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# Changing the Narrative that Worker Protections Are Anti-Business: How Organizing Small Business Owners Enabled the Passage of Paid Sick Days Legislation in Vermont

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**Changing the Narrative that Worker Protections Are Anti-Business:  
How Organizing Small Business Owners Enabled the Passage of Paid Sick Days  
Legislation in Vermont**

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CLC Policy Advocacy

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Date: 5/20/2016

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## Introduction

In *the Democracy Owners' Manual: A Practical Guide to Changing the World* (2002), Jim Shultz states, "Some people look upon government as a protector, keeping us safe from the abuses and excesses of a hostile world. Others look at government as an intruder, getting in the way of our liberty and freedom and making it harder for us to blaze our own trail" (pg. 7). Shultz speaks to the challenges that exist when crafting and advocating for any legislation that affects the lives of workers and the operations of business. Many in the business community have long spoken out against the government dictating workplace policies and operations, while labor and others have called for increased protections within the workplace. Finding a workable balance between these two demands within the legislature and in the broader community can be challenging.

We have long lived in a society dominated by free-market capitalism, which has contributed to creating the dominant narrative that pro-labor policies mandating employee protections in the workplace will kill jobs and harm the economy. Powerful political figures and economists in the United States have also contributed to perpetuating this narrative for decades. In 1975, Milton Friedman stated, "The consequences of minimum wage laws have been almost wholly bad, to increase unemployment and to increase poverty. In my opinion there is absolutely no positive objective achieved by minimum wages" (NELP, 2016). In 1980, Governor Ronald Regan cited the minimum wage as the factor that has caused "more misery and unemployment than anything since the Great Depression" (NELP, 2016). In 2015, during the ten-year battle to pass a paid sick days law in Vermont, Representatives Joey Purvis (R-Colchester) and Warren Van Wyck (R-Ferrisburgh) called the paid sick days bill "another nanny state mandate that will hurt small business and result in job loss" and "another nail in Vermont's economy's coffin" (Journal of the House, 2015). These existing narratives

create a challenging political environment for organized labor, which advocates for stronger worker protections and a balance of power within the workplace.

The Vermont legislature has also battled with “anti-business” branding that often places Representatives and Senators in the position of having to choose between being an ally either to labor or to business. This reality became even more apparent in the decade-long effort to establish a paid sick days’ policy in the state and created a challenging environment for ultimately passing labor policy in the 2015/2016 biennium. This also heightened the need for business organizing to provide in-person education, seek input, identify allies, neutralize opponents, and mobilize supporters. Outside of the legislature, nationally and in Vermont, the business and advocacy communities have been at odds about the role of government in establishing worker protections. To what extent, if any, does the government have a place in regulating business operations and setting workplace standards?

For the past two years, I have been working to change the narrative that pro-worker policies are anti-business through organizing small businesses to engage in advocating for a paid sick days law in Vermont. I began working at the Main Street Alliance of Vermont as a Small Business Organizer when it was founded in July 2014. In my role, I work to cultivate small business leaders to develop and advocate for policies, like paid sick days, that are often contentious in the business community but have societal benefits and often overlooked benefits to the business community, such as higher employee morale and decreased turnover (IWPR, 2013). I work directly with Vermont small business owners to influence policy conversations and to help develop policies that not only benefit workers but also provide flexibility for small businesses who play vital roles and are deeply connected to their local communities. As Shultz (2002) states, “public debates become driven by misconceptions that take on the power of truth only because they have been repeated so often” (pg. 83). By elevating the small business voice through an alternative lens, we work to change the

narrative that pro-labor policies are anti-business and to reinforce the role of the legislature in setting minimum workplace standards, with input from workers and the business community, to effectuate cultural change.

This paper is a case-study of the campaign to pass paid sick days into law in Vermont during the 2015/2016 biennium. I draw from my direct experience working on the campaign as the Business Outreach Manager for the Main Street Alliance of Vermont. Advocates in Vermont had been working to make paid sick days a reality for a decade and in March 2016, it finally became law. This paper will focus on the factors that resulted in the success of the campaign. Much of the content of the paper is based on participant observation within the legislature and in my one-on-one meetings with Vermont business owners. I conducted informal interviews with other advocates, MSA-VT business members, and legislators, to hear objective perspectives about the factors that contributed to the campaign's success. I also utilized primary research and documents, such as legislative testimonies, campaign materials, and business survey data to highlight MSA-VT's role in the campaign. I utilized secondary literature, such as the texts *A New Weave of Power, People & Politics* by VeneKlasen and Miller (2002), and *the Democracy Owners' Manual: A Practical Guide to Changing the World* (2002) by Jim Shultz. The paper is organized using the Advocacy Circles framework in Jeff Unsicker's book *Confronting power: the Practice of Policy Advocacy* (2012).

My work with MSA-VT has taught me valuable lessons about organizing against dominant narratives, creating branding and messaging for a successful campaign, leveraging power to influence policy makers, neutralizing opponents, collecting and utilizing data to support a policy argument, and working with allies on a shared strategy. I hope my analysis will provide advocates with a deeper understanding of the inner-workings of a successful campaign and how this strategy could be utilized on future campaigns.



## **Political Context**

### **Overview of National Campaigns**

Approximately 145 countries provide access to paid sick days with 127 of those allowing at least one week of sick time; however, in the United States, approximately 40 to 44 million workers do not have access to earned sick time (ABA, 2016). The Healthy Families Act (S.497/H.R. 932) has been introduced into the U.S. House and Senate, which would allow workers to earn up to seven sick days per year. Many national groups, such as Family Values at Work and A Better Balance, are working independently and with other groups, organizations, and coalitions to establish paid sick day policies, among other pro-worker and family policies, in multiple states and at the national level (ABA, 2016). The issue garnered even more national attention when President Barack Obama called for paid sick days in his 2015 State of the Union Address (Bahney, 2015). But neither the Senate nor the House has passed legislation related to sick days and, in the current political climate, it is unlikely that either will.

On the other hand, to date five states (Connecticut, Massachusetts, and California, Oregon, and now Vermont) have passed statewide laws establishing paid sick days and 22 cities have established paid sick time ordinances (ABA, 2016). Each state's and city's policy varies in who is covered and how much time employees are permitted to accrue.

In 2007, the city of San Francisco, California became the first city to establish an ordinance requiring all employers to provide paid sick leave at an accrual rate of one hour for every 30 hours worked (ABA, 2016). In 2008, Washington D.C. enacted the Accrued Sick and Safe Leave Act which required employers to provide paid sick leave at various accrual rates depending on the size of the business (D.C. Department of Employment Services, 2014). Also in 2008, the city of Milwaukee, Wisconsin established a paid sick days ordinance.

However, this ordinance was later nullified by Governor Rick Scott in 2011 (AFL-CIO, 2013).

In 2012, Connecticut became the first state to enact a law giving workers access to paid sick days. Connecticut allows employees to accrue one hour for every 40 hours worked, up to 40 hours per year (seven days), to use if they become ill or if a child or spouse becomes ill. Businesses with fewer than 50 employees are exempt and employees begin accruing time at the moment of hire but employees are not able to access that time until the 680<sup>th</sup> hour of work (ABA, 2016).

In 2012 in Seattle, Washington, a paid sick time ordinance was established that allowed employees to accrue sick time at various rates depending on employer size (ABA, 2016). In 2013, Portland, Oregon established a Protected Sick Time ordinance that allowed employees to accrue one hour for every 30 hours worked, up to 40 per year but can be unpaid if the employer has 5 or fewer employees (ABA, 2016).

California's Governor Jerry Brown signed the state's paid sick days law in 2014. California's law allows employees to accrue one hour for every 30 hours worked, up to 24 hours per year (three days) to use if they or a loved one become ill. Accrual begins on first day of hire, but can't be accessed until the 90<sup>th</sup> day of work. Massachusetts allows employees to accrue one hour for every 30 hours worked up to 40 hours of paid time per year for businesses with more than 10 employees and unpaid time for businesses with 10 or fewer. Accrual begins on the first day of hire but can't be accessed until the 90<sup>th</sup> day of work (ABA, 2016).

Dozens of states across the country continue to work toward establishing paid sick days laws (NPWF, 2015) in hopes that statewide efforts will set the stage for a federal law that allows all workers access to paid sick days.

## **History of Campaigns in Vermont**

Paid sick days bills have been introduced into the Vermont legislature each year since 2006; however, the 2015/2016 biennium marked the first significant modification of the original bill and the first time that a business organization had lead the advocacy efforts. The original bill, introduced in 2006, and co-sponsored by Representatives Helen Head (D - Burlington) and Sarah Edwards (P - Brattleboro), would have allowed employees to accrue up to five sick days per year, at a rate of one hour per 30 hours worked. The bill continued to be introduced each year with slight variations, but fear about the negative impact on business continued to stifle efforts.

In 2009, a paid sick days bill was introduced that would have allowed employees to earn up to seven days per year. As Shultz (2002) suggests, “it is generally a good idea to start out asking for more than you’re willing to settle for or expect to win, because along the way you will need something to trade away in compromise” (p 74). The number of days included in the bill was similar to what was included in other existing ordinances at the time (Family Values at Work, 2016); however, it was expected the bill would be watered down as it moved through legislative committees. San Francisco’s ordinance, which had become the first ever paid sick days ordinance when it passed three years earlier, allows employees to earn up to seven days per year if they work for an employer with fewer than 10 employees, and up to nine days per year if they work for an employer with 10 or more employees (A Better Balance, 2016). Washinton D.C.’s ordinance, which had passed the previous year, created a tiered system for employers of various sizes. Employers with 100 or more employees are required to allow employees to earn up to seven days, employers with 25 to 99 employees must allow employees to earn up to five days per year, and employers with 24 and fewer are required to allow employees to earn up to three days per year (A Better Balance, 2016).

The 2009 campaign was led by the Vermont Paid Sick Days Coalition, with the Vermont Livable Wage Campaign as the lead organization on the coalition. The coalition was responsible for overseeing campaign efforts and informing all stakeholder groups of the campaign's progress, while one or two organizations on the coalition, in this case the Vermont Livable Wage Campaign, held the responsibility for the majority of the lobbying and organizing efforts. The bill's lead sponsor in 2009 was Representative Paul Poirier (I – Barre City), who at that time stated his efforts to pass the bill were based on his belief that "it's a basic human right to care for your children and to care for a sick person in your family" (Barlow, 2009). The Director of Vermont Chamber of Commerce at the time, Michael Belyea, spoke out against the legislation, stating that offering paid sick days should not be mandated by the government and that employees would "end up paying for their paid sick time through lower wages and other benefit reductions" (Barlow, 2009). The bill never made it out of committee.

In 2013, The Vermont Workers' Center began organizing a campaign for Paid Sick Days as a part of their ongoing Put People First! Campaign, which included serving as a lead organization on the Vermont Paid Sick Days Coalition. The bill, H.208, would have allowed employees to accrue one hour for every thirty hours worked, up to seven days per year (Vermont State Legislature, 2013). The VWC framed the lack of paid sick days as a human rights issue and a factor contributing to the lack of dignity in the workplace for many workers, particularly low-income workers. They organized hundreds of workers to write letters to the editor, testify before the legislature, sign petitions, and take part in rallies and protests. The campaign gained significant media attention, and H.208 passed the House Committee on General, Housing, and Military Affairs in 2014 and was taken up by House Appropriations.

While the bill passed the House Committee, that did not occur until late April and therefore it did not make it to the House Floor for a vote. The bill was still controversial and

did not have strong support from House leadership, making it less of a priority to pass into law before the end of the biennium. Speaker of the House, Shap Smith, chose not to bring it to the floor for a vote, stating, “I don’t think it has sufficient support in the House at the moment to pass,” and “I do not think the idea of putting a bill on the floor to see whether it can swim to shore is a good idea if you don’t think it has the strength to swim to shore” (Heintz, 2014). Since the bill did not pass the House by the end of the 2013/2014 biennium, it would have to be re-introduced in the House Committee on General, Housing, and Military Affairs in the next session.

While the 2013/2014 campaign had some successes, and made more progress than any other paid sick days bill in previous years, the VWC’s overall strategy and tactics were not aligned with the coalition’s strategy, and created tension amongst many legislators and coalition partners. Specifically, their tactics focused on public displays of agitation with the political system, including publicly shaming legislators for choosing not to move forward with the legislation and vilifying businesses for not already providing paid sick days to workers.

In January 2015, H.187, the Healthy Workplaces Bill, was introduced in the House Committee on General, Housing, and Military Affairs by Tristan Toleno (D – Brattleboro). H.187 was a newly crafted bill with amendments that incorporated feedback from the small business community to make it more palatable for businesses and less controversial for the legislature. A timeline of legislative action on the bill throughout the 2015/2015 biennium is outlined in Table 1.

This paper will explore the strategy behind this campaign, inside and outside of the legislature; the amendments to the bill that lead to increased support from legislators and the business community; the messaging strategy that eased the concerns of many legislators and

business owners; and the other factors that lead to the passage of this bill into law in March 2016.

