



Health & Human Services and Public Safety Committee Minutes

Tuesday, January 8, 5:30pm, Council Chambers, City Hall

Committee Attendance:

Belinda Ray, Chair (District 1), Brian Batson (District 3), Pious Ali (At-Large)

Councilors in Attendance: Mayor, Ethan Strimling; Nicolas Mavodones (At-Large), Spencer Thibodeau (District 2)

City Staff: Director of Health and Human Services, Dawn Stiles; Human Resources Director, Gina Tapp; Associate Corporation Counsel, Anne Torregrossa; Executive Assistant, Adam Harr

Hamdi Aden student at Casco Bay high school and intern for the Mayor

AGENDA ITEM 1 – Announcements

Chair Ray announced that people in attendance can voice their opinions during public comment and to refrain from applauding or booing what is said during presentations or public testimony.

Public Comments should be limited to the topic at hand.

AGENDA ITEM 2 – Approval of Minutes

Councilor Batson moved to approve the minutes from the November 27, 2018 meeting; Councilor Ali seconded and the motion passed unanimously.

AGENDA ITEM 3 – Potential 2019 Work plan and Goals

- Earned paid sick leave completed in first quarter
- Homeless Services Center
 - Choosing a site
 - Potential Partnerships
- Noise Ordinance prior to summer
- Not able to engage last year
 - Sober Housing
 - Safe use/overdose prevention sites
- Potential item to add by Councilor Batson
 - Retail fur ban
- Muskie Pozitive Healthcare follow up may be reprioritized to an update. The members agreed.



- Rank 4 and 5 would still be ranked as they are; 1 and 9 (Small Shelter Zoning) are linked.
- This is ready for the goal setting session.
 - Chair Ray will make the changes to the list for committee review and then send to the full Council.

AGENDA ITEM 4 – Earned Paid Sick Leave

- Chair Ray welcomed Councilor Mavodones and explained that the committee will not vote tonight in order to be able to have a fiscal note for their recommendation to the full council.
 - Any amendments will be stated aloud to streamline incorporation to the fiscal note
- EPSL will return at the first February meeting for a vote.
- Councilor Ali requested an explanation of the fiscal note: it explains how much this will cost the City as it may have financial impacts for the City's own employees and an enforcement consideration for outreach for investigation or mediation or if there are staffing costs.
 - Added to Council rules that anything that could cost more than \$50,000 requires a fiscal note.
- Mayor Strimling clarified that the first conversation will be about the red line then any amendments.
 - Any non-simple amendments should wait for the next meeting

Chair Ray opened the Public Comment Period at approximately 5:50 PM.

- Chair Ray announced the rules and conduct for public comment.
- Nina She was a substitute teacher, ESL teacher and is currently a Special Education teacher in Portland and strongly supports paid sick leave for all workers in Portland. It is earned paid sick days, not given; it reduces sickness in the food industry, no sick time is child abuse. The counter to this is that people will abuse their earned sick leave to go to the beach. It will take longer to get over illness to when choosing to fight through it; it is a public health concern. All should get paid sick leave, not just people who contribute to campaigns. She thanked the committee and asked them to pass the ordinance.
- Bill Linnell of Congress Street. He does not like the mandate of earned paid sick leave, fearing the creation of an incentive of getting paid to stay home. There is an incentive to automate or relocate. He made an analogy of if one has two kids, one can cut the piece of cake to share, and the other chooses who gets which slice. He wants there to be skin in the game for employees, hearing that a lot of sick time gets used on Fridays and Mondays. He asked where the money is coming from, and what are the incentives?
- Emily Russo co-owner of print a book store – here to speak in favor of the ordinance. She told how it was suggested in the red-line to give half the time to businesses with less than 10 employees; such an exclusion would arbitrarily exclude her employees. As a small



business owner with two full time and one part time employees that would be disadvantaged. The flu doesn't care about the size of your business; viruses don't discriminate and nor should we. LGBT and immigrant families would be covered in ways that is more equitable. Large businesses unfairly hurt small businesses. No one should have to make the choice of health or a pay.

- Angie of Soakology – She opposes the mandate. They employ 20-22 people and have other benefits such as parking and discounts with above average wages. They are concerned they will need to lay off 3-5 people and discontinue other benefits estimating \$25,000. Their employees have abused call outs without earned sick leave. There is a state mandate in the works and is worried they will be competing. They will need to close their business if this passes.
- Steve Gordon of Baxter BLVD testified in favor of the paid sick leave bill with 48 hours of accrued time. Is current employer has sick time but when he was learning his trade he did not. He got sick with bronchitis and asked to take time off but it was denied and his boss told him he would be dismissed if he did not go to work the next day. He did and did not want to infect people but he ended up infecting his boss. His boss then fired him for coming to work sick. Most people do not have paid sick leave but it is moral and imperative to pass the ordinance.

