Health & Human Services and Public Safety Committee

Tuesday, February 12, 2019, 5:30 PM
POSTPONED DUE TO WEATHER

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

1. Announcements

2. Review and Approval of Minutes from January 22, 2019

   a. January 22, 2019 Draft Minutes

3. Earned Paid Sick Leave

   a. Staff presentation on the fiscal note.
   b. Committee discussion, deliberation, and vote
   c. Next steps

4. Next Meeting: February 26, 2019

NOTE: Since the action item on the agenda had a pubic comment during the last meeting the item appeared on the committee's agenda, there will be no opportunity for public comment at this meeting. Please feel free to send comments to members of the committee on any issue at any time via email. Councilors email addresses are available on the city website: www.portlandmaine.gov

The meeting can be watched online via livestream: www.portlandmaine.gov/livestream

Keep up to date with the new shelter design and planning process at the City's website

www.portlandmaine.gov/shelterplanning

Portland, Maine Yes. Life's good here.

Health & Human Services and Public Safety Committee Minutes

Tuesday, January 22, 5:30pm, Council Chambers, City Hall

Committee Attendance:

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

Councilors in Attendance: Jill Duson (At-Large); Kim Cook (District 5), Justin Thibodeaux (District 2)

City Staff: Director of Health and Human Services, Dawn Stiles, Planner, Christian Roadman; Administrator of Social Services, David MacLean, Acting Director of the Oxford Street Shelter, Meaghan Void; Rob Parritt, Consultant

AGENDA ITEM 1 – Announcements

Chair Ray announced that the search for a new Chief of Police will be collaborative within the community and competitive amongst the candidates.

AGENDA ITEM 2 – Approval of Minutes

Councilor Batson made a motion to approve the minutes from the January 8, 2019 meeting; Councilor Ali seconded and the motion passed unanimously with the following amendments:

- Bill Linnell name spelling
- Correction on Exotic Animal Ban
    - Strike large and exotic animal ban as that was done in a previous year.

AGENDA ITEM 3 –

Public hearing likely in March

City Manager announced that in addition to the three organizations looking to partner with

Dana Tottmen, Avesta

- 36 rooms in a residential care facility
    - Challenged but not needed for long term care
- Housing first model
    - House all people 55 and over
- 15 unit assessment center

- Medicaid waivers used to pay for housing first models
  - Looking for creativity in this barrier
  - Dhhs Policy Adviser
    - Existing waivers that might be on the table that can be utilized
    - Engaged a local architect
    - Analysis resident demographic
    - Engaged a consultant
  - The possible funding streams
- Chair Ray asked how people got to the 15 person assessment center.
  - They will be referred by appointment from the City's Homeless Services Center
  - The MOU is being worked on.
    - The 15 beds will be induvial referred by the City's emergency shelter
- Councilor Cook asked if the 36 bed count include the 15 bed assessment Center.
  - No
- Councilor Ali asked what they learned from researching this model
  - Identified a similar model in Cambridge, MA.
    - Ruggles Assisted Living
    - Two components are the same: multi-level unit of care for seniors only.
- Councilor Duson asked about the 15 bed assessment center.
  - Is the assessment tool standardized?
    - Yes
  - Will assessment lead to referrals to outside organizations?
    - Yes
- Councilor Batson asked if there are any locations or qualities that they are looking for when they select their site
  - Accessibility: must be on a bus-line.

The Opportunity Alliance: Mike Tarpinioan President and CEO

- 15 bed residential treatment facility for homeless adults with substance use disorders.
  - The current 12 bed bridge program is moving at which time it will d add 3 beds, bringing the total to 15.
  - This is not an emergency Shelter
    - The bridge is a treatment facility.
      - At least 70% of operational funding will be from Medicaid
  - Draft MOU and business associate's agreement for data sharing already sent to the City.
  - Have had meeting with State DHHS
    - Substance use and mental health services.
    - Medicaid expansion is looked to as means from the state to make this proposal successful
  - TOA is looking for land from the City

    - Someone else will build the facility and lease to The Opportunity Allianc
        - Request sent to the state for referrals to come directly from the shelter
        - Looking to confirm the above details during a meeting on February 1, 2019.
- Councilor Cook asked if
    - Current 12 bed program is moving from 54 Maple street to Brighton gaining 3 beds to a new total of 15.
    - A location for a new 15 bed program has not been decided on yet.

Donna Yellen, Acting Executive Director of Preble Street

- Proposed Specialized Shelter Women's Shelter
    - Early in process.
        - Community needs assessment
            - Identify service provider and consumer needs
            - Quantitative data from 14 organizations serving women experience homelessness
                - Look at the intersection of women seeking shelters and other target demographics
                    - Could they have sought shelter
            - Qualitative data via focus groups of people who are or have experienced homelessness, including the domestic violence and other sub populations served in this.
        - Financial viability assessment
        - 272 people sought shelter on Monday due to the extreme cold.
            - 59 were women
- Councilor Batson asked about the timeline of the financial viability and what type of finding stream they will seek (capital campaign?)
    - The financial passement takes longer to complete and those details will be considered later in the process.
        - Will be further defined in the next month
- Councilor Duson understand that there is an array of specialized shelters and associated services.
    - The assessments may not be standard across those different programs as the daily living (word?) are different.
    - Certain assessments must be standard but specialized needs and programs will not be the same as other programs.
        - Preble Street has expertise in assessment and has observed some unreasonable expectations of the shelter system to medical level assessments.
    - Preble Street triage individuals now

        - Women aged over 65 (70) belong in a specialized facility and program not an emergency shelter.

- Community Housing of Maine (CHOM)Cullen Ryan
    - Not originally part of the public-private partnerships presented at the January 8 meeting.
    - Homelessness can only be solved by a collaborative community response.
    - CHOM is the largest housing provider
    - Populations served
        - Victims of domestic violence
        - People with disabilities
        - Long Term Stayers in the shelter system
    - Supportive housing (services wrapped around housing.
    - Advocacy: Legislation to help create housing and grant access to existing housing.
        - $15 million bond specifically needed for this type of housing.
        - Medicaid eligibility for services
        - Rental subsidies
    - Long term stayers
        - Pushing permanent supportive housing resources to those who stay in the shelter system vs the circumstantially homeless
        - This housing
    - Housing:
        - XXX
        - Blended housing developments
            - 76 are supportive housing
    - Model: someone who has learned into affordable housing matched with support services leads to successful permanent housing.
    - Looking for land to become available
    - Great Portland Addiction Collaborative
        - One person from the Long-Term Stayers initiative connected to recovery program and is now a peer in Amistad's peer support program.
        - Working with Amistad, Mercy Hospital and XXX
- Councilor Ray asked about the City land acquisition
    - Levels?
        - Small supportive housing developments
            - 4-10 unites
        - Large low-income housing tax credit developments
            - Blended up to and over 50% of the above (4-15)
    - Councilor Cook asked for clarification on the number of units in these pipelines and their funding sources.
        - Cannot give an exact answer
        - Low income tax credit.

        - Will include as many individuals staying at the Oxford Street Shelter as possible.

Amistad, Brian Townsend and 66 State Street Property owner Kevin Bunker

- Women's housing program.
    - Meredith Pesce Assistant director will plan and manage the program
    - Women have been disserved despite best efforts.
    - The more women experiencing homelessness are part of the dialogue of their needs, the better services become
    - Project will allow collaboration with the city and coordination entry to allow exponential benefits to the comity
    - Not proposing a shelter
        - Readymade housing for women with peer supports built in.
        - Meals on site
        - Ability to serve mothers with children
        - Many women who are homeless on any given night are already ready for permanent housing.
            - Most women experience homelessness in Portland are
            - vulnerable
            - resilient
        - Paradigm Shift
            - "SRO Type" model
            - Belief t=women will be successful
            - Women can count on their own bed to come home to (unlike the shelter)
        - Kevin Bunker of developer's collaborative
            - 66 state street (Amistad's former location)
                - Bought the building
                - Came to an agreement with Amistad:
                    - 2 years given for Amistad to leave and then the site would have been turned into condos
                    - The west end neighborhood has many types of properties that are successful (apartments, condos, etc.,
                    - Wanted to work with Amistad to keep them there in some capacity
                        - Amistad had already found a location to move.
                        - Women's Housing project instead
                            - SRO like model
                    - Continuum of housing services on site.

      - All of this came together independent of the Homeless services Center conversation.
      - Enough analysis to shift pals from condos to this housing project.

- Chair Ray noted that the commutes partners in this in project include developers who want to do good things
- Some of the women housed in this program may not come from the City's Homeless
- 4o +/-
- Major leverage for the Long Term Stayer Initiative
  - Development catered to LTS needs
  - The way some women experience homeless makes them invisible in our continuum as they do not accumulate enough consecutive bed nights to be indented by that group.
- Councilor Cook remarked on the genuine excitement around this project
- State funded with very defined areas
  - Safe and distinct for women
  - gender
  - will know more in a few months.
- Councilor Batson asked Cullen Ryan of CHOM if all the projects came to fruition, would a 150-bed shelter still be needed?
  - Yes
    - Long Term Stayers could be diverted from the emergency shelter system to one of mental health providers; it could be possible to get the number down to 120-150 beds.
    - A myriad of other resources and factors need to be available for the above success.
      - CHOM recommends the original model that included a flexible space that can accommodate potential capacity that may be need and also be sued for support services
        - Be able to meet the needs of the population
        - Focus on housing Long Term Stayers

Staff Presentation

- City manager Jennings announce he and Dylan Roof, the Preble Street staff coordinator of homeless voices for justice to set up a meeting in February and March to include consumer input on the services and development of the homeless services center.
- Because of potential partnerships and looking at other locations, the position that the baron center campus is the best possible
  - 650 locations to start with (everything regardless of viability)
    - Logistical and other restrictions distilled that to practical list of possible options.

- Jeff Levine, City Planner noted they started with 700 parcels and applied methodology of use, 15 be shelter model and square footage needed.
    - These parameters can be adjusted within the selection methodology.
    - 650 land parcels of 20,000 SF. & up and screened parcels from these groups
        - Land Bank
        - Parks a cemetery
        - Wetlands
        - Islands
        - Existing buildings.
    - Parking garages would have a large demolition cost and take away the large public service
    - Temple Street Parking lot went to the next round as it is flat and available for development.
    - Big parcels
        - Edge of town due to availability and restriction
        - List of Big Parcels:
            - District Rd.
            - Land Leading to Airport
            - Riverside Recycling Facility
            - Former West School
            - 0 Westbrook St.
            - 0 Rand Rd. (Office Park)
            - 1819 Westbrook St.
            - 622 Auburn St.
        - Possible land acquisition at county way
        - Deed Restriction: Serious limits based on funds used to acquire sites.
            - Name of Director of the jetport - Airport: very land constrained
                - Land was acquired for an aeronautical need
                    - Would need to demonstrate the land is surplus in the needs of aviation.
                    - Most comparable airports have 20,000 square acres
                        - Portland Jetport has 1,000
                - Would have to buy at fair market value
                - Moving to the ante site would be prohibitive due to sound decibels.
    - Land Bank
        - 13 sites, including Franklin Reserve at the Franklin Arterial.
        - Some have addresses
        - 3 Hutchins Drive
        - Rosemont Fire station has land behind it.

        - Downtown Parking lots (3 of 5 are on map, not on map are the too parking lots near the reiche school in the West End.
        - Privately Owned Parcels
            - 6 didn't immediately get cut off.
            - Others not selling
        - Warren venue sight is the most feasible and is the only one that carried forward.
- Chair Ray asked why the other 5 buildings were did not make the cut.
    - Christian Roadman, Planner explained the building and development constraints that demonstrate they unviability.
    - Warren Avenue is a quarter mile from transit lines.
- 14 feasible sites that if desired could move to a next round of analysis.
    - Looking for policy direction from the committee.
    - Most other sites in the city have obvious issues that calls their viability into question.
- Chair Ray hoped to eliminate some sites from the list in order to request a deeper analysis on a smaller number of sites that are truly viable, qualified by 9 criteria on the site matrix.

Committee Discussion

- Chair Ray hoped that the committee can eliminate some parcels from consideration.
- Councilor Cook clarified the list is solely considering the location of the City-run Homeless Services Center, not where partner agencies can locate their projects.
    - Councilor Batson and Councilor Ali agreed.
- 9 criteria on matrix
    - The committee agreed to remove the Baron Center Campus from the list (but not from the partner projects).
        - It is a preferable location some proposed projects.
- Chair Ray asked about Franklin Reserve: Boyd Street Gardens, a park with restricted zoning
    - Not listed as a park; its edition was an oversight.
    - Councilor Cook would like this area to be examined as the actual gardens take up a limited amount of space within the parcel and there could be space for housing.
        - Councilor Cook requested clarification how much of the land is actually removed by the parks ordinance; it has not been considered yet due to ambiguity.
        - The committee is comfortable keeping it on the list and noted with an asterisk that it is unlikely the remainder of the parcel would be large enough for the homeless services center.
- Are the remaining sites big enough to accommodate the homeless service center?
    - Must be in a quarter mile or
    - If within a half mile of metro service, provide transportation.

- Committee would like to add the Riverside parcel back into consideration.
- Councilor Batson would like to remove the site of the former west school from the list for workforce housing prospects.
    - Half of that location is in the CIP in the Doherty street plan to create an athletic field.
    - Could selling the other half fund the rest of the field
        - City staff is recommending input on selling west school to fund workforce housing development.
        - Councilor Duson understands that both the housing committee and HHS & PS Committee are considering use of the parcel.
            - Whichever is deemed to be in the greatest service to the public
        - Councilor Cook would like to see consistency of sites (such as the consideration that being in the middle of a residential neighborhood is a disqualifying factor.)
            - Chair Ray clarified that she believed the Baron Center had been appropriate as it abutted a residential neighborhood and was not in the middle of one; she believes partner projects are better suited to that parcel.
        - The committee are in agreement to remove west school from the list to allow the sale to fund Doherty field an open space for workfare housing development.
    - Only one area of Auburn street is flat and dry.
    - Do any parcels present accessibility issues?
        - Multimodal accessibility has not been screened but many would likely need sidewalk improvements.
    - Zoning was not used to formulate this list but will be in the next analysis.
        - 'Will zoning have to be changed?' to be added to the matrix.
    - How to people access the land behind the fire station?
        - Access road share with fire station
        - Possibility of creating a road.
        - What are the environmental concerns?
            - Noise pollution; constant sirens could be triggering to shelter guests.
            - The building cannot be retrofitted and must be fully replaced
        - The committee agreed to remove the fire station.
- Are there any other sites that could be easily removed?
    - County way is a large parcel and can be redeveloped for multiple uses.
        - Owned by the State
            - City has been in talks with the State; were it the will of the Council, it looks like a possible land trade

- Councilor Batson would like that safe outdoor spaces for guest and public use be considered.
- Councilor Batson would like to see the locations of services accessed by people in emergency shelter.
  - Chair Ray is happy to see this, but stresses that emergency shelter is not housing so such proximity would be weighted accordingly.
- Criteria remaining that were not address in this round of site analysis
  - Is site secure? Adequate space to build for indoor intake, day facilities and services, screened/private outdoor space, adequate buffer from nearby neighbors.
  - Are there any environmental concerns? Noise, pollution, nearby industrial uses, etc.
  - Do we have service provider buy-in for this location? Are our most relied upon partners in agreement this is a decent location?
  - Financial considerations: Can we afford to acquire (if necessary) and build at this site? Consider capital and operating expenses.
    - Staff will add these to plus/minus criteria as well as:
    - General estimates on cost.
- The committee will wait to remove the Angelo's Acre location but the addition of shipment activity due to the cold storage facility may reduce its viability.
- Councilor Cook suggested that the committee look at the satellite maps to gain a sense of their viability for adequate buffer space to nearby neighbors and environmental concerns.