Table 1.	
<i>Timeline of Legislative Action on Paid Sick Days Legislation</i>	
<u>Month and Year</u>	<u>Action</u>
<b>January 2015</b>	S.15 introduced into Senate Committee on Economic Development, Housing, and General Affairs.
<b>February 2015</b>	H.187 introduced into House General, Housing, and Military Affairs.
<b>April 2015</b>	H.187 passes House General, Housing, and Military Affairs with a 5-3-0 vote.  H.187 passes the House with a 72-63 vote.  H.187 referred to Committee on Senate Committee on Economic Development, Housing, and General Affairs for consideration.
<b>May 2015</b>	Legislative session ends.
<b>January 2016</b>	H.187 taken up in Senate Committee on Economic Development, Housing, and General Affairs.
<b>February 2016</b>	Amended version of H.187 passes Senate Committee on Economic Development, Housing, and General Affairs.  H.187 referred back to House Committee on General, Housing, and Military Affairs.  H.187 brought back to House floor for revote. House concurs with Senate amendments and H.187 passes with a vote of 81-64.
<b>March 2016</b>	Paid sick days bill signed by the Governor and becomes Act 69.

### Advocates

**The Main Street Alliance of Vermont**

The Main Street Alliance of Vermont (MSA-VT), founded in July 2014, is a statewide, small business, public policy organization working to elevate the voice of the small business community on issues that support workers, businesses, and the communities they serve (MSA-VT, 2016). The small business community is a key constituency in Vermont with significant influence in the legislature. While there are many business groups and associations in the state, there has never been an organization truly dedicated to grassroots organizing in the small business community around progressive policy issues. Leveraging the power of the small business community on these issues helps bridge the divide between policies that are seen as good for business and those seen as good for workers.

MSA-VT works on issues that are often deemed anti-business by the more mainstream, established, conservative business groups and associations in the state, such as the Vermont Grocers and Retailers Association (VGRA), the Vermont State Chamber of Commerce and its local affiliates, and Associated Industries of Vermont (AIV).

MSA-VT is an affiliate of a national organization, the Main Street Alliance (MSA), which formed in 2008 to elevate the small business voice in the national healthcare reform debate. The organization has since expanded and now has 15 affiliates across the nation<sup>1</sup>. MSA-VT's work is rooted in addressing Vermont's economic and social inequities that disproportionately impact women and other marginalized groups. Recognizing the under representation of women in leadership roles, the majority of MSA-VT staff and board are women and our coalitions are made up of individuals from varying racial and gender identities and classes who share similar values about advocating for policy change that aims to challenge societal beliefs and address systemic inequality and oppression.

MSA-VT conducts an annual statewide survey of small businesses on various public policy issues. Surveys are conducted in person with small business owners in various towns

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<sup>1</sup> Other state affiliates include: California, Colorado, Florida, Idaho, Iowa, Maine, Minnesota, Montana, New Jersey, New York, Ohio, Oregon, Virginia, and Washington.

and counties across the state. Aside from the need to target Representatives and Senators for political campaigns, the towns are chosen at random in order to gain insight into the minds of small business owners in various regions of the state.

The Main Street Alliance is an independent project of a larger organization, Alliance for a Just Society (AJS), whose mission is to address economic, racial, and social inequities through implementing grassroots local, state and national campaigns, through various partnerships and affiliate organizations (AJS, 2016). MSA-VT is guided by national and local steering committees that are made up of small business leaders across the nation and in Vermont. The committees assist in identifying issue priorities, establishing policy positions, and providing strategic guidance for the organization. Decisions about policy positions are made by MSA-VT’s State Advisory Board, which currently is made up of nine small business owners or small business leaders, shown in Table 2.

Table 2.	
<i>Main Street Alliance of Vermont State Board</i>	
<u>Name and Position</u>	<u>Business Name</u>
Eric Warnstedt, Co-Owner	Hen of the Wood in Burlington and Waterbury and Doc Ponds in Stowe
Jennifer Kimmich, Co-Owner	The Alchemist Brewery in Waterbury and Stowe
Sue Bette, Owner	Bluebird Barbeque and Bluebird Parties! in Burlington
Caleb Magoon, Co-Owner	Power Play Sports in Morrisville and Waterbury Sports in Waterbury
Stephanie Hainley, COO	White + Burke Real Estate Investment Advisors in Burlington
Eliza Cain, Co-Owner	Red Hen Baking Company in Middlesex Main Street Landing in Burlington
Melinda Moulton, President and CEO	
Wayne Nelson, President	L.N. Consulting in Winooski
Nicole Grenier, Owner	Stowe Street Café in Waterbury



The most basic level of involvement with the organization is coalition membership. MSA-VT currently has four coalitions: Universal Healthcare, Dr. Dynasaur Expansion, Paid Sick Days, and Early Childhood and Education. Business owners can become a member by joining a coalition. This means they support an issue, approve their business name being listed as a supporter and coalition member, and join our email list. Coalition members can pledge to take action in a variety of ways, such as calling their legislators, writing a letter to the editor, testifying at the statehouse, and hosting or attending an event. Some members join a coalition because they support the issue, but are not interested in engaging beyond a sign-on. Unlike most business organizations and associations in the state, we do not require membership dues because we do not want financial barriers to prevent engagement; however, we have begun grassroots fundraising during our canvass as a way to gather more financial support for the organization.

In order to identify and build leadership further, this past summer and fall I began developing what we call our ‘Leadership Circle’ which consists of four Issue Advisory Committees for each issue area within the organization. Currently the Issue Advisory Committees are: Healthcare Reform, Tax Fairness and Economic Development, Workplace Policy, and Education. Each Issue Advisory Committee provides consultation on policy decisions related to their issue area for MSA-VT staff and board. During the legislative session, the members of the Issue Advisory Committees support MSA-VT in engaging in advocacy and providing input into how policy decisions would have an impact on the small business community in their area. Issue Advisory Committee members pledge to engage on a deeper level than coalition members, through engaging more frequently and in more direct ways than most coalition members. Members also need not be owners of businesses. We have extended our reach to include those who work in human resources and other leadership roles within businesses, as they bring important alternate perspectives to policy conversations.

Currently, each committee has five members spanning eight different counties. The ultimate goal is to increase Issue Advisory Committee membership to reach every Senate district and dozens of various House districts, in order to be able to respond efficiently and effectively to policy efforts within the legislature.

Currently MSA-VT has four full-time staff. Aside from my role as the Business Outreach Manager, other staff include: Lindsay DesLauriers, State Director; Kaycie Miltenberger, Research and Communications Associate; and Mike Cherin, Small Business Organizer. DesLauriers got the idea to found Vermont's chapter because of her experience in previous years working as the Campaign Manager for the Paid Sick Days Coalition. While working as the Campaign Manager, she began reaching out to businesses to gain support for the issue and saw the untapped need in the state for small business organizing. From that experience, she decided to found a chapter in Vermont. Aside from her experience with the Paid Sick Days Coalition, DesLauriers also has experience working as the Interim Director for the Vermont Early Childhood Alliance and as an Advocate for Voices for Vermont's Children. Cherin has 30 years of experience working as an organizer in environmental policy. Specifically, he has worked as a Canvass Director for Greenpeace and Forest Guardians, and as an Organizer for Canary Coalition, Climate Ground Zero, Energy Action Coalition, Powershift, Appalachian Voices, Alliance for the Wild Rockies, Western North Carolina Alliance, and Appalachian Community Health Emergency. Miltenberger has experience working as the Chief Editorial Writer for the New York State Assembly and as a Marketplace Assister for Planned Parenthood of Northern New England.

I met DesLauriers in 2013 while working as an intern for the Vermont Workers' Center. At the time, the Vermont Workers' Center was one of the lead organizations working on the Paid Sick Days Coalition. After I graduated from the University of Vermont, she called me, knowing I had been involved in previous campaigns for paid sick days, and asked if I

would be interested in working for this new organization, which was set to launch July 1, 2014. I began working that summer to organize small businesses around the issue of paid sick days, and other issues, and throughout the years this role has expanded to include small business leadership development, managing internal and external communications, tracking and monitoring issues in the legislature, facilitating statewide presentations and forums, and direct and indirect lobbying. The dynamics of my role with MSA-VT have helped me gain a comprehensive understanding of the many components of building an organization and leading an advocacy campaign.

### **The Vermont Paid Sick Days Coalition**

As Unsicker stated in *Confronting Power* (2013), “The main benefits of coalitions over networks is the ability to systematically pool resources and coordinate actions among multiple organizations to accomplish changes that no individual organization could achieve on its own (pg. 161).” The Vermont Paid Sick Days Coalition did just that, with organizations taking the lead on ensuring the bill’s passage and others offering resources and assistance as needed.

In 2009, The Vermont Paid Sick Days Coalition brought power and direction to the campaign with the backing of several organizations throughout the state collectively working, in various capacities, toward passing a bill that would give all workers access to paid time off. The Vermont Paid Sick Days Coalition consists of various organizations and groups, listed in Table 3, from across the state supporting and advocating for establishing a standard of earned sick time for all Vermont workers.

Table 3.

*Vermont Paid Sick Days Coalition 2016 Members*

Voices For Vermont's Children  
Main Street Alliance of Vermont  
Rights and Democracy  
Vermont Workers Center  
AARP Vermont Chapter  
AFL-CIO  
AFSCME  
Burlington Business and Professional Women,  
Community of Vermont Elders,  
Hunger Free Vermont, National Association of Social Workers – VT Chapter  
Peace and Justice Center  
Planned Parenthood of Northern New England  
United Professions of Vermont/AFT  
Vermont Commission on Women  
Vermont Community Action Agencies  
Vermont Council of Special Education Administrators  
Vermont Fair Food Campaign  
Vermont Federation of Nurses and Health Professionals  
Vermont Low Income Advocacy Council  
Vermont NEA  
Vermont Network Against Domestic and Sexual Violence  
Vermont Principals' Association  
Vermont Public Health Association  
Vermont State Employees Association  
Vermont Works for Women  
Working Vermont: Coalition of Vermont Labor

While the coalition consisted of dozens of organizations in support of the issue, not all of them were actively engaged in efforts to ensure the bill's passage. For example, the Vermont Workers Center took leadership role during the 2013/2014 campaign, but took a backseat during the 2015/2016 biennium. As Shultz (2002) stated in *The Democracy Owners Manual: A Practical Guide to Changing the World*, "Organizations working on the same issue can not afford to waste time duplicating work on research, educating reporters, organizing communities, or lobbying policy makers. Coalitions allow groups to divide up that work, matching the tasks involved to each group's specific talents" (pg. 121).

During the 2015/2016 biennium, the coalition allowed for two organizations to take the lead while others were able to lend support when engagement opportunities arose. The organizations that take the lead on coalitions are generally those which are funded to do so, either from grants they have received through their own organizations or from sub-grants from the coalition's funding. This was the case with the Paid Sick Days Coalition. MSA-VT and Rights and Democracy (RAD) took charge of grassroots organizing, with MSA-VT focusing on small businesses and RAD on door-to-door organizing of workers and community members.

### **Rights and Democracy**

Rights and Democracy (RAD) launched in the summer of 2015 with a mission to "bring people together to take action to build healthy communities and make the values of our communities guide the policies of our government" (RAD, 2016). RAD became the other lead organization, along with MSA-VT, to conduct outreach across the state to find Vermonters to engage in advocating for a paid sick days law. RAD's main role was to travel around the state, knock on doors in key House and Senate districts, gather petitions in support of paid sick days, gather letters to the editor, and bring in workers with stories to testify to committees.

Rights and Democracy is currently engaging in four major campaigns: Together We Win; Work with Dignity; Jobs, Justice Climate; and Be the Change. Together We Win is the main and an all-encompassing campaign focusing on cost of living for Vermonters, including issues like affordable and quality healthcare, education, housing, and focusing on addressing climate change. Work with Dignity is a campaign focusing on workplace standards like wages, sick days, family and medical leave, and other issues. Jobs, Justice, Climate is a campaign focused on organizing to build power to move Vermont to 100% clean energy. Be the Change focuses on building power amongst youth and young adults to help carry the movement forward by engaging and educating the next generations.

RAD currently has four full-time staff, ten members on the Board of Directors, and 42 Advisory Board members. Staff members are: James Haslam, Executive Director; Elise Greaves, Field Representative; Isaac Grimm, Lead Organizer; and Aly Johnson-Kurts, Communications Associate. Haslam was formerly the Co-Founder and Executive Director of the Vermont Workers' Center for more than 15 years. Greaves formerly worked as a youth organizer for AmeriCorps, Johnson-Kurts has worked in climate advocacy, formerly as a fellow for 350.org, and currently also works as the Press Secretary for the U.S. Youth Delegation to the U.N. Climate Talks. Grimm formerly worked as the Co-Director for the Working Families Party and as an Organizer for Service Employees International Union (SEIU).

