**COUNCIL AGENDA:** 12/13/11
**ITEM:** 3.5

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

# *Memorandum*

| | | | |
|---|---|---|---|
| **TO:** | HONORABLE MAYOR AND CITY COUNCIL | **FROM:** | Councilmember Donald Rocha |
| **SUBJECT:** | **LANDSCAPING CONTRACT** | **DATE:** | December 12, 2011 |

Approved Don Rocha Date 12/12/11

## RECOMMENDATION

As part of the motion on this item, direct the City Attorney and the City Manager to:

1. Evaluate the various means by which the City can ensure that basic vacation, sick leave and holiday benefits are provided to contract employees, and report back to Council on the range of available options. As part of this analysis, staff should evaluate the possibility of adding criteria to our Request for Proposal (RFP) process that would award points based on the level of leave benefits a given proposer provides to employees.
2. With the assistance of the City's Human Resources staff, attempt to determine industry norms for provision of vacation, sick leave and holiday benefits that may be suitable as minimum standards for City contractors.

## ANALYSIS

A few weeks ago, I was disturbed to learn that our janitors only receive 5 vacation days and 5 holidays per year. My concern has deepened after learning that the landscaping contract before us today would provide a similarly low level of time off for workers. I feel responsible for not having raised this issue earlier, but now that we do know about it, I believe swift action is imperative. I recommend that we direct staff to report back to us on the various means by which we can ensure that contract employees receive a basic level of time-off benefit.

As a measure of just how low the benefits provided in to some of our contract employees are, consider them in comparison to the average level of benefit provided in the private sector. According to the March 2011 National Compensation Survey from the Federal Bureau of Labor Statistics, the following are average benefit rates in the United States:

| Employee Tenure | Mean Number of Vacation Days for Private Sector Employees in 2011 | Mean Number of Sick Days received by Private Sector Employees in 2011 | Mean Number of Paid Holidays for Service Workers in 2011 |
|---|---|---|---|
| 0-5 years | 10 | 8 | 6 |
| More than 5 years | 14 | 8 | |

*Please see Attachments A, B and C for full data and note that holiday benefits in this data set are broken out by industry and job type, not by tenure.*

It seems equitable that the private sector contractors engaged by the City at least provide their employees the average number of days offered in the private sector. As I understand it, the City does collect data on days off as part of the so-called "third tier review" of RFP's, but does not use this information in evaluating proposals. I believe that making the issue of time-off benefits a formal part of the RFP process may be one way to move towards minimally adequate benefit levels, but I'm interested in hearing from staff on all possible approaches to this issue.

Some might suggest that contract employees—janitors or landscapers, for instance—don't deserve to have a basic level of benefits. In response, I would point out that one of the key principles of our democracy is that all human beings are morally equal. Just because some of our contract employees may still be overcoming social and economic barriers, and thus may not yet have a high level of education or work experience, doesn't mean that they don't have human needs, like the need to rest, the need to meet family obligations, the need to take care of pressing personal business. If they have no choice but to work all the time, they can't meet their needs as a person and member of society.

Others may argue that we need not worry because some our contract employees are represented by a union: they can negotiate for benefits on their own. I would respond that, as an employer and a public agency, it is ultimately our responsibility—not anyone else's—to provide a basic level of benefit that allows those who serve our city to lead a dignified life. If it is within our power to promote minimally acceptable working conditions, we should not sit idly by.

This memo is not intended to express any opinion on the wisdom of contracting out City positions. Instead, I simply seek to establish that insofar as we do contract out, we do it in accordance with our values as citizens of a democracy. There may be some limited cost to amending our RFP process or establishing minimum benefit standards, but that should not dissuade us from doing what's right. Any additional cost pales in comparison with the value of treating other human beings with respect and dignity.

