



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

HANS RIEMER
COUNCIL PRESIDENT

**Statement of the
Honorable Hans Riemer
President, Montgomery County Council**

**Testimony Before the U.S. House of Representatives
Committee on Education and the Workforce
Subcommittee on Health, Education, Labor and Pensions**

December 6, 2017

Good morning, Chairman Walberg, Ranking Member Sablan and members of the Committee. My name is Hans Riemer and I am the president of the Montgomery County Council in Maryland. Montgomery County is home to more than one million people. We are a diverse, growing and vibrant community with large and small companies in a wide variety of industries.

I'm here today on behalf of our County Council and Executive to speak to you about Montgomery County's experience adopting a local paid sick days law and to share the benefits of paid sick days for my constituents and our community.

Like I know all of you do, I meet with my constituents every day. I live and work next door to the people I was elected to represent, and I talk to them at the grocery store and the gas station and at community events. Local elected officials are always on the ground in their communities and know the needs and the values of the people they represent.

In Montgomery County we are well aware of working families' need for real policy solutions to provide paid leave and workplace flexibility. I have met working mothers who couldn't take time off from work to take care of their sick child, solidly middle class families that couldn't care for an aging parent that fell, and I met many, many hard working people who told me about going to work sick or hurt because they were afraid to lose their job. That is not healthy for anyone! We also heard from parents who could not attend a school meeting for a child with special needs, or get time off for an annual physical, or attend a court hearing to get a restraining order against a perpetrator of domestic violence.

We listened to the people in our community, and in response the Council adopted an Earned Sick and Safe Leave Law that guarantees workers can earn up to 7 days (56 hours) of paid time off. For employers with fewer than 5 employees, workers accrue at least 4 days (32 hours) of paid time off and another 3 days of unpaid sick leave. Montgomery County is one of 8 states

and 32 localities that have passed similar laws as of today. After working through the bill and listening to workers and employers large and small, we passed the bill unanimously, and our County Executive signed it and led a smooth implementation process.

In the wealthiest nation in the world, it's unconscionable that an unexpected medical problem -- cancer, or a car accident -- can trigger a downward spiral of lost wages, job loss, unemployment, foreclosure, bankruptcy, and worse. As Baby Boomers age, more and more workers are finding themselves caring not only for their children and themselves, but also for their aging parents as well. Hard working people shouldn't have to choose between caring for the parents who once cared for them and paying the bills.

Paid sick leave laws like ours are critical for the workforce, and workers, businesses and our health department are finding it works well in our County. But Maryland is a diverse state, and our County has a very high cost-of-living compared to others. When the Maryland legislature passed a statewide paid sick leave law last year, we worked with them to ensure that, while there is a new statewide floor that works across the state - our County is free to keep the stronger policy that works for us.

We have also been working with our state legislators to find a way to adopt a longer-term paid family and medical leave program - a Social Security-style program that would provide relief for employees who need extended leave, whether for a new baby, an illness, or an ailing family member. Our goal is to find a way to adopt a statewide floor that provides relief for all workers, while leaving the flexibility to address differences in workforce needs that exist in different Counties around the state. Our County, for example, may want to have a stronger family leave policy in order to more effectively compete for younger workers.

America is huge and diverse, and federal policies should work the same way. Let those of us in local and state government work with you to ensure a healthy and productive workforce while managing through concerns from employers. We are the closest to the ground. Every day, we are fielding complaints from small business owners, marketing ourselves to bigger businesses, hearing from workers and residents, helping to answer questions and fix problems. When the store on the corner closes, we find out why. We know what works for our communities.

At the same time, every worker in America deserves basic protections that ensure dignity and respect. There is no "one size fits all" solution to workplace leave policies, but there is a basic floor of protection that every worker in America deserves. Congress should adopt common sense policies like the Healthy Families Act, FAMILY Act, and Schedules that Work Act to provide a floor for workers across the country, while allowing states and local governments to determine what additional protections make sense for them.

We strongly oppose H.R. 4219, the misnamed Workflex in the 21st Century Act, which would undermine our paid sick days law and turn back the clock for more than 13 million working

people who have gained access to paid sick days through laws passed in eight states and 32 local jurisdictions across the country.