The Board of Directors is responsible for making final decisions about the organization's direction and policy positions. Advisory Board members are individuals who endorse Rights and Democracy and assist RAD Board Members, listed in Table 3, and staff in guiding the organization's efforts.

### **Other Coalition Members**

Aside from MSA-VT and RAD, representatives from organizations like the Vermont Network Against Sexual and Domestic Violence and Planned Parenthood of Northern New England attended coalition meetings, testified in committee hearings, and reached out to members at critical moments, but were not responsible for day-to-day operations, lobbying, or keeping track of vote counts in the House or Senate. Together, the coalition was able to demonstrate widespread support amongst the advocacy community, combine strategies, pool resources, and take action inside and outside of the legislature at critical moments to ensure the bill became law in 2016.

Table 4.

*Rights and Democracy Board Members*

<u>Name and Position</u>	<u>Affiliation</u>
Traven Leyshon, Communications and Community Engagement Coordinator	Vermont State Labor Council (AFL-CIO)
Michelle Salvador, Former Vice President	Vermont State Employees Association (VSEA)
Student David Stember, North America Organizing Coordinator	350.org
Steve Hingten, Founder	Working Vermonters Legislative Caucus
Chris Karr, Leader	Local 1996 chapter of the Carpenters Union
Brittany Nevins, Northern Field Coordinator	Let's Grow Kids
Sheila Reed, Former Executive Director	Voices for Vermont's Children
Allise Hewes,	Burlington College
Shay Totten, Communications Director	Chelsea Green Publishing
Miranda Viorst, Student	University of Vermont

**Political Climate**

During the 2015/2016 campaign for paid sick days, Vermont had a Democratic Governor and Democrats and Progressives held super-majorities in the House and the Senate (Vermont General Assembly, 2016). This campaign also took place during the second half of

a biennium, which had implications for the progression of the bill in the legislature. Many legislators are less likely to vote for controversial legislation with approaching elections for fear of losing votes from constituents; however, in this case, with the new “pro-worker, pro-business” branding, the climate shifted and this bill became less controversial than it was in previous years.

Vermont has a history of alternating between Republican and Democrat Governors. In 2010, Vermont’s Republican Governor Jim Douglas’s chose not to seek a fifth term and Democratic Governor Peter Shumlin proceeded to win the election. Vermont currently has a two-year term limit for the governor’s seat, meaning the governor serves terms in two-year increments, although there is no limit on the number of two-year terms a governor can serve. Also, this past legislative session, the legislature had been considering legislation that would extend each term to four-years (Vermont General Assembly, 2016).

In 2010, Governor Peter Shumlin won the Democratic primary by a mere 167 votes and won the election against Republican contender Brian Dubie with an official vote count of 119,543-115,212 (Secretary of State, 2010). Governor Shumlin previously worked as co-director of Putney Student Travel and spent nearly 30 years working in the policy world. He first served as a member of the Vermont House of Representatives, then the Vermont Senate, and eventually President Pro Tem of the Vermont Senate. His platform has largely been focused on job creation, expanding broadband and cellular service to all areas of the state, investing in education opportunities and workforce training, and investing in infrastructure with a focus on rebuilding roads and bridges.

During the 2014 election, Governor Shumlin was up against Scott Milne, a Republican businessman from Pomfret, Vermont. When neither Shumlin nor Milne received the majority of the votes (46.7% to 45.2%), the decision was left to the legislature to vote the next Governor into office. Under the Vermont Constitution, if no candidate for governor,



lieutenant governor, or treasurer received an outright majority of the votes, the election is then passed to the state Legislature to make the final decision through a secret ballot vote.

Historically, in these situations, the Legislature has almost always chosen the plurality winner, and did so again when they reelected Shumlin with a vote of 110-69 (Hallenbeck, 2015).

Shumlin is, perhaps, most widely known for his support for the initiative to move Vermont to a universal, single-payer health care system. He signed Act 48 into law in 2011, which put Vermont on a path to a publicly-funded health care system. This was the major item on his policy platform and, in my opinion, what helped his reelection in 2012 when he was up against Republican contender Randy Brock. Despite the many years of campaigning with universal health care on his platform, in December 2014, Governor Shumlin decided it was not feasible to recommend a financing plan to the Administration and put efforts to move toward a single-payer system on hold for an indefinite amount of time (Hirschfeld, 2014). Shumlin faced significant push-back from the general public, advocates, and labor groups who felt that it was in his favor politically to wait until weeks after the election to announce the end of the administration's efforts to move forward with single-payer health care.

Because of the lack of support for and confidence in the Shumlin Administration, and because of Shumlin's failure to publicly support paid sick days efforts in previous years, this partially set the stage for his moving to support the 2015/2016 paid sick days campaign in order to regain support from the labor and advocacy community. Aside from these factors, in an informal interview with DesLauriers in late 2014, she mentioned another key factor that could contribute to a climate poised to pass paid sick days legislation. DesLauriers stated that, aside from the Governor's need, and the Democratic party's need, to regain support from labor and the advocacy community, issues like property tax and education reform would be the major focus of the 2015/2016 biennium, which could make passing paid sick days a much

easier lift than in previous years (L. DesLauriers, personal communication, November 5, 2014).

## **Policy**

### **Issues and Analysis**

Currently about 60,000 Vermont workers, 20% of Vermont's workforce, do not have access to any paid time off, the majority of whom work for small employers (IWPR, 2013). This leaves many with no choice but to go to work sick or stay home and forgo wages. Many people, particularly those who are working in low wage jobs, are living paycheck to paycheck and are financially burdened if they must miss work when they or a loved one become ill. The lack of requirement in Vermont that businesses offer paid time off, of any kind, to their employees paired with the economic realities of many individuals and families has caused many people to work while ill. While most would argue that no one should work while ill, the debate lies in whether or not businesses should be required to pay for this time and if so, should the smallest businesses also be required to do so?

The business landscape in Vermont is unique. The 2013 Department of Labor Fringe Benefit Study shows that the majority of businesses in Vermont are small, in that more than three quarters of private sector businesses have fewer than ten employees. Small businesses are also less likely to offer paid time off. Currently, only 44 % of businesses with between three and nine employees and 52% of businesses with 10-19 employees offer some type of paid time off to their employees. This presents a problem for Vermont because, while the majority of workers work for mid to large-sized employers (employing 20 or more employees), the majority of private employers in the state have four or fewer workers. The 2013 study also shows that, while larger businesses are more likely to offer some form of paid time off to their employees, it is still unlikely they will offer paid sick time as a part of their

paid time off package. In fact, 62% of businesses with between 20 and 49 employees offer some form of paid time off (such as vacation time), but only 37% offer discrete sick time (DOL, 2013).

Small businesses are less likely to offer paid time off for a variety of reasons. MSA-VT's 2015 survey project shows that small businesses are more likely to hire multiple part-time workers, who are less likely to have access to employer-provided benefits, like paid time off (MSA-VT, 2015). Current paid time off policies do not reflect the reality of the changing landscape in Vermont and in the nation where more and more people are working multiple part-time jobs to sustain their livelihoods. Of the 44% of businesses with between three and nine employees that offer some paid leave, only 28% of those also offer it to part-time workers (DOL, 2013). Even larger businesses are less likely to offer paid time off to part-time workers. Of the Vermont businesses with more than 250 employees that offer paid leave, only 55% of those also offer to part-time workers (DOL, 2013).

Another reason that small businesses are less likely to offer paid time off is that many tend to have lower profit margins than larger businesses, leaving less opportunity to pay for fringe benefits. However, employer size is not always a representation of an employer's profits. For example, a Vermont law firm and a general store in rural Vermont both may hire only three people, but the law firm is likely have much higher profit margins. Similarly, restaurants, which are generally known for having thin profit margins, tend to hire between 20 and 50 employees. In these cases, it can be difficult, and even troublesome from a policy perspective, to assume that employer size always directly correlates with a business's profit margins.

Cultural perceptions also contribute to the challenges to implement paid sick day policy. The idea to offer a minimum amount of paid sick days to employees is not yet as culturally accepted as, say, the idea that all workers have the right to earn a minimum wage

amount per hour. When paid sick days are culturally viewed as an optional benefit, employers become more resistant to the idea of a mandate. This is largely why, in my role at MSA-VT, I worked to change this idea and introduce the idea that all workers, regardless of what size business they work for, should earn a minimum amount of paid time off.

Lastly, small businesses are often exempt from federal requirements to offer benefits like family and medical leave, health insurance, or others, which contributes to the idea that certain worker protections are optional, especially to small businesses, and are provided at the employer's discretion. Currently, federal law exempts business with 50 or fewer employees from having to provide unpaid leave for parental or family leave. Similarly, the Affordable Care Act exempts businesses with fewer than 50 full-time employees from providing health insurance coverage to their employees (DOL, 2016). I am not arguing that these laws are correct or incorrect in their exemption of small businesses, but I am noting that I believe this pattern influences perceptions about what small businesses can or should provide to employees.

The passage of legislation to set a minimum standard of paid sick days paired with efforts to change the perspective that paid time off is an optional benefit are two solutions that, in tandem, will solve the lack of paid leave in Vermont and begin to change the narrative that policy issues can not be pro-worker and pro-business. I believe that policy change contributes to shifting cultural beliefs; however, changing policy alone does not necessarily lead to cultural change. I believe this requires a more concerted, long-term effort to provide education about the need for certain policies and the role of government in setting minimum expectations for workplace standards and state-run programs.

## **Politics**

### **Decision Making Process**

Vermont has a 150-member House of Representatives and a 30-member Senate. There are two-year terms the Governor and members of the House and Senate. There are 14 Senate districts, each of which corresponds to one of the state's counties, and there are 104 House districts (58 with a single member and 46 more populated districts having two members) (Vermont General Assembly, 2016). To be eligible to run for office of the Senate or House, a person must have been a Vermont resident for at least two years and must have been a resident in the legislative district for which he or she is seeking to be elected for at least one year. The Governor and members of the House and Senate serve two-year terms, although there are no term limits.

Vermont has a citizen legislature, meaning it is made up of Vermont citizens who generally have a full-time occupation (or are retired) aside from their job as a legislator. They do not have offices or staff and their emails and cell phone numbers are publicly available. Vermont's legislature is also part-time and is only in session from January until April or May of each year. Every two years, on the first day of the session, the House elects a Clerk and a Speaker, and adopts House Rules to govern the body's procedures. The Speaker then appoints standing committees. The Senate elects a President Pro Tempore, a Secretary, elects the third member of the Committee on Committees, and adopts Senate Rules. The Committee on Committees then appoints the standing committee members (Vermont General Assembly, 2016).

Bills are drafted by members of Legislative Council. Currently in the Vermont legislature, there are 20 members of the Legislative Council who are responsible for drafting bills and providing non-partisan legal and legislative service and consultation to all legislators (Vermont General Assembly, 2016). A member of the House or Senate tells the member of

Legislative Council who is assigned to his or her committee the content of bill he or she wishes to introduce. The Legislative Council member then drafts the bill, gets approval from the Representative or Senator, and presents it to the Clerk of the House or the Secretary of the Senate. The bill is then introduced and read the first time, by title, and referred to a committee. A bill must be read three times on the House Floor and three times on the Senate Floor before it can become law.

The Vermont House and Senate have a number of standing committees. Committees are responsible for taking up bills for consideration, examining and amending them, and often take testimony from the public, advocates, and other relevant parties, like the Attorney General or Commissioner of Labor, to help craft the legislation. The Vermont House has fifteen standing committees: Agriculture and Forest Products; Appropriations; Commerce and Economic Development; Corrections and Institutions; Education; Fish, Wildlife and Water Resources; General, Housing, and Military Affairs; Health Care; Human Services; Judiciary; Natural Resources and Energy; Rules; Transportation; and Ways and Means. Each committee has a different number of members, ranging from seven to eleven. The Vermont Senate has twelve standing committees: Agriculture; Appropriations; Economic Development, Housing, and General Affairs; Education; Finance; Government Operations; Health and Welfare; Institutions; Judiciary; Natural Resources and Energy; Transportation; and Rules. Senate Committees range from five to seven members. Each Senator is assigned to two committees while each Representative is assigned to one (Vermont General Assembly, 2016). Chairs of Committees hold a lot of power to decide which bills are taken up. Collectively, legislators introduce hundreds bills into committees each session and committees do not have the time to work on every bill. This is one reason it is important for advocates to influence, or encourage other committee members to influence, the chair of whichever committee would take up their bill.

After a committee has voted a bill out of committee by simple majority, a member of the committee, chosen by the Chair, then reports the bill on the floor of whichever legislative body, House or Senate, possesses the bill at the time. During the bill's second reading, amendments may be offered by any members of the legislative body. If the amendments pass by a simple majority vote, they are then included in the bill's new draft which will be voted on after third reading. The third time the bill is read, the legislative body then votes on the bill by voice vote, or by roll call vote if a legislator wishes for names and votes to be on record. If a bill passes one legislative body, say the House, and then is amended in the other legislative body, the Senate, it must then go back to the first body for a revote, or concurrence with amendments, or the legislative body can request a Committee of Conference if they disagree with the amendments proposed. When this occurs, each chamber appoints three members to serve on the committee and to report an agreement on the contents of the bill. The committee then submits the report to both legislative bodies for adoption. It is then sent to the Governor, who has five days to approve or veto the bill. If the Governor vetoes the bill, it is then sent back to whichever legislative body possess the bill and becomes law only if it receives two-thirds of the votes.