# ATTACHMENT A

## Source: www.bls.gov/ncs/ebs/benefits/2011/ownership_private.htm

**Table 38. Paid vacations: Number of annual days by service requirement,[1] private industry workers, National Compensation Survey, March 2011**

(All workers with paid vacations = 100 percent)

| Characteristics | Paid vacation days by length of service[2] | | | | | | Mean number of days | Median number of days |
|---|---|---|---|---|---|---|---|---|
| | Less than 5 days | 5 to 9 days | 10 to 14 days | 15 to 19 days | 20 to 24 days | Greater than 24 days | | |
| **After 1 year** | | | | | | | | |
| All workers | 7 | 38 | 36 | 12 | 6 | 2 | 10 | 10 |
| Full time | 4 | 37 | 38 | 13 | 6 | 2 | 10 | 10 |
| Part time | 24 | 46 | 21 | 4 | 3 | 1 | 7 | 5 |
| Union | 5 | 47 | 37 | 7 | 3 | 2 | 9 | 8 |
| Nonunion | 7 | 37 | 36 | 12 | 6 | 2 | 10 | 10 |
| 1 to 99 workers | 9 | 45 | 34 | 8 | 3 | 1 | 8 | 6 |
| 1 to 49 workers | 9 | 45 | 34 | 8 | 3 | (3) | 8 | 6 |
| 50 to 99 workers | 7 | 47 | 34 | 8 | – | – | 8 | 7 |
| 100 workers or more | 5 | 31 | 37 | 15 | 8 | 3 | 11 | 10 |
| 100 to 499 workers | 7 | 41 | 35 | 12 | 4 | 2 | 9 | 10 |
| 500 workers or more | 3 | 19 | 40 | 19 | 14 | 5 | 13 | 10 |
| **After 5 years** | | | | | | | | |
| All workers | 2 | 10 | 37 | 34 | 11 | 6 | 14 | 15 |
| Full time | 1 | 8 | 37 | 36 | 12 | 7 | 14 | 15 |
| Part time | 10 | 24 | 36 | 20 | 6 | 4 | 11 | 10 |
| Union | 1 | 7 | 47 | 33 | 9 | 4 | 13 | 12 |
| Nonunion | 2 | 11 | 35 | 34 | 12 | 7 | 14 | 15 |
| 1 to 99 workers | 3 | 14 | 40 | 32 | 8 | 4 | 13 | 10 |
| 1 to 49 workers | 3 | 16 | 39 | 31 | 8 | 3 | 12 | 10 |
| 50 to 99 workers | 2 | 10 | 44 | 33 | 7 | 4 | 13 | 12 |
| 100 workers or more | 1 | 6 | 33 | 35 | 15 | 9 | 15 | 15 |
| 100 to 499 workers | 1 | 8 | 41 | 34 | 11 | 4 | 14 | 14 |
| 500 workers or more | 1 | 4 | 24 | 37 | 20 | 14 | 17 | 15 |

See footnotes at end of table.

numbers that appear in the memo

**Table 38. Paid vacations: Number of annual days by service requirement,[1] private industry workers, National Compensation Survey, March 2011—Continued**

(All workers with paid vacations = 100 percent)