11 sites remain for a next round of analysis.

Councilor Ray thanked the Councilors, City Staff and those who listened in attendance and on the town hall stream.

<u>AGENDA ITEM 4 – Next Meeting, February 12, 2019</u>

- Homeless Services Center to return on the February 26th meeting.

Meeting adjourned at approximately 8:05 PM.

Section 1. Definitions

The following definitions shall apply for purposes of this Article:

Child shall mean a biological, adopted, or foster child of the employee; stepchild or legal ward of the employee; child of a domestic partner of the employee; or a child for whom the employee stands *in loco parentis*.

Earned paid sick time shall mean paid sick time accrued and awarded pursuant to section X.

Employee shall have the same meaning as in Sec. 33.2 of this Code. However, for purposes of this Article, Employee shall not include the following:

1. Any employee who meets all of the following criteria:
    a. Is licensed pursuant to Title 32, Chapters 31, 97, or 103;
    b. Is employed by a health care facility, as defined in 22 M.R.S. § 328(8);
    c. Is under no obligation to work a regular schedule;
    d. Works only when he or she indicates that he or she is available to work and has no obligation to work when he or she does not indicate availability; and
    e. Receives higher pay than that paid to an employee of the same health care facility performing the same job on a regular schedule.
2. Employees who work less than 60 hours per year for that employer.

Employer shall have the same meaning as in Sec. 33.2 of this Code. However, for purposes of this Article, Employer shall not include any employer for a period of one year after the employer hires its first employee.

Family member shall mean a child, grandchild, sibling, spouse, domestic partner, parent, or grandparent of an employee; a spouse or domestic partner of a parent or grandparent of the employee; a sibling of a spouse or domestic partner of an employee; or any other person related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.~~: (A) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor; (B) A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child; (C) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision; (D) A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; (E) A person for whom the employee is responsible for providing or arranging care, including but not limited to helping that individual obtain diagnostic, preventive, routine or therapeutic health treatment; or (F) Any other individual related by~~

Comment [AT1]: COMMITTEE: consider exemption for work study students; educational credits and job training

Comment [AT2]: COMMITTEE: consider adding requirement that per diem employee either:
(a) has the opportunity for full time or part time employment in their scope of practice under that healthcare provider which offers paid time off benefits greater in length than provided under this act under the terms of employment; or
(b) has waived earned sick leave benefits as provided under this act under terms of employment for alternative benefits or consideration.
[taken from NJ statute]

~~blood or affinity whose close association with the employee is the equivalent of a family relationship.~~

Health care professional shall have the same meaning as in 26 M.R.S. § 843.

Hours worked shall mean all hours worked where the employee is located at, or based out of, an employer's place of business located in Portland.

Comment [AT3]: COMMITTEE: Does this address the concern about employees with two workplaces?

Parent shall mean a biological, adoptive, or foster parent of the employee or employee's spouse or domestic partner; a stepparent or legal guardian of the employee or employee's spouse or domestic partner; or a person who stood *in loco parentis* of the employee or the employee's spouse or domestic partner when that person was a minor child.

Year shall mean a regular and consecutive 12-month period as determined by the employer.

Section 2. Accrual of Earned Paid Sick Time

(a) Rates of Accrual. Subject to the limitations in subsection (2), employers must allow employees to accrue earned paid sick time pursuant to one of the following methods, which may be chosen by the employer.

1. ~~All e~~Employees ~~shall~~ will accrue a minimum of one hour of earned paid sick time for every 30 hours ~~of~~ worked., ~~up to a maximum accrual of 48 hours in one year.~~ Hours worked shall not include vacation, sick, or other time for which an employee is paid but no actual work is performed.

2. Employees will accrue earned paid sick time in the amount of 40 hours in one lump sum at the beginning of each calendar year or the beginning of the employee's anniversary year. Where based on a calendar year, a prorated amount shall be awarded for new employees.

3. Employees will accrue earned paid sick time in the following amounts at the end of each calendar month worked, starting with the first month of the calendar year or the employee's anniversary year. Where based on a calendar year, a prorated amount shall be awarded for new employees.

Employee's average hours/week	Earned paid sick time accrued
46 or more	8 hrs/month
36-45	6 hrs/month
29-35	5 hrs/month

22-28	4 hrs/month
15-21	3 hrs/month
8-14	2 hrs/month
Up to 7	1 hr/month

(b)

(b) Limitations on Accruals. An employer is not required to allow an employee to accrue earned paid sick time in excess of 72 hours.

(c) Conditions of Accrual. The accrual of earned paid sick time shall be subject to the following conditions.

1. Employees who are exempt from overtime requirements under the Fair Labor Standards Act will be deemed to work 40 hours in each work week for purposes of earned paid sick time accrual, unless their normal work week is less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.

2. Employees shall begin to accrue earned paid sick time at the commencement of employment or on the date this law goes into effect, whichever is later.

   ~~Accrued paid sick time shall be awarded and available for use no more than eight days after it is accruedAlternatively, an employer may award paid sick time in advance of accrual in an amount anticipated to be accrued over a year's time.~~

3. Employees accruing earned paid sick time may roll over any unused earned paid sick time, up to a maximum of 72 hours, at the end of a benefit year.

4. If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all earned paid sick time accrued at the prior division, entity or location and is entitled to use all earned paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within one year of separation by the same employer, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the re-commencement ofemployment.

5. When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer, and are entitled to use earned paid sick time previously accrued.

(d) Employers are not required to allow employees to take earned paid sick time in the employee's first 45 days of employment. However, employees who return to the same employer within one year of termination shall not have to complete an additional 45-day period to be eligible to take earned paid sick time.

Comment [AT4]: COMMITTEE: Discuss whether to extend to 90 days.

(e)

(e) ~~Earned paid sick time shall not be automatically forfeited with the passage of time, unless the employer has a policy to pay the employee for any remaining sick time at set intervals of not less than one year.~~

(e)

(e) ~~However, employers may set a cap on the amount of earned paid sick time that an employee can accrue, which cap may not be less than X hours.N~~~~However, n~~Nothing in this Article shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement or other separation from employment for accrued earned paid sick time that has not been used.

~~If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all earned paid sick time accrued at the prior division, entity or location and is entitled to use all earned paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within two months of separation by the same employer, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the re-commencement ofemployment.~~

~~When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer, and are entitled to use earned paid sick time previously accrued.~~

(f) At its discretion, an employer may loan earned paid sick time to an employee in advance of accrual by suchemployee.

(g) Any employer that has a paid leave policy that makes available an amount of paid leave sufficient to meet the accrual requirements of this section, and allows that paid leave to be used for the same purposes and under the same conditions as earned paid sick time under this ordinance, is not required to provide additional paid sick time. This exception applies regardless of how the paid leave is designated, including "sick leave," "paid time off," or otherwise, If an employer has a policy that does not distinguish between sick leave and other types of leave, the employer need not track the actual reasons for leave, so long as leave is available for the same purposes and under the same conditions as earned paid sick time under this ordinance.

Section 3. Use of Earned Paid Sick Time

(a) Employees may use earned paid sick time for any of the following:

1. Job protected leave provided pursuant to the Maine Employment Leave for Victims of Violence statute;

2. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;

3. Time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member; or

~~Leave for an employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventative medical care;~~

~~Leave for care of a family member's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventative medical care; or~~

4. Leave to attend a school meeting necessitated by the family member's health condition or disability.~~; or~~

Leave to attend a~~or meeting at a place where a family member is receiving care necessitated by the family member's health condition or disability.~~

(b) An employee may take earned paid sick time for any hours worked.

Comment [AT5]: COMMITTEE: Along with definition, does this address concern of employees w/ split locations.

(c) Earned paid sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.

(d) If an employee uses earned paid sick time for an entire day or shift, earned paid sick time must be paid for the hours the employee was otherwise scheduled to work.

(e) Employees may not use more than 40~~8~~ hours of earned paid sick time in a year, unless the employer selects a higher limit.

(f) Earned paid sick time shall be paid out at the employee's base hourly rate, not including bonuses, commissions, etc.

Comment [AT6]: COMMITTEE: OK with clarification?

(g) Earned paid sick time for tipped workers shall be paid out at the higher of the employees regular base hourly rate or the highest applicable minimum wage for non-tipped employees.

Section 4. Procedures for Taking Earned Paid Sick Time

(a) Earned paid sick time shall be provided upon the request of an employee.

1. An employer may not require more than seven~~five~~ days' notice for an employee to use earned paid sick time, when the need is foreseeable.

2. When the need for use of earned paid sick time is not foreseeable, an employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case

3. An employer that requires notice of the need to use earned paid sick time shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice shall not deny earned paid sick time to the employee based on non-compliance with such a policy.

4. When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time to the employer in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the employer.

(b) An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.

(c) An employer may require certification when earned paid sick time is used subject to the following restrictions.

1. An employer may require an employee to personally verify in writing that the employee has used earned paid sick time only for allowable purposes under this Article using the form provided by the City.

2. Where the need for earned paid sick time covers more than 24 consecutively scheduled work hours, an employer may require reasonable documentation signed by a health care provider, where applicable, indicating the need for the earned paid sick time taken.

Employees who do not have healthcare coverage, or where the need for leave is not health related, may instead provide a signed, written statement evidencing the need for the use of earned sick time using the form provided by the City.

3. An employer may not require that any documentation explain the nature of the illness or the details of the domestic violence.

4. The employer shall not delay the taking of earned sick time or delay pay for the period in which earned sick time was taken on the basis that the employer has not yet received the certification.

5. Certifications under this subsection shall be kept confidential, except as required by business necessity.

~~For earned paid sick time of three or more consecutive work days, an employer may require reasonable documentation that the earned paid sick time has been used for a purpose covered by Sec. X(a)(2) through (a)(4). An employer may not require that the documentation explain the nature of the reasons for leave. However, nothing in this section shall be construed to limit an employer's rights with respect to documentation of leave allowed under state or federal law.~~

~~Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this section.~~

~~If an employer requires documentation of the reasons for taking earned paid sick time, the employer is responsible for paying the employee's out-of-pocket costs for obtaining such documentation.~~

Section 5. Exercise of Rights Protected; Retaliation Prohibited

(a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Article.

(b) It shall be unlawful for an employer or any other person to retaliate against an employee for exercising his or her rights under this Article, including requesting or using earned paid sick time; filing a complaint or otherwise complaining about an employer's alleged violation of this Article; participating in an investigation or other proceeding under this Article; or informing others of their rights under this Article.

(c) It shall be unlawful for an employer's absence control policy to count earned paid sick time taken under this Act as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

Comment [AT7]: COMMITTEE: think about how to ensure that is affordable for employee

Comment [AT8]: COMMITTEE: consider exception for employees who take at last days of employment.

"However, where an employee requests to take earned sick time in his/her last two weeks of employment, the employer may require the employee to submit documentation prior to approving and/or paying for the earned sick time."

(d) N~~However, n~~othing in this Article shall be construed to prohibit an employer from taking disciplinary action against an employee who uses earned paid sick time for purposes other than those described in this Article.

(e) Protections of this section shall apply to any person who mistakenly but reasonably alleges a violation of this Article.

Section 6. Notice of Rights

(a) Employers shall both display a poster notifying employees of their rights under this Article, and give employees written notice at the commencement of employment or the effective date of this ordinance, whichever is later. The poster and notice shall be consistent with this section.

(b) The notice and poster shall contain the following information: that employees are entitled to earned paid sick time and the amount of earned paid sick time; the terms of its use guaranteed under this Act; that retaliation is prohibited; that each employee has the right to file a complaint or bring a civil action if earned paid sick time as required by this Act is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking earned paid sick time, and the contact information for the City of Portland where questions about rights and responsibilities under this Act can be answered.

(c) The notice and poster shall be provided in ~~English, Spanish, Somali, Chinese, Vietnamese, Russian, Croatian, French, Arabic, Polish, Acholi, Farsi, Dinka, Khmer, Creole and~~ any language that is the first language spoken by ~~at least 5% of~~ any member of the employer's workforce, provided that such notice has been ~~provided~~ created by the City of Portland. Where the City of Portland has not created the notice in any language readily understood by an employee, the employer must ensure that the contents of the notice are read and/or explained to the employee in a language the employee can readily understand.

(d) The City of Portland shall create and make available to employers, in ~~all languages spoken by more than 5% of~~the five most prevalent languages spoken by the City's workforce and any language deemed appropriate by the City of Portland, model notices and posters meeting the requirements of this section. This requirement may be satisfied by posting the model notices and posters on the City's website and making them available for download.

Comment [AT9]: COMMITTEE: Does this address your expectations?

(e) The amount of earned paid sick time available to the employee, the amount of earned paid sick time taken by the employee to date in the year and the amount of pay the employee has received as earned paid sick time shall be ~~recorded in, or on an attachment to, the employee's regular paycheck.~~provided to the employee in writing at least once per month, and upon request of the employee.

(f) An employer who willfully violates this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense. Each day that an employer allows a violation of this section to continue shall be a separate offense.

Section 7. Recordkeeping Requirements

(a) Employers shall retain records documenting hours worked by employees and earned paid sick time earned and taken by employees for a period of three~~six~~ (3~~6~~) years. Separate records of earned paid sick time need not be kept if earned paid sick time is not tracked separately by the employer.

(b) Employers shall allow the City of Portland access to the records required by this section, with appropriate notice and at a mutually agreeable time.

~~When an issue arises as to an employee's entitlement to earned paid sick time under this Article, if the employer has not maintained adequate records required by this section, or does not allow the City of Portland reasonable access to such records, it shall be presumed that the employer has violated this Article, absent clear and convincing evidence otherwise.~~

Section 8. Enforcement

(a) Enforcement.