Councilor Thibodeau introduced himself at approximately 6:05 PM.

- Chris Till of Market Street and Pat's Pizza – Every time we come to the chamber a lot of emotion and us vs them attitudes are voiced. Under definition section one, family member would mean everyone on the planet unless we add "close association." Next, section 2 with accrual under C and 4: nowhere do we deal with if an employee voluntarily leaves a business and then comes back; they should forfeit their accruals at separation. The cost and burden to business can only be dealt with increasing volume or prices; the financial liability should say that should the courts side with the employer, the city should pay the legal fees. Nowhere in section 10 does it say where the city say how an employer gets certified.
- Gia Drew She/her/hers works in Portland as the executive director of Equality Maine. The Ordinance should be passed without carve outs. All, LGBTQ or not, should be able to call out when sick. 42% of lgbtq people had to call out for chosen family not covered in policy. Sick leave is important to members of the transgender community, the elderly, and those living with HIV. Equality Maine wholeheartedly support the chosen family language as it supports the LGBTQ and immigrant communities.
- Chris Bizasinsky of Alder street. He supports the ordinance and does not want carve outs and wants 48 hours of accrued leave. Most people have 10 well child visits a year without sickness. This is not a mandate that legislates relationships between employees and employers but a social contract of the community that we take care of ourselves and loved ones when sick.



- Leonid Idfelt has crones disease had to stay in hospital. His mother had paid sick leave and was able to be at the hospital during his stay. His father did not have sick leave and had to wait until 6pm to visit, trying to hide how tired he was.
- Ken Bailey of Mountain Street – As a young man, his grandmother was a domestic who did not get sick leave. She sprained her knee and was out of work for ten days with no income. Mothers and caregivers usually repeat this scenario today. Passing this ordinance would bring everyone to the 21st century. Since the Reagan administration, wages have not kept up with growth and wants Medicare for all.
- Charlie Therrien of Mercy Hospital. Mercy has 1,500 employees and supports the spirit of the ordinance but are concerned how this would affect their system. Their employees have PTO and if the ordinance was passed, they would need to carve out 48 hours of dedicated sick leave from their PTO. He does not think this would be received well by his employees and asked that the committee carve out an exception for employers that currently offer.
- Max Brooks of Dartmouth Street in Portland testifies in favor of the ordinance. It is important that the ordinance be as universal and non-tiered as possible. A lot of the rights are self-enforced because the expectations are clear. He is afraid a different set of rights for smaller employers will inject confusion and promote disputes. He wishes a simple and clear bill will be passed.
- Jim Devine of Congress street, member of the Southern Maine Workers Center and Homeless Voices for Justice. Of the causes of homelessness, lack of affordable housing is joined by illness. He supports anything that minimizes homeless.
- Zack Thickers of Cumberland Ave. currently works in a tugboat and has worked as an ESL ed tech. It is frustrating to see the lack of paid sick days in education. Scheduling, long term planning were important to remain employed. Either be responsible or reliable; infecting children or remaining employed; he chose to go to school sick on a Monday. It is critical to support the policy as the protection of the policy is something they deserve. People will always choose to go to work sick if it is a choice about healthcare or finances.
- Laura Kilmartin Assistant Vice President of Government Affairs of Unum – Unum has 3,000 employees in Maine mostly in Portland. They have disability insurance and leave programs, administering paid, unpaid and corporate leaves. They agree with the intent of the ordinance to take time to care for themselves and families when sick. The ordinance should include coordination with federal and state law and businesses with leave already should be able to opt out. FMLA, Maine FMLA, have definitions of family members that are much narrower than what is in the ordinance. How will the ordinance address the Maine FMLA? Asked to make allowances for flexibility for employers like Unum and better align with existing laws and simple for employers to work with.
- Sean Conney shared anecdotes: in 2007 working at McDonald's, he found it was busy and difficult. One day when he got sick during work, he asked to go home and was denied. He eventually vomited at work in the kitchen and was still not allowed to leave. Without financial security a worker will always be at a disadvantage. He's treated much



better as computer programmer with unlimited paid sick leave. People don't abuse it. He asked all workers get 48 hours of EPSL without exemptions.