Vermont has an open-meeting law, which states that all meetings of a public body, including the State Legislature, "are declared to be open to the public at all times" (VLCT, 2016). That allows anyone to sit in on committee meetings, hearings, and floor discussions within the statehouse. This is incredibly crucial for the advocacy community in that it allows advocates to sit in on all meetings and discussions that allow them to understand the full context of the issues they are pushing.

Working within the legislature allows advocates to speak with legislators more easily, to answer questions legislators might have about an issue, and to ensure that the advocates issue or organization has consistent representation within the legislature. It is also crucial to

be in committee when committee members are voting on the advocates' bill. It is impossible to know what unexpected amendments will be proposed and it is crucial that advocates are in the committee room during these times to remedy situations as they arise and, to the extent possible, ensure that no unfavorable amendments are attached to a bill.

**Primary Targets**

**House and Senate Committees**

During the 2015/2016 biennium, target committees were the House Committee on General, Housing, and Military Affairs and the Senate Committee on Economic Development, Housing, and General Affairs. Members are listed in Table 3. MSA-VT staff have strong relationships with certain members of both committees and could count not only on their votes but also on their support to gain votes from other committee members.

Table 5. <i>2015/2016 Target House and Senate Committees</i>		
	Senate Committee on Economic Development, Housing, and General Affairs	House Committee on General, Housing, and Military Affairs
Chair	Kevin Mullin (R-Rutland)	Helen Head (D-South Burlington)
Vice Chair	Philip Baruth (D-Chittenden)	Tom Stevens (D-Waterbury)
Clerk	Becca Balint (D-Windham)	Gabrielle Lucke (D-White River Junction)
Member	Ann Cummings (D-Washington)	Diana Gonzalez (P-Winooski)
Member	Bill Doyle (R-Washington)	Brian Savage (R-Swanton)
Member		Job Tate (R-Mendon)
Member		Tommy Walz (D-Barre)
Member		Mary Morrissey (R-Bennington)

In 2015, H.187 was introduced into the House Committee on General, Housing, and Military Affairs, making this committee the primary target of the campaign to ensure the bill



moved forward. Luckily, this committee is not much of a challenge for passing labor policy. Representatives Head, Stevens, Gonzalez, Lucke, and Walz are strong supporters of labor policy, and since only a simple majority vote is needed to move a bill out of committee, we knew passing a strong bill out of this committee would not be the biggest hurdle for the campaign. In fact, Representative Head has been working to pass this legislation for ten years and was a strong ally, along with Representative Stephens, who helped us ensure the bill moved through the House. The bill passed committee with a 5-3 vote in April, 2015 and went straight to the House floor for a vote. In order to ensure the bill passed the House, it would be crucial to gain support from leadership in the House.

### **House and Senate Leadership**

Other primary targets for this campaign included members of House leadership and Senate leadership. Gaining support from leadership is crucial for passing any legislation, especially legislation that, like paid sick days, has historically been controversial. As Shultz (2002) states, “In many cases, addressing your concerns takes more than self-help or even general community education. It requires political action, a decision by someone in authority to change or to enforce the rules” (pg. 113). The first half of the 2015/2016 biennium, we had not yet gained full support from leadership, and needed to prioritize their support in order to ensure the bill’s passage.

In Vermont, the most important leadership roles are Speaker of the House and President Pro-Tem of the Senate. Without support from these leaders, the bill is unlikely to pass, as they have the power to leverage support and the power to choose whether or not to allow an issue to move forward. Support from the Governor is also important because he or she can state which issues the legislative bodies should prioritize and, from my experience, the legislature tends to respond to the Governor’s wishes. Another important leadership role is

the House Majority Leader. This leader can help advocates gain the votes in the House for their issue; and, with 150 members of the House of Representatives, and with the unlikelihood that advocates have relationships with all members, it can be daunting for advocates to take on this responsibility alone.

Speaker of the House, Shap Smith, was one of the first in leadership to speak out publicly in support of the bill. At the end of the 2013/2014 biennium, Smith stated that he supported paid sick days but that because it did not have “sufficient support in the House... to pass,” he would not bring it to the floor (Heintz, 2014). On the other hand, the Senate President Pro-Tempore, John Campbell, spoke out against the bill, saying that “paid sick leave would absolutely put an undue burden on many businesses” (Heintz, 2014).

Paid Sick Days gained critical support from leadership throughout the 2015 session and became a legislative priority toward moving into the second half of the biennium. Speaker Smith worked with the Main Street Alliance and House leadership, including Representative Jill Krowinski, the Majority Caucus Clerk, to whip the votes needed to pass the bill from the House. House Majority Leader, Sarah Copeland-Hanzas, voiced her support for the bill in 2015, stating that it “goes a long way toward striking the right balance for employers and employees” (Faher, 2015). She would not support previous iterations of the bill and came to support the newly amendment bill because of the waiting period and the modest, incremental number of days. Copeland-Hanzas owns a small café in the town of Bradford where she employs, on average, four people. She had particular interest in the bill because all of her employees are women who have spouses who do not have access to any paid time off. That meant that whenever their children were sick, her employees would be the ones always staying home and were not able to balance that responsibility with their spouses. This was something I also heard from many other small business owners in the state and was used by MSA-VT as an argument against a small business exemption.

Governor Shumlin first spoke out about his support for the newly amended paid sick days bill shortly after Copeland-Hanzas and continued to speak out in support on many occasions. He first stated, “I believe that H.187 is well on its way toward addressing the needs of employers with those of their employees, providing this important benefit to Vermonters in a measured, thoughtful way” (Hallenbeck, 2015). At a press conference on Women’s Equality Day in 2015, he called H.187 “common sense,” and a “fair bill” that balances the needs of businesses and their employees and expressed that he looked forward to working with the legislature to get it enacted in 2016. (Olsen, 2015).

MSA-VT has established relationships with national organizations, such as Family Values at Work and the National Partnership for Women and Families. These organizations have connections to White House staff members and are able to reach out to them to ask for their leverage to influence policy decisions in states across the country. After H.187 passed the House, MSA-VT Director DesLauriers contacted national level MSA leaders to ask that they reach out to their contacts at the White House to ask that someone in the Obama Administration reach out to President Pro-Tem John Campbell to ask for his support for the bill. However, Campbell remained non-committal, saying that he wanted “to make sure that the small businesses ... will not be negatively impacted by what happens in the bill,” (VPR, 2015).

### **Members of the House and Senate**

In order to ensure passage of H.187 from the House and Senate, it was also crucial to simultaneously target Representatives and Senators who were known to be on the fence or who were expected to be on the fence about their vote for the bill. MSA-VT teamed up with representatives from multiple organizations on the Vermont Paid Sick Days Coalition and House and Senate leadership to count votes and ensure the bill had enough votes to pass both

legislative bodies. As shown in Table 4, moving into the 2016 legislative session, we had mapped anticipated support from each Senator by ranking their support on a scale of one to four, with '1' representing a confirmed 'yes' vote, '2' representing a likely 'yes' vote, '3' representing a likely 'no' vote, and '4' representing a confirmed 'no' vote. This table represents Senators' expected positions during the summer of 2015, prior to the 2016 legislative session. Some Senators' rankings evolved as the bill progressed during the session. For example, Senator and President Pro Tem of the Senate, John Campbell, seemed unmovable throughout the session; however, critically needing his support, we identified a business owner in his hometown who had significant influence over Campbell's policy decisions. After meeting and talking with this business owner, Campbell publicly expressed support for the bill.

While similar vote count had been done in previous years, it was important to follow up with each Senator prior to the 2016 session to inform him or her of the changes to the bill, address any of his or her concerns gauge his or her support level for the bill, and confirm a vote. As Representative Toleno once said, the "cardinal rule" in the legislative community is that legislators do not tell a lobbyist, advocacy group, constituent, or anyone else that they will vote in favor of a bill that they will actually vote against (T. Toleno, personal communication, 2015). This has largely been true from my experience, which meant that counting votes allows advocates to have a better sense of the likelihood their bill will pass. That being said, it is also important to check in with legislators periodically or as the bill evolves to ensure they are still supportive or to address any of their concerns before the bill reaches the floor for a final vote.

**Table 6.***Vote Count in the Senate*

<b>Senator</b>	<b>District</b>	<b>Rating (1-4)</b>	<b>Final Vote</b>
Tim Ashe (P)	Chittenden	2	Y
Claire Ayer (D)	Addison	1	Y
Rebecca Balint (D)	Windham	1	Y
Philip Baruth (D)	Chittenden	1	Y
Ginny Lyons (D)	Chittenden	1	Y
Mark MacDonald (D)	Orange	1	Y
Dick McCormack (D)	Windsor	1	Y
Anthony Pollina (P/D)	Washington	1	Y
Michael Sirotkin (D)	Chittenden	1	Y
Jeanette White (D)	Windham	1	Y
David Zuckerman (P/D)	Chittenden	1	Y
Ann Cummings (D)	Washington	2	Y
Diane Snelling (R)	Chittenden	2	Y
Christopher Bray (D)	Addison	2	Y
Brian Campion (D)	Bennington	2	N
Joe Benning (R)	Calendonia	3	N
John Campbell (D)	Windsor	3	Y
Bill Doyle (R)	Washington	3	Y
Peg Flory (R)	Rutland	3	N
Jane Kitchel (D)	Caledonia	3	Y
Kevin Mullin (R)	Rutland	3	Y
Alice Nitka (D)	Windsor	3	Y
John Rodgers (D)	Essex-Orleans	3	N
Robert Starr (D)	Essex-Orleans	3	N
Brian Collamore (R)	Rutland	4	N
Dustin Degree (R)	Franklin	4	N
Dick Mazza (D)	Grand Isle	4	N
Norm McAllister (R)	Franklin	4	Under Suspension
Richard Westman (R)	Lamoille	4	N
Dick Sears (D)	Bennington	4	Y

## **Opponents**

### **The Business Lobby**

The main opponents of the legislation were the Vermont State Chamber of Commerce, the Vermont Grocers & Retailers Association (formerly two separate entities), the National Federation of Independent Business (NFIB), and Associated Industries of Vermont (AIV). As Shultz (2002) stated, “just as important as knowing your opposition’s strengths is understanding your opponents’ weaknesses and taking advantage of them” (p 79). A large part of this campaign consisted of bringing businesses owners to the forefront to counter the opposition’s argument that this legislation would be bad for business.

The Vermont State Chamber of Commerce has long been the main opposing group that took part in lobbying, rallying business owners to speak out and testify against this legislation, and educating members about the effects of this legislation. The chamber lobbyists spoke about how businesses already do what is best for their employees and should not be forced into a “one size fits all” mandate. The chamber lobbyists also spoke about how this legislation would be a burden on businesses, would increase payroll costs at a rate that would be difficult for many businesses to absorb, and overall, that businesses could not afford and should not be forced into a “costly government mandate” (Vermont Chamber of Commerce, 2014).

The Vermont Grocers’ Association and Vermont Retail Association (now the Vermont Retail and Grocers’ Association, VRGA) was also a main opponent of the bill. VRGA was able to mobilize general store owners, and other small-scale business owners, from across the state to speak out against this bill (Margolis, 2014). Associated Industries of Vermont (AIV) also lobbied and testified against the bill. Bill Driscoll, Vice President, often spoke out against this bill, arguing that this mandate would increase the cost of employment and cause businesses to cut hours, hire fewer employees, and lay off workers (Rudarakanchana, 2014).

## **Strategy**

If you have time it would be helpful to have a couple of sentences that describe the flow of this section and/or how the various strategies were connected

## **Methods to Influence Targets**

### **Primary Research**

From MSA-VT's founding in July 2014 until late September 2014, I conducted 259 surveys with small business owners in 71 towns and in 12 of the 14 counties in Vermont. The majority of businesses surveyed (68%) had fewer than ten employees, which reflect the realities of the business landscape in Vermont in that the majority of businesses in Vermont have fewer than ten employees (DOL, 2015). The majority were also in retail (53%) and food service (17%) establishments. From September 2015 to December 2015, MSA-VT's canvasser conducted 317 more surveys, reaching 65 towns in every county. The survey data from both rounds showed similar results. The majority of the survey participants in this second round of surveys (71%) employed fewer than ten people and were owners of retail (53%) and food service (19%) establishments.

As Unsicker stated, "...if advocates are able to generate convincing evidence and analysis, that knowledge can increase their power and influence" (pg. 127). MSA-VT's canvassing project helped build and demonstrate support within the legislature and in the public eye, which contributed to confidence in support for the bill, and ultimately, the bill's passage through the House and Senate.