1. The City Manager or his/her designee shall enforce the provisions of this ordinance.

2. A violation of this Ordinance is a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(b) ~~The City Manager shall adopt rules and regulations for the proper administration and enforcement of this ordinance.~~

(b) Complaint Process

1. Any Employee, ~~including, but not limited to, a Service Employee,~~ alleging a violation of this ordinance may file a written complaint with the City Manager's office.

2. The City Manager or his or her designee may investigate, educate the employer and/or employee, and attempt to mediate a mutually agreeable resolution between the employer and employee. ~~and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.~~

3. If the City Manager or his or her designee is unable to mediate a mutually agreeable resolution, he or she shall issue a letter to the parties stating his or her findings and determination with respect to whether this Article has been violated.~~finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, three times the amount of any back wages withheld and the payment of not less than $100.00 to the employee as a penalty for each day that a violation of this chapter has occurred. If a violation occurred but did not result in wages being withheld, such as in the case of an employee who worked after being unlawfully denied permission to use earned paid sick time, appropriate relief shall include an additional amount of two times what the employee was paid.~~

~~A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code~~.

(c) Private Cause of Action.

1. Any Employee, ~~including, but not limited to, a Service E~~~~mployee, the City or any person~~ aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Such action may be brought by a person aggrieved by a violation of this ~~section~~ Article without first filing a complaint with the City Manager. Actions brought pursuant to this section may be brought as a class action pursuant to the laws of Maine.

2. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.

3. Where applicable, remedies shall also include equitable relief, including reinstatement and back pay, and injunctive relief.

4. The City of Portland shall annually report on the City of Portland website the number and nature of the complaints received pursuant to this ordinance, the results of investigations undertaken pursuant to this ordinance, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this ordinance, and the average time for a complaint to be resolved pursuant to this chapter.

Section 9. Confidentiality and Nondisclosure

If an employer possesses health information or information pertaining to domestic violence, sexual assault, harassment or stalking about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee, with the permission of the affected employee, as required for the administration of the leave, or as otherwise required by law.

Section 10. Encouragement of More Generous Earned Paid Sick Time Policies; No Effect on More Generous Policies or Laws

(a) Nothing in this Act shall be construed to discourage or prohibit an employer from the adoption or retention of an earned paid sick time policy more generous than the one required herein.

(b) Nothing in this Act shall be construed as diminishing the obligation of an employer to comply with any law, regulation, contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required herein.

Section 11. Public Education and Outreach

The City of Portland shall develop and implement a multilingual outreach program to inform employees and employers about the availability of earned paid sick time under this ordinance. ~~This program shall include the distribution of notices and other written materials in English, and well as Spanish, Somali, Chinese, Vietnamese, Russian, Croatian, French, Arabic, Polish, Acholi, Farsi, Dinka, Khmer, Creole to all child care and elder care providers, domestic violence shelters, schools, hospitals, community health centers and other health care providers.~~

Section 12. Regulations

The city manager, or his or her designee, shall be authorized to coordinate implementation and enforcement of this Article and shall promulgate appropriate guidelines or regulations for such purposes.

Section 13. Severability

If any provision of this Act or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Section 14. Effective Date

This Act ~~will take effect on July 1, 2018~~ will be applicable 180 days after passage.

Portland, Maine Yes. Life's good here.

Finance Department
Brendan T. O'Connell, Director

TO: Health & Human Services and Public Safety Committee

FROM: Brendan T. O'Connell – Finance Director

DATE: February 8, 2019

SUBJECT: **Fiscal Impact Note for Paid Sick Leave Proposal**

Members of the Health & Human Services and Public Safety Committee,

Associate Corporation Counsel Anne Torregrossa, Human Resources Director Gina Tapp and Health and Human Services Director Dawn Stiles brought me up to speed on some additional questions and requests for information in regards to cost of the paid sick leave proposal. An estimated fiscal impact note for the ordinance as proposed is pasted below. The attached memo (originally prepared in June 2018 with updates for additional questions and clarifications from January 2019 Committee discussions) includes a more detailed breakdown of each cost category. The previous request from the HHS Committee was specific to municipal costs only and did not include any estimates for the school Department. The Committee requested School information also be added into an updated fiscal impact note. In total the estimated impact of the proposal would be an additional 7 cents on the mil rate in FY20 (0.32% overall increase in the mil rate).

FISCAL IMPACT NOTE: PAID SICK LEAVE New Program Cost Data:	FY20 City / Sch Combined Rate	FY21 City / Sch Combined Rate	FY22 City / Sch Combined Rate
Example:			
ADD: NEW ITEM ANNUAL EXPENDUTURES	$562,029	$497,029	$497,029
LESS: TOTAL NEW ITEM ANNUAL REVENUES	$0	$0	$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	$562,029	$497,029	$497,029
New Program Impact to the Mil Rate	$0.0711	$0.0629	$0.0629
New Program % Impact on Mil Rate	0.32%	0.28%	0.28%
Mil Rate Inlcuding New Program	*$22.5511*	*$22.5429*	*$22.5429*

Notes: This fiscal note assumes the proposal would be effective within the FY20 budget.
See detailed backup memo for additional cost information.

RESPONSES TO ADDITIONAL QUESTIONS AND ANSWERS FROM THE COMMITTEE RECEIVED IN THE JANUARY 2019 MEETING

Question 1A: If the ordinance passes, would the City use the accrual per the ordinance (1 hour of sick time for every 30 hours worked), or would we just put everyone under our current plan?

Answer 1A: The City currently utilizes the same sick leave benefits for all employees and does not plan to change our rate of sick time accrual if the ordinance passed. The City's current sick time accrual rate is approximately 1.384 hours of sick time for every 30 hours worked and eligible employees are immediately covered, begin accruing, and can use sick time as soon as it is available. The previous fiscal impact calculation hadn't considered the slightly higher rate of accrual utilized by the City so the table (Cost Category #1) has been modified since the last time it was discussed to reflect the City's accrual rate.

Question 1B: What would the cost implications be to the City if the ordinance permitted a maximum of 48 hours instead of the proposed maximum of 40 hours?

Answer 1B: For private companies this would likely have an impact, but the City of Portland does not currently have a maximum on the number of hours of sick time which may be taken during a given fiscal year. We would not impose any new restrictions if the ordinance were to pass as proposed.

Question 1C: Would the cost implications to the City change if the ordinance required a 90 day waiting period instead of a 45 day waiting period?

Answer 1C: For private companies this would likely have an impact, but the City of Portland does not currently have a waiting period for use of sick time. If the ordinance passed as proposed there would be no difference in cost if there was a 45 day waiting period or a 90 day waiting period. Under either scenario the City would continue to have no waiting period in our benefit program.

Question 2: As written, the ordinance would not include per diems at the Barron Center who are medical professionals (CNAs, RNs, etc.). It would include support team workers. The Committee would like to see the cost figures in different ways:

1) with the medical per diems excluded;
2) excluding only the medical per diems who have an opportunity to work full time but have chosen not to;
3) if we did not exclude any per diems.

Answer 2: All of our CNA's and RN's are full time employees. The previous analysis performed concluded a very low number of Barron Center employees are currently not receiving benefits (12 employees for a total of $3,400). Including or excluding this amount of cost from the total does not have a material impact on the cost. However, for external organizations with more per-diem medical professionals this could have a more significant impact.

Question 3: Would the ordinance include sick leave benefits for school employees? Does the City have access to their payroll information to determine potential impact to the taxpayers?

Answer 3: The School Department performs their own payroll. We reached out to PPS staff to get a similar listing of hours worked by non-benefit eligible employees. They identified 680 employees who would newly accrue sick time and the associated costs, which have been added the cost impact table in Cost Category #1. With City Departments, we were able to review the data on a division by division level to determine whether additional staff would be brought it at straight time (no new cost incurred) or overtime. These same assumptions were applied to School Department data. The complete payroll download provided by PPS with personal information removed is attached at the end of this memo.

Portland, Maine Yes. Life's good here.

Finance Department
Brendan T. O'Connell, Director

TO: Health & Human Services and Public Safety Committee

FROM: Brendan T. O'Connell – Finance Director

DATE: June 8th, 2018 (updated February 2019)

SUBJECT: **Internal Estimated Costs to City of Portland Budget Resulting from Proposal to Require Paid Sick Leave for All Employees**

Members of the Health & Human Services and Public Safety Committee,

At the November 14, 2017 Health & Human Services and Public Safety Committee Meeting many requests for financial information were made. This memo addresses questions related to cost to the City of Portland and discusses how the ordinance would impact the City budget. The estimated additional costs to the City can generally be divided into four categories:

1. Increase in payroll / benefits expense as a result of additional paid sick time (approximately $238,000 of additional accrued sick time and additional estimated staff costs at the City and School Department)
   NOTE: There may be additional revenue losses as a result of additional time off taken

2. Increase in payroll / benefits expense as a result of new staff required to enforce the ordinance (estimated to be approximately $210,000)

3. Increase in other budgeted expenses as a result of required advertising and educational outreach effort including outside legal counsel (estimated to be between $25,000 - $80,000 – impact decreases over time as some of the expenses are one-time).

4. Pass on of costs related to the proposed ordinance from Portland based vendors we utilize (estimate of $34,000)

Using a reasonable lower end of the estimated costs to the City budget, the proposal would add 7 cents to the FY20 mil rate, an approximately 0.32% overall mil rate increase.

Cost Category #1 – Increase in payroll expenses as a result of additional paid sick time

Using data from calendar year 2017, Finance Department payroll staff compiled all of the hours worked by temporary, seasonal, on-call, and tipped workers who were not benefit eligible. In total, there were just over 500 workers in this category across a variety of City departments and divisions. A total of 122,501.4 hours were worked by these employees. The June 2018 version of this memo only presented costs related to City staff for this item. During the January 2019 meeting the Committee requested cost information related to the Portland Public School Department (680 impacted employees) be added – that data has been added to the table below.

Each Department / Division has unique requirements for their workers and different practices / procedures for when workers call out. For example, within the City Clerk's office, the non-benefit eligible employees are the election workers who work only during elections (2-3 days per year). If an employee happened to unable to work during a particular election, they would simply not work on that particular election day, and the City Clerk would call the next election worker on their list who would be paid at straight time.

A more complex example is within Parks and Recreation, a department with a wide variety of divisions and activities. Within the Public Assembly division, the procedures are somewhat similar to those at the City Clerk. Workers are called in only on event days, and if a worker was unable to work on a particular event night, the next employee on the list would be contacted and that employee would likely be paid at straight time. Contrast that with the Parks & Recreation Ice Arena and Aquatics Divisions. A limited number of temporary and seasonal staff within these divisions are actively teaching lessons (a revenue generating activity) on a daily basis. If staff within these divisions calls out, other staff is required to pick up the workload. If no other staff is available, the activity (in some cases private or group lessons) may be canceled. For illustrative purposes I've highlighted several of the Parks & Rec divisions in yellow below to denote those which may lose revenue as a result of newly accrued time off. It is worth noting that the Parks & Rec Director and their Department admin officer both noted that finding replacement staff is not always a certainty.

Another example worth highlighting is HHS (non-Barron Center). These figures are almost entirely related to security staff at the Oxford Street and Family Shelters. If staff calls out, they are typically replaced by another employee working on straight time or overtime. It is worth noting that the figures related to HHS (non-Barron Center) will likely change for 2018 due to increased security required at Oxford Street related to the new day shelter operations.

The total estimated impact across all Departments / Divisions with the newly included School Department impact does not include any estimates related to potential lost revenue within the divisions highlighted in yellow. The estimate does not include estimated additional workload required for existing staff (i.e. those who would pick up more work with a higher volume of people calling out of work, additional payroll workload on City payroll staff in each individual department and in Finance, additional burden on staff investigating any potential internal complaints, etc.) The updated table also reflects the City HR Director's response to the January 2019 question from the committee that the existing City rate of accrual would be used for all accrued sick time.

	Number of Employees Impacted (2017 Actuals)	Cost of Accrued Sick Time (2017 Actuals)	Estimated Additional Staff Costs	Potential For Additional Revenue Losses?
City Clerk	175	$ 1,649.05	$ -	No
Finance	1	$ 342.32	$ -	No
Parking	7	$ 1,000.79	$ 500.39	No
EcoDevo	2	$ 3,902.76	$ -	No
Police	3	$ 492.12	$ -	No
Permitting	1	$ 220.71	$ -	No
Public Works	7	$ 2,084.61	$ -	No
Parks & Rec - Ice Arena	18	$ 2,414.44	$ 1,207.22	**YES**
Parks & Rec - Other	6	$ 3,623.87	$ 1,811.94	No
Parks & Rec - Public Assembly	88	$ 12,308.62	$ 6,154.31	No
Parks & Rec - Concessions	51	$ 1,593.75	$ 796.87	**YES**
Parks & Rec - Recreation	49	$ 3,933.79	$ 1,966.89	**YES**
Parks & Recreation - Aquatics	22	$ 2,076.40	$ 1,038.20	**YES**
Parks & Recreation - Riverside	53	$ 15,039.21	$ 3,759.80	**YES**
HHS (non-Barron Center)	33	$ 10,399.15	$ 5,199.58	No
HHS (Barron Center)	12	$ 4,716.71	$ 4,716.71	No
Library	6	$ 1,498.20	$ -	No
Portland Public School	680	$ 119,477.64	$ 24,102.64	No
		$ 186,774.12	**$ 51,254.55**	**TBD**
GRAND TOTAL POTENTIAL EXPOSURE		**$238,028.67**		

Note 1: For Parks & Recreation Divisions highlighted in yellow, there may also be additional financial impacts to the City related to lost revenue. However, the primary option would be to call other staff to fill in when they're available (not always guaranteed).

Note 2: Estimated additional staff costs assume none of the sick time accrued under the proposed ordinance would be taken under the existing ordinance. This column only reflects a total when the replacement employee may be brought in on overtime instead of straight time.

REQUESTS FOR ADDITIONAL INFORMATION AND QUESTIONS FROM THE JUNE 12th HEALTH & HUMAN SERVICES / PUBLIC SAFETY COMMITTEE MEETING:

Committee Question #1 – Wouldn't the 175 City Clerk employees listed above (election workers, working 2-3 days per year) never work more than 30 hours in a year, and therefore shouldn't those numbers be excluded from this analysis?

Answer #1: The ordinance as it is currently written applies broadly to all employees. The ordinance as it is currently written also requires accrual of a minimum of one hour of sick time for every 30 hours worked. The City payroll system (and most modern payroll systems) accrues sick and vacation hours based on regular hours worked – starting with the first hour worked. City policy is that sick time does not expire with passage of time, so the "Cost of Accrued Sick Time" is accurate even for employees who have worked under 30 hours. Sick time would continue to accumulate year after year and all City Clerk employees including election workers would be eligible for sick time off when accrued under the proposed ordinance.