- Mark Lannon CFO of Cozy Harbor seafood employing over 100 people. Regulations in the city have created disadvantages compared to their Canadian competitors. It will cost them six figures, coming out of other employees currently have and will detract from investment. They believe one size does not fit all and that the ordinance is trying to be that. There is a state mandate happening and we should wait to see what the state will do. From an HR prospective it is confusing. Please wait to see what happens at the state level.
- Wes Pelletier of Certify that employs 300 people. They have 5 paid sick days a year. He has not gotten sick yet. They do not have customers in their space. It is a consumer rights issue; I shouldn't have to count how many staff are at a restaurant to know the risk of sick people going to work. As someone who benefits from sick days and who eats out in Portland, He would like to see the ordinance pass.
- Adam Zucemrman director of the small business association. Good economic policy supports workers and businesses. The statewide bill is working with the people working on the Portland ordinance so they will align. Small business owners want their employees and customers to be healthy. We are a restaurant city and should be known for our food, not for the place where chefs and servers are forced to go to work sick. Paid sick days are a smart business decision. A lot of lost productivity is from going to work sick and there is less turnover when sick days are offered. In jurisdictions with Paid sick leave there was increased growth.
- Kate Sykes of the secretary of the southern Maine chapter of dem socialist workers of America. Evidenced based ordinance, they spent over a year researching the issue. There was a blind spot, last year flu killed 82 people in Maine. The committee wants to reduce 48 hours to 40 because the work week is 40 hours. There is no relevance to how long it takes to recover from the flu which is why it was the CDC recommended median of 48 hours. There should not be a classist ordinance.
- Karen Hesse - Interfaith worker justice founder. Many workers work hard at several part time jobs. Quality of life is a large draw. This ordinance will make Portland a healthier community and business owners will have a more predictable workforce. Everyone will benefit equally. Regardless of the size of the employer, employees need sick time. Keeping workers and those who come in contact with them healthy is important to keeping Portland desirable.
- Damon Yakova of Bolton street supports the ordinance without reductions in hours or carve outs. He doesn't like getting sick and doesn't like when people get their family members sick. Someone sent a sick child to his child's daycare, getting his child sick. He responded to the concern of abuse; if you treat your employees with respect, your employees will respect you.
- Joel Baker and owner of the Forest Ave Mr. Bagel. He thinks the ordinance is a travesty. Is a 4th generation immigrant and 2nd generation college graduate. He does not want to be



told how to run his business. He has owned his business for 20 years. He imagined people would like to afford life but has anxiety that the policy will force him to close. The ordinance doesn't require people cover their own shifts. He is asking how he will cover the cost of EPSL. The minimum wage cost \$42,000. Please wait for the State to finish before getting involved.

- Alison Briggs of the Olympia company – She started 15 years ago with sick time and paid time off. There was so much abuse that her employees asked them to remove the sick time policy to just PTO. She is the director of HR and encourages the committee to put a pause on the ordinance. She thinks the committee should work with the state and involve more businesses. A hotel in South Portland will not get the same considerations for not working in Portland in the same company.
- Barnaby Polum southern Maine labor council AFLCIO – he urged the Council to pass earned paid sick leave. He cares about the health and safety of all workers regardless if they are protected by a union contract. Health and welfare are human rights. Too often workers must choose between losing their job or caring for themselves and families. It is a public health issue; people with compromised immune systems can die when people and children to work and school sick. It would be timely to pass the ordinance.
- Michelle Pritcher HR Dept. at the Olympia Company – She is concerned J-1 Visa holders will be included that will impact the money available to fund year round employees. It is important to coordinate this with the state level law. She asked that the committee pause and work with the State.
- Decker Leanoard of Grant Street. He works at Hannaford's and earns paid sick leave quarterly. He has a coworker who gets 9.5 hours quarterly and could not take time when he got injured. The ordinance would save his coworker. He urged the council to support paid sick days in its entirety.
- Greg Wiessner of Wex and resident of Cumberland to testify against the ordinance. As an employee he has PTO using it to care for family and for bereavement. He supports the idea of sick time but values the freedom of PTO. Wex has employees in multiple locations. The rules and definitions are unclear. Before moving forward please consult employees and employers. Please ask what employees are being asked to disclose to employers. Do these violate any federal rules?
- Mathew Beck Cochair of legislative committee of Maine AFLCIO. They support EPSL for all workers equally and workers should be able to earn 48 hours of sick time. People should earn one hour for every 30 hours worked. The ordinance creates a sick leave for all types of workers. Seasonal workers are also included as they should be. Other jurisdictions have passed EPSL laws and Portland should follow their example. This will help working mothers and victims of sexual assault. 6/10 working mothers do not get paid when caring for sick family members. They urge to committee to accept the changes by the health coalitions.
- Marie Gormahorro lives in Westbrook and works in Portland. She is a single mom of four kids and is a direct support professional and does not get sick days. When she is sick, she



must take time off without being paid. The ordinance is very important for her family. To work as a DSP is demanding. She was not able to work last summer due to a back injury and had to stay home without income, falling behind on bills. She had to work extra to compensate. As an immigrant, she must support family back home in Rwanda. Please support an ordinance that supports all workers.