Our surveys came to unexpectedly serve another purpose when H.187 was being considered in the Senate Committee on Economic Development, Housing, and General Affairs. When the Senate Committee was discussing whether or not to exempt businesses with five and fewer employees, they wanted to know how many workers this amendment

would exempt, how many workers work for businesses with five and fewer employees, and if these employees already had access to paid sick days. The Committee Chair, Senator Mullin, requested data from the Department of Labor and also, knowing of our statewide, non-member survey, requested data from MSA-VT as well.

The Department of Labor periodically collects fringe benefit data from private employers to understand what benefits Vermont employers are providing their employees. Not every employer is required to submit information to this study, and the 2013 study contains data only from 1,079 private employers in the state (DOL, 2013). This study also collects information from businesses in different class sizes, ranging from 3-9, 10-19, 20-49, 50-249, and 250+ employees. The study collects data about the percentage of businesses in each class size that offer paid time off and the percentage of those businesses that offer vacation, sick, and personal leave. MSA-VT's survey had used the almost identical categorization of sizes in order to be able to compare our data with DOL data; however, because the majority of businesses we surveyed were very small, we included ranges for sole proprietors, 1-3, and 4-9 employees as opposed to the solely a 3-9 category. Our survey included questions that ask business owners the number of people they employ and whether or not they provide paid time off to their employees.

Therefore, we were able to pull out data showing the number of businesses with employees that provide paid time off and the number of employees with 4-9 that provide paid time off and submit this information to the committee. Of the 759 total businesses surveyed, 401 employed fewer than ten employees. Of those 401 businesses, 29% provided some form of paid time off to their employees. The question did not specify whether the paid time benefit was provided to all or some of their employees or whether the time was given specifically to full or part-time employees. Of the same 401 businesses, 63% responded that they do not offer a paid time benefit of any kind to their employees and 8% did not provide an answer to



the question. To zero in on the state's smallest employers, we also pulled out data specific to what employers who employ between one and three people offer for paid time off. Of the 759 total businesses included in the survey project, 174 employed between one and three employees. Of those 174 businesses, 21% provided some form of paid time off to their employees. Of these 174 businesses with between one and three employees, 64% responded that they do not offer a paid time benefit of any kind to their employees and 15% did not provide an answer to the question. Because the DOL did not collect data from businesses with under three employees, they were not able to provide this information, but were able to provide more detailed information about what type of paid time off was being provided at employers of various sizes.

The Committee was not able to gather data from us or the DOL about the number of workers who would be exempt if they were to include a small business carve out, but data suggest that employees of the state's smallest businesses are less likely to have any type of paid time off. Therefore, we could assume that many of the 60,000 workers who do not have access to any paid time off are employed by small businesses and would be excluded if an exemption were implemented. This data provided to the committee contributed to their decision to pass the bill from the committee with a unanimous 5-0-0 vote.

### **Secondary Research**

As stated by Unsicker (2013), "policy research is also important for generating evidence that can be used to build public support and for convincing policy makers to enact the change that the advocates seek..." (p 35). Many of the Paid Sick Days Coalition's documents referenced multiple studies conducted in Vermont and in cities where paid sick leave ordinances had been established in order to articulate potential benefits of establishing a similar law in Vermont. The coalition often used and referenced these studies to educate the

public about the impact that a lack of paid sick days had on women and about the potential economic benefits to business and Vermont's economy.

The Main Street Alliance of Washington (2013) published a study entitled *Paid Sick Days and the Seattle Economy* at the one year anniversary of Seattle's Paid Sick and Safe Leave Law. This study reported research and data to show how Seattle's economy was recovering from the recession at a stronger pace than the state of Washington or the United States as a whole, suggesting that the implementation of a paid sick days ordinance did not hinder the economy's growth.

In 2009, The University of Vermont Medical Center and the Peace and Justice Center partnered to conduct a study that showed the impact lack of paid sick days had on the public health and the health of children in an elementary school population. Through a survey, data were collected that showed the correlation between parents who had access to paid sick days and the number of times the children of those parents were sent to school sick. This study presented data to support the public health benefits argument; they showed that parents with access to paid sick were about five times more likely to take time off to care for their child than those who did not have access to paid sick days (UVM, 2009).

In 2011, the Institute for Women's Policy Research published *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees*. This study highlighted the benefits that resulted from the implementation of the Paid Sick Leave Ordinance in San Francisco in 2007. For example, they found that "despite the availability of either five or nine sick days...the typical worker with access only used three...and one-quarter of employees with access used zero..." (IWPR 2011).

In 2013, the Institute for Women's Policy Research published *Valuing Good Health in Vermont: the Costs and Benefits of Earned Health Care Time*. This study used data from the Centers for Disease Control and Prevention, the U.S. Bureau of Labor Statistics, the U.S.

Census Bureau, and the Vermont Department of Health to estimate the costs and benefits of implementing H.208 in Vermont. This study provided estimates of the number of Vermonters without access to paid sick days, the numerical costs and benefits to businesses, the number of days workers who have paid sick days use on average, and the costs (such as increased turnover and lost productivity) to businesses who do not offer paid sick days to workers.

In 2013, the Vermont Department of Labor released a Fringe Benefit Study, which showed various benefits packages that were being offered by employers across sectors and across the state. This study gave a better picture of which benefits were already being offered and which ones were not. For example, nearly half of the employers in this study offered paid sick leave to their employees and about three fourths of them offered paid vacation to their workers (DOL, 2013).

These resources provided more concrete information for MSA-VT and other advocates to support the arguments for passing paid sick days legislation and also highlighted gaps in knowledge, such as qualitative data from small business owners, that could be filled in order to gain even more support from targets inside and outside of the legislature.

### **Messengers, Messaging, and Framing**

The strategy going into the 2015-2016 biennium was to re-frame the paid sick days campaign and create new messaging to resonate with legislators and the business community. In previous years, the campaign had been lead by labor groups and was supported by a few progressive Vermont business owners. In order to move skeptical legislators and business owners, we needed messaging that would speak to the changes and compromises made. As stated by VeneKlasen and Miller in *A New Weave of Power, People, & Politics (2002)*, it is critical to “frame the issue in a way that is as compelling as the opposition’s frame, and shifts the audience’s attention to your perspective” (pg. 235). We framed the newly amended bill as

a compromise between labor and business and a compromise between businesses who opposed the original bill and those who championed it.

The original lead sponsor of the paid sick days bill in 2015 was Representative Jill Krowinski (D-Burlington); however, with the bill's new branding, it was decided that the lead sponsor should not be one of the "usual suspects" known for supporting labor issues. Because of this, Representative Tristan Toleno (D-Brattleboro) became lead sponsor. Toleno is seen as a more moderate Democrat and is also a small business owner, and former owner of a popular restaurant in Brattleboro, giving more weight to his support for the bill. As Shultz (2002) states, it is important to choose a champion who will "officially sponsor your bill...speak for you on the floor, get you your last and most hard-fought votes, negotiate on your behalf with colleagues, and give you solid political counsel along the way about what is winnable and what is not" (pg. 167). Toleno helped craft the messaging of the new bill as a compromise, worked with us to ensure our message was resonating with House members, worked to educate his colleagues, and was ultimately able to help whip support for the bill in the House. Toleno, an opponent of previous iterations of the bill, personally resonated with MSA-VT's messaging and has publicly stated that he "wasn't able to get to a place last year of being able to say yes" in previous years but now supports the more modest version of the bill (Faher, 2015).

At the beginning of the 2015 session, we held a press conference in the Cedar Creek room of the Vermont Statehouse to launch the new initiative. We referred to the bill as the Healthy Workplaces bill, as opposed to the Paid Sick Days bill. We renamed the bill as part of our efforts to reframe the bill and perceptions about the issue. The new title came from the title of the federal bill, the Healthy Workplaces and Healthy Families Act.

As stated by Shultz (2002), "saying the right thing is important, but so is making sure that your message is delivered by the right people" (pg. 77). The bill's new branding was

crucial to its passage from the House, but even more important were the messengers who spoke publicly about how they came to support the bill after their involvement with MSA-VT lead to a more modest proposal. For MSA-VT's launch of H.187, we chose one of our more moderate supporters, Caleb Magoon, to speak about how he moved from opposition to support. Magoon began his speech by highlighting his work with MSA-VT to craft a compromise bill. He stated, "A year ago I wouldn't have been caught dead supporting paid leave. In fact, I'm a staunch business rights advocate and testified to the Senate against the proposed minimum wage bill last year. So why am I here today? I'm here because of Main Street Alliance of Vermont's work to bring business owners perspectives to the table to positively affect legislative initiatives such as this. Their goal was to craft pragmatic legislation, by working with myself and other small business owners, to create a standard that would be reasonable for businesses without compromising the fundamental objectives that the coalition had been working to address..." (MSA-VT, 2015). Magoon's testimony was needed at this point in the bill's progress to unify supporters and skeptics, and to portray H.187 as a bipartisan bill.

The Vermont Paid Sick Days Coalition's messaging was much broader, including messaging about how paid sick days are good for families, business, and Vermont's economy as a whole. While Main Street Alliance naturally adopts this messaging since it tends to reflect the nature of the issues we work on, for this campaign in particular we chose more laser-focused messaging to shift the perspective and bring new life to an issue that had been debated in the state for over a decade.

### **Engaging Constituency: Vermont Small Business Owners**

Much of the opposition to the bill came from the business community or from lobbyists from the Vermont Chamber of Commerce and its affiliates, the Vermont Grocers

and Retailers Association, Associated Industries of Vermont, and the National Federation of Independent Businesses. In order to engage business owners in conversations about moving forward with paid sick days, it was crucial to conduct statewide, in-person education in addition to gathering survey data.. From nearly 100 one-on-one meetings with business owners, I found the majority of opposition was the result of one or both of two issues: confusion about what the bill would require of the business community and/or a philosophical belief that the government should not interfere with a businesses policies or operations.

As Shutlz (2002) stated, “a successful campaign also needs people and groups who have direct political clout with their specific targets” (p 77). Legislators tend to be hesitant to impose mandates on small businesses. In the case of paid sick days becoming law, many business owners would be required to modify their workplace policies and would be required to account for wages paid to workers when they are ill and out of work. Small businesses have clout in the legislature on most issues, but their voices especially carried a lot of weight on this issue in particular which made it even more critical that small businesses spoke out in support of paid sick days.

The work of MSA-VT increased support within the business community for a standard of paid sick days. Two business owners in particular stand out when I reflect on the shift in perspective about mandating paid sick days: Caleb Magoon and Matt Birong. I met both of them in the summer of 2014 when I was canvassing their towns, strategically, because they are located in what were, at the time, target House districts. Originally, each of them passionately opposed this legislation, but eventually both became spokespeople, branding the bill as a compromise within the business community.

Caleb Magoon, Co-Owner of Power Play Sports in Morrisville (Speaker Shap Smith’s hometown) and Waterbury Sports in Waterbury, spoke in support of the paid sick days bill at the statehouse, calling it a compromise. He also wrote an opinion piece stating that his

collaboration with MSA-VT lead to his support for paid sick days. He stated, “the business community is often inclined to protect itself by opposing measures like this, and some people will never support new benefits for workers. But for business owners like me, working on compromise achieves far better outcomes. In this situation, we were invited to the table in good faith to help craft a solution, and that’s what’s been accomplished here. This is a bill to bring together advocates and small business owners like myself. It serves as an example of what can be accomplished when businesses work collaboratively to improve legislative outcomes” (VTDigger, 2015).

Matt Birong is the Owner of 3 Squares Cafe in Vergennes, which is located in the House district of Representative Diane Lanpher. Lanpher is a member of the House Committee on Appropriations, which was, at the time, a target committee because the bill would have needed to pass this committee before going to the House Floor. Lanpher was a co-sponsor of the paid sick days bill that has been introduced in the previous year; however, she revoked her sponsorship because the businesses in her district vehemently opposed it. When I first met Birong in the summer of 2014, he seemed that he would never support such an issue; however, his reasons for not supporting it were in line with common messaging often spoke by the opposition and therefore I suspected he could be moved. He became engaged on the issue, working to understand the need for and benefits of paid sick days, and he began reaching out to other business owners in his community who opposed the legislation to gather support. His engagement along the way moved him to support and ultimately he moved Representative Lanpher to vote for the bill, which was critical to the bill’s passage from the House.

This messaging strategy, paired with the real compromises made in the bill have had a noticeable impact. In addition to building the support within the legislature that enabled the bill’s passage through the House, MSA-VT’s canvassing project has shown increased support

from the business community. In 2014, the 259 surveys showed that 49% of businesses surveyed supported establishing a minimum standard of paid sick days. Since the bill's amendments and branding of the bill as a compromise with the business community, the survey was administered to 328 businesses and 68% of businesses surveyed supported establishing a minimum standard of paid sick days. I compared the data from both rounds of surveys and found that the business sizes and sectors were relatively similar. I also found that the percentages of businesses that offered paid time off were nearly identical in both survey rounds. It is important to note that different regions of the state also have different political affiliations, and each survey round was not administered in the same towns or with the same individuals. While I can not be certain the amendments and new branding are what led to increased support, I believe they are certainly contributing factors.