Committee Question #2: The second cost column in the table an estimated cost to cover shifts vacated by employees using their newly accrued time off. An excellent question was asked about whether this would be a new expense or whether this was an expense that would already exist. It was suggested that unless seasonal / temporary City workers are showing up to work while sick, the expense of covering the shift of a worker using sick time would already exist in the City budget (this suggestion assumes an employee would simply not show up if they were sick under the current rules and go unpaid, and also assumes that under the proposed ordinance they would still not show up if they were sick, but would be paid).

Answer #2: When a replacement employee is brought it at straight time, the impact in this column would be zero. However, if a replacement employee is brought it at overtime there is an estimated cost impact. The ordinance as proposed also provides for many examples of when sick time could be used when even when the employee isn't sick (i.e. if the employee leaves to care for anyone whom they have a close association with, if the employee leaves for a school meeting, if the employee has a family member who is sick, etc.) We know many current benefit eligible employees are using sick time to care for parties other than themselves. We estimate most non-benefit eligible employees are finding alternative care providers vs taking unpaid days off and the costs related to finding replacement workers for these shifts does not currently exist in the City budget.

Committee Question #3 – Can you provide additional detail on the table data?

Answer #3 – Yes, additional backup from the payroll system was added to the meeting backup materials. The updated information from the School Department has also been added.

Cost Category #2 – Increase in City of Portland payroll expenses as a result of new staff required to enforce the ordinance

Another significant new expense related to the proposed paid sick leave ordinance is the new staff required to enforce the ordinance. During her presentation on May 8^{th}, Associate Corporation Counsel Anne Torregrossa shared some very helpful information around staffing requirements within several other municipalities nationwide (see Section 5 of Appendix A, the *Paid Sick Time Ordinance Information* as presented by Associate Corporation Counsel at the May 8th meeting). Many of the "early adopters" of mandatory paid sick leave ordinances are much larger cities with significantly more resources than the City of Portland (i.e. San Francisco, Seattle, Minneapolis). However, several small and medium sized cities within California, Washington and New Jersey have also adopted local paid sick leave ordinances and have shared their staffing requirements / average investigations data.

Municipality	Responsible Department (new/existing)	Staff Requirements	Average investigations per year
San Francisco, CA	Office of Labor Standards Enforcement (existing)	5.5 FTE for paid sick time and minimum wage	33
Emeryville, CA	Economic Development and Housing Division (existing)	1 FTE plus two consultants	6
Trenton, NJ	Health Department (existing)	2 FTE	Few investigations dictated by lack of resources
Tacoma, WA	Employment Standards Office (new)	2.5 FTE for paid sick time and minimum wage	28
Seattle, WA	Office of Labor Standards (new)	12 FTE for paid sick time, minimum wage, wage theft, fair chance employment, and secure scheduling	50

Trenton, NJ has a similarly sized population (84k in Trenton compared to 67k in Portland) but noted that although they have 2 dedicated FTE they do not have adequate resources to conduct investigations into complaints received on their paid sick leave ordinance. Similar feedback was received from the City of Elizabeth, NJ (population 129k) who routes their complaints directly to the local courts. Tacoma, WA is another slightly larger comparable City who currently utilizes 2.5 FTE to support both their minimum wage ordinance and their paid sick leave ordinance.

As Associate Corporation Counsel has noted, the ordinance presents many challenges based on its intricacies and many questions which are difficult to answer (i.e. whether an employee took sick leave for a proper purpose, whether existing policies within the City meet the requirements of the ordinance, etc.) I agree with her assessment that a new division of labor would be required for the City to adequately enforce the ordinance, and that one new investigator, one new staff support person, and one half time attorney would be required.

I took the Associate Corporation Counsel's analysis one step further and assigned non-union position grades to each employee along with salary figures. The investigator would likely be a non-union grade 8, with estimated salary and benefits of $83,462. The new support staff would likely be classified as a non-union grade 5, with estimated salary and benefits of $63,330. The half time attorney would be classified as a non-union grade 13 with estimated salary and benefits of $64,811. The total of these 2.5 FTE would trigger an increase to future City budgets of approximately $211,603.

Cost Category #3 – Increase in other budgeted expenses as a result of required advertising and educational outreach effort including translation costs

The City could also incur costs advertising and educating the public on the ordinance. There would likely be no cost related to posters (for the Minimum Wage posters are simply posted on the City website for download). However, we would likely spend between $5,000 and $10,000 on a mailing / outreach campaign similar to mailings related to Minimum Wage, where the City incurs approximately $5,000 each time there is a change. The proposed paid sick leave ordinance is more complex and each required mailing would likely cost in excess of the $5,000, but is unlikely to exceed $10,000. This includes cost of translation of the materials.

A custom designed website with educational information would cost between $5,000 and $15,000 depending on level of detail desired. The City of Minneapolis website is one of the best and most informational of any I found during my review. The City could simply opt for a zero / minimal cost option of simply adding a web page onto the existing City site (this is what was done with Minimum Wage).

Finally, the City may incur some outside legal expenses during the final drafting of the ordinance, or during any potential amendments to the ordinance arising as a result of legal challenges. This figure is difficult to estimate at this early juncture of the proposal. The City incurred limited outside legal expenses during drafting and implementation of the Minimum Wage ordinance and again during subsequent amendments to the ordinance. The paid sick leave ordinance is significantly more complex and outside legal costs would likely be higher. For purposes of this initial cost document they are conservatively estimated to be in the $15,000 - $55,000 range.

Cost Category #4 – Pass on of costs related to the proposed ordinance from Portland based vendors we utilize

Portland uses outside contractors for tens of millions of dollars of work each fiscal year. In the FY19 general fund budget alone, there are $62M of contractual services with outside vendors. That figure does not include the $40M of capital improvement plan work set to be authorized in February 2019 (or any other CIP work from previous fiscal years which remains to be completed). My Purchasing staff has noted that during our "pre-bid" meetings with vendors, nearly every outside vendor notes that City specific bid requirements which result in increased costs to the vendor are simply passed along to the City as part of overall bid prices. This includes specific labor / wage requirements, bid timing requirements (i.e. the job must be done by a specified date) and would certainly include any costs related to the mandatory paid sick leave ordinance. The final cost increase in this category would depend on a variety of factors:

Making the assumption that 10% of all vendors are Portland based and that 10% of their costs charged to the City would be increased by this ordinance (i.e. a $1/30^{th}$ increase in their labor cost - 1 hour of paid sick leave per 30 hours worked) there would be a contractual services expense increase on $102M in contracts of approximately $34,000 ($104M * 10% *10% * (1/30) = $34k).

Employee Number	Last Name	First Name	Rate	Salary/Deduction Amount	Hours
REDACTED	REDACTED	REDACTED	Stipend	$3,593.00	214
REDACTED	REDACTED	REDACTED	Stipend	$707.00	42
REDACTED	REDACTED	REDACTED	Stipend	$496.00	29
REDACTED	REDACTED	REDACTED	Stipend	$2,396.00	142
REDACTED	REDACTED	REDACTED	Stipend	$6,907.00	410
REDACTED	REDACTED	REDACTED	Stipend	$2,199.50	131
REDACTED	REDACTED	REDACTED	Stipend	$3,626.50	216
REDACTED	REDACTED	REDACTED	Stipend	$1,452.00	86
REDACTED	REDACTED	REDACTED	Stipend	$4,888.00	290
REDACTED	REDACTED	REDACTED	Stipend	$2,904.00	173
REDACTED	REDACTED	REDACTED	Stipend	$1,814.50	108
REDACTED	REDACTED	REDACTED	Stipend	$2,431.25	144
REDACTED	REDACTED	REDACTED	Stipend	$1,452.00	86
REDACTED	REDACTED	REDACTED	Stipend	$3,955.00	235
REDACTED	REDACTED	REDACTED	Stipend	$500.00	30
REDACTED	REDACTED	REDACTED	Stipend	$2,750.00	163
REDACTED	REDACTED	REDACTED	Stipend	$4,034.00	240
REDACTED	REDACTED	REDACTED	Stipend	$4,839.00	288
REDACTED	REDACTED	REDACTED	Stipend	$2,199.50	131
REDACTED	REDACTED	REDACTED	Stipend	$2,661.00	158
REDACTED	REDACTED	REDACTED	Stipend	$1,916.00	114
REDACTED	REDACTED	REDACTED	Stipend	$2,000.00	119
REDACTED	REDACTED	REDACTED	Stipend	$2,443.50	145
REDACTED	REDACTED	REDACTED	Stipend	$3,665.50	218
REDACTED	REDACTED	REDACTED	Stipend	$1,199.00	71
REDACTED	REDACTED	REDACTED	Stipend	$1,199.00	71
REDACTED	REDACTED	REDACTED	Stipend	$4,839.00	288
REDACTED	REDACTED	REDACTED	Stipend	$2,199.50	131
REDACTED	REDACTED	REDACTED	Stipend	$1,000.00	59
REDACTED	REDACTED	REDACTED	Stipend	$300.00	18
REDACTED	REDACTED	REDACTED	Stipend	$1,000.00	59
REDACTED	REDACTED	REDACTED	Stipend	$1,452.00	86
REDACTED	REDACTED	REDACTED	Stipend	$2,600.00	155
REDACTED	REDACTED	REDACTED	Stipend	$1,500.00	89
REDACTED	REDACTED	REDACTED	Stipend	$4,888.00	290
REDACTED	REDACTED	REDACTED	Stipend	$2,443.50	145
REDACTED	REDACTED	REDACTED	Stipend	$1,000.00	59
REDACTED	REDACTED	REDACTED	Stipend	$1,018.50	61
REDACTED	REDACTED	REDACTED	Stipend	$2,904.00	173
REDACTED	REDACTED	REDACTED	Stipend	$993.00	59
REDACTED	REDACTED	REDACTED	Stipend	$500.00	30
REDACTED	REDACTED	REDACTED	Stipend	$1,500.00	89
REDACTED	REDACTED	REDACTED	Stipend	$1,210.00	72
REDACTED	REDACTED	REDACTED	Stipend	$1,629.50	97
REDACTED	REDACTED	REDACTED	Stipend	$2,443.50	145
REDACTED	REDACTED	REDACTED	Stipend	$1,222.00	73

REDACTED	REDACTED	REDACTED	Stipend	$1,099.75	65
REDACTED	REDACTED	REDACTED	Stipend	$1,221.75	73
REDACTED	REDACTED	REDACTED	Stipend	$3,259.00	194
REDACTED	REDACTED	REDACTED	Stipend	$1,613.00	96
REDACTED	REDACTED	REDACTED	Stipend	$2,419.00	144
REDACTED	REDACTED	REDACTED	Stipend	$894.00	53
REDACTED	REDACTED	REDACTED	Stipend	$2,306.00	137
REDACTED	REDACTED	REDACTED	Stipend	$4,839.00	288
REDACTED	REDACTED	REDACTED	Stipend	$3,025.50	180
REDACTED	REDACTED	REDACTED	Stipend	$4,839.00	288
REDACTED	REDACTED	REDACTED	Stipend	$2,933.00	174
REDACTED	REDACTED	REDACTED	Stipend	$3,259.00	194
REDACTED	REDACTED	REDACTED	Stipend	$2,933.00	174
REDACTED	REDACTED	REDACTED	Stipend	$2,419.00	144
REDACTED	REDACTED	REDACTED	Stipend	$8,108.00	482
REDACTED	REDACTED	REDACTED	Stipend	$3,593.00	214
REDACTED	REDACTED	REDACTED	Stipend	$993.00	59
REDACTED	REDACTED	REDACTED	Stipend	$1,459.25	87
REDACTED	REDACTED	REDACTED	Stipend	$993.00	59
REDACTED	REDACTED	REDACTED	Stipend	$4,839.00	288
REDACTED	REDACTED	REDACTED	Stipend	$2,396.00	142
REDACTED	REDACTED	REDACTED	Stipend	$1,814.50	108
REDACTED	REDACTED	REDACTED	Stipend	$1,459.25	87
REDACTED	REDACTED	REDACTED	Stipend	$4,839.00	288
REDACTED	REDACTED	REDACTED	Stipend	$3,600.00	214
REDACTED	REDACTED	REDACTED	Stipend	$7,295.00	434
REDACTED	REDACTED	REDACTED	Stipend	$4,887.00	290
REDACTED	REDACTED	REDACTED	Stipend	$1,613.50	96
REDACTED	REDACTED	REDACTED	Stipend	$2,904.00	173
REDACTED	REDACTED	REDACTED	Stipend	$4,839.00	288
REDACTED	REDACTED	REDACTED	Stipend	$993.00	59
REDACTED	REDACTED	REDACTED	Stipend	$7,294.25	433
REDACTED	REDACTED	REDACTED	Stipend	$1,210.00	72
REDACTED	REDACTED	REDACTED	Stipend	$4,377.00	260
REDACTED	REDACTED	REDACTED	Stipend	$2,420.00	144
REDACTED	REDACTED	REDACTED	Stipend	$968.00	58
REDACTED	REDACTED	REDACTED	Stipend	$1,452.00	86
REDACTED	REDACTED	REDACTED	Stipend	$2,188.75	130
REDACTED	REDACTED	REDACTED	Stipend	$2,419.50	144
REDACTED	REDACTED	REDACTED	Stipend	$2,177.50	129
REDACTED	REDACTED	REDACTED	Stipend	$6,493.50	386
REDACTED	REDACTED	REDACTED	Stipend	$8,148.00	484
REDACTED	REDACTED	REDACTED	Stipend	$496.50	30
REDACTED	REDACTED	REDACTED	Stipend	$3,630.00	216
REDACTED	REDACTED	REDACTED	Stipend	$2,419.00	144
REDACTED	REDACTED	REDACTED	Stipend	$2,177.50	129
REDACTED	REDACTED	REDACTED	Stipend	$1,517.00	90
REDACTED	REDACTED	REDACTED	Stipend	$2,904.00	173
REDACTED	REDACTED	REDACTED	Stipend	$2,983.50	177
REDACTED	REDACTED	REDACTED	Stipend	$968.00	58
REDACTED	REDACTED	REDACTED	Stipend	$2,177.50	129
REDACTED	REDACTED	REDACTED	Stipend	$2,933.00	174