| Characteristics | Paid vacation days by length of service[2] | | | | | | Mean number of days | Median number of days |
|---|---|---|---|---|---|---|---|---|
| | Less than 5 days | 5 to 9 days | 10 to 14 days | 15 to 19 days | 20 to 24 days | Greater than 24 days | | |
| **After 10 years** | | | | | | | | |
| All workers | 2 | 7 | 16 | 41 | 22 | 13 | 17 | 15 |
| Full time | 1 | 6 | 16 | 42 | 23 | 13 | 17 | 15 |
| Part time | 9 | 19 | 17 | 34 | 14 | 8 | 14 | 15 |
| Union | 1 | 4 | 11 | 56 | 19 | 9 | 17 | 15 |
| Nonunion | 2 | 8 | 16 | 39 | 22 | 13 | 17 | 15 |
| 1 to 99 workers | 3 | 12 | 21 | 39 | 18 | 7 | 15 | 15 |
| 1 to 49 workers | 3 | 13 | 23 | 37 | 17 | 7 | 15 | 15 |
| 50 to 99 workers | 2 | 8 | 18 | 46 | 20 | 7 | 16 | 15 |
| 100 workers or more | 1 | 3 | 10 | 42 | 25 | 18 | 18 | 15 |
| 100 to 499 workers | 1 | 4 | 13 | 49 | 22 | 10 | 17 | 15 |
| 500 workers or more | (3) | 2 | 7 | 33 | 30 | 27 | 20 | 20 |
| **After 20 years** | | | | | | | | |
| All workers | 2 | 7 | 13 | 19 | 35 | 25 | 19 | 20 |
| Full time | 1 | 5 | 13 | 19 | 36 | 26 | 20 | 20 |
| Part time | 9 | 17 | 14 | 18 | 26 | 17 | 16 | 15 |
| Union | 1 | 3 | 7 | 11 | 43 | 36 | 21 | 20 |
| Nonunion | 2 | 7 | 13 | 20 | 34 | 23 | 19 | 20 |
| 1 to 99 workers | 3 | 11 | 16 | 25 | 28 | 15 | 16 | 15 |
| 1 to 49 workers | 3 | 13 | 20 | 26 | 25 | 14 | 16 | 15 |
| 50 to 99 workers | 2 | 7 | 14 | 25 | 34 | 17 | 18 | 20 |
| 100 workers or more | 1 | 3 | 8 | 13 | 42 | 34 | 22 | 20 |
| 100 to 499 workers | 1 | 4 | 9 | 18 | 45 | 23 | 20 | 20 |
| 500 workers or more | (3) | 1 | 6 | 7 | 38 | 48 | 24 | 24 |

[1] Employees either are granted a specific number of days after completion of the indicated length of service or accrue days during the next 12-month period. The total number of days is assumed to be available for use immediately upon completion of the service interval. Periods of service are chosen arbitrarily and do not necessarily reflect individual provisions for progression. Fractional vacation amounts were rounded to the nearest full number of days.

[2] Employees eligible for paid vacations but who have not fulfilled the minimum service requirement are included as receiving 0 days. Estimates include plans that are exclusively for paid vacation and vacation plans that are part of a consolidated leave plan that provides a single amount of time-off for workers to use for multiple purposes.

[3] Less than 0.5 percent.

NOTE: Because of rounding, sums of individual items may not equal totals. Dash indicates no workers in this category or data did not meet publication criteria. For definitions of major plans, key provisions, and related terms, see the "Glossary of Employee Benefit Terms" at www.bls.gov/ncs/ebs/glossary20102011.htm.

# ATTACHMENT B

**Source: www.bls.gov/ncs/ebs/benefits/2011/ownership_private.htm**

**Table 36. Paid sick leave: Number of annual days by service requirement,[1] private industry workers, National Compensation Survey, March 2011**

(All workers with fixed number of days per year sick leave plans = 100 percent)