- Jeff Sanders president of Maine Medical center. Their mission is to care regardless of the ability to pay and is the largest employer in Portland. Their success depends on attracting nationwide talent. They have many benefits; they have paid time off for sick in the form of PTO. They appreciate the intent of the ordinance. They are concerned that the ordinance does not exempt employers who offer PTO from tracking use intended for illness. Per diems fall into 120 job codes. They support the intent but have serious concerns.
- Caleb Portan of Portland supports a universal 48 hour policy. He was working at a grocery store when he injured his hand. His injury got worse from going to work. He was able to leave work and move back home to search for a different job while his hand healed. Everyone should be able to recover regardless if they have the privilege of parents they could fall back on.
- Bonnie Stetson Johnstone is a Retired RN and supports the EPSL policy. She wanted to address the concern of waiting. The state is recovering from the last administration and we should not wait. There is no reason not to exempt Maine Medical Center. It does not need to be complicated. We cannot have sick employees working in restaurants. We need to understand sick employees shed germs. She supports the ordinance and doesn't want to see people threatening to close their businesses to block the ordinance.
- Jason Shedlock local 717 and Maine AFLCIO and Maine State Building Trades – We should cover all workers. It shouldn't matter business size, people get sick. There is a list of well-worn arguments when we try to do the right thing. Fire employees that abuse sick time. Business is good where this has been passed. He urged that the ordinance be passed without carveouts and to lead in Portland, not waiting for the State.
- Alex Beesac is reading the testimony of Erin Michelle executive director of Renewal in the wilderness. We support the ordinance. Communal wellbeing supports the individual wellbeing of community members. We all require time and space to recover from illness.
- Michal Corsa of Franklin Street supports universal paid sick leave for everyone and 48 hours. He read for Mark McAllister who is a physician who supports EPSL for all of Portland's workers. People have complex health problems such as paralysis due to preventable strokes such as a stroke from high blood pressure workers did not know about because they felt they could not take time off to go to the doctor. People should not choose between financial security and medical care. He urges the committee in the strongest possible terms to support universal paid sick time.
- Heather McIntosh of Portland. She works in the restaurant industry. She is sick and has a fever. She does not have paid sick days or healthcare so she has to go to work tomorrow. 10 of 25 staff are sick and have to go to work. No one should have to choose being able



to feed their child or their health. EPSL allows people to go to the doctor or stay home and recover without losing their job. She has lost a previous job because her son was sick and that job's policy only covered the worker. There is lower worker turnover when there is paid sick leave; that is reduced by 50% in the restaurant industry. People with Paid time off are 28% less likely to have workplace injuries. She supports 48 hours for all workers.

- Zack that owns Portland Paddle, a seasonal business that has paid sick leave. EPSL was easy to manage and track using an app. A small amount of the total time available was actually used. Do not assume every single employee will use every single hour available to them. He urged that the committee push through a strong paid sick time policy.
- Dave Aceto owner of Arcadia National Bar – People with more disposable income have the ability to fight diseases. A lot of people live paycheck to paycheck. When people have to choose between paying rent on time or their health, the community suffers, People should know they are being served by healthy people. Portland is people over profits, profits that will remain when the ordinance is passed with 48 hours for all workers.
- Max a bartender that had a rotting tooth resulting in Lockjaw. He luckily had paid time off so he did not lose his job and had the money to care for his tooth. He supports that ordinance.
- John devilette speaking on behalf of Jeremy Pico - As a customer, he doesn't want to be served by someone who is sick. He wants to patronize businesses that care about their employees. No one should have to be forced to be in this position. The city of Portland should support the ordinance as originally proposed.
- Geneive Johnson is an employee of Space Gallery – She left college in 2008 and has had multiple part time jobs for the last decade. At a part time position at a school, she advocated for PTO. She had to go to work sick to pay bills despite the risk posed to children. The Federal Reserve reported that millennials are not spending money because there is no disposable income after basic needs without PTO. EPTO is working at Space. They advocate for all workers regardless of employer size are covered.
- Aaron Berger of Grant Street. He does not own a car but could walk to work. He got sick and could not work for 3 shifts, representing half his paycheck. He was desperate to be treated and got relief from a quick operation that was uninsured. This led to being a month behind rent in an instant. The wording for 48 hours or six days whichever is less could be abused. Hours should be used instead of days for incremental use that promotes preventive care.
- Shelley Freidman of Emory street, she urged that 48 hours of EPSL be passed for all workers. While working at a famous restaurant there was an outbreak of norovirus that tore through the staff. They had to go to work and serve the public despite being violently ill and highly contagious. As the engines of our economy, we all deserve EPSL.
- Steve DiMillo of DiMillos restaurant – He thanks the committee but does not support the ordinance and asked them to wait for the State. He thinks the vesting period should be