REDACTED	REDACTED	REDACTED	Stipend	$2,419.50	144
REDACTED	REDACTED	REDACTED	Stipend	$2,933.00	174
REDACTED	REDACTED	REDACTED	Stipend	$1,210.00	72
REDACTED	REDACTED	REDACTED	Stipend	$2,933.00	174
REDACTED	REDACTED	REDACTED	Stipend	$2,574.00	153
REDACTED	REDACTED	REDACTED	Stipend	$500.00	30
REDACTED	REDACTED	REDACTED	Stipend	$1,466.50	87
REDACTED	REDACTED	REDACTED	Stipend	$4,887.00	290
REDACTED	REDACTED	REDACTED	Stipend	$2,419.00	144
REDACTED	REDACTED	REDACTED	Stipend	$783.28	47
REDACTED	REDACTED	REDACTED	Stipend	$1,956.00	116
REDACTED	REDACTED	REDACTED	Stipend	$2,177.50	129
REDACTED	REDACTED	REDACTED	Stipend	$2,017.00	120
REDACTED	REDACTED	REDACTED	Stipend	$2,431.25	144
REDACTED	REDACTED	REDACTED	Stipend	$2,443.50	145
REDACTED	REDACTED	REDACTED	Stipend	$2,396.00	142
REDACTED	REDACTED	REDACTED	Stipend	$1,452.00	86
REDACTED	REDACTED	REDACTED	Stipend	$8,846.12	526
REDACTED	REDACTED	REDACTED	Stipend	$4,800.00	285
REDACTED	REDACTED	REDACTED	Stipend	$1,905.44	113
REDACTED	REDACTED	REDACTED	Stipend	$1,236.15	73
REDACTED	REDACTED	REDACTED	Stipend	$2,419.50	144
REDACTED	REDACTED	REDACTED	Stipend	$3,871.50	230
REDACTED	REDACTED	REDACTED	Stipend	$1,010.00	60
REDACTED	REDACTED	REDACTED	$35.00	$38,438.75	1,098.25
REDACTED	REDACTED	REDACTED	$31.25	$11,031.25	311
REDACTED	REDACTED	REDACTED	$24.00	$105.00	5
REDACTED	REDACTED	REDACTED	$24.00	$13,843.00	660.5
REDACTED	REDACTED	REDACTED	$24.00	$3,093.00	149.5
REDACTED	REDACTED	REDACTED	$24.00	$1,620.00	78
REDACTED	REDACTED	REDACTED	$24.00	$744.00	36
REDACTED	REDACTED	REDACTED	$24.00	$11,197.80	538.3
REDACTED	REDACTED	REDACTED	$24.00	$1,045.00	52.25
REDACTED	REDACTED	REDACTED	$24.00	$14,237.00	686
REDACTED	REDACTED	REDACTED	$24.00	$28,812.00	1,374.75
REDACTED	REDACTED	REDACTED	$24.00	$5,404.00	268.25
REDACTED	REDACTED	REDACTED	$24.00	$952.00	46
REDACTED	REDACTED	REDACTED	$24.00	$330.00	16.5
REDACTED	REDACTED	REDACTED	$24.00	$4,028.00	194
REDACTED	REDACTED	REDACTED	$24.00	$1,664.00	80
REDACTED	REDACTED	REDACTED	$24.00	$3,416.00	166
REDACTED	REDACTED	REDACTED	$24.00	$2,677.00	127
REDACTED	REDACTED	REDACTED	$22.00	$2,830.00	141.5
REDACTED	REDACTED	REDACTED	$24.00	$3,069.00	147.5
REDACTED	REDACTED	REDACTED	$24.00	$372.00	18
REDACTED	REDACTED	REDACTED	$24.00	$16,035.50	760.25
REDACTED	REDACTED	REDACTED	$24.00	$9,810.00	470.5
REDACTED	REDACTED	REDACTED	$24.00	$3,624.00	174
REDACTED	REDACTED	REDACTED	$24.00	$480.00	24
REDACTED	REDACTED	REDACTED	$24.00	$3,690.50	174.75
REDACTED	REDACTED	REDACTED	$24.00	$3,332.00	158
REDACTED	REDACTED	REDACTED	$24.00	$1,330.00	66.5

REDACTED	REDACTED	REDACTED	$22.00	$3,810.00	190.5
REDACTED	REDACTED	REDACTED	$24.00	$15,287.00	738
REDACTED	REDACTED	REDACTED	$24.00	$8,810.00	422.25
REDACTED	REDACTED	REDACTED	$24.00	$2,904.00	144
REDACTED	REDACTED	REDACTED	$24.00	$7,098.50	342.25
REDACTED	REDACTED	REDACTED	$24.00	$9,308.00	445.25
REDACTED	REDACTED	REDACTED	$24.00	$440.00	22
REDACTED	REDACTED	REDACTED	$24.00	$5,015.50	238.75
REDACTED	REDACTED	REDACTED	$24.00	$1,599.00	76.5
REDACTED	REDACTED	REDACTED	$24.00	$10,079.50	485.5
REDACTED	REDACTED	REDACTED	$24.00	$10,550.00	508
REDACTED	REDACTED	REDACTED	$24.00	$4,261.00	204.25
REDACTED	REDACTED	REDACTED	$22.00	$350.00	17.5
REDACTED	REDACTED	REDACTED	$24.00	$6,028.00	288.5
REDACTED	REDACTED	REDACTED	$24.00	$7,755.00	374
REDACTED	REDACTED	REDACTED	$22.00	$2,880.00	141
REDACTED	REDACTED	REDACTED	$24.00	$164.00	8
REDACTED	REDACTED	REDACTED	$24.00	$10,746.50	514.45
REDACTED	REDACTED	REDACTED	$24.00	$1,488.00	72
REDACTED	REDACTED	REDACTED	$24.00	$7,930.00	379.25
REDACTED	REDACTED	REDACTED	$24.00	$32,413.00	1,531
REDACTED	REDACTED	REDACTED	$24.00	$1,994.00	96.5
REDACTED	REDACTED	REDACTED	$24.00	$5,711.00	274
REDACTED	REDACTED	REDACTED	$85.00	$133.00	6.5
REDACTED	REDACTED	REDACTED	$24.00	$3,106.50	154.75
REDACTED	REDACTED	REDACTED	$24.00	$17,383.00	835.25
REDACTED	REDACTED	REDACTED	$24.00	$11,358.50	546.5
REDACTED	REDACTED	REDACTED	$20.00	$160.00	8
REDACTED	REDACTED	REDACTED	$22.00	$2,978.00	147.5
REDACTED	REDACTED	REDACTED	$24.00	$3,210.00	160.5
REDACTED	REDACTED	REDACTED	$24.00	$1,069.00	51.5
REDACTED	REDACTED	REDACTED	$24.00	$1,000.00	50
REDACTED	REDACTED	REDACTED	$24.00	$10,285.00	505.5
REDACTED	REDACTED	REDACTED	$15.00	$6,120.00	408
REDACTED	REDACTED	REDACTED	$24.00	$1,620.00	78
REDACTED	REDACTED	REDACTED	$24.00	$4,074.50	196
REDACTED	REDACTED	REDACTED	$24.00	$18,262.50	874.5
REDACTED	REDACTED	REDACTED	$24.00	$9,400.00	450.75
REDACTED	REDACTED	REDACTED	$24.00	$13,896.00	665
REDACTED	REDACTED	REDACTED	$22.00	$2,073.50	79.75
REDACTED	REDACTED	REDACTED	$20.00	$1,500.00	75
REDACTED	REDACTED	REDACTED	$22.00	$570.00	28.5
REDACTED	REDACTED	REDACTED	$24.00	$3,550.00	167.75
REDACTED	REDACTED	REDACTED	$24.00	$6,779.00	331
REDACTED	REDACTED	REDACTED	$24.00	$15,048.50	720.25
REDACTED	REDACTED	REDACTED	$24.00	$6,896.50	328.75
REDACTED	REDACTED	REDACTED	$24.00	$4,981.00	233
REDACTED	REDACTED	REDACTED	$14.00	$2,240.00	160
REDACTED	REDACTED	REDACTED	$24.00	$7,418.00	345
REDACTED	REDACTED	REDACTED	$14.00	$2,240.00	160
REDACTED	REDACTED	REDACTED	$24.00	$1,815.00	82.5
REDACTED	REDACTED	REDACTED	$29.00	$1,073.00	37

REDACTED	REDACTED	REDACTED	$29.00	$2,726.00	94
REDACTED	REDACTED	REDACTED	$85.00	$1,718.25	59.25
REDACTED	REDACTED	REDACTED	$29.00	$2,189.50	75.5
REDACTED	REDACTED	REDACTED	$29.00	$2,465.00	85
REDACTED	REDACTED	REDACTED	$15.38	$9,650.00	627.25
REDACTED	REDACTED	REDACTED	$15.38	$4,800.00	312
REDACTED	REDACTED	REDACTED	$15.38	$1,100.00	72
REDACTED	REDACTED	REDACTED	$13.08	$552.50	42.25
REDACTED	REDACTED	REDACTED	$13.08	$425.00	33
REDACTED	REDACTED	REDACTED	$13.08	$382.50	29.25
REDACTED	REDACTED	REDACTED	$15.38	$200.00	13
REDACTED	REDACTED	REDACTED	$32.97	$5,800.00	377
REDACTED	REDACTED	REDACTED	$15.38	$14,450.00	939.25
REDACTED	REDACTED	REDACTED	$15.38	$300.00	20
REDACTED	REDACTED	REDACTED	$15.38	$1,200.00	78
REDACTED	REDACTED	REDACTED	$15.38	$14,700.00	956
REDACTED	REDACTED	REDACTED	$15.38	$2,000.00	130
REDACTED	REDACTED	REDACTED	$13.08	$5,150.00	334.75
REDACTED	REDACTED	REDACTED	$13.08	$127.50	9.75
REDACTED	REDACTED	REDACTED	$16.80	$7,980.00	523.25
REDACTED	REDACTED	REDACTED	$15.38	$1,750.00	113.75
REDACTED	REDACTED	REDACTED	$13.08	$2,847.50	217.75
REDACTED	REDACTED	REDACTED	$15.38	$2,450.00	159.25
REDACTED	REDACTED	REDACTED	$15.38	$600.00	39
REDACTED	REDACTED	REDACTED	$15.38	$5,100.00	332
REDACTED	REDACTED	REDACTED	$13.08	$9,520.00	728
REDACTED	REDACTED	REDACTED	$13.08	$1,955.00	150
REDACTED	REDACTED	REDACTED	$15.38	$5,000.00	325
REDACTED	REDACTED	REDACTED	$15.38	$38,950.00	1,372.5
REDACTED	REDACTED	REDACTED	$15.38	$100.00	7
REDACTED	REDACTED	REDACTED	$13.08	$255.00	20
REDACTED	REDACTED	REDACTED	$13.08	$8,400.00	546
REDACTED	REDACTED	REDACTED	$15.38	$7,650.00	497.25
REDACTED	REDACTED	REDACTED	$13.08	$297.50	22.75
REDACTED	REDACTED	REDACTED	$13.08	$7,310.00	559
REDACTED	REDACTED	REDACTED	$13.08	$1,530.00	117
REDACTED	REDACTED	REDACTED	$15.38	$100.00	7
REDACTED	REDACTED	REDACTED	$15.38	$3,000.00	195
REDACTED	REDACTED	REDACTED	$15.38	$100.00	7
REDACTED	REDACTED	REDACTED	$15.38	$14,800.00	962
REDACTED	REDACTED	REDACTED	$15.38	$2,900.00	189
REDACTED	REDACTED	REDACTED	$13.08	$1,105.00	85
REDACTED	REDACTED	REDACTED	$15.38	$1,650.00	107.25
REDACTED	REDACTED	REDACTED	$15.38	$2,300.00	150
REDACTED	REDACTED	REDACTED	$15.38	$100.00	7
REDACTED	REDACTED	REDACTED	$15.38	$13,150.00	854.75
REDACTED	REDACTED	REDACTED	$15.38	$1,550.00	100.75
REDACTED	REDACTED	REDACTED	$13.08	$6,587.50	503.75
REDACTED	REDACTED	REDACTED	$13.08	$9,950.00	646.75
REDACTED	REDACTED	REDACTED	$15.38	$100.00	7
REDACTED	REDACTED	REDACTED	$13.08	$1,307.50	94.25
REDACTED	REDACTED	REDACTED	$13.08	$3,102.50	237.25

REDACTED	REDACTED	REDACTED	$13.08	$722.50	55.25
REDACTED	REDACTED	REDACTED	$15.38	$850.00	55.25
REDACTED	REDACTED	REDACTED	$15.38	$5,400.00	351
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$13.08	$382.50	29.25
REDACTED	REDACTED	REDACTED	$15.38	$6,600.00	429
REDACTED	REDACTED	REDACTED	$13.08	$8,032.50	614.25
REDACTED	REDACTED	REDACTED	$13.08	$6,205.00	475
REDACTED	REDACTED	REDACTED	$13.08	$42.50	3.25
REDACTED	REDACTED	REDACTED	$15.38	$300.00	20
REDACTED	REDACTED	REDACTED	$13.08	$425.00	33
REDACTED	REDACTED	REDACTED	$13.08	$1,650.00	107.25
REDACTED	REDACTED	REDACTED	$15.38	$450.00	29.25
REDACTED	REDACTED	REDACTED	$13.08	$2,635.00	202
REDACTED	REDACTED	REDACTED	$13.08	$1,572.50	120.25
REDACTED	REDACTED	REDACTED	$15.38	$6,850.00	445.25
REDACTED	REDACTED	REDACTED	$15.38	$7,600.00	494
REDACTED	REDACTED	REDACTED	$13.08	$9,350.00	715
REDACTED	REDACTED	REDACTED	$15.38	$2,600.00	169
REDACTED	REDACTED	REDACTED	$15.38	$2,950.00	191.75
REDACTED	REDACTED	REDACTED	$15.38	$50.00	3.25
REDACTED	REDACTED	REDACTED	$15.38	$600.00	39
REDACTED	REDACTED	REDACTED	$15.38	$250.00	16.25
REDACTED	REDACTED	REDACTED	$10.77	$3,570.00	332
REDACTED	REDACTED	REDACTED	$13.08	$5,865.00	449
REDACTED	REDACTED	REDACTED	$13.08	$11,815.00	904
REDACTED	REDACTED	REDACTED	$15.38	$700.00	46
REDACTED	REDACTED	REDACTED	$15.38	$7,300.00	475
REDACTED	REDACTED	REDACTED	$13.08	$382.50	29.25
REDACTED	REDACTED	REDACTED	$13.08	$3,187.50	243.75
REDACTED	REDACTED	REDACTED	$15.38	$3,000.00	195
REDACTED	REDACTED	REDACTED	$13.08	$340.00	26
REDACTED	REDACTED	REDACTED	$15.38	$9,900.00	644
REDACTED	REDACTED	REDACTED	$13.08	$4,250.00	325
REDACTED	REDACTED	REDACTED	$15.38	$1,150.00	74.75
REDACTED	REDACTED	REDACTED	$13.08	$2,635.00	202
REDACTED	REDACTED	REDACTED	$13.08	$6,927.50	529.75
REDACTED	REDACTED	REDACTED	$15.38	$3,450.00	224.25
REDACTED	REDACTED	REDACTED	$13.08	$1,870.00	143
REDACTED	REDACTED	REDACTED	$13.08	$637.50	48.75
REDACTED	REDACTED	REDACTED	$13.08	$510.00	39
REDACTED	REDACTED	REDACTED	$13.08	$9,050.00	588.25
REDACTED	REDACTED	REDACTED	$15.38	$4,500.00	293
REDACTED	REDACTED	REDACTED	$15.38	$50.00	3.25
REDACTED	REDACTED	REDACTED	$13.08	$3,485.00	267
REDACTED	REDACTED	REDACTED	$13.08	$935.00	72
REDACTED	REDACTED	REDACTED	$13.08	$1,360.00	104
REDACTED	REDACTED	REDACTED	$13.08	$127.50	9.75
REDACTED	REDACTED	REDACTED	$15.38	$2,182.50	146.25
REDACTED	REDACTED	REDACTED	$13.08	$127.50	9.75
REDACTED	REDACTED	REDACTED	$13.08	$1,445.00	111
REDACTED	REDACTED	REDACTED	$13.08	$3,570.00	273