H.R. 4219 does not provide paid sick days, it takes them away. The federal law would create an off-ramp for employers to evade state and local laws presently covering millions of people. Without justification, the law goes against the basic tenet that if a decision can be made closer to the people without violating important principles, then that is where the decision making power should fall. And I am here to explain that there is absolutely no reason to enable employers to evade our state and local workplace laws. Our decisions are sound and they work just fine for our community and our employers.

By creating an escape hatch from state and local law, H.R. 4219 eviscerates the hard-won right to earn paid sick time that my constituents have and puts sole decision-making in the hands of their employers, who could unilaterally decide to offer their employees – my constituents – less certainty and predictability and deny their urgent leave requests.

H.R. 4219 would also cause confusion for local enforcement agencies, which would have to jump through hoops with the U.S. Department of Labor to determine whether the local government or DOL has jurisdiction over complaints for a particular employer. I know that would burden our enforcement agency and I would imagine it would burden DOL too.

As we were developing our sick days policy, we heard from people who - like nearly one-third of private sector workers in the United States and 70 percent of the lowest wage workers - did not have a single paid sick day. We heard from others who were unable to take time off from work when their child or a beloved parent needed them. Some of the stories I heard echo the Society for Human Resources Management / Families and Work Institute's own research, which shows that nearly four in 10 employers say a worker's ability to take requested leave is determined in part by how and for whom they will use the time. Our paid sick days law limits that discretion for illness, health needs and domestic violence situations.

We also heard from business owners who said, "I already offer paid sick days because it's the smart as well as the right thing to do - and I think everyone should have it, too."

Our law and the other state and local laws have the same basic structure, the same basic guarantees and the same basic requirements that employers must follow. There is local variation to reflect local needs but the key elements and structures are very similar. This, by the way, is not any different than other state and international law variations that employers are quite used to dealing with. Many states have different minimum wages, along with other health, safety and environmental requirements that may differ from federal law. Businesses operate in areas where they believe they will be successful – and communities support business that comply with local laws. Businesses that are large enough to operate in multiple jurisdictions readily have the capacity to establish different business processes according to those jurisdictions.

Paid sick time is just one of the needs that my community – and, indeed, the nation has. That’s why it is outrageous to me that we are debating moving backward instead of forward. Instead of debating how to improve people’s lives through a national paid sick days standard, or a standard for fair work schedules or a national paid family and medical leave plan – we’re debating a proposal like H.R. 4219, which would erode the basic standards we have worked for at the local level.

I urge you to spend time considering true worker leave and flexibility policies:

- A national paid sick days law like the Healthy Families Act, to guarantee workers the right to earn up to seven paid sick and safe days, very similar to the law we passed in my county;
- A national paid leave fund like the Family And Medical Insurance Leave (FAMILY) Act - which 70 percent of small businesses and more than 75 percent of voters support – and which would create a national paid family and medical leave fund to help ensure that a working parent can care for a new child and all working people can take paid time to address their own or a family member’s serious health issue. I had one of those issues myself a couple of years ago, and I felt lucky to have paid leave. But luck should not have had anything to do with it.
- And the Schedules That Work Act, which would create incentives for employers to offer predictability and notice in scheduling and make it easier for working people to request flexibility that will better enable them to continue their education, find safe and affordable child care, hold a second job to support their families and plan their lives.

Cities, counties, and states have long been the laboratories for democracy and help create workable national standards. Congress should safeguard, not undermine, our ability to do what is right for our constituents. That’s why I am so alarmed at H.R. 4219. Federal policies should provide a baseline for the country and an opportunity for the states and local governments to layer additional programs and policies based on the needs of their communities.

H.R. 4219 will create confusion in the workforce, overburden and undermine local and state governments, and jeopardize the public safety of millions of people. It will very likely also create more regulation for employers and disadvantage the small businesses that give our county and so many others across the country true character. H.R. 4219 does not make sense for employers, employees, or local governments like Montgomery County.

Thank you.