120 days. The vesting period is too high as it is written for the transient workforce. The tracking of the hours and OT for call outs would be cost prohibitive, there should be a smaller cap for carry over. He does not want sick employees spreading germs but thinks each business should make policies autonomously. Almost every employer he spoke to do not support the ordinance but are unable or afraid to testify as such.

- Elia Tenhouser is a co-owner of northspore mushrooms. As a small business owner, it can be hard to comply with regulatory hurdles but it can be done. They voluntarily adopted a 6-day paid sick leave policy with a separate PTO. It has been low coast. Ethical business is good business. When employees are cared for they are honest.
- Lizzy Hanchee of Stevens Ave. She supports a policy that accrues one hour of EPSL for every 30 hours of work that does not carve our exceptions in the fine print. She is a cashier and has EPSL. However, in the past four months she has not earned a day off of work but has gotten sick in that time. The first thing she did when she got a sore throat was to check her bank account to calculate if she could call out and still pay rent, tuition and attend the memorial service of her late grandfather; she went to work sick.
- Nate Thihnky to read the testimony of Jane Shehhen of Gilman street. She believes in EPSL for all workers. Being a single mother, it is hard to call out sick. The job she has now has benefits for part time workers but it is not enough. She believes companies should provide sick days that don't hurt the compensation of employees. She hopes the ordinance is passed for sick days for all workers.
- Jack Lepkin board president of the Portland Chamber of Commerce. This issue is a critical one for our members. The vast majority of our members already have EPSL. All businesses are different and a one size fits all ordinance such as this does not work. Businesses are too scared to voice their opposition to this flawed ordinance. They are worried about the future of their businesses, their livelihood and the livelihoods of their employees. It is important that the committee know that people feel silenced. Any labor policy such as this is best handled at the state level. It is our hope that the city council pause their actions and wait for the state.
- Megan Lesally of Mellen street and southern Maine workers center- to respond to the wait concern, voters and policy makers at the State will be looking for Portland's leadership; it is not a time to wait. Costs in Portland have skyrocketed and this policy is needed. The sky has not fallen in cities that have this right, including small businesses being unaffected. Her last job was at a small educational nonprofit that did not start with EPSL. After a year she advocated for EPSL. During her first year, she had to take out a line of credit to pay for groceries. The difference between having and not having EPSL was astronomical. She used EPSL to drive chosen family to his oncologist in Boston.
- Kristine Cummings Maine Grocers and Food Association – She has spoken to her members and heard of the challenges of finding staff and staying competitive. Businesses are trying their best to provide benefits to retain and attract staff. The ordinance presents challenges to employers with employees who work at multiple



locations in and outside Portland. This will influence if businesses will locate in Portland or if they will invest in automated processes.

- Mike Sylvester of Peaks Island who is the House Chair of the Labor and Housing Committee and is a small business owner – Last session he heard 16 hours of testimony on EPSL. He heard from business owners that if they could pay \$12/hour they would. He believes that the role of government is to help find justice. In the same way workers petitioned to seek justice, the committee will help find a way for employers to give the just wages and benefits employees deserve.
- Arlo Wheeler Hennessey of Portland – Content warning: Intimate Partner violence: Unforeseen circumstances and sick days: treatment for recovery after domestic abuse, stalking and sexual abuse. She was the victim of stalking and assault by her partner. She had just enough savings to take off work. She was embarrassed and self-conscious to need to take time off and started smoking again after 2 years without. No one tells you how to deal with surviving and going about your day-to-day. There is no amount of time that calls for how long it takes so protect use of the full amount of sick time.
- Meg Riley responding to employers. Content Warning: r*pe: Maine is an at will state so there is nothing preventing employers from retaliating against workers for using sick time. Business owners can decide to give their employees the same benefits. There is no need to know why people are using sick time and cannot ask why. No worker actually likes PTO. She was raped and would have committed suicide if she was not able to take off work afterwards. Peoples lives are at stake.
- Robert Algre, Professor at University of New England: what kind of employers do we want to attract? The kind that describes their employees as liars who would cheat them if they had EPSL? He moved here to Portland for its progressive values. He is afraid that the language used in opposition will water down our rights and values.
- Jan Bindas-Tenney of Portland strongly supports the universal paid sick day ordinance with 48 hours of leave. She is reading for Chris Alaperta, a certified nursing assistant who works locally and is responsible for their patients. If you come to work sick, you are not being responsible. When you make the call that you are sick, you hear the judgement in the other end. This ordinance is not just about sick time, it is about changing the culture of stigma. If this ordinance gets passed, the lives of part-time workers especially would get better.
- Darcy Halverson is a Maine Medical Center and is speaking to oppose the ordinance. Ideologically she is in favor but believes it hurts small business. She is friends with the owner of Union Bagel who opposes the ordinance informing her opinion. She sees the financial impact on small businesses hurting jobs. She has a descent PTO benefit, but dislikes the three month vestment period. She was unpaid for three days due to a tooth abscess during her 3-month probationary vestment period.
- Whitney from Hallowell. She works on behalf of Portlanders as the policy director of the Maine Women's Lobby. She is speaking for herself but sees the ordinance through that lens. The ordinance will especially help marginalized people. Without EPSL she would



