

## Gaps in Federal Bill Leaves Valley at Risk

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### Summary

A patchwork of federal, state and local laws have left the San Joaquin Valley exposed to the risk of COVID-19 spread. **More than a half-million of valley workers are uncovered by the recently passed federal sick leave legislation; this includes more than one in three Fresno private sector workers.** It is imperative that local elected officials respond with emergency measures to protect the public from the risk of COVID-19—particularly within critical linkages of the valley’s food chain.

### Key Findings

1. San Joaquin Valley workers lack robust sick leave protections.
2. Many valley workers are exposed to consistent and severe housing and food insecurity.
3. Crucial linkages in the valley’s food chain lack extended paid sick leave and expose the public to the risk of COVID-19.
4. The San Joaquin Valley stands out in its lack of sick leave protection. Of the top five most populous cities in California, Fresno is alone in not requiring businesses to provide paid sick leave to employees.
5. Valley food chain workers lack protective equipment mandated by counties in other regions.
6. Lack of health insurance among food-chain workers exposes the public to further risk.

### Recommendations

1. San Joaquin Valley cities and counties should pass policy to **extend mandated paid sick leave of up to two weeks (80 hours) to workers in firms with 500 or more employees, or firms with fewer than 50 employees.**
2. San Joaquin Valley cities and counties should pass an emergency motion to approve public health policy mandating emergency health and safety measures in agriculture and grocery stores.

### ACKNOWLEDGEMENTS

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## **Background**

The Federal Families First Coronavirus Response Act (FFCRA) provides up to two weeks (or 80 hours) of paid sick leave for American workers—but not for employers of large firms (with 500 or more employees) or small firms (fewer than 50 employees). As a result of its gaps, many workers have had to rely on local ordinances and employer policies for extended paid sick leave.<sup>1</sup>

California is one of eleven states that requires employers to provide paid sick leave, but only mandates a minimum of three days—not enough coverage for workers who are experiencing COVID-19 symptoms or who have tested positive. Some municipalities, in response to the COVID-19 crisis, have extended sick leave pay to workers in large firms (with 500 or more employees) or small firms (with fewer than 50 employees). However, no city or county in the valley has mandated sick leave during the COVID-19 crisis.

## **Data and Methods**

CCRI analyzed data from the US Census Bureau- Annual Social and Economic Supplement (ASEC) of the Current Population Survey 2014-2019 to understand how gaps in the patchwork of sick leave-related laws have implications for the health of San Joaquin Valley workers and the communities they live in.

We analyzed the prevalence of working for large firms (with 500 or more employees) among workers in the valley's eight counties (San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern); rates of working in large firms among agricultural workers and employees of grocery retail (any stores that carry produce, such as grocery stores, convenience stores, pharmacies, general merchandise or club stores); and rates of health insurance among these food chain workers.

We also briefly draw upon a previous CCRI study on rent burden in California regions.

## **Valley Workers Lack Protections**

The major findings are as follow.

### **1. San Joaquin Valley workers lack robust sick leave protections.**

Among San Joaquin Valley private-sector employees, two in five (40.5%) work for companies larger than 500 employees—uncovered by the FFCRA's sick leave protection (of up to 80 hours).<sup>2</sup> This amounts to more than a half-million (547,750) workers.<sup>3</sup>

One in three (34.8%) of Fresno County's private-sector employees—115,127—work in large companies and lack federal sick leave protection.

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<sup>1</sup> Correction: An earlier version of this brief stated that the FFCRA does not extend paid sick leave to employees of firms with fewer than 25 employees. We have edited this to correctly state that the FFCRA does not extend paid sick leave to employees of firms with fewer than 50 employees. We have also corrected this brief to clarify extended paid sick leave as two weeks (80 hours) rather than 14 days.

<sup>2</sup> Source: CCRI Analysis of US Census Bureau- Annual Social and Economic Supplement (ASEC) of the Current Population Survey 2019.

<sup>3</sup> Ibid.

## **2. Many valley workers are exposed to consistent and severe housing and food insecurity.**

A previous CCRI report (“Rent Burden among California Worker Households”) found that 185,245 valley worker households received less than a living wage income and were rent burdened (paying over 30% of gross income on rent). All eight valley counties are above the California average of 17.0% of worker households earning less than a living wage and being rent-burdened.