REDACTED	REDACTED	REDACTED	$13.08	$552.50	42.25
REDACTED	REDACTED	REDACTED	$13.08	$1,955.00	150
REDACTED	REDACTED	REDACTED	$13.08	$4,547.50	347.75
REDACTED	REDACTED	REDACTED	$15.38	$550.00	35.75
REDACTED	REDACTED	REDACTED	$13.08	$85.00	7
REDACTED	REDACTED	REDACTED	$13.08	$765.00	59
REDACTED	REDACTED	REDACTED	$15.38	$4,125.00	312
REDACTED	REDACTED	REDACTED	$10.77	$1,225.00	113.75
REDACTED	REDACTED	REDACTED	$13.08	$7,012.50	536.25
REDACTED	REDACTED	REDACTED	$15.38	$10,650.00	692.25
REDACTED	REDACTED	REDACTED	$15.38	$10,850.00	705.25
REDACTED	REDACTED	REDACTED	$13.08	$7,352.50	562.25
REDACTED	REDACTED	REDACTED	$10.77	$1,260.00	117
REDACTED	REDACTED	REDACTED	$13.08	$6,630.00	507
REDACTED	REDACTED	REDACTED	$15.38	$6,337.50	546
REDACTED	REDACTED	REDACTED	$15.38	$300.00	20
REDACTED	REDACTED	REDACTED	$13.08	$807.50	61.75
REDACTED	REDACTED	REDACTED	$13.08	$1,105.00	85
REDACTED	REDACTED	REDACTED	$13.08	$6,970.00	533
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$13.08	$9,945.00	761
REDACTED	REDACTED	REDACTED	$13.08	$3,612.50	276.25
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$13.08	$1,275.00	98
REDACTED	REDACTED	REDACTED	$13.08	$345.00	29.25
REDACTED	REDACTED	REDACTED	$13.08	$3,740.00	286
REDACTED	REDACTED	REDACTED	$13.08	$850.00	65
REDACTED	REDACTED	REDACTED	$32.97	$1,260.00	117
REDACTED	REDACTED	REDACTED	$15.38	$500.00	33
REDACTED	REDACTED	REDACTED	$13.08	$22.50	9.75
REDACTED	REDACTED	REDACTED	$15.38	$950.00	61.75
REDACTED	REDACTED	REDACTED	$13.08	$637.50	48.75
REDACTED	REDACTED	REDACTED	$13.08	$1,997.50	152.75
REDACTED	REDACTED	REDACTED	$10.77	$210.00	20
REDACTED	REDACTED	REDACTED	$15.38	$9,900.00	644
REDACTED	REDACTED	REDACTED	$15.38	$1,000.00	65
REDACTED	REDACTED	REDACTED	$13.08	$340.00	26
REDACTED	REDACTED	REDACTED	$15.38	$7,550.00	490.75
REDACTED	REDACTED	REDACTED	$13.08	$85.00	7
REDACTED	REDACTED	REDACTED	$13.08	$2,677.50	204.75
REDACTED	REDACTED	REDACTED	$10.77	$595.00	55.25
REDACTED	REDACTED	REDACTED	$13.08	$1,572.50	120.25
REDACTED	REDACTED	REDACTED	$19.23	$625.00	33
REDACTED	REDACTED	REDACTED	$13.08	$765.00	59
REDACTED	REDACTED	REDACTED	$10.77	$35.00	3.25
REDACTED	REDACTED	REDACTED	$10.77	$525.00	48.75
REDACTED	REDACTED	REDACTED	$13.08	$340.00	26
REDACTED	REDACTED	REDACTED	$13.08	$1,445.00	111
REDACTED	REDACTED	REDACTED	$10.77	$1,540.00	143
REDACTED	REDACTED	REDACTED	$10.77	$560.00	52
REDACTED	REDACTED	REDACTED	$13.08	$3,187.50	243.75
REDACTED	REDACTED	REDACTED	$15.38	$500.00	33

REDACTED	REDACTED	REDACTED	$10.77	$840.00	78
REDACTED	REDACTED	REDACTED	$13.08	$2,720.00	208
REDACTED	REDACTED	REDACTED	$13.08	$680.00	52
REDACTED	REDACTED	REDACTED	$16.80	$297.50	22.75
REDACTED	REDACTED	REDACTED	$13.08	$1,837.50	137
REDACTED	REDACTED	REDACTED	$15.38	$4,700.00	306
REDACTED	REDACTED	REDACTED	$10.77	$35.00	3.25
REDACTED	REDACTED	REDACTED	$13.08	$935.00	72
REDACTED	REDACTED	REDACTED	$13.08	$1,742.50	133.25
REDACTED	REDACTED	REDACTED	$15.38	$467.50	35.75
REDACTED	REDACTED	REDACTED	$13.08	$425.00	33
REDACTED	REDACTED	REDACTED	$13.08	$45.00	9.75
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$10.77	$140.00	13
REDACTED	REDACTED	REDACTED	$13.08	$127.50	9.75
REDACTED	REDACTED	REDACTED	$13.08	$5,907.50	451.75
REDACTED	REDACTED	REDACTED	$13.08	$2,975.00	228
REDACTED	REDACTED	REDACTED	$13.08	$892.50	68.25
REDACTED	REDACTED	REDACTED	$13.08	$1,955.00	150
REDACTED	REDACTED	REDACTED	$13.08	$2,167.50	165.75
REDACTED	REDACTED	REDACTED	$13.08	$765.00	59
REDACTED	REDACTED	REDACTED	$30.00	$45.00	9.75
REDACTED	REDACTED	REDACTED	$15.38	$4,280.00	364
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$13.08	$375.00	81.25
REDACTED	REDACTED	REDACTED	$15.38	$5,992.50	458.25
REDACTED	REDACTED	REDACTED	$19.23	$1,125.00	59
REDACTED	REDACTED	REDACTED	$13.08	$3,697.50	282.75
REDACTED	REDACTED	REDACTED	$13.08	$425.00	33
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$19.23	$4,062.50	211.25
REDACTED	REDACTED	REDACTED	$10.77	$455.00	42.25
REDACTED	REDACTED	REDACTED	$15.38	$1,305.00	87.75
REDACTED	REDACTED	REDACTED	$13.08	$2,847.50	217.75
REDACTED	REDACTED	REDACTED	$19.23	$1,937.50	100.75
REDACTED	REDACTED	REDACTED	$13.08	$2,592.50	198.25
REDACTED	REDACTED	REDACTED	$13.08	$2,890.00	221
REDACTED	REDACTED	REDACTED	$10.77	$175.00	16.25
REDACTED	REDACTED	REDACTED	$15.38	$350.00	22.75
REDACTED	REDACTED	REDACTED	$13.08	$680.00	52
REDACTED	REDACTED	REDACTED	$13.08	$935.00	72
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$13.08	$85.00	7
REDACTED	REDACTED	REDACTED	$10.77	$280.00	26
REDACTED	REDACTED	REDACTED	$13.08	$680.00	52
REDACTED	REDACTED	REDACTED	$10.77	$385.00	35.75
REDACTED	REDACTED	REDACTED	$10.77	$70.00	7
REDACTED	REDACTED	REDACTED	$15.38	$5,050.00	328.25
REDACTED	REDACTED	REDACTED	$10.77	$3,640.00	338
REDACTED	REDACTED	REDACTED	$13.08	$4,505.00	345
REDACTED	REDACTED	REDACTED	$13.08	$212.50	16.25
REDACTED	REDACTED	REDACTED	$15.38	$6,100.00	397

REDACTED	REDACTED	REDACTED	$13.08	$85.00	7
REDACTED	REDACTED	REDACTED	$10.77	$175.00	16.25
REDACTED	REDACTED	REDACTED	$10.77	$805.00	74.75
REDACTED	REDACTED	REDACTED	$10.77	$3,825.00	293
REDACTED	REDACTED	REDACTED	$13.08	$680.00	52
REDACTED	REDACTED	REDACTED	$13.08	$4,675.00	358
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$13.08	$722.50	55.25
REDACTED	REDACTED	REDACTED	$13.08	$1,912.50	146.25
REDACTED	REDACTED	REDACTED	$10.77	$245.00	22.75
REDACTED	REDACTED	REDACTED	$13.08	$1,615.00	124
REDACTED	REDACTED	REDACTED	$10.77	$175.00	16.25
REDACTED	REDACTED	REDACTED	$13.08	$85.00	7
REDACTED	REDACTED	REDACTED	$10.77	$700.00	65
REDACTED	REDACTED	REDACTED	$15.38	$500.00	33
REDACTED	REDACTED	REDACTED	$13.08	$637.50	48.75
REDACTED	REDACTED	REDACTED	$13.08	$340.00	26
REDACTED	REDACTED	REDACTED	$13.08	$170.00	13
REDACTED	REDACTED	REDACTED	$13.08	$1,020.00	78
REDACTED	REDACTED	REDACTED	$13.08	$42.50	3.25
REDACTED	REDACTED	REDACTED	$13.08	$2,720.00	208
REDACTED	REDACTED	REDACTED	$13.08	$595.00	46
REDACTED	REDACTED	REDACTED	$13.08	$1,062.50	81.25
REDACTED	REDACTED	REDACTED	$13.08	$850.00	65
REDACTED	REDACTED	REDACTED	$16.80	$1,792.50	139.75
REDACTED	REDACTED	REDACTED	$13.08	$510.00	39
REDACTED	REDACTED	REDACTED	$13.08	$382.50	29.25
REDACTED	REDACTED	REDACTED	$13.08	$212.50	16.25
REDACTED	REDACTED	REDACTED	$15.38	$8,550.00	555.75
REDACTED	REDACTED	REDACTED	$10.77	$105.00	9.75
REDACTED	REDACTED	REDACTED	$13.08	$4,505.00	345
REDACTED	REDACTED	REDACTED	$19.23	$312.50	16.25
REDACTED	REDACTED	REDACTED	$13.08	$85.00	7
REDACTED	REDACTED	REDACTED	$13.08	$4,080.00	312
REDACTED	REDACTED	REDACTED	$13.08	$637.50	48.75
REDACTED	REDACTED	REDACTED	$10.77	$140.00	13
REDACTED	REDACTED	REDACTED	$13.08	$3,315.00	254
REDACTED	REDACTED	REDACTED	$13.08	$1,062.50	81.25
REDACTED	REDACTED	REDACTED	$15.38	$4,500.00	293
REDACTED	REDACTED	REDACTED	$10.77	$70.00	7
REDACTED	REDACTED	REDACTED	$13.08	$1,870.00	143
REDACTED	REDACTED	REDACTED	$13.08	$722.50	55.25
REDACTED	REDACTED	REDACTED	$13.08	$255.00	20
REDACTED	REDACTED	REDACTED	$10.77	$210.00	20
REDACTED	REDACTED	REDACTED	$13.08	$2,847.50	217.75
REDACTED	REDACTED	REDACTED	$15.38	$3,150.00	204.75
REDACTED	REDACTED	REDACTED	$13.08	$1,105.00	85
REDACTED	REDACTED	REDACTED	$13.08	$382.50	29.25
REDACTED	REDACTED	REDACTED	$10.77	$70.00	7
REDACTED	REDACTED	REDACTED	$10.77	$280.00	26
REDACTED	REDACTED	REDACTED	$13.08	$1,360.00	104
REDACTED	REDACTED	REDACTED	$13.08	$1,105.00	85

REDACTED	REDACTED	REDACTED	$13.08	$127.50	9.75
REDACTED	REDACTED	REDACTED	$10.77	$245.00	22.75
REDACTED	REDACTED	REDACTED	$19.23	$500.00	26
REDACTED	REDACTED	REDACTED	$10.77	$70.00	7
REDACTED	REDACTED	REDACTED	$13.08	$212.50	16.25
REDACTED	REDACTED	REDACTED	$13.08	$1,275.00	98
REDACTED	REDACTED	REDACTED	$15.38	$700.00	46
REDACTED	REDACTED	REDACTED	$13.08	$42.50	3.25
REDACTED	REDACTED	REDACTED	$10.77	$595.00	55.25
REDACTED	REDACTED	REDACTED	$19.23	$437.50	22.75
REDACTED	REDACTED	REDACTED	$15.38	$1,200.00	78
REDACTED	REDACTED	REDACTED	$19.23	$250.00	13
REDACTED	REDACTED	REDACTED	$13.08	$1,657.50	126.75
REDACTED	REDACTED	REDACTED	$13.08	$85.00	7
REDACTED	REDACTED	REDACTED	$15.38	$250.00	16.25
REDACTED	REDACTED	REDACTED	$13.08	$2,040.00	156
REDACTED	REDACTED	REDACTED	$15.38	$550.00	35.75
REDACTED	REDACTED	REDACTED	$15.38	$200.00	13
REDACTED	REDACTED	REDACTED	$10.77	$70.00	7
REDACTED	REDACTED	REDACTED	$10.77	$1,225.00	113.75
REDACTED	REDACTED	REDACTED	$10.77	$70.00	7
REDACTED	REDACTED	REDACTED	$13.08	$85.00	7
REDACTED	REDACTED	REDACTED	$32.97	$765.00	59
REDACTED	REDACTED	REDACTED	$13.08	$637.50	48.75
REDACTED	REDACTED	REDACTED	$10.77	$665.00	61.75
REDACTED	REDACTED	REDACTED	$13.08	$467.50	35.75
REDACTED	REDACTED	REDACTED	$13.08	$127.50	9.75
REDACTED	REDACTED	REDACTED	$13.08	$425.00	33
REDACTED	REDACTED	REDACTED	$32.97	$1,300.00	85
REDACTED	REDACTED	REDACTED	$10.77	$280.00	26
REDACTED	REDACTED	REDACTED	$13.08	$340.00	26
REDACTED	REDACTED	REDACTED	$55.65	$9,404.98	169
REDACTED	REDACTED	REDACTED	$32.97	$17,489.72	559
REDACTED	REDACTED	REDACTED	$13.08	$3,868.42	137
REDACTED	REDACTED	REDACTED	$13.08	$4,472.43	139.75
REDACTED	REDACTED	REDACTED	$15.38	$14,977.44	468
REDACTED	REDACTED	REDACTED	$15.38	$8,662.77	270.686
REDACTED	REDACTED	REDACTED	$47.34	$5,846.11	124
REDACTED	REDACTED	REDACTED	$15.38	$8,112.78	254
REDACTED	REDACTED	REDACTED	$13.08	$8,944.86	280
REDACTED	REDACTED	REDACTED	$32.00	$13,105.26	410
REDACTED	REDACTED	REDACTED	$10.77	$11,441.10	358
REDACTED	REDACTED	REDACTED	$32.00	$832.08	26
REDACTED	REDACTED	REDACTED	$75.00	$1,087.50	14.5
REDACTED	REDACTED	REDACTED	$20.00	$450.00	22.5
REDACTED	REDACTED	REDACTED	$17.00	$8,313.00	489
REDACTED	REDACTED	REDACTED	$20.00	$1,500.00	75
REDACTED	REDACTED	REDACTED	$20.00	$175.00	8.75
REDACTED	REDACTED	REDACTED	$17.00	$2,061.25	121.25
REDACTED	REDACTED	REDACTED	$17.00	$306.00	18
REDACTED	REDACTED	REDACTED	$17.00	$697.00	41
REDACTED	REDACTED	REDACTED	$17.00	$283.69	18