not have been able to care for her child. We are not our jobs but what make our jobs valuable. There is a demonstrated need for paid sick leave and makes us competitive and a community where all people can thrive. She echoes that the ordinance is not unlike what will be achieved at the state level.

- Greg Dugal of Hospitality Maine – Supports a pause to the ordinance until the state level EPSL is codified. If that is not acceptable, he asked that the committee hear the concerns of businesses. None of the concerns have been addressed yet, possibly getting more onerous. The Maine Women's Lobby and Southern Maine Workers' Center are two lobbies with unfair influence. Portland is a small city but will have a much more generous law than the entire state of Connecticut. Even the Proposed MPA statewide referendum question was less threatening to small businesses.
- John Torsh is a member of the main democratic party and southern Maine Workers Center and resident of Cumberland Ave. - forty-two various types of people support this and CEOs did not. The elephant in the room is the natural conflict between employer and employee under capitalism. Businesses are meaningless without labor; labor creates value. When employers oppose EPSL it is because they want to give less value created by labor back to the laborers. The small businesses who provide EPSL that spoke tonight prove that the opposition who spoke tonight are wrong. 48 hours a year for all workers.
- Curtis Picard retail association of Maine – Portland based retailers are directly affected by this ordinance. He is thankful that the Committee will make a fiscal note. He echoed the wish to wait for the State Retailers are open 88 hours a week and feel that there will be more harm to employees than good for those who already have PTO. He thinks it is a step backwards for employees having to tell employers why they are taking time off. Section 2 accrual language thinks front loading could be a challenge. The notice of rights section should allow for written or electronic notice. Greater pay required for leave and is unclear if includes bonuses or differentials.
- Morgana Warner Evans of Boynton street works in the restaurant industry. She worked in a restaurant where the workers experienced an outbreak of norovirus. The staff included part timers and J-1 visas. She was fortunate to be raised by parents who had EPSL. She rarely gets sick due to the preventative healthcare she had as a child, which is good because EPSL is so hard to find in the industry. She intentionally lives in an intergenerational community. Last fall, a housemate passed away from cancer. While he was treating his cancer, her housemate had many appointments. She believes EPSL ordinance should normalize caring for chosen family and loved ones.
- Heather Ferin of Bracket street has worked in restaurants for a long time. She most recently had a respiratory illness that had her coughing uncontrollably while pouring beer because she was not allowed to step outside. There are three ways to accrue sick time in the ordinance now. She is worried about not being able to use hours accrued. She is concerned about the drop of 48 hours to 40. For the workers who do need the time, it is a huge impact. What for employers will be a marginal cost could be the difference of putting food on the table for employees.



