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House Bill Would Assure Workers Paid Sick Days

By [STEVEN GREENHOUSE](#)

In an effort to rein in the spread of the [H1N1 flu](#), Representative [George Miller](#), the chairman of the House Education and Labor Committee, introduced legislation on Tuesday that would guarantee five paid sick days for workers sent home by their employers with a contagious illness.

Mr. Miller, Democrat of California, voiced concern that more than 40 million workers did not have paid sick days and that many workers coming into contact with public — like restaurant or school cafeteria employees — would go to work with H1N1 and spread the virus if they could not afford to stay home.

According to the [Bureau of Labor Statistics](#), 39 percent of all private-sector workers do not receive paid sick days, while among the bottom 25 percent of wage earners, 63 percent do not.

“Sick workers advised to stay home by their employers shouldn’t have to choose between their livelihood and their co-workers’ or customers’ health,” Mr. Miller said. “This will not only protect employees, but it will save employers money by ensuring that sick employees don’t spread infection to co-workers and customers.”

Under Mr. Miller’s, proposal, which he called “emergency temporary” legislation, workers would be guaranteed the five paid days if their employers sent them home or advised them to stay home or go home.

Under the bill, called the Emergency [Influenza](#) Containment Act, workers deciding to stay home on their own, asserting that they are sick, would not be guaranteed paid sick days.

The [Centers for Disease Control](#) estimates that a sick employee reporting to work would infect 1 in 10 co-workers.

Business groups have opposed legislation requiring paid sick days, calling them expensive employer mandates for something workers and their bosses can usually work out.

The bill would apply to businesses with 15 or more employees. Under the proposed legislation, workers who follow their employer's direction to stay home because of contagious illness cannot be fired, disciplined or retaliated against for staying home. The bill would take effect 15 days after being signed and would expire after two years.


Mr. Miller said that he planned hearings the week of Nov. 16. "We would like to move it to the floor as soon as possible," Mr. Miller said in a telephone news briefing. "The influenza isn't waiting for the legislative calendar."

Robert J. Blendon, a professor of health policy at Harvard, said that if millions more people contracted H1N1, many workers living paycheck to paycheck and not receiving paid sick days could face a financial crisis if they or their children contracted bad cases that forced the parents to miss work for one or two weeks.

The bill is co-sponsored by Representative Lynn Woolsey, a California Democrat who is chairwoman of the labor committee's Workforce Protections Subcommittee. "This bill will ensure that workers who are directed to stay home by their employers can do so without paying a financial penalty," she said.

In May, Senator [Edward M. Kennedy](#), the late Massachusetts Democrat, and Representative Rosa DeLauro, a Connecticut Democrat, introduced bills in the Senate and House that would guarantee seven paid sick days to all workers at businesses with 15 or more employees.

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