unpaid time off from work. Earned Sick Time would allow LGBT workers in Orange County to better care for their own health needs and those of their family members.
- **Black and Latino LGBT Families are Especially Vulnerable:** The need for Earned Sick Time is especially apparent among black and Latino LGBT families. While 40% of white workers in the U.S. lack paid sick time, approximately 44% of black workers and 58% of Latino workers have no paid sick time.⁸ In addition, black and Latino LGBT couples are more likely to be raising children and more likely to be struggling financially than white LGBT couples.⁹ Earned Sick Time would provide greater economic security to LGBT families of color in Orange County, by allowing workers to use paid sick time to care for ill children and loved ones.
- **Earned Sick Time is Crucial to Orange County's HIV/AIDS Community:** Florida has the third highest number of HIV/AIDS cases in the nation, and Orange County has the third highest number of HIV/AIDS cases



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out of Florida's 67 counties.¹⁰ Access to sick time is a crucial health issue for workers in Orange County living with HIV/AIDS, especially those individuals who work in lower-wage and service sector jobs.¹¹ If these workers are unable to take time off to attend medical appointments and recover from illness, their health and economic security are jeopardized. Furthermore, when sick workers are unable to stay home, they increase the spread of illness throughout the community. The unnecessary spread of contagion endangers the health of people living with HIV/AIDS, who face a higher risk of complications from influenza and other communicable illnesses. Earned Sick Time also influences the ability of workers to care for aging loved ones with HIV/AIDS. Among Floridians living with HIV/AIDS, 70% are 40 years of age or older and 33% are 50 years of age or older.¹² As the population of Floridians living with HIV/AIDS continues to age, their working family members will face increasing eldercare demands. Passage of the Earned Sick Time Initiative would allow more workers in Orange County to support the health needs of loved ones living and aging with HIV/AIDS.

- **Earned Sick Time is Important for Transgender Workers:** The Earned Sick Time Initiative would enable transgender workers in Orange County to better take care of their health needs.

Frequently Asked Questions on the Orange County Earned Sick Time Initiative

- **How Does the Orange County Earned Sick Time Initiative Work?** Under the proposed ordinance, workers in businesses in Orange County with 15 or more employees would receive 56 hours of paid sick time annually, unless the business chooses to provide more. Businesses with fewer than 15 workers would be prohibited from retaliating against workers who use up to 56 hours of sick time; these small businesses are encouraged, but not required, to pay workers for this time. The proposed ordinance would allow workers to use sick time for their own illnesses or to care for sick family members, including domestic partners and children in LGBT families. Employers would not have to change their policies if they already provide an equivalent amount of vacation or paid time off that can be used when workers or their family members are sick.
- **Have Other Cities and States Passed Sick Time Laws?** Yes! There is growing momentum to make paid sick time a basic labor standard. Paid sick time laws have been passed in San Francisco, Washington D.C., Connecticut, Philadelphia, Seattle and Milwaukee, and have been proposed in 22 states and localities.
- **Is This The Right Time for an Earned Sick Time Law?** Yes! Workers in today's economy need a sick time law more than ever. The Earned Sick Time Initiative will provide a critical health and economic security net to workers who are struggling to stay employed and provide for their families. This initiative is a low-cost way to keep workers employed, to help workers meet the needs of their family, and to create health care savings.

¹ See C. Williams, et. al., *Access to Paid Sick Days in the States, 2010*, Institute for Women's Policy Research (IWPR) (March 2011), p. 1.

² D. Williams, *Database: Same-Sex Partners*, Sun-Sentinel (2012). Retrieved June 4, 2012 from http://databases.sun-sentinel.com/news/broward/flaudsamesex/flaudsamesex_list.php (source: United States Census); The Williams Institute, *United States Census Snapshot: 2010* (Sept. 2011), p. 7 (defining mid-size cities as those with 100,000 to 250,000 people).

³ See, e.g., *Paid Sick Days: Good for Businesses, Good for Workers*, National Partnership for Women & Families (Aug. 2011).

⁴ R. Drago and V. Lovell, *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees*, IWPR (Feb. 2011).

⁵ See A.P. Romeo, et. al., *Census Snapshot: Florida*, The Williams Institute (2007), p. 1 (76% of individuals in same-sex couples in Florida are employed, while only 57% of married individuals in different-sex couples are employed).

⁶ G.J. Gates and A. Cooke, *Florida Census Snapshot: 2010*, The Williams Institute (Sept. 2011), p. 3.

⁷ A.P. Romero, et. al., *Census Snapshot: Florida*, The Williams Institute (Dec. 2007), p. 3 (showing that the median household income of LGBT couples raising children in is 23% lower).

⁸ See *Access to Paid Sick Days Less Common Among Workers of Color*, IWPR, Press Release (March 15, 2011). Retrieved 2 March 2012, from <http://www.iwpr.org/press-room/press-releases/access-to-paid-sick-days-less-common-among-workers-of-color>. Additionally, IWPR found that 33% of Asian Americans lack paid sick time.

⁹ *LGBT Families of Color: Facts at a Glance*, MAP, Family Equality Council & Center for American Progress (Jan. 2012), pp. 2-3.

¹⁰ *HIV Disease: United States vs. Florida*, Florida Department of Health, Fact Sheet. Retrieved 4 March 2012 from http://www.doh.state.fl.us/disease_ctrl/aids/updates/facts/10Facts/2010_US_VS_FL_Fact_Sheet.pdf (Data as of 12/31/2010).

¹¹ Nationally, nearly 80% of low-income workers lack paid sick time. Due to such income disparities, access to paid sick time is an economic justice issue for the LGBT and HIV/AIDS communities. See A Better Balance, *Paid Sick Time*, Fact Sheet (Dec. 2011), available at:

<http://www.abetterbalance.org/web/images/stories/Documents/sickdays/factsheet/PaidSickTimeNational.pdf>.

¹² *HIV/AIDS in Florida: A Snapshot through 2010*, Florida Department of Health, Fact Sheet. Retrieved 4 March 2012 from http://www.doh.state.fl.us/disease_ctrl/aids/updates/facts/10Facts/2010_Florida_Snapshot.pdf.