| Characteristics | Paid sick leave days by length of service[2] | | | | | Mean number of days | Median number of days |
|---|---|---|---|---|---|---|---|
| | Less than 5 days | 5 to 9 days | 10 to 14 days | 15 to 29 days | Greater than 29 days | | |
| **After 1 year** | | | | | | | |
| All workers | 20 | 55 | 21 | 3 | 1 | 8 | 6 |
| Full time | 18 | 56 | 22 | 3 | 1 | 8 | 6 |
| Part time | 32 | 49 | 17 | – | – | 6 | 5 |
| Union | 18 | 43 | 33 | 5 | 1 | 8 | 6 |
| Nonunion | 20 | 57 | 19 | 2 | 1 | 8 | 6 |
| 1 to 99 workers | 26 | 57 | 15 | 2 | ([3]) | 7 | 5 |
| 1 to 49 workers | 25 | 57 | 16 | 1 | 1 | 7 | 5 |
| 50 to 99 workers | 27 | 57 | 13 | – | – | 6 | 5 |
| 100 workers or more | 15 | 54 | 26 | 4 | 2 | 9 | 6 |
| 100 to 499 workers | 19 | 63 | 17 | 2 | ([3]) | 7 | 6 |
| 500 workers or more | 9 | 42 | 39 | 6 | 4 | 11 | 9 |
| **After 5 years** | | | | | | | |
| All workers | 18 | 55 | 22 | 3 | 2 | 8 | 6 |
| Full time | 16 | 56 | 23 | 3 | 2 | 9 | 6 |
| Part time | 31 | 50 | 17 | – | – | 7 | 5 |
| Union | 16 | 44 | 33 | 5 | 2 | 9 | 6 |
| Nonunion | 18 | 57 | 20 | 2 | 2 | 8 | 6 |
| 1 to 99 workers | 24 | 57 | 16 | 2 | 1 | 7 | 5 |
| 1 to 49 workers | 23 | 58 | 16 | 2 | 1 | 7 | 5 |
| 50 to 99 workers | 26 | 57 | 14 | – | – | 6 | 6 |
| 100 workers or more | 13 | 53 | 27 | 3 | 3 | 10 | 6 |
| 100 to 499 workers | 17 | 62 | 18 | 2 | 1 | 7 | 6 |
| 500 workers or more | 8 | 41 | 40 | 5 | 7 | 13 | 10 |

See footnotes at end of table.

numbers that appear in the memo

**Table 36. Paid sick leave: Number of annual days by service requirement,[1] private industry workers, National Compensation Survey, March 2011—Continued**

(All workers with fixed number of days per year sick leave plans = 100 percent)

| Characteristics | Paid sick leave days by length of service[2] | | | | | Mean number of days | Median number of days |
|---|---|---|---|---|---|---|---|
| | Less than 5 days | 5 to 9 days | 10 to 14 days | 15 to 29 days | Greater than 29 days | | |
| **After 10 years** | | | | | | | |
| All workers | 18 | 55 | 22 | 3 | 2 | 9 | 6 |
| Full time | 16 | 56 | 23 | 3 | 2 | 9 | 6 |
| Part time | 31 | 49 | 17 | – | – | 7 | 6 |
| Union | 16 | 44 | 32 | 6 | 2 | 10 | 7 |
| Nonunion | 18 | 56 | 21 | 2 | 2 | 9 | 6 |
| 1 to 99 workers | 24 | 57 | 16 | 2 | 1 | 7 | 5 |
| 1 to 49 workers | 23 | 57 | 17 | 2 | 1 | 7 | 5 |
| 50 to 99 workers | 26 | 56 | 14 | – | – | 7 | 6 |
| 100 workers or more | 13 | 53 | 27 | 4 | 3 | 11 | 6 |
| 100 to 499 workers | 16 | 62 | 18 | 2 | 1 | 8 | 6 |
| 500 workers or more | 8 | 40 | 40 | 6 | 7 | 15 | 10 |
| **After 20 years** | | | | | | | |
| All workers | 18 | 55 | 22 | 3 | 2 | 9 | 6 |
| Full time | 16 | 56 | 23 | 3 | 2 | 10 | 6 |
| Part time | 31 | 49 | 17 | – | – | 7 | 6 |
| Union | 16 | 44 | 31 | 7 | 2 | 10 | 7 |
| Nonunion | 18 | 56 | 21 | 2 | 2 | 9 | 6 |
| 1 to 99 workers | 24 | 57 | 16 | 2 | 1 | 7 | 5 |
| 1 to 49 workers | 23 | 57 | 17 | 2 | 1 | 7 | 5 |
| 50 to 99 workers | 26 | 56 | 15 | – | – | 7 | 6 |
| 100 workers or more | 12 | 53 | 27 | 4 | 3 | 12 | 6 |
| 100 to 499 workers | 16 | 63 | 18 | 2 | 1 | 8 | 6 |
| 500 workers or more | 7 | 40 | 40 | 6 | 7 | 16 | 10 |

[1] Employees either are granted a specific number of days after completion of the indicated length of service or accrue days during the next 12-month period. The total number of days is assumed to be available for use immediately upon completion of the service interval. Periods of service are chosen arbitrarily and do not necessarily reflect individual provisions for progression.

