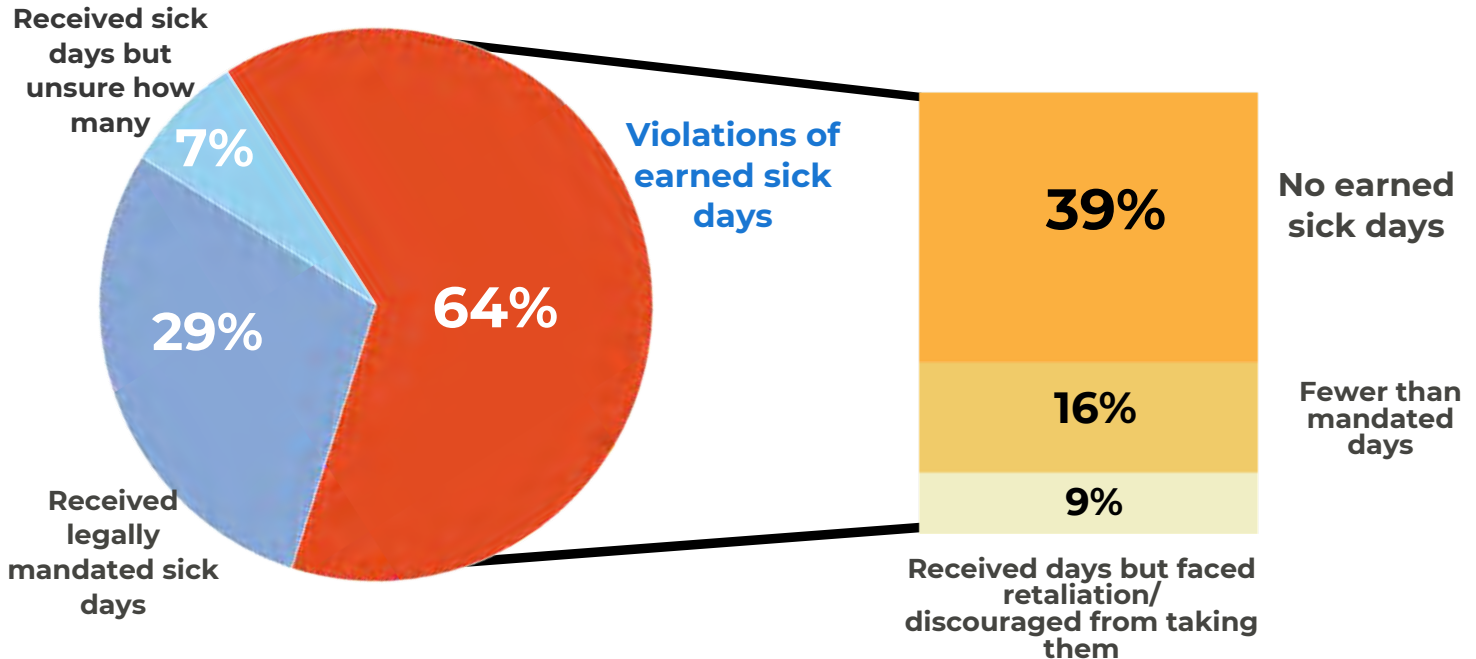


# NON-COMPLIANCE WITH EARNED SICK DAYS LAW IN SAN DIEGO

COVID-19 has laid bare the absolute necessity of laws that guarantee workers paid days. Based on a survey of over 2,600 hourly workers in San Diego County conducted before the outbreak of COVID-19, we found that the vast majority of survey respondents were experiencing violations of earned sick days laws. In the City of San Diego, workers are entitled to earn at least five sick days each year, per the City's Earned Sick Leave and Minimum Wage Ordinance. In the rest of San Diego County, employees are entitled to earn a minimum of three earned sick days under California law. Under both regulations employers are required to inform workers of how many sick days they earn and are prohibited from disciplining them or discriminating against them for taking the days.

Nearly two of every three workers in our survey reported experiencing violations of these laws. We found that 64% of survey respondents reported some type of violation with 39% not getting earned sick days, another 16% receiving earned sick days but fewer than legally mandated, and a final 9% receiving the mandated number of days but their employer retaliating against or discouraging them from taking sick days. An additional 7% of survey respondents reported that they did not know how many sick days they were entitled to, which could indicate a violation of notification requirements.