REDACTED	REDACTED	REDACTED	$17.00	$850.00	50
REDACTED	REDACTED	REDACTED	$17.00	$782.00	46
REDACTED	REDACTED	REDACTED	$18.57	$2,986.05	280
REDACTED	REDACTED	REDACTED	$10.90	$5,394.60	505.75
REDACTED	REDACTED	REDACTED	$10.90	$4,562.53	430
REDACTED	REDACTED	REDACTED	$10.90	$2,917.50	273.5
REDACTED	REDACTED	REDACTED	$10.90	$4,237.07	397.3
REDACTED	REDACTED	REDACTED	$10.90	$3,062.61	287.25
REDACTED	REDACTED	REDACTED	$10.68	$4,167.41	390.75
REDACTED	REDACTED	REDACTED	$10.68	$149.52	14
REDACTED	REDACTED	REDACTED	$10.68	$955.40	90
REDACTED	REDACTED	REDACTED	$10.68	$2,344.96	220
REDACTED	REDACTED	REDACTED	$10.10	$80.80	8
REDACTED	REDACTED	REDACTED	$10.90	$5,335.86	500.25
REDACTED	REDACTED	REDACTED	$10.68	$2,712.26	254.5
REDACTED	REDACTED	REDACTED	$10.68	$2,888.48	271
REDACTED	REDACTED	REDACTED	$10.90	$360.45	33.75
REDACTED	REDACTED	REDACTED	$10.90	$3,825.65	358.75
REDACTED	REDACTED	REDACTED	$10.90	$3,011.76	282
REDACTED	REDACTED	REDACTED	$10.90	$3,487.72	327
REDACTED	REDACTED	REDACTED	$10.68	$1,789.60	168
REDACTED	REDACTED	REDACTED	$10.90	$1,593.99	149.25
REDACTED	REDACTED	REDACTED	$10.90	$4,368.12	409
REDACTED	REDACTED	REDACTED	$10.68	$448.56	42
REDACTED	REDACTED	REDACTED	$10.90	$2,250.00	211
REDACTED	REDACTED	REDACTED	$16.80	$2,699.37	252.75
REDACTED	REDACTED	REDACTED	$10.90	$3,301.11	309.5
REDACTED	REDACTED	REDACTED	$10.90	$3,114.21	292
REDACTED	REDACTED	REDACTED	$10.90	$5,077.88	476
REDACTED	REDACTED	REDACTED	$10.90	$3,305.46	309.5
REDACTED	REDACTED	REDACTED	$10.68	$1,783.56	167
REDACTED	REDACTED	REDACTED	$10.90	$5,481.63	513.75
REDACTED	REDACTED	REDACTED	$10.90	$961.20	90
REDACTED	REDACTED	REDACTED	$10.90	$1,046.64	98
REDACTED	REDACTED	REDACTED	$10.68	$309.72	29
REDACTED	REDACTED	REDACTED	$10.90	$934.50	87.5
REDACTED	REDACTED	REDACTED	$10.90	$2,488.44	233
REDACTED	REDACTED	REDACTED	$10.90	$1,132.08	106
REDACTED	REDACTED	REDACTED	$10.90	$1,625.14	152.1667
REDACTED	REDACTED	REDACTED	$10.90	$1,196.16	112
REDACTED	REDACTED	REDACTED	$10.90	$656.82	61.5
REDACTED	REDACTED	REDACTED	$10.68	$56.07	5.25
REDACTED	REDACTED	REDACTED	$10.90	$822.36	77
REDACTED	REDACTED	REDACTED	$20.00	$100.00	5
REDACTED	REDACTED	REDACTED	$100.00	$9,950.00	0
REDACTED	REDACTED	REDACTED	$100.00	$460.00	0
REDACTED	REDACTED	REDACTED		$1,400.00	0
REDACTED	REDACTED	REDACTED	$40.00	$15,200.00	380
REDACTED	REDACTED	REDACTED	$100.00	$1,150.00	0
REDACTED	REDACTED	REDACTED	$24.00	$142.63	0
REDACTED	REDACTED	REDACTED		$1,285.00	0
REDACTED	REDACTED	REDACTED		$250.00	0

REDACTED	REDACTED	REDACTED		$355.00	0
REDACTED	REDACTED	REDACTED		$50.50	0
REDACTED	REDACTED	REDACTED	$25.00	$1,612.50	64.5
REDACTED	REDACTED	REDACTED	$25.00	$525.00	21
REDACTED	REDACTED	REDACTED	$25.00	$2,025.00	81
REDACTED	REDACTED	REDACTED		$90.00	0
REDACTED	REDACTED	REDACTED	$25.00	$1,287.50	51.5
REDACTED	REDACTED	REDACTED	$25.00	$1,725.00	69
REDACTED	REDACTED	REDACTED	$25.00	$50.00	2
REDACTED	REDACTED	REDACTED	$25.00	$675.00	27
REDACTED	REDACTED	REDACTED	$25.00	$525.00	21
REDACTED	REDACTED	REDACTED	$25.00	$520.00	20
REDACTED	REDACTED	REDACTED	$25.00	$100.00	4
REDACTED	REDACTED	REDACTED	$25.00	$1,325.00	53
REDACTED	REDACTED	REDACTED	$25.00	$475.00	19
REDACTED	REDACTED	REDACTED	$10.90	$175.00	7
REDACTED	REDACTED	REDACTED	$10.90	$1,450.00	58
REDACTED	REDACTED	REDACTED	$25.00	$200.00	8
REDACTED	REDACTED	REDACTED	$10.68	$12.50	0.5
REDACTED	REDACTED	REDACTED	$25.00	$1,125.00	45
REDACTED	REDACTED	REDACTED	$25.00	$175.00	7
REDACTED	REDACTED	REDACTED	$16.45	$814.28	49.5
REDACTED	REDACTED	REDACTED	$25.00	$300.00	12
REDACTED	REDACTED	REDACTED	$15.00	$5,595.00	373
REDACTED	REDACTED	REDACTED	$25.00	$275.00	11
REDACTED	REDACTED	REDACTED	$25.00	$400.00	16
REDACTED	REDACTED	REDACTED	$16.80	$8,232.00	490
REDACTED	REDACTED	REDACTED	$16.80	$12,597.90	766
REDACTED	REDACTED	REDACTED	$16.80	$1,747.20	104
REDACTED	REDACTED	REDACTED	$16.40	$803.60	49
REDACTED	REDACTED	REDACTED	$16.39	$4,736.71	289
REDACTED	REDACTED	REDACTED	$16.55	$1,584.67	95.75
REDACTED	REDACTED	REDACTED	$16.55	$1,729.49	104.5
REDACTED	REDACTED	REDACTED	$16.55	$1,489.50	90
REDACTED	REDACTED	REDACTED	$18.22	$1,885.77	103.5
REDACTED	REDACTED	REDACTED	$16.80	$5,843.05	356.5
REDACTED	REDACTED	REDACTED	$16.80	$7,169.40	426.75
REDACTED	REDACTED	REDACTED	$16.80	$74.48	4.5
REDACTED	REDACTED	REDACTED	$16.55	$1,489.50	90
REDACTED	REDACTED	REDACTED	$16.55	$794.40	48
REDACTED	REDACTED	REDACTED	$16.55	$761.30	46
REDACTED	REDACTED	REDACTED	$17.79	$2,846.40	160
REDACTED	REDACTED	REDACTED	$16.80	$6,035.40	359.25
REDACTED	REDACTED	REDACTED	$16.80	$15,401.03	931.1159
REDACTED	REDACTED	REDACTED	$16.57	$1,639.98	99
REDACTED	REDACTED	REDACTED	$16.39	$1,606.22	98
REDACTED	REDACTED	REDACTED	$16.39	$2,270.03	138.5
REDACTED	REDACTED	REDACTED	$16.39	$7,273.07	443.75
REDACTED	REDACTED	REDACTED	$16.80	$1,814.40	108
REDACTED	REDACTED	REDACTED	$16.55	$1,365.38	82.5
REDACTED	REDACTED	REDACTED	$16.55	$82.75	5
REDACTED	REDACTED	REDACTED	$16.55	$1,472.95	89

REDACTED	REDACTED	REDACTED	$16.80	$2,826.60	168.25
REDACTED	REDACTED	REDACTED	$16.80	$7,228.20	430.25
REDACTED	REDACTED	REDACTED	$17.48	$63.04	3.5
REDACTED	REDACTED	REDACTED	$20.00	$1,380.30	87.25
REDACTED	REDACTED	REDACTED	$23.94	$5,530.14	231
REDACTED	REDACTED	REDACTED	$19.45	$1,976.47	105.75
REDACTED	REDACTED	REDACTED	$17.48	$2,573.90	141.5
REDACTED	REDACTED	REDACTED	$14.18	$8,323.66	587
REDACTED	REDACTED	REDACTED	$10.68	$723.57	67.75
REDACTED	REDACTED	REDACTED	$12.00	$1,740.00	145
REDACTED	REDACTED	REDACTED	$15.82	$3,701.88	234
REDACTED	REDACTED	REDACTED	$14.16	$11,762.22	891.75
REDACTED	REDACTED	REDACTED	$22.08	$12,780.11	625.25
REDACTED	REDACTED	REDACTED	$22.08	$20,187.76	1,006
REDACTED	REDACTED	REDACTED	$21.50	$8,557.02	430
REDACTED	REDACTED	REDACTED	$17.45	$19,654.83	1,040.5
REDACTED	REDACTED	REDACTED	$18.23	$16,793.41	1,209.9
REDACTED	REDACTED	REDACTED	$11.00	$3,520.00	320
REDACTED	REDACTED	REDACTED	$18.57	$5,375.00	312.5
REDACTED	REDACTED	REDACTED	$10.68	$1,044.32	98
REDACTED	REDACTED	REDACTED	$10.68	$42.72	4
REDACTED	REDACTED	REDACTED	$10.68	$576.72	54
REDACTED	REDACTED	REDACTED	$10.90	$598.08	56
REDACTED	REDACTED	REDACTED	$10.68	$74.76	7
REDACTED	REDACTED	REDACTED	$10.90	$1,562.30	146.5
REDACTED	REDACTED	REDACTED	$10.68	$507.30	47.5
REDACTED	REDACTED	REDACTED	$10.90	$1,644.72	154
REDACTED	REDACTED	REDACTED	$10.68	$555.36	52
REDACTED	REDACTED	REDACTED	$10.68	$347.10	32.5
REDACTED	REDACTED	REDACTED	$10.68	$672.84	63
REDACTED	REDACTED	REDACTED	$10.90	$555.36	52
REDACTED	REDACTED	REDACTED	$10.68	$469.92	44
REDACTED	REDACTED	REDACTED	$10.68	$640.80	60
REDACTED	REDACTED	REDACTED	$10.90	$277.68	26
REDACTED	REDACTED	REDACTED	$10.68	$277.68	26
REDACTED	REDACTED	REDACTED	$10.68	$539.34	50.5
REDACTED	REDACTED	REDACTED	$10.68	$344.43	32.25
REDACTED	REDACTED	REDACTED	$10.90	$795.66	74.5
REDACTED	REDACTED	REDACTED	$10.68	$277.68	26
REDACTED	REDACTED	REDACTED	$10.90	$795.66	74.5
REDACTED	REDACTED	REDACTED	$10.90	$640.80	60
REDACTED	REDACTED	REDACTED	$10.90	$766.29	71.75
REDACTED	REDACTED	REDACTED	$10.68	$632.79	59.25
REDACTED	REDACTED	REDACTED	$10.68	$347.10	32.5
REDACTED	REDACTED	REDACTED	$10.90	$42.72	4
REDACTED	REDACTED	REDACTED	$10.90	$85.44	8
REDACTED	REDACTED	REDACTED	$10.90	$4,256.68	399
REDACTED	REDACTED	REDACTED	$10.90	$4,904.79	459.25
REDACTED	REDACTED	REDACTED	$10.90	$6,412.18	600.5
REDACTED	REDACTED	REDACTED	$10.68	$349.77	32.75
REDACTED	REDACTED	REDACTED	$10.90	$2,395.88	224.3333
REDACTED	REDACTED	REDACTED	$10.68	$600.75	56.25

REDACTED	REDACTED	REDACTED	$10.90	$192.24	18
REDACTED	REDACTED	REDACTED	$10.68	$21.36	2
REDACTED	REDACTED	REDACTED	$10.90	$293.70	27.5
REDACTED	REDACTED	REDACTED	$10.90	$2,661.99	249.25
REDACTED	REDACTED	REDACTED	$14.55	$317.73	29.75
REDACTED	REDACTED	REDACTED	$21.61	$103.86	5
REDACTED	REDACTED	REDACTED	$13.34	$224.28	21
REDACTED	REDACTED	REDACTED	$13.40	$117.48	11
REDACTED	REDACTED	REDACTED	$12.93	$4,268.87	400.25

129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document	**No. 369**
S.P. 110	In Senate, January 24, 2019

An Act To Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees

Reference to the Committee on Labor and Housing suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative FECTEAU of Biddeford and
Senators: BELLOWS of Kennebec, President JACKSON of Aroostook, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland, VITELLI of Sagadahoc, Representatives: CUDDY of Winterport, DOORE of Augusta, MOONEN of Portland.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §626, first ¶, as amended by PL 2017, c. 219, §11, is further amended to read:

An employee leaving employment must be paid in full no later than the employee's next established payday. Any overcompensation may be withheld if authorized under section 635 and any loan or advance against future earnings or wages may be deducted if evidenced by a statement in writing signed by the employee. Whenever the terms of employment or the employer's established practice includes provisions for paid vacations, vacation pay on cessation of employment has the same status as wages earned. Sick leave accrued pursuant to section 637 or section 638 does not have the same status as wages earned.