- Keanne gillis is a direct support professional for a young woman in the autism spectrum. She has no sick time and supports the EPSL ordinance. Workers are the engine of the economy. Proper care of employees supports the success of businesses. Workers are being treated inhumanely. All workers are worthy of universal sick time that honors a person's autonomy. Were workers included in the economic development plan in the way employers want to be consulted here? Were workers consulted in a variety of commercial avenues? Why do individuals have to fall into poverty to apply for assistance when businesses can apply immediately. EPSL leads to better health outcomes for an entire community.
- David Turin chef and owner of David's at Monument Square and is on the boards of Maine Restaurant Association. He is here in support of the mandate. He offers benefits on excess of what is in the ordinance for many years. He has not experienced the abuse people are afraid of but perhaps some mechanism could be built in to protect against it.
- Bob Forchase on Pearl street. He doesn't think that the larger entities he heard speak tonight when left to their own devices would enact policies that protect the many people who need protecting. He is thankful for a council working on this and other issues.
- Drew Christopher Joy of Portland is thankful for ordinance being worked on and thanked the workers who are risking their jobs to speak tonight for their bravery. The southern Maine Workers' Center supports the ordinance for its inclusion of chosen family, protection for survivors of domestic abuse, an affidavit of approved use versus a doctor's note and the ways the committee has really heard concerns. The current version is not universal; the current 2-tiered system cuts out 8,000 workers and they ask to instead pass a universal ordinance. While he normally doesn't get sick, Drew got sick and missed two HHS meetings. He thinks 48 hours are very important.
- Pauly Juno is a RN – 30 years ago she moved to Portland and represents the southern Maine metro council and Southern Maine Nurses Union. She thinks that the right to stay home when one is ill should be the hallmark of a civilized society. Any EPSL ordinance should offer the same benefit to all workers. Someone who works for a small company doesn't get sick less than one working for a larger employer. Our City Council should not let this happen and she supports a single tiered system that includes healthcare workers. She is excited for the EPSL ordinance and its public health implications.
- Richard Burbank of evergreen home performance in Portland – He supports the ordinance and feels that he can afford it in his business. He likes to provide for his employees. His business weatherizes homes with workers crawling in tight spaces and working in difficult environments. His biggest concern is the administration overhead and hope they are tested and not onerous. He'll want one policy for his employees in Rockland and Portland.
- Nicole Megah Ellyen of Mellen Street. In March of 2018 her mother died of cancer. Without paid sick time, her father would have been alone when he told her mother her prognosis and while she was in hospice. She heard tonight that any good employer would have given her time off. She is glad she was fortunate enough to not need to face that test.



- Eliza Townsend, executive director of the Maine Women's Lobby has seen EPSL fail at the state level three times. We have heard wide ranging and compelling reasons why we need this policy. We have led the way in civil rights and many other issues such as banning smoking in bars. Section 2 sub section G exempts employers with PTO; the employer does not need to track it.

Public comment closed at approximately 9:05 PM.

Chair Ray asked if there are questions or comments?

- Represented of Wex suggested if there are legal questions that have been asked but not answered
 - Corporation Council has received one question from Maine Health.
 - Please ask Corporation Council for interpretation on the ordinance.
- How would employers handle employees who work in multiple jurisdictions?
 - Not mandated in this policy.
 - Chair Ray would like employers to decide this.
 - Councilor Batson is interested in the corporation council thinks
 - The minimum wage ordinance is written that an employee can be paid two different wages.
 - A worker could accrue at the mandated rate in Portland and a different one in another jurisdiction.
 - Unaddressed
 - Possible confusion.
 - Does not have mandatory enforcement if there was a dispute.
 - Corporation council would advise to enforce similar to the minimum wage ordinance.
 - When someone accrues in Portland but is scheduled in Westbrook, can they use sick time for the Westbrook shift?
 - What are the legal implications? Should we specify hours worked in Portland are subject to EPSL accrual?
- People are not obligated to disclose why they are taking sick time.
 - Verification form has check boxes that indicate one is using sick leave for an appropriate/prescribed use
 - Discipline for abuse is acknowledged
- Voluntary separation and return
 - Does an employee forfeit their bank for voluntarily leaving and coming back?
 - Does the clock start again/is there a blank slate.
- Lump sum
- Base rate vs enhanced rate with bonuses
 - It is the base rate



- Clarified for tipped employees
 - May need to be clarified for all; Corporation Council will assess
- Base pay or minimum wage, whichever is higher.
- Wanted to know if the City would cover the cost of legal fees if an employer won a private right of action suit.
 - No

Changes and Amendments

- May need to postpone if there is a large fiscal impact:
 - The fiscal note is only needed to be put on the agenda.
 - Amendments that change that can be requested.
- Per diems:
 - Not all people choose to work per diem;
 - New Jersey: If an individual either has the opportunity to choose terms of employment:
 - Can't find part time or full-time work is different from choosing to work per diem.
 - Councilor Ali thinks there should not be a per diem exemption.
 - Chair Ray to consider it.
 - Will it be effective?
 - Will this affect the fiscal note?
 - Would only affect Baron Center
 - The shelter is not currently exempted because they are not a healthcare facility
 - Considering eliminating the per diem exemption altogether.
 - Will be saved for final vote.
- Accrual
 - Section 2A2 up front lump sum:
 - 48 hours or six working days, whichever is less without tracking.
 - Should be discussed: someone with regular 6-hour shifts would only get 36 hours vs 48.
 - Not the intention.
 - Committee agreed to remove the days and just keep the hours
 - People's shifts can change.
 - Agreed to accrue up to 72 hours but the lump sum chart did not allow to accrue up to then.
 - Chair Ray will adjust the chart.
 - There last two do not need to be added because people need to average more than 60 hours in a year.
 - > 5 hours