## 64% OF SURVEY RESPONDENTS COUNTYWIDE EXPERIENCED VIOLATIONS OF SICK DAY LAWS



### CITY OF SAN DIEGO

In the City of San Diego fully two out every three workers reported violations. Based on the responses of 2,066 workers in the City of San Diego, violations included being denied the ability to earn sick days (38%), earning fewer than the mandated five days (20%), or earning the mandated number of days but their employer retaliating against or discouraging them from taking sick days (10%).

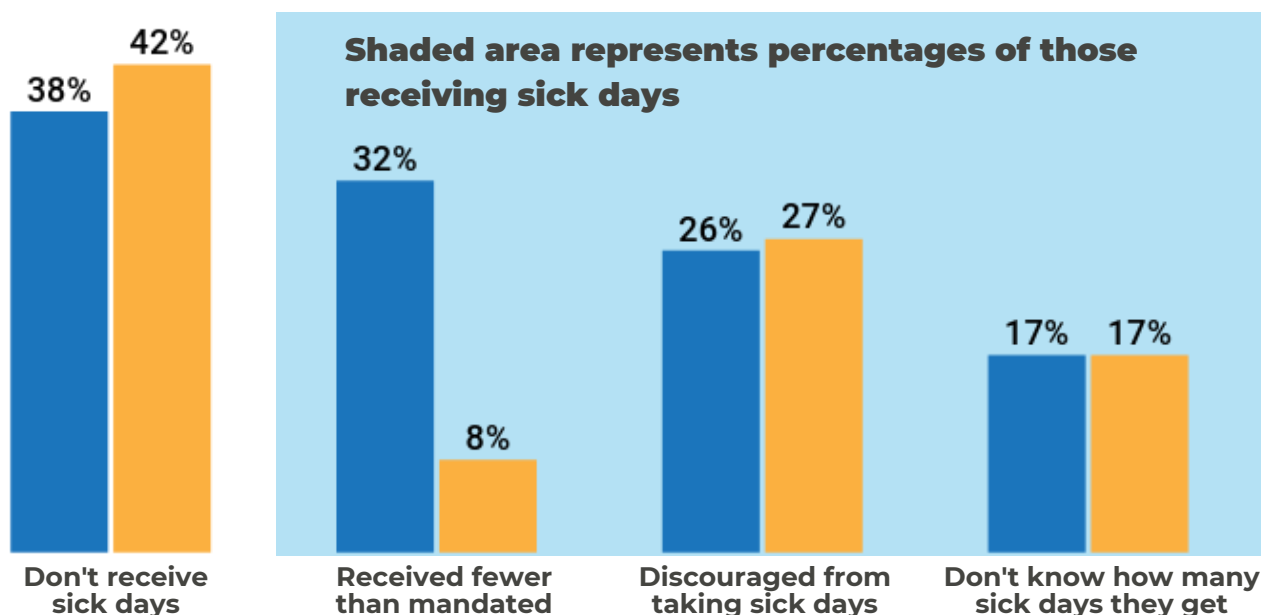
“ I was fired because I was sick and called off [f] the day of my shift.”  
- Food service worker

“ I wish I had more sick days. I also wish I didn't have to notify my work 72 hours in advance of calling out in order to not be penalized.”  
- Food service worker

Those who worked outside the City of San Diego, were less likely to receive earned sick days. In both places, over a quarter of workers who receive earned sick days are discouraged from or retaliated against for taking the days. Another substantial percent (17%) of those receiving earned sick did not know how many days they can earn at their job, indicating a need for enforcement of notification provisions and more worker education on this issue.

## BARRIERS TO ACCESSING MANDATED SICK DAYS

● City of SD ● County of SD (outside of the City of SD)



This report highlights the need for improvements to enforcement in the City and serious consideration of a joint office of enforcement with the County. A joint office could regionally implement such best practices as proactive enforcement, targeted investigations, and partnerships with community organizations for outreach, education and complaint filing. The current enforcement mechanisms are not robust enough to ensure compliance and we call on the City and the County to do better in terms of financing, staffing and planning enforcement of earned sick days.

*The information in this report is based on a survey of 2,660 hourly workers conducted during 2019. Seventy-eight percent of the respondents worked in the City of San Diego, and 22% working in the County but not the City. The food and retail sectors are heavily represented, and 73% of the workers are also students. Students lack of access to earned sick days was slightly higher than non-students at 68% vs 58%. While not a representative sample, this data shows that rates of non-compliance with earned sick days regulations in both the City and the County are unquestionably high. The quotes are taken from almost 300 open-ended comments on the survey.*