Sec. 2. 26 MRSA §636, sub-§2, as enacted by PL 2005, c. 455, §1, is amended to read:

2. Use of paid leave and paid sick leave. If an employer, under the terms of a collective bargaining agreement or employment policy or as required by section 637, provides paid leave, then the employer shall allow an employee to use the paid leave for the care of an immediate family member who is ill as provided in this section.

Sec. 3. 26 MRSA §§637 and 638 are enacted to read:

§637. Earned paid sick leave

An employer that employs more than 5 employees shall provide to each employee earned paid sick leave as provided by this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department" means the Department of Labor.

B. "Family member" means:

(1) The employee's, and the employee's spouse's or domestic partner's, biological child, adopted child, foster child, stepchild or legal ward, a child to whom the employee or the employee's spouse or domestic partner stands in loco parentis or an individual to whom the employee or the employee's spouse or domestic partner stood in loco parentis when the individual was a minor;

(2) The employee's, and the employee's spouse's or domestic partner's, biological parent, foster parent, stepparent, adoptive parent or legal guardian or a person who stood in loco parentis when the employee was a minor child;

(3) A person to whom the employee is legally married under the laws of any state or a domestic partner of the employee;

(4) The employee's, and the employee's spouse's or domestic partner's, biological grandparent, foster grandparent, adoptive grandparent or stepgrandparent;

(5) The employee's, and the employee's spouse's or domestic partner's, biological sibling, foster sibling, adoptive sibling or stepsibling; and

(6) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

2. Accrual. An employee entitled to earned paid sick leave under this section accrues the leave at a rate of no less than one hour of earned paid sick leave for every 30 hours worked. Accrual begins at the start of employment, but the employer is not required to permit use of the leave before an employee has been employed for 90 days. The employer shall permit an employee to carry forward at least 40 hours of accrued earned paid sick leave to the following year, but an employer is not required to allow the use of more than 40 hours of earned paid sick leave in one year. An employer may provide all earned paid sick leave the employee is expected to earn in a year at the beginning of the year.

3. Use of accrued earned paid sick leave. Accrued earned paid sick leave may be used for the following:

A. An employee's:

(1) Mental or physical illness, injury or health condition;

(2) Medical diagnosis, care or treatment of the employee's mental or physical illness, injury or health condition; or

(3) Preventative medical care;

B. A family member's:

(1) Mental or physical illness, injury or health condition;

(2) Medical diagnosis, care or treatment of the family member's mental or physical illness, injury or health condition; or

(3) Preventative medical care; and

C. If an employee or a family member is a victim of domestic violence or sexual assault:

(1) Medical care or psychological or other counseling for physical or psychological injury or disability;

(2) Obtaining services from a victim services organization;

(3) Relocating due to domestic violence or sexual assault;

(4) Obtaining legal services or participating in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault; or

(5) Meetings at a child's school or place of care related to the child's health or disability or to the effects of domestic violence or sexual assault on the child.

Earned paid sick leave may be used in the smallest increment that the employer's payroll system uses to account for absences or use of other time. An employee is not required to secure a substitute when that employee uses earned paid sick leave.

4. Notice requirements. Accrued earned paid sick leave must be provided upon the request of an employee, pursuant to the following requirements.

A. The request may be made orally, in writing, by electronic means or by any other means acceptable to the employer. When possible, the request must include the expected duration of the absence.

B. When the use of earned paid sick leave is foreseeable, the employee shall make a good faith effort to provide notice of the need for the earned paid sick leave to the employer in advance of the use of the earned paid sick leave and shall make a reasonable effort to schedule the use of earned paid sick leave in a manner that does not unduly disrupt the operations of the employer.

C. An employer that requires notice of the need to use earned paid sick leave when the need is not foreseeable shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to an employee a copy of its written policy for providing notice under this paragraph may not deny earned paid sick leave to the employee based on noncompliance with the policy.

5. Combined paid leave. An employer may meet the requirements of this section by providing paid leave that may be used by the employee interchangeably as either sick leave or vacation time, as long as this paid leave is in accordance with the accrual of earned paid sick leave in subsection 2.

6. Supporting documentation. For use of accrued earned paid sick leave for more than 3 consecutive days, an employer may require reasonable documentation from the employee in order to verify that the accrued earned paid sick leave has been used for a purpose described in subsection 3.

A. Upon the employer's request, the employee must provide the documentation to the employer in a timely manner. The employer may not delay the employee's use of accrued earned paid sick leave on the basis that the employer has not yet received documentation.

B. For use of accrued earned paid sick leave pursuant to subsection 3, paragraph A or B, reasonable documentation for purposes of this subsection includes, but is not limited to, a signed written statement from the employee or documentation signed by a health care professional indicating that the employee's or family member's use of accrued earned paid sick leave was based on one or more of the circumstances described in subsection 3, paragraph A or B. An employer may not require that the documentation explain the nature of the illness.

C. For use of earned paid sick leave pursuant to subsection 3, paragraph C, reasonable documentation is:

(1) A police report indicating that the employee or family member was a victim of domestic violence or sexual assault;

(2) A signed statement from a victim witness advocate affirming that the employee or family member is receiving services from a victim services organization;

(3) A court document indicating that the employee or family member is involved in legal action related to domestic violence or sexual assault; or

(4) A signed written statement from the employee.

An employer may not require that the documentation explain the details of the violence or assault.

D. If an employer chooses to require documentation from the employee in order to verify that the accrued earned paid sick leave has been used for a permissible purpose, and the employer does not offer health insurance, the employer is responsible for paying all out-of-pocket expenses the employee incurs in obtaining the documentation. If the employer does offer health insurance, the employer is responsible for paying any costs charged to the employee by the health care professional for providing the specific documentation required by the employer.

E. An employer may not require disclosure of details relating to domestic violence or sexual assault or the details of an employee's or a family member's medical condition as a condition of providing earned paid sick leave under this section. If an employer possesses health information or information pertaining to domestic violence or sexual assault about an employee or a family member, the employer shall treat that information as confidential and may not disclose that information except to the affected employee or as approved by the affected employee.

7. Notice of policies; posting. The following provisions govern notice and posting requirements.

A. An employer shall give employees written notice of the following at the commencement of employment or by January 1, 2021, whichever is later:

(1) Employees are entitled to earned paid sick leave;

(2) The accrual and amount of earned paid sick leave provided under this section;

(3) The terms of use for earned paid sick leave guaranteed under this section;

(4) That retaliatory personnel action against employees who request or use earned paid sick leave is prohibited by law;

(5) That each employee has the right to file a complaint or bring a civil action if earned paid sick leave as required by this section is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking earned paid sick leave; and

(6) The contact information for the department from which questions about rights and responsibilities under this section can be answered.

This notice must be in English and any language that is the first language spoken by at least 10% of the employer's workforce, as long as the notice has been provided by the department pursuant to paragraph D.

B. An employer shall record on the employee's regular pay stub, or an attachment to the pay stub, an accounting of the amount of earned paid sick leave available to the employee, the amount of earned paid sick leave taken by the employee to date in the year and the amount of pay the employee has received as earned paid sick leave.

C. An employer shall display a poster that contains the information required in paragraph A in a conspicuous and accessible place in each establishment where employees are employed. The poster displayed must be in English and any language that is the first language spoken by at least 10% of the employer's workforce, as long as the poster has been provided by the department pursuant to paragraph D.

D. The department shall create and make available to employers, in all languages spoken by at least 10% of the State's workforce and any other language determined to be appropriate by the department, model notices and posters that contain the information required for employers' use in complying with paragraphs A and C.

8. Record keeping. An employer shall retain records for a period of 3 years documenting hours worked by employees and earned paid sick leave taken by employees, and shall allow the department access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this section. When a dispute arises as to an employee's entitlement to earned paid sick leave under this section, if the employer has not maintained adequate records documenting hours worked by the employee and earned paid sick leave taken by the employee, or does not allow the department reasonable access to such records, there is a presumption that the employer has violated this section, absent clear and convincing evidence to the contrary.

9. Exercise of rights protected; retaliation prohibited. An employee has the right to use earned paid sick leave pursuant to this section, the right to file a complaint or inform any person about any employer's alleged violation of this section, the right to cooperate with the department in its investigations of alleged violations of this section and the right to inform any person of that person's rights under this section. An employer or any other person may not interfere with, restrain or deny the exercise of, or the attempt to exercise, any of these rights.

An employer may not take retaliatory personnel action or otherwise discriminate against an employee because the employee has exercised a right protected under this section. An employer's absence control policy may not treat earned paid sick leave taken under this section as an absence that may lead to or result in retaliatory personnel action. The protections in this section apply to any person who mistakenly, but in good faith, alleges a violation of this section.

10. Violation; rebuttable presumption. There is a rebuttable presumption of a violation of this section if an employer takes adverse personnel action against an employee within 90 days after that employee does any of the following:

A. Files a complaint with the department or a court alleging a violation of this section;

B. Informs any person about an employer's alleged violation of this section;

C. Cooperates with the department or another person in the investigation or prosecution of any alleged violation of this section;

D. Opposes any policy, practice or act that is prohibited under this section; or

E. Informs any person of that person's rights under this section.

11. Complaints and investigation. The department shall enforce the provisions of this section. The department shall establish a system that allows for multiple methods of communication by which it may receive complaints regarding any alleged violations of this section. Any person alleging a violation of this section may file a complaint with the department. To the maximum extent permitted by law, the name and other identifying information of the person reporting the alleged violation is confidential and may not be disclosed except that, with the authorization of the person reporting the alleged violation, the department may disclose the person's name and other identifying information as determined to be necessary to enforce this section or for other appropriate purposes. Filing a complaint with the department is neither a prerequisite nor a bar to bringing a civil action.

Upon receiving a complaint alleging a violation of this chapter, the department shall investigate the complaint in a timely manner and shall attempt to resolve the complaint through mediation between the complainant and the subject of the complaint or through other means. The department shall keep a complainant notified regarding the status of the complaint and any resultant investigation. If the department determines that a violation of this section has occurred, it shall issue to the person or entity it has determined has violated this section a notice of violation describing the relief required of the person or entity. The department shall prescribe the form and wording of such notices of violation and any method of appealing the decision of the department.

12. Civil violation. An employer that fails to provide earned paid sick leave in violation of this section or who takes retaliatory personnel action against an employee or former employee commits a civil violation for which a fine of not more than $1,000 may be adjudged.

An employer that willfully violates the notice or posting requirements in subsection 7 commits a civil violation for which a fine of not more than $100 may adjudged.

13. Private right of action. An employer that violates this section is liable to the individual affected by the violation for appropriate relief collectible in a civil action, including, but not limited, to the following relief:

A. Payment for unpaid leave taken that should have been earned paid sick leave;

B. Payment of back wages;

C. An amount equal to the sum of the amounts under paragraphs A, B and D, if applicable, as liquidated damages;

D. Costs and reasonable attorney's fees, at the discretion of the court;

E. Rehiring or reinstatement to the individual's previous position with the employer; and

F. Reestablishment of employee benefits to which the individual otherwise would have been eligible if the individual had not been subjected to retaliatory personnel action or discrimination.

An affected individual may bring a civil action to collect appropriate relief. An action taken by an affected individual under this subsection may be brought not later than 3 years after the date of the last event constituting the alleged violation for which the action is brought or the date when the individual knew of the violation, whichever is later. The right to bring an action provided by this subsection terminates on the filing of a complaint by the Attorney General in an action under subsection 14 in which a recovery is sought related to the same violation or violations of an employer relating to the affected individual.

14. Civil action by the department. The department may impose penalties and may grant an employee or individual all appropriate relief, including, but not limited to, payment of all earned paid sick leave improperly withheld, all damages incurred by the complainant as the result of violation of this section, back pay and reinstatement in the case of job loss.

If the director determines that there is reasonable cause to believe that an employer violated this section and the department is subsequently unable to obtain voluntary compliance by the employer within a reasonable time, the department shall bring a civil action through the Attorney General on behalf of an affected individual or individuals as provided in subsection 13, except that a civil action may not be brought on behalf of an individual has filed an action under subsection 13 related to the same violation or violations of this section.

A civil action brought under this subsection may be joined with a civil action to collect fines under subsection 12.

15. Effect on collective bargaining. Except for a collective bargaining agreement as described in subsection 16, paragraph A, a contract or agreement between the employer and the employee or any acceptance by the employee of a paid leave policy that provides fewer rights or benefits than provided by this section is void and unenforceable.

16. Application; construction; successor employer; reinstatement. This section applies subject to the following.

A. This section does not apply to an employee covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the agreement. This section does apply to employees covered by a collective bargaining agreement entered into and in effect on or after January 1, 2021, unless the collective bargaining agreement expressly waives the requirements of this section in clear and unambiguous terms.

B. This section does not apply to an individual employed by the individual's parent, spouse or child.

C. Nothing in this section may be construed to require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement or other separation from employment for accrued earned paid sick leave that has not been used.

D. A successor employer, or an employer over which there is substantial common ownership, management or control between the successor and predecessor employer, is responsible for the earned paid sick leave rights accrued by employees of the predecessor employer. These employees are entitled to use earned paid sick leave previously accrued pursuant to the terms provided in this section, irrespective of the 90-day period described in subsection 2.

E. If an employee separates from employment and is rehired by the same employer within 12 months of the separation, the employer shall reinstate previously accrued, unused earned paid sick leave and shall permit the reinstated employee to use that accrued earned paid sick leave and to accrue additional earned paid sick leave upon reinstatement.

17. Rules. The department shall adopt rules to implement and enforce the provisions of this section and section 638, including rules regarding the receipt, investigation and prosecution of complaints brought under this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

§638. Earned unpaid sick leave

An employer that employs 5 or fewer employees in the State shall implement a policy that allows an employee to accrue and use at least 40 hours of unpaid earned sick leave per year.

An employer may meet the requirements of this section by providing unpaid leave that may be used interchangeably as either sick leave or vacation time, as long as the accrual of this unpaid leave is otherwise in accordance with this section.

Sec. 4. Effective date. This Act takes effect January 1, 2021.

SUMMARY

This bill creates a right to earned paid sick leave for employees who are employed by an employer that employs more than 5 employees. The bill also creates a right to earned unpaid sick leave for employees of an employer that employs 5 or fewer employees. This bill takes effect January 1, 2021.