- Want to accrue in excess but not use more than 48 hours in a year.
- 60 hours: Someone working for multiple employers: SMWC to email Chair Ray if not resolved.
- Sec. 4 Procedure to taking EPSL: C.2
 - Signed statement: not just healthcare coverage, but coverage that makes it affordable to seek treatment; does this need other language?
 - Both one and two refer to the same form: do we need two at all?
 - If you go to the doctor, the doctor's note can supplant the form?
 - Strike 2?
 - Committee will come back to it.
- Language rights in section 6:
 - Mandatory translation: 5 most common languages spoken in Portland are Arabic, Spanish, Portuguese, Somali, and French
 - Could say translated into top N languages
 - This would mean an amendment isn't needed as languages change
 - Committee agreed with the top 5 but if a person cannot read those materials, people can request a translation.
 - City Provided Translations is top 5 languages
 - Employer other than the City regardless if the City provided?
 - As written, a private company would not be required to translate not languages not translated by the City.
 - How to make sure all employee understands their rights?
 - It is illegal to discriminate but if we required employers to translate there could be a negative incentive.
 - City to explore the cost of translation of materials.
 - Draft and ask for quotes.
 - Legal translation.
 - City to translate top 5 languages.
 - If one hires a person with limited English proficiency in a language not translated, the notice must be explained in the primary language.
 - Anne to craft language.
- Councilor Batson is not interested in the tiered system.
 - The committee agreed to strike the tiered system: 2B1.
- Chair Ray had wanted to go down from 48 to 40 to be cautious of what is mandated.
 - Wants to see more, but what will the City require?
 - Many Businesses are reluctant to express their concerns.
 - With the weekend and the standard five day work week, it is enough days to recover from the flu.
 - 40 is likely more palatable for business and the Council.



- o Mayor Strimling cited that it is the health and human services and the recommendation should be on health, not the consideration of what may be passed.
- o Councilors have not been asked where they are on 40 vs 48.
- o The committee is landing at 40 (unvoted but changed in red line to be voted on when EPSL returns; max accruals would be going down to 60 based on the 1.5 multiplier)
 - Other small municipalities have 40.
 - Mayor Strimling is not sure how much more palatable this is to businesses but is pleased to get rid of the tiered system.
 - What is the fiscal impact?
 - Can the carry over go back to 72?
 - o Councilor Batson is open to keeping it at 72.
 - o As is Chair Ray.
 - Committee will do 40 cap 72 bank.
- Implementation Dates
 - o 180 day from date of inaction?
 - Mayor Strimling thinks 6 months makes sense and would be ahead of the next flu season and dislikes the phases.
 - New Businesses are exempted for one year after the hire of its first employee.
 - When a business entity hires its first employee; franchises count.
 - Mayor Strimling is not sure franchises should count.
 - o This depends on the corporate structure.
 - o Chair Ray is comfortable with the language and will research requirements placed on franchises.
 - Mayor Strimling asked where the one year came from.
 - o No example, but one year seems reasonable.
 - o Business size based phased implementations?
- Potential Exemptions
 - o Universities: work study students currently covered?
 - Yes, meet current employee definition of the ordinance
 - As this is part of the financial aid package, does it count/need an exemption?
 - Chair Ray will ask the university system.
- 45 day waiting period
 - o Chair Ray is contemplating bringing forward 90.
 - To be part of the fiscal not consideration.
- Potential Abuse of Sick Days
 - o Seasonal workers would have substantial accruals and may end up using sick time as their last days.



- Taking EPSL 4C4
 - Should “except when the sick time is taken simultaneously with the employee’s last days of employment” be added?
 - Is this really a problem or a tiny slice?
 - Could still get sick time, but would need to be certified.
 - They have to come back and sign the form to get paid if it coincides with the last days of employment.
- Councilor Ali is concerned of wage theft if people are sick and want to go home; the form mitigates this.
- You either didn’t work, or you used the appropriate accrual.
- Final wages include other entitlements.
- It’s probably legal but setting up employers for a potentially sticky situation.
- The Committee agreed they are interested but will leave it out for now.
- Councilor Ali asked about job training/ educational credit?
 - Is this like interning?
 - Stipends that don’t have hourly tracking?
 - Can call outs affect this?

Looking to come back to this February 12th.

AGENDA ITEM 4 – Next Meeting, January 22, 2019

- Homeless Services Center

Meeting adjourned at approximately 11:00 pm.