### **Long-Term Goals**

Main Street Alliance of Vermont works to engage business owners in crafting legislation and advocating for issues that are not solely focused on a businesses' bottom line but rather focused on fostering a thriving Vermont overall, where workers and businesses are able to sustain their livelihoods. The long-term goal of the Main Street Alliance is to bring an alternative perspective from the business community to policy conversations, to harness the power of small businesses to effect progressive policy change, and to change the narrative that worker protections are anti-business. To achieve these long-term goals, we work to enact policy change. To pass paid sick days legislation in 2016, we worked on five key short-term objectives.

### **Short- Term Objectives**



In any policy work, objectives shift and new objectives arise as unexpected curve-balls are thrown into the mix. Beginning in the 2016 session, MSA-VT began with four main objectives: 1) influence targets to ensure passage of H.187 from Senate Economic Development, Housing, and General Affairs; 2) prevent unfavorable amendments, particularly any amendments containing an appropriation; 3) ensure passage H.187 on the Senate Floor, and; 4) ensure passage from the House, with no floor amendments; 5) support small businesses with implementation.

### **Objective 1: Influence Targets to Ensure the Bill's Passage**

We hit the ground running in the months leading up to the 2016 session. With H.187 being considered in the Senate Committee on Economic Development, Housing, and General Affairs in the first few weeks, and anticipated opposition from the state's most powerful business groups, we knew we needed to pressure legislators with as much quality constituent contact as possible to ease the hesitation they have about imposing further mandates on businesses.

Unsicker (2009) states that the “political arena of advocacy involves identifying and understanding the institutions of power whose policies must change to solve the problem” (pg. 59). The primary targets of the 2016 campaign, after the bill had passed the House, were members of the Senate Committee on Economic Development, Housing, and General Affairs, with particular focus on Chair, Kevin Mullin (R-Rutland). Members of the Committee are: Senator Ann Cummings (D-Washington), Senator Bill Doyle (R-Washington), Senator Phil Baruth (D-Chittenden), Senator Becca Balint (D-Windham), and Senator Kevin Mullin (R-Rutland). As Unsicker stated in *Confronting Power*, “The advocates must know not only who makes policy decisions but also who and what influences them...” (pg.127). We employed multiple tactics to convince Senators to demonstrate support for the bill.

Before the session, meetings were held with Senators who were on the fence in order to gauge their level of support and explore what avenues would lead to their voting yes on the bill. These meetings were generally initiated and carried out by MSA-VT board members and constituents of on-the-fence Senators.

We also collected supporter cards from businesses, and gathered testimonials from businesses expressing support for the bill. These were gathered, along with supporter cards Rights and Democracy collected, to distribute to legislators at key moments during the bill's consideration. One important part of the campaign was collecting and submitting opinion editorials and letters to the editor in key Senate districts. As stated by VeneKlasen and Miller (2002), "letters are widely read and provide a good opportunity to promote a cause or debate issues" (pg. 248). Not only do these letters help shape the public's perception of an issue, they are seen as a public nudge to legislators who will be responsible for representing constituents in their vote for or against the bill.

Lobbying was a critical piece of moving this legislation forward and ensuring its passage without highly unfavorable amendments. According to Shultz (2002), "Most successful lobbying efforts have two sides. One is inside lobbying – all those actions that take place inside the corridors of government...the other is outside lobbying, all those activities carried out beyond the halls of power... (pg. 157). For the Paid Sick Days Campaign, DesLauriers and Rebecca Ramos , a lobbyist at the highly-respected Necrasen Group lobbying firm, were the two lobbyists who ensured the bill moved forward. Ramos has worked in the legislature for nearly 20 years, including as Senator Campbell's Chief of Staff. Together, DesLauriers and Ramos were in charge of the majority of direct lobbying, strategizing how to influence target legislators, and ensuring that powerholders, such as the Governor, were influencing targets when the time was right. Part of my role with MSA-VT has been training as a lobbyist. While I often do indirect lobbying through my meetings with

businesses, I had never before directly lobbied any legislators and only took part in direct lobbying on a few occasions.

As VeneKlasen and Miller (2002) stated, “lobbying may change policy, but it will not change the structures and culture that perpetuate exclusion” (pg. 37). My main role is to meet with business owners, raise awareness about MSA-VT, our mission and approach, and inspire them to take action on issues they care about to ensure that policy changes reflect their needs and the needs of Vermonters. This generally begins by taking action in smaller ways, such as writing an opinion piece in support of an issue; but the overarching goal is for small business owners to recognize their power, become inspired to be involved in policy change on a deeper level, and understand how policies must be shaped to reflect the needs of all in our communities. “By influencing how individuals think about their place in the world, this level of power shapes people’s beliefs, sense of self, and acceptance of their own superiority or inferiority” (VeneKlasen and Miller, pg. 49).

Another tactic was holding press events at supportive businesses in key Senate districts. The press events allow for highlighting supportive businesses in the media, inviting legislators to join and show their support, and calling on legislators in those districts to express public support if they have not yet done so. The first district was held in Washington County, where owners Jaquelyn Rieke of Nutty Steph’s and Eliza Cain of Red Hen Baking Company spoke about their support for the bill. Two Washington County Senators, Ann Cummings (D) and Bill Doyle (R), were on-the-fence leading up to the session and were also members of the Senate Committee on Economic Development, Housing, and General Affairs, which took up the bill at the beginning of the 2016 session. The event’s purpose was to demonstrate support in their district and thus to influence their votes.

When the 2016 session kicked off, Chair Mullin decided to take up the bill in the first few weeks. We wanted to make the case to the Senators that H.187 had come a long way, had

undergone many amendments to make it less challenging for small businesses, and that it should be passed through the committee with no amendments. This would have eliminated the need for a re-vote in the House. Since it was such a close vote in the previous year, we hoped to avoid having to whip votes in the House again. To achieve this, we spoke with Senators one-on-one and distributed one-page documents that demonstrated small business support and showed the bill's transition over the years. The goal of preventing further amendments was somewhat optimistic, given that Senators like to make their marks on bills before sending them to the floor. While these efforts to prevent further amendments were not successful, we were effective in bringing Senators up to speed on the evolution of the bill. The biggest challenge then became ensuring that the bill was not amended to exclude small businesses and part-time workers.

## **Objective 2: Prevent Unfavorable Amendments**

Within the first few weeks of the session, the Senate committee received the version of the bill that passed the House, took three days of testimony, and began marking up the bill. MSA-VT brought in several business leaders to testify in support of the bill, many of whom testified that they did not support the original bill but moved to support it because of their active role in shaping its development. We were prepared for Senator Mullin and/or opposing business groups to suggest amendments to exempt part-time workers and/or small businesses under a certain threshold. We also knew we would have to ensure no appropriation was added to the bill in order to prevent it from being sent to unfavorable committees.

We were in a unique position with this bill. In the 2015 session we originally introduced a bill with a 500 hour (or three-month) waiting period to reflect the standard waiting period employers use before providing benefits, like paid time off, to workers. However, we ended up moving this waiting period to 1,400 hours in order to avoid the bill

requiring an appropriation from the state budget to cover state temporary workers. Temporary and seasonal workers in the private and public sectors were already excluded from the legislation, with temporary and seasonal being defined as working 20 weeks or fewer per calendar year. However, a state temporary employee is defined as an employee working 1,280 hours or less each calendar year, which could mean that an employee who works 32 consecutive 40-hour weeks would be included under the definition in the legislation.

Currently, Vermont state temporary workers are not part of the Vermont State Employees Union (VSEA) and do not receive benefits, like paid sick days, that full-time state employees received under their union contract. If state temporary workers were to be included in the legislation, this would require an appropriation from the state budget and would require that the bill pass the House Appropriations and Senate Appropriations Committees. Passage would then have been highly unlikely no matter what amendments were included in the bill, as the members of these committees lean conservative and have largely historically been opposed to the legislation.

We kept the reasoning for this particular waiting period confidential; however, it came to light that the opposition was aware of this and would try to amend it so that the bill would be sent to appropriations and ultimately, would not pass from committee. A few opponents testified to the committee, stating that it would be unfair and hypocritical for the state to exempt state employees while simultaneously requiring this mandate on employers. However, we successfully argued that the temporary exclusion applied to private and public sector workers and was fair and impartial.

The opposition's new strategy was to maintain opposition to the bill, but to also provide recommendations for how to amend it to be more palatable for business. We knew we had already given up a lot and wanted to protect the bill from further unfavorable amendments. As VeneKlansen and Miller (2002) state, "To bargain with decision makers,

you need to know your own power and your opponent's, as well as what is negotiable, what is not, and what you will do if negotiations fall apart" (pg. 165). Some of the proposals suggested by opponents included: delaying implementation to 2018; delaying implementation for food service, hospitality, retail, and part-time workers until 2020; exempting high school and college students; exempting part-time workers; aligning with parameters of the Affordable Care Act by exempting employees who work 30 hours a week or less and 1560 hours per year; aligning with parameters of the Family and Medical Leave Act by exempting employers with 15 or fewer employees; exempting employees who work 25 hours a week or less; exempting new employers for five years; and allowing a maximum accrual of three days per year.

With these proposals from the opposition, we knew we were up against a lot. We brought in many businesses to testify against amendments that we anticipated might gain traction, such as exemption of part-time workers and exemptions for businesses under a certain employee threshold. The witnesses who testified on behalf of Main Street Alliance are listed in Table 8.

Table 7,.

*MSA-VT Members Who Testified in Support of H.187*

<u>Name and Position</u>	<u>Business Name</u>
Randy George, Co-Owner	Red Hen Baking Company in Middlesex
Melinda Moulton, President and CEO	Main Street Landing in Burlington
Benjamin Brown, Founder	NewGrassRoots in Rutland
Matt Birong, Owner	3 Squares Café in Vergennes
Caleb Magoon, Co-Owner	Power Play Sports in Morrisville and Waterbury Sports in Waterbury
Jaquelyn Rieke, Founder	Nutty Steph's in Middlesex
Jennifer Kimmich	Co-Owner of the Alchemist Brewery in Waterbury and Stowe
Paul Millman, President	Chroma Technology in Bellows Falls
Kiki McShane, President	FarVision in Rutland
Elaine McCrate, Associate Professor	Economic and Women's and Gender Studies at the University of Vermont
Angela Earle-Gray, Human Resources Director	Chroma Technology in Bellows Falls

Some owners, such as Birong and Magoon, testified about their initial opposition and current support. Others, such as Kimmich, Moulton, George, McShane, Millman, and Earle-Gray, have been champions on the bill for many years and testified in support of the bill. Moulton testified about how she supported previous iterations and would like to see the bill strengthened, as opposed to amended further. George and Kimmich spoke about the need to include part-time workers and businesses of all sizes, in anticipation that such amendments would be introduced. Rieke spoke about how she implemented a policy at her business in 2014 because of her increased awareness of the need. She testified that she had never thought

about offering paid sick days until efforts arose and she then decided to speak with her employees. To her surprise, they told her that such a benefit would be incredible helpful to them and that a lack of paid sick days had caused hardship in their lives on many occasions.

### **Objective 3: Ensure the Bill's Passage on the Senate Floor**

The summer leading up to the session, we began to meet with Senators to count votes. Some Senators tended to lean “yes” or “no,” but refused to commit to support or oppose the bill. As Shultz (2002) states, “you don’t need every vote, so focus your attention on the ones you do need and have the best chance at getting” (pg. 175). In order to keep track of votes, we kept a running tally of all Senators, ranked their likelihood of voting yes on a scale of one to four, with four representing a “no” vote and a one representing a “yes” vote. We focused on meeting with those considered to be a two, that is who were leaning supportive. [reference the table in the Politics section]

As the bill approached the Senate Floor, we had only ten confirmed “yes” votes, but six likely “yes” votes. We kept our vote count secret and evoked confidence throughout the process, recognizing that no one in the building had a clear vote count. To our surprise, the bill passed the senate with a 21-8 vote. Many of the unlikely “yes” votes, to our surprise, voted in support of the bill.

A few amendments were introduced on the floor. The process of introducing amendments generally begins with Senators bringing amendments to the committee that currently holds the bills. The committee then votes in favor or against the amendments. The Senators then bring the amendments to the floor for a vote. It is generally considered disrespectful to bring an amendment to the floor without first talking to the committee or the committee chair. However, this is sometimes done if the amendment would be unlikely to win votes in the committee, but would be likely to win the votes on the floor. In the case of H.187,



many Senators brought amendments to the committee and others simply introduced amendments on the floor.

Hours prior to the Senate vote, Senator Zuckerman (P-Chittenden) introduced an amendment to clarify language in the bill that allows employers to keep existing paid time off policies as long as employees are able to use that time for the purposes outlined in the bill. This committee voted in favor of the amendment, the amendment passed the floor vote, and it was included in the bill.

