



*Dedicated to promoting and protecting the independent, community-focused grocery industry*

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May 25, 2011

Seattle Mayor Mike McGinn  
P.O. Box 94749  
Seattle, WA 98124-4749

Members of the Seattle City Council  
P.O. Box 34025  
Seattle, WA 98124-4025

*Transmitted electronically,*

Mayor McGinn and Seattle City Councilmembers:

RE: Opposition to Proposed Paid Sick Leave

I am writing on behalf of our grocery industry members located within the Seattle City limits. Our association represents all levels of the grocery industry and our retail stores and many of our suppliers are home grown businesses from Seattle and/or Washington State. We are concerned with, and opposed to, a proposal under discussion that would require paid sick leave of up to 9 days for employees, with an employee defined as anyone working as little as 80 hours in a year.

We have substantial reasons and concerns for our opposition and ask that you consider all these factors prior to your decision to move forward on such a proposal.

**Federal/State & Local Health Laws Already Addresses Health & Safety Concerns:** The proponents of this legislation claim that public health and safety are at risk. This is an erroneous claim in that Chapter Two of the federal, state and local food code prohibits an employee from working if they have any illness or disease that may cause foodborne illness. An employer is held responsible for sending the employee home and assuring that safe and healthy food is prepared and sold in its establishment. If this does not occur, penalties may be assessed on the place of business. It's the law! In fact, confirmed cases of food-borne illness are at the lowest levels since the Washington State Department of Health began records in 1986.

**Grocery Industry Already Offers Liberal Benefits & Flexible Hours:** The grocery industry has very liberal benefits for their employees and the vast majority of workers have excellent leave benefits including sick leave. An added benefit in retail grocery is the flexibility for an employee to trade shifts or request additional hours if illness occurs prior to a paid sick leave benefit wait period in this seven day a week, often 24 hours a day business.

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**Sick Leave is an Issue of Employment Contract – Not Government Intervention:** Since the food safety concerns are appropriately addressed by government in the food code there is no reasonable public policy issue that would warrant government intervention into a private employer/employee employment contract. Further, the grocery industry has substantial union contracts throughout the tiers of food distribution and their employees negotiate the benefits that they feel are most beneficial to the whole. There are restricted dollars to pay for the total compensation package of workers and government intrusion into these contract negotiations will likely have negative consequences on workers within and beyond the Seattle City limits as these contracts are not specific to local government boundaries.

**Government Mandated Benefits Often Result in Lower Benefits for All:** As stated above, the grocery industry has very liberal leave policies and they can result in more paid sick days than specified in the proposed Seattle ordinance. However, these benefits often grow with the length of employment and number of hours worked. If Seattle attempts a “one size fits all” approach it could hurt long term employees in the employer’s efforts to accommodate the additional costs of new hires to meet this mandate.

**Government Mandated Benefits Result in Less Benefit Flexibility:** More and more employees and employers prefer a “cafeteria style” benefit offering that better accommodates the lifestyle of the worker. An employment leave benefit that grants a total number of days for vacation, personal and sick leave is becoming particularly popular with workers. Government interference in the ability of an employer to model a flexible benefit package is harmful to workers.

**Anti-Business/Anti-Competitive:** When local governments begin applying rules that are different than those of surrounding jurisdictions it creates anti-competitive issues and creates an element of Seattle being anti-business. Mandatory paid sick leave would raise the costs of doing business even more in Seattle compared to other Washington cities. Grocery workers are temporarily transferred into other stores to cover vacations or extended sick/personal leave. This proposed ordinance would require our members to maintain extensive recordkeeping to track ALL employees’ work hours for Seattle even if they are not attached to a Seattle store and just filling in for a co-worker’s vacation. This is an unreasonable requirement on business and one that would be very costly.

It is for the above reasons that the Washington Food Industry Association (WFIA) request that you oppose any proposal to require paid sick leave or any mandatory employment leave of a business located in Seattle.

Sincerely,

A handwritten signature in black ink that reads "Jan Gee". The signature is written in a cursive, flowing style.

Jan Gee, President

cc: WFIA Seattle Members, Board of Directors & Government Affairs Committee