[2] Employees eligible for paid sick leave but who have not fulfilled the minimum service requirement are included as receiving 0 days.

[3] Less than 0.5 percent.

NOTE: Because of rounding, sums of individual items may not equal totals. Dash indicates no workers in this category or data did not meet publication criteria. For definitions of major plans, key provisions, and related terms, see the "Glossary of Employee Benefit Terms" at www.bls.gov/ncs/ebs/glossary20102011.htm.

# ATTACHMENT C

## Source: www.bls.gov/ncs/ebs/benefits/2011/ownership_private.htm

**Table 34. Paid holidays: Number of days provided, private industry workers, National Compensation Survey, March 2011**

(All workers with paid holidays = 100 percent)

| Characteristics | Paid holidays | | | | | | | | | | | Mean number of days | Median number of days |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Less than 6 days | 6 days | 7 days | 8 days | 9 days | 10 days | 11 days | 12 days | 13 days | 14 days | Greater than 14 days | | |
| All workers | 10 | 25 | 13 | 14 | 9 | 14 | 6 | 4 | 1 | 1 | 2 | 8 | 8 |
| **Worker characteristics** | | | | | | | | | | | | | |
| Management, professional, and related | 3 | 15 | 13 | 14 | 12 | 21 | 9 | 7 | 2 | 2 | 2 | 9 | 9 |
| Management, business, and financial | 2 | 11 | 11 | 14 | 13 | 25 | 9 | 8 | 2 | 2 | 2 | 9 | 9 |
| Professional and related | 3 | 17 | 14 | 14 | 11 | 19 | 8 | 7 | 2 | 2 | 2 | 9 | 9 |
| Service | 26 | 27 | 14 | 13 | 5 | 5 | 4 | 2 | 1 | 1 | 1 | 6 | 6 |
| Protective service | – | 29 | – | – | – | 5 | 5 | 3 | – | – | – | 7 | 7 |
| Sales and office | 10 | 32 | 13 | 13 | 8 | 14 | 5 | 3 | 1 | 1 | 1 | 7 | 7 |
| Sales and related | 16 | 47 | 12 | 10 | 5 | 6 | 2 | 1 | (1) | – | – | 6 | 6 |
| Office and administrative support | 7 | 24 | 14 | 14 | 10 | 19 | 6 | 3 | 1 | 1 | 1 | 8 | 8 |
| Natural resources, construction, and maintenance | 10 | 31 | 18 | 13 | 7 | 11 | 5 | 3 | 1 | (1) | 1 | 7 | 7 |
| Construction, extraction, farming, fishing, and forestry | 14 | 32 | 18 | 13 | 8 | 8 | 3 | 1 | 1 | – | – | 7 | 7 |