Senator Brian Campion (D-Bennington) introduced two amendments. Under the bill an employee is allowed to take sick time for his/herself or to care for his/her family member. One of his amendments proposed expanding the definition of family to include “any other individual related to the employee by blood or affinity whose close association with the employee is the equivalent of a family relationship” (Vermont Legislature, 2016). This amendment passed committee; however, it was unintentionally excluded from the final draft of the bill and therefore was not included in statute.

Campion also introduced an amendment to exempt businesses with five or fewer employees. The committee members had struggled with whether or not to exempt small businesses on many occasions, but ultimately decided that since employees of smaller businesses are less likely to have paid time off of any kind, exempting small businesses would essentially mean leaving out those they were trying to help with this legislation. The committee voted against the amendment; however, Campion brought the amendment to the floor for a vote. Senator Mullin said his committee’s decision to vote against a small-business exemption “was based on testimony that a larger percentage of smaller firms did not provide paid time as compared with their counterparts in the larger-firm categories” (Hirschfeld, 2016). The Senate voted against the exemption, with a vote of 14 in favor and 15 against.

Senator Diane Snelling (R-Chittenden) introduced an amendment that would give employers with five or fewer employees who work on average at least 30 hours a week an extra year before having to implement this policy. This amendment also requires that the Commissioner of Labor and the Agency of Commerce and Community Development develop a program to provide assistance to employers of this size to help them with implementation. This amendment passed committee and was included in the bill. If Campion's amendment were to pass, her amendment would become obsolete. She voted in support of his amendment on the floor; however, it didn't pass. She stated, "I would prefer that this legislation was not necessary. Next, my preference would be to exempt employers with five or fewer employees. However, I am grateful the Senate has accepted my amendment to provide more time and assistance to small business" (Vermont Legislature, 2016).

Senator Joe Benning (R-Caledonia) introduced an amendment to exempt businesses with eight or fewer employees, which did not pass committee. On the Senate floor, he also made a motion to amend the bill to delay implementation from January 1, 2017 to January 1, 2018. The delayed implementation amendment failed with nine Senators in support and 20 against.

The bill passed the Senate with a 21-8-1 vote on Wednesday, February 10<sup>th</sup>. The next hurdle would be ensuring the amended bill had enough votes to pass the House.

#### **Objective 4: Ensure the Bill's Passage from the House (Again)**

After the bill passed the Senate, we now had to make sure that Representatives were aware of the amendments and to recount votes. We were in a unique situation with the bill. It had passed by a narrow margin at the end of the last session and the amendments made the bill less controversial for many moderate Democrats. After the Senate amendments, the Progressive Party was somewhat disappointed and felt the bill was incredibly watered-down.

However, some Democrats, such as Kitty Toll (D-Danville) and Steve Carr (D-Brandon) were now more supportive of the bill because it was seen as less onerous on small employers. We had to make sure that the Senate amendments, which lead to increased support from the Democrats and did not lead to decreased support from the Progressives.

We first met with House leadership to discuss how many House votes were confirmed, who was on the fence, and to divide up who should speak with whom about the bill changes. It was also discussed whether or not the bill should be brought to the floor or if it should be taken to a Committee of Conference. Committees of Conference are composed of three members of both the Senate and the House. Members are appointed by the Speaker of the House and the Committee on Committees in the Senate. The committee's purpose is to either concur with amendments on a bill or resolve the differences between the House and the Senate amendments on a bill. The committee then reports recommendations and/or amendments back to the respective houses for further action.

The fear was that if the bill was brought to the floor, many amendments, including a small business carve out, would be introduced and could gain support from Republicans and moderate Democrats. The fear was also that Progressives would refuse to support a watered-down bill. In this case, we created a list of all House members, assigned people to reach out to certain Representatives to notify them of the changes and confirm their support, and began counting votes in support of the amended bill. House leadership also took a role in reaching out to Representatives who might be more likely influenced by them. At the weekly Workers Caucus, we spoke with members about the new legislation and answered any questions they might have. We also spoke with leaders in the Progressive Party to ensure they were unified to support the bill, despite the unfavorable amendments. Together, we counted enough votes to ensure the bill's passage. The next hurdle would be ensuring no unfavorable amendments gained traction.

The bill was referred back to the House Committee on General, Housing, and Military Affairs and several Representatives proposed amendments. Representative Alison Eastman (I-Orwell) introduced an amendment to exempt employees working on average 30 hours or less a week. She also introduced an amendment to give new employers a three-year grace period after their first hire, as opposed to one-year, before having to implement this policy. Representative Oliver Olsen (I-Londonderry) introduced an amendment that this law only apply to employees who work on average 18 hours a week per year and who earn an hourly wage of no more than 110 percent of the minimum wage. Representative Paul Dame (R-Essex) introduced an amendment to exempt individuals employed by their family members. None of these amendments received “yes” votes in committee, and each Representative withdrew his amendments on the floor. There were significant attempts to challenge Representative Helen Head, Chair of House General, Housing, and Military Affairs, who was reporting the bill on the floor. The ultimate goal for the opposition was to try to identify loopholes in the bill and to ask complicated questions to give the perception that more work needed to be done.

Ultimately, the bill passed the House with a vote of 81-64. Many Representatives asked to explain their vote for the record. Representative Connor (D-Franklin) stated “I truly believe that every working Vermonter, young or old, should be provided the opportunity to care for themselves and or a member of their family. H.187 is a step in the direction that demonstrates that the employee is both valued and supported by their employer... I was raised in a large extended family with many family businesses and we were taught to care for one another. It was instilled in each of us that you get along far better with a healthy dose of honey than vinegar” (Vermont Legislature, 2016).

Opposing members spoke to the many reasons they opposed the bill, with the main reason being the belief that government should not play a role in dictating business

operations. Representative Patti Lewis (R-Berlin) explained her “no” vote, stating that “it is not the State’s job to dictate what benefits an employer should offer. Businesses know what they can provide and should have the freedom to choose...” (Vermont Legislature, 2016). The notion that increasing mandates, fees and taxes will drive business out of state was another common reason that kept conservatives from voting for the bill. Representative Joey Purvis (R-Colchester) stated, “I voted ‘no’ because this is another reason for a small business to say I’m ‘sick’ of all of their mandates and move to the live free and don’t die of high taxes state next door. A high tech company in my district which employs over 200 wrote me to say they are contemplating this move” (Vermont Legislature, 2016). But even such strong objections did not block the bills’ passage.

#### **Objective 5: Support small businesses with implementation**

Since the bill’s passage, we have switched gears to focus on supporting small businesses with implementation of this policy in the workplace as well as gathering data about the impact on small businesses. We have created an implementation page on our website that includes frequently asked questions, links to research and business testimonials, a summary of the law, my contact information and that of the Department of Labor, and other resources. This page is meant to support businesses in understanding if they are exempt from the law, if they are currently in compliance with the law, or what they have required to offer at minimum if they are creating a policy from scratch. Aside from the webpage, my one-on-one meetings with business owners allow me another opportunity to speak with owners about their current policy, or lack of, in relation to the new law. We have also recently begun our next survey project, where we have included questions related to paid sick days. The questions focus on an owner’s current paid time off policy, support or lack of support for the law, the financial implications for the business, whether support or lack of support evolved over time and if so,

what the reasoning is. These questions will help us to understand what the impact of the law is on small business and what factors lead to increased support.

## **Unexpected Curve-Balls**

### **Department of Labor Appropriation**

Avoiding an appropriation was crucial to ensuring paid sick days became law in 2016. While we managed to avoid state temporary workers' inclusion in the bill, we were then hit with an unexpected challenge. Vermont Department of Labor Commissioner Annie Noonan, who would be responsible for adjudicating claims related to non-payment of sick day wages, testified to the committee that if this law were to pass, she would need an appropriation of \$116,373 to hire a full-time person and expenses related to this new workload. Technically, in her role with the state, she is not authorized to request funding from the legislature. To remedy this situation, we spoke with the Governor's staff, who then spoke to Noonan. She then testified again before the committee, stating that in actuality, she would not need the funding.

From my perspective, this situation emphasizes the importance of an in-house lobbyist. If MSA-VT staff had not been in the room, this situation may not have been seen as problematic, an appropriation may have been added to the bill, and the bill may not have been passed into law.

### **Fourth Reading? Reconsideration in Senate**

The rules of the Senate state that a Senator who votes on the prevailing side of a vote may reconsider his or her vote within 24 hours after the vote was taken (Senate Rules, 2016). With a 15-14 vote to strike down Brian Campion's amendment to exempt businesses with five

and fewer employees, that left an opportunity for a Senator to change his or her mind and call for a revote in the Senate, which is precisely what happened.

Senator Doyle (R-Washington) is 89 years old, has been in office for several decades and has recently been in poor health. He often falls asleep during Senate floor discussions and in committee during critical votes. Doyle, a member of the Senate Committee on Economic Development, Housing, and General Affairs, voted against what has been dubbed the “Campion Amendment” along with his committee in a 5-0 vote. When the amendment was brought to the floor, he stuck with his committee and again voted “no,” putting him in the majority of Senators who voted against the amendment. With such a close vote of 15-14, if all Senators but Doyle were to hold their votes, the amendment would pass.

The next day, he announced his wish to reconsider, saying that he was confused about the vote. It came to light that his reconsideration vote came from internal pressure from Representative Patti Komline (R-Dorset), Pat McDonald, former Republican contender for Doyle’s Senate seat, Representative Peg Flory (R-Rutland), and Lieutenant Governor (and candidate for the 2016 Gubernatorial primary) Phil Scott. Instead of voting on the matter again immediately, Senator John Campbell proposed a delay to the following week. The reason for his proposing this delay was because Governor Peter Shumlin had just left for New Hampshire to campaign for Hillary Clinton. When the Governor is away, the Lieutenant Governor becomes acting governor and the Senate president assumes the role of Lieutenant Governor. In Governor Shumlin’s absence, Phil Scott became acting governor and Senator Campbell became Senate President, which would prevent him from casting his critical vote against the small business exemption amendment.

The week before the revote, we had to mobilize support from small businesses in key districts and leverage support from powerful figures within the legislature. We knew the amendment would appear favorable to most Senators, because it would allow them to vote in

favor of a labor issue, while also claiming to represent the interests of Vermont's smallest businesses. To try to leverage support in areas where we lacked membership, but critically needed support, I made a map of businesses who have been surveyed by MSA-VT, what their stance was on paid sick days, and any other notes that would be important to consider.

With limited time, resources, and staff members, I focused my efforts on Ludlow, to target Senator Alice Nitka (D-Windsor), and Rutland, to target Senator Kevin Mullin (R-Rutland). I was acquainted with a business owner in downtown Ludlow who was friends with Senator Nitka. I knew she voted in support of the bill but was in support of the small business exemption. She is a Democrat, and has a somewhat decent record of supporting labor issues. I thought that perhaps, with enough leverage, she would move to support it. I also knew that Senator Mullin originally opposed the amendment, voted against it in his committee, and explained to his Senate colleagues on the floor why the amendment was unfavorable; however, when the amendment came up on the floor, he voted in support of it. Rutland is a tough district in that it is largely conservative and an area where we lack membership and leadership.

My other strategy was to target Washington County, Senator Doyle's district. Washington County is a very strong area for us, where we have significant membership and leadership. I contacted Nicole Grenier, Owner of Stowe Street Cafe in Waterbury. She employs five employees, opposed the small business carve out, and could speak to why it was important to include businesses of all sizes. I also contacted Jaquelyn Rieke, Founder and Owner of Nutty Steph's in Middlesex. Both asked Senator Doyle to lunch, the hour before the vote on the Senate floor. I prepped them with talking points and we worked collectively to convince Doyle that a small business exemption was unfavorable and that he should vote with his committee against the small business exemption.



This situation still left us in a tight spot, where constituent contact was unlikely to prevent the amendment from passing. The internal strategy became to ask the Governor to speak with Senator Sears. The two happened to be going on a golfing trip that weekend, which was a perfect opportunity for the Governor to talk to him about opposing the amendment. This was a bit challenging because Sears and Campion are Senators of the same county and campaign as a pair. If Sears were to switch his vote, he would be voting against his fellow Senator. However, the Governor and Sears have a close relationship and it was likely that he could convince Sears to change his vote. If all votes held, then the amendment would pass. But, if Sears switched his vote, the amendment would fail. Simultaneously, Senator John Campbell met with each Senator, asking that they vote against the amendment. This gave us a tentative vote count so we would be able to have a better sense of the outcome.

The opposition had a compelling case for the amendment that spoke to the Senators' concerns about imposing burdens on small businesses while also easing their tensions that they would be leaving many workers without this benefit. In the press, Cathy Davis, Vice President for Public Affairs at the Lake Champlain Chamber of Commerce stated, "This piece of legislation doesn't mean that these small businesses can't offer this benefit or that they won't. It's just saying that for these very smallest of businesses, they're not going to be required to do it" (Kinzel, 2016).