One in five (20.3%) Fresno County households are characterized by income below a living wage and rent burden. When such workers are sick, they must choose between A) missing work and risking not paying the rent, or B) endangering the public’s health by going to work sick. Many choose the latter.

## **3. Crucial linkages in the valley’s food chain lack sick leave and expose the public to the risk of COVID.**

Roughly one in four (27.4%) workers in crucial linkages of the valley's food chain—agriculture or grocery retail—work in companies with 500 or more employees.<sup>4</sup> This suggests that 65,999 valley food-chain workers in agriculture or grocery retail are uncovered by the FFCRA.<sup>5</sup>

## **4. The San Joaquin Valley stands out in its lack of sick leave protection.**

Among California’s five most populous cities, only Fresno has workers that are not protected by local paid sick leave ordinances. Los Angeles, San Diego, San Jose, and San Francisco all offer some form of paid sick leave. In the COVID era, ordinances have been passed in Los Angeles, San Francisco, and San Jose to address gaps in the FFCRA.

At least seven California municipalities have mandated paid sick leave beyond the state minimum of three days. Los Angeles extended sick leave coverage to employees in firms with over 500 employees; San Jose did as well, in addition to mandating coverage among small businesses under 50 employees.

## **5. Valley food chain workers lack protective equipment mandated by counties in other regions.**

Valley food chain workers are not mandated to wear protective equipment, nor are they provided with protective equipment, on the job. In contrast, San Diego has now mandated all essential workers to wear masks, particularly workers in grocery stores, pharmacies, convenience stores, and gas stations; Riverside County has mandated that all persons in public wear masks; Los Angeles and San Francisco elected officials have recommended residents to cover their mouths and noses in public and are leaning towards mandating the measure.

## **6. Lack of health insurance among food-chain workers exposes the public to further risk.**

One in three (31.8%) valley farmworkers are not covered by health insurance. Nearly one in five (18.2%) workers in grocery retail also lack health insurance.<sup>6</sup>

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<sup>4</sup> Source: CCRI Analysis of US Census Bureau- Annual Social and Economic Supplement (ASEC) of the Current Population Survey 2014-2019.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

## Policy Implications

1. Many San Joaquin Valley workers only have the maximum of three days of paid sick leave under California state law. While local ordinances in several California municipalities outside of the valley provide workers with extended sick leave protection, local ordinances in valley municipalities fail to address gaps in the FFCRA that leave behind two out of five valley workers.
2. Many valley workers may risk going to work and spreading the COVID-19 virus. Valley counties are all above the state average (17.0%) in its percentage of worker households that earn below a living wage and are rent-burdened. 185,245 worker households have below-living-wage incomes and experience rent burden.
3. Valley essential workers in the food chain are at high risk of contracting and transmitting COVID-19. One in four (27.4%) valley food-chain workers (agricultural workers and those in grocery retail) do not have two weeks (eighty hours) of paid sick leave by law, and are not provided protective equipment by law. These workers are at high risk of COVID-19 transmission, compared to workers in the state's other regions where protective equipment is required at work or in public. Valley food chain workers also often lack health insurance; this includes 31.8% of farmworkers and 18.2% of grocery retail workers.

## Policy Recommendations

1. San Joaquin Valley cities and counties should pass policy to **extend mandated paid sick leave of up to two weeks (80 hours) to workers in firms with 500 or more employees, and firms with fewer than 50 employees**. This will allow low-wage workers to miss work due to illness and close a major gap in the patchwork of federal, state and local laws that have left a significant portion of the valley's workforce exposed to COVID and at risk of transmitting it to the general public.
2. San Joaquin Valley cities and counties should pass an emergency motion to approve public health policy mandating emergency health and safety measures in agriculture and grocery stores. Such a motion would create requirements that **employers of these essential food chain workers** (e.g. those in agriculture, grocery retail) adhere to certain COVID-related safety standards, such as **providing protective equipment, training, paid time for handwashing and sanitizing, and restrooms with essential sanitary items**.

## CCRI Mission Statement

The Civic Capacity Research Initiative is located at the University of California Merced. It uses research and education to build civic capacity among the San Joaquin Valley community-based and labor organizations serving workers and residents furthest on the margins.