| Installation, maintenance, and repair | 7 | 30 | 18 | 12 | 7 | 13 | 6 | 4 | 1 | (1) | 1 | 8 | 7 |
| Production, transportation, and material moving | 9 | 23 | 12 | 16 | 10 | 14 | 7 | 4 | 2 | 1 | 3 | 8 | 8 |
| Production | 6 | 18 | 12 | 14 | 10 | 18 | 8 | 6 | 3 | 1 | 4 | 9 | 9 |
| Transportation and material moving | 11 | 30 | 12 | 17 | 9 | 10 | 5 | 3 | 1 | 1 | 1 | 7 | 7 |
| Full time | 8 | 23 | 14 | 14 | 10 | 16 | 7 | 5 | 2 | 1 | 2 | 8 | 8 |
| Part time | 28 | 35 | 11 | 10 | 4 | 7 | 3 | 1 | (1) | (1) | 1 | 6 | 6 |
| Union | 2 | 15 | 10 | 18 | 11 | 16 | 11 | 7 | 3 | 2 | 5 | 9 | 9 |
| Nonunion | 11 | 26 | 14 | 13 | 9 | 14 | 5 | 4 | 1 | 1 | 1 | 8 | 7 |
| Average wage within the following categories:[2] | | | | | | | | | | | | | |
| Lowest 25 percent | 27 | 35 | 14 | 10 | 4 | 5 | 2 | 1 | (1) | – | – | 6 | 6 |
| Lowest 10 percent | 49 | 26 | 11 | 7 | 3 | 2 | 2 | – | – | – | – | 5 | 6 |
| Second 25 percent | 11 | 32 | 14 | 14 | 8 | 12 | 5 | 2 | 1 | 1 | 1 | 7 | 7 |
| Third 25 percent | 6 | 22 | 13 | 15 | 10 | 16 | 8 | 5 | 2 | 1 | 1 | 8 | 8 |
| Highest 25 percent | 3 | 13 | 12 | 15 | 12 | 22 | 9 | 8 | 2 | 1 | 3 | 9 | 9 |
| Highest 10 percent | 2 | 11 | 11 | 13 | 13 | 24 | 10 | 10 | 3 | 1 | 2 | 9 | 10 |
| **Establishment characteristics** | | | | | | | | | | | | | |
| Goods-producing industries | 6 | 17 | 11 | 13 | 12 | 18 | 9 | 7 | 3 | 1 | 3 | 9 | 9 |
| Construction | 15 | 35 | 19 | 13 | 8 | 6 | 2 | (1) | – | – | – | 7 | 6 |
| Manufacturing | 3 | 12 | 9 | 13 | 13 | 21 | 11 | 9 | 3 | 2 | 4 | 9 | 9 |
| Service-providing industries | 11 | 27 | 14 | 14 | 8 | 14 | 5 | 3 | 1 | 1 | 1 | 8 | 7 |
| Trade, transportation, and utilities | 14 | 40 | 12 | 13 | 7 | 7 | 4 | 2 | 1 | (1) | 1 | 7 | 6 |
| Wholesale trade | 5 | 22 | 19 | 18 | 11 | 10 | 7 | 4 | 1 | 1 | 2 | 8 | 8 |
| Retail trade | 21 | 56 | 10 | 7 | 3 | 2 | 1 | – | – | – | – | 6 | 6 |
| Transportation and warehousing | 6 | 22 | 9 | 24 | 7 | 17 | 9 | – | – | – | – | 8 | 8 |
| Utilities | – | – | – | – | 20 | 20 | 15 | 10 | 11 | – | – | 10 | 10 |