When it came time for the revote, we knew we had done everything in our power to try to stop the amendment, but that the chances were great that many could vote in favor of this amendment. I believe most Senators were under the impression the amendment would pass, which is why none of the Senators who voted in favor of the amendment would verbally commit to changing their vote. In the end, Senator Sears, with leverage from the Governor, was the only Senator to change his vote, which led to the failure of the small business exemption amendment.

## **Evaluation**

### **Campaign Effectiveness**

On March 9, 2016, Governor Peter Shumlin signed H.187 into law, creating Act 069 and making Vermont the fifth state in the country to enact a paid sick days law (ABA, 2016). The nature of business and politics in the state presented a significant challenge for this advocacy campaign. For a decade, various advocacy and labor groups had taken turns leading initiatives to pass a paid sick days law in Vermont. It took years of laying the groundwork, mobilizing supporters, educating the public, conducting research, speaking with small business owners, lobbying policymakers, and engaging stakeholders to craft a bill that met the needs of workers while also taking into consideration the potential costs and administrative difficulties for Vermont's smallest businesses.

Regardless of the amendments to make the bill more small business-friendly, the bill faced significant opposition and many hurdles in attempts to prevent its passage. The bill becoming law was a major success and most advocates were incredibly thankful to finally achieve this goal. That being said, many questions arose amongst advocates and members of the legislature regarding how many workers would now be covered under this law. The cost-benefit analysis conducted by the Institute for Women's Policy Research in 2011 calculated that roughly 60,000 workers lacked paid time off benefits and would be covered under a universal law; however, with the law's exemption of workers under age 18, workers working on average 18 hours or less per week, and various other exemptions, neither MSA-VT nor the VT DOL is currently able to calculate the number of workers who will be covered under this law. This makes it difficult to understand the actual impact of the new law and to evaluate its effectiveness in terms of how many uncovered workers will now be covered. Despite this challenge, we are certain that tens of thousands of workers will now have access to paid sick

days and that this statute is a major step forward for the state and the nation. We also know that we will revisit the law in future years, evaluate its impact, address any challenges, and may work to amend the bill to cover more workers.

This campaign's success also led to many other successes for the MSA-VT itself. Since MSA-VT's founding, the efforts to pass a paid sick days law were the main focus and nearly 100% of staff time was related to ensuring the bill's passage. We've proven our ability to harness the power of small businesses to effect positive policy change in a way that reflects the needs of all Vermonters and not just the bottom lines of business. The efforts to pass a paid sick days law have contributed to our building a base of over 400 small business members, over 1,000 small business contacts, dozens of dedicated leaders, and increased name recognition for the organization. In the legislature and the state, we have proven our abilities to meet policy goals through collaborative work, built rapport with legislators and business owners, and have begun to change the belief that pro-worker policies are anti-business.

My concern has been that our work to pass such a controversial bill might create barriers to building relationships with business owners in the future. Would it brand us as a labor group with a business cover? Would business owners who were unfamiliar with our mission view us as anti-business? So far, I've found that our work on this bill has solidified our ability to work collaboratively and has helped shape our identity within the business community. We pride ourselves on being the organization that works to find common ground on issues that may be controversial but have the ultimate goal of creating a thriving state and I believe this approach resonates with the majority of business owners. I have found that our efforts on this controversial issue have not tarnished future relationships and have instead proven our abilities to work on issues that align with our values in a way that takes into consideration the impact on all Vermonters.

I have also wondered how our efforts are viewed by labor groups. Would they feel that we are taking ownership over their issues? Or that we are compromising their power and values and settling for less when they're unwilling to settle at all? I do see a potential reality that labor groups could see our organizing businesses as creating even more power and perpetuating the uneven playing field of power relationships between workers and businesses. There could be, and very likely might be, the perspective that MSA-VT is taking undue ownership over labor issues and settling for less than labor is willing to. I understand this perspective and hope to work even more closely than we already do with labor on future issues to help build mutual understanding and bridge the divide between business and worker needs. That being said, in my opinion, paid sick days would not have passed without small business support and sometimes there's a need to settle for less and come back fighting for more. I believe there are some radical and left-leaning labor groups in the state that may not have accepted the compromises we proposed and are not likely to feel fully satisfied over the resulting legislation. Even with the tremendous support from small business owners, the bill continued to face significant opposition amongst many legislators, business owners, and Vermont citizens and passed the House with a narrow margin. I do not believe it would have passed without significant compromises.

Overall, MSA-VT and advocates on the Paid Sick Days Coalition are happy to see the bill passed. Most all of us are disappointed with the amendment to exempt workers who work on average 18 hours per week or less; however, we all recognize the significant time, effort, challenges, and repeated failures that preceded this victory and recognize that we will return in future years to reevaluate the bill and amend it to cover more workers.

## **Lessons Learned**

### **Importance of Framing and Messaging**

Choosing the appropriate framing and messaging was critical to the success of this campaign. After a decade-long battle, and with some leftover baggage from 2013/2014 campaign, it was important to accompany the newly crafted legislation with branding that could shift the perspectives about the effort to pass a paid sick days law in Vermont and about the law itself.

Throughout the years, the issue was framed as an issue specific to the dignity and wellbeing of Vermont workers and the public health of all Vermonters. While I personally support this framing and find it to be effective in many ways, it became apparent after many years that the legislature would need support from the business community to ease their tensions about passing such controversial legislation. This is why it was critical to frame it as a compromise with support from the business community. That way, it was still presented as an issue important to supporting the workforce, but also as an issue that was important for thriving small businesses and a thriving state. With small business owners, who are often well-known and well-respected in their local communities and in the legislature, as the messengers who were speaking in support of the new legislation, the perspective that this issue was the business community against the workforce shifted and allowed legislators and the general public to clearly see support from the small business community.

### **Quality Constituent Contact is Crucial**

Throughout my prior experience as an intern with the Vermont Workers' Center, I was involved in their efforts to enact a paid sick days law. Some of their tactics included calling the Sergeant at Arms and leaving pithy statements for my Representatives stating my support for the bill and urging them to vote in support. Hundreds of other members were also asked to

share the same statements, which had been scripted for us. I also took part in writing letters to the editor and sending emails to my Representatives, using a template that had been provided for me. I also participated in various rallies and events calling on legislators to represent the interests of workers in the state. While I understand that templates can be incredibly helpful, especially when organizing hundreds of people across the state, I also realize that cookie cutter messages do not influence legislators in the same way as personal messages from constituents. It is very easy for legislators to know when a constituent message has been crafted by an advocacy organization, especially when they receive many messages of similar structure from multiple constituents.

Having worked more closely with legislators over the past year, it has become more apparent that constituent contact resonates much more with legislators if it comes directly from the constituent in a meaningful way as opposed to being crafted and directed by an advocacy organization. While I do believe collecting petitions and publishing letters to the editor do have a purpose and can be influential, I have found that direct quality contact from a few constituents, such as a phone call, in person meeting, or personal letter, is much more impactful than hundreds of petitions. When Addison County Representative, Diane Lanpher, and President Pro Tempore of the Senate, John Campbell, switched their votes because of single conversations with their business-owner constituents, that highlighted to me the importance of quality contact from constituents who have close relationships with their Representatives or Senators.

### **Sometimes Constituent Contact Can't Sway a Legislator**

This past session, it became clear to me that, in certain situations, constituent contact can not sway legislators and, in some cases, that is because a more powerful figure is influencing them. In the case of the reconsideration vote regarding H.187's amendment to

exempt businesses with five or fewer employees, Senators were poised to pass this amendment. I worked with constituents of potential swing-vote legislators to contact their Senators and ask that they vote against the amendment; however, many understood that the amendment would pass if they held their votes and would not budge.

I also understood they were simultaneously receiving similar pressure from opposing groups. An MSA-VT member, Scott Stearns who owns a small bookstore in Ludlow, often sent me emails he received from the Okemo Valley Chamber of Commerce to inform me of their strategies with business owners in his area. In fact, moments after Stearns sent an email to Senator Nitka asking that she change her vote, he, and other businesses in the area, received an email from the chamber urging him to call Senator Nitka and thank her for her vote. The email stated, “Please call to Senator Nitka before noon on Monday. She was quite helpful to small businesses this week and it’s important for her to know that people in her district care what she does.... they will vote again on the Champion amendment on Wednesday and we need her to vote the same way again...If members are able to reach out and say “thank you for fighting for small business” and then ask her to stand firm and vote for it again, that would be very helpful. (Personal communication, 2016). Stearns, who knows Nitka very well, also called her to express his opinions. Despite this pressure, she did not change her vote.

My efforts to mobilize business owners in Rutland county also proved to not sway Senator Mullin, who originally, along with his committee, voted against the small business exemption but, in an unusual move, switched his vote during the floor vote. Kiki McShane, President of FarVision and Co-Founder of Evolve Rutland spoke with him on the phone on numerous occasions prior to the reconsideration vote but he repeatedly told her, along with other constituents, that he would not vote against the exemption.

Senators were firmly holding their positions and it seemed there would be no way to avoid this amendment’s passage. However, this simply highlighted the need for pressure from

more powerful figures. After speaking with the Governor, who is very close with Senator Sears, he was able to influence him to switch his vote and vote against the amendment. This was also a controversial move because he voted against his fellow Bennington county Senator, Brian Campion, who introduced the amendment. I don't believe any constituent pressure in this case could have swayed these Senators because the majority of Senator's saw this amendment as an easy way out of being branded anti-small business. This case called for pressure from a much more powerful figure.

Relatedly, Senator Doyle, who called for the reconsideration vote, was influenced by powerful figures within the legislature and refused to change his vote even when two business owner constituents and I met with him over lunch. He very clearly felt pressured, but it became apparent that the influence of more powerful figures outweighed our attempts to change his vote. I believe in other circumstances this would have been an effective tactic, but in this particular case it was not.

### **The Legislature Needs Education, Too**

One assumption I had made prior to working within the legislature is that the majority of Representatives and Senators had a fairly deep understanding of the paid sick days bill, and of most bills that were discussed amongst the general public. I was under the assumption that because there had been a ten-year effort to pass a paid sick days bill, that most legislators understood the bill's content, the rationale for passing the bill, the arguments for and against the bill, the new amendments that had been made, and the rationale behind the amendments. This was certainly not the case.

Representatives and Senators hear from hundreds of constituents about a variety of different issues and hundreds of bills are introduced each session. They do not always have the time to dedicate to one particular issue in the same way that an advocacy group does. I had



never quite understood that advocacy organizations often become the leaders of an issue within the legislature and become a source of information for legislators. The day before H.187 went back to the House floor for a vote, we attended the Democrat and Progressive Caucus to brief legislators on the amendments and answer any questions they had related to the bill. Also, when Representative Head reported the bill on the House floor, Representative Toleno sat next to her and we texted him data points and responses to questions as they came up from opposing legislators so that he could relay the information to her.

Legislators are consistently working on dozens and dozens of bills and do not have the same amount of time or resources to dedicate to one specific issue. As advocates, it is our job to keep ourselves educated and to keep members of the legislature educated to ensure they understand the context of the issue, the data supporting the policy ask, and can help educate their colleagues and, hopefully, influence them to support the issue.

### **Politicization and Culture Change is Crucial, But Requires Patience and Persistence**

From my experience growing up in Vermont combined with my experience working for MSA-VT, traveling across the state talking with business owners and residents in various regions, I have observed how the majority of people in each region share similar opinions about policy initiatives and share similar understandings of the causes of and solutions to the problems exist within their community and broader society. Vermonters and Vermont business owners in rural parts of the state tend to have more conservative views and those in larger cities more liberal or progressive views, with the major outlier being my hometown of Rutland, Vermont, which is one of Vermont's largest cities and one of the most politically conservative regions of the state. In my opinion, these patterns are not simply a result of conditioning or ideology, but also are, in most cases, a reflection of the economic reality of each person and of those around them. Most everyone understands from their own experience

and, in some cases, when an individual has not been exposed to other thoughts, perspectives, or realities, or has not tried, in a meaningful way, to understand the experiences of others, he or she is unable to shift his or her perspective.

A large part of this campaign for paid sick days was dedicated to beginning to change the culture that perpetuates the narrative, within the legislature and Vermont communities, that worker-protections are anti-businesses. Part of this also requires supporting people in realizing the current systems of power, recognizing their own power to make change, and understanding the actual impact of policy change on broader society. Otherwise, we are perpetuating systems that reinforce political apathy and disengagement. From my experience working with business owners across the state from different backgrounds, beliefs, experiences, and perspectives, I have learned that it takes a lot of time, effort, communication, and mutual understanding to begin to shift perspectives, introduce alternative narratives, change a culture, and support people in becoming politicized. As Malcom X stated in a 1965 interview with journalist Marlene Nadle, “the greatest mistake of the movement has been trying to organize a sleeping people around specific goals. You have to wake the people up first, then you’ll get action” (Breitman, 1994). There is no clear path to culture change or politicization, but it is imperative that advocates ensure that policy change efforts are intertwined with efforts to reshape broader cultural and ideological beliefs about how change is made, who should benefit from policy change, and who has the power to effect change.

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