See footnotes at end of table.

number that appears in the memo

**Table 34. Paid holidays: Number of days provided, private industry workers, National Compensation Survey, March 2011—Continued**

(All workers with paid holidays = 100 percent)

| Characteristics | Paid holidays | | | | | | | | | | | Mean number of days | Median number of days |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Less than 6 days | 6 days | 7 days | 8 days | 9 days | 10 days | 11 days | 12 days | 13 days | 14 days | Greater than 14 days | | |
| Information | – | 16 | 30 | 17 | 9 | 17 | 7 | 4 | (1) | – | – | 8 | 8 |
| Financial activities | 1 | 11 | 8 | 19 | 13 | 35 | 9 | 3 | 1 | (1) | 1 | 9 | 9 |
| Finance and insurance | 1 | 8 | 6 | 20 | 14 | 41 | 7 | 3 | 1 | (1) | 1 | 9 | 10 |
| Credit intermediation and related activities | 2 | 7 | 3 | 14 | 7 | 57 | 6 | 3 | – | – | 1 | 9 | 10 |
| Insurance carriers and related activities | – | 9 | 12 | 28 | 18 | 20 | 8 | 3 | 1 | – | – | 9 | 9 |
| Real estate and rental and leasing | 3 | 24 | 17 | 13 | 10 | 10 | – | 4 | – | – | – | 8 | 8 |
| Professional and business services | 7 | 21 | 14 | 16 | 10 | 18 | 6 | 6 | 1 | – | – | 8 | 8 |
| Professional and technical services | 2 | 12 | 14 | 18 | 13 | 24 | 6 | 8 | – | – | – | 9 | 9 |
| Administrative and waste services | 14 | 36 | 15 | 13 | 5 | 8 | 5 | 3 | – | – | – | 7 | 7 |
| Education and health services | 7 | 29 | 16 | 12 | 8 | 11 | 6 | 3 | 2 | 2 | 3 | 8 | 7 |
| Educational services | 2 | 2 | 4 | 10 | 6 | 15 | 14 | 14 | 12 | 8 | 15 | 12 | 11 |
| Junior colleges, colleges, and universities | 2 | 1 | 2 | 7 | 7 | 10 | 16 | 15 | 15 | 11 | 15 | 12 | 12 |
| Health care and social assistance | 8 | 33 | 18 | 12 | 8 | 11 | 5 | 2 | 1 | – | – | 7 | 7 |
| Leisure and hospitality | 46 | 13 | 14 | 14 | 5 | 2 | 3 | – | – | – | – | 5 | 6 |
| Accommodation and food services | 53 | 10 | 15 | 14 | 5 | – | – | – | – | – | – | 5 | 5 |
| Other services | 10 | 26 | 13 | 14 | 7 | 11 | 4 | 6 | 2 | 4 | 3 | 8 | 8 |
| 1 to 99 workers | 14 | 27 | 15 | 14 | 9 | 13 | 4 | 3 | 1 | 1 | 1 | 7 | 7 |
| 1 to 49 workers | 14 | 27 | 16 | 15 | 8 | 13 | 4 | 2 | 1 | 1 | 1 | 7 | 7 |
| 50 to 99 workers | 14 | 26 | 14 | 12 | 11 | 13 | 4 | 4 | – | – | 1 | 7 | 7 |
| 100 workers or more | 7 | 23 | 12 | 14 | 9 | 16 | 8 | 6 | 2 | 1 | 2 | 8 | 8 |
| 100 to 499 workers | 8 | 28 | 14 | 12 | 10 | 14 | 7 | 3 | 2 | 1 | 1 | 8 | 8 |
| 500 workers or more | 5 | 16 | 9 | 15 | 9 | 19 | 10 | 9 | 3 | 2 | 4 | 9 | 9 |
| **Geographic areas** | | | | | | | | | | | | | |
| New England | 5 | 15 | 11 | 11 | 12 | 22 | 10 | 7 | 2 | 1 | 3 | 9 | 9 |
| Middle Atlantic | 10 | 21 | 13 | 12 | 10 | 15 | 8 | 6 | 2 | 1 | 3 | 8 | 8 |
| East North Central | 8 | 27 | 15 | 13 | 10 | 14 | 5 | 3 | 2 | 1 | 3 | 8 | 8 |
| West North Central | 6 | 31 | 19 | 15 | 9 | 8 | 6 | 1 | 3 | – | – | 8 | 7 |
| South Atlantic | 14 | 29 | 13 | 12 | 7 | 14 | 4 | 4 | 1 | 1 | 1 | 7 | 7 |
| East South Central | 18 | 21 | 14 | 16 | 9 | 12 | 5 | 3 | 1 | – | – | 7 | 7 |
| West South Central | 14 | 27 | 12 | 13 | 8 | 14 | 6 | 4 | 1 | 1 | 1 | 8 | 7 |
| Mountain | 11 | 28 | 12 | 18 | 8 | 11 | 7 | 3 | 1 | – | – | 8 | 7 |
| Pacific | 8 | 20 | 13 | 19 | 9 | 17 | 6 | 5 | 2 | 1 | 1 | 8 | 8 |

[1] Less than 0.5 percent.

[2] The categories are based on the average wage for each occupation surveyed, which may include workers with earnings both above and below the threshold. The average wages are based on the estimates published in the "National Compensation Survey: Occupational Earnings in the United States, 2010." See Technical Note for more details.

NOTE: Because of rounding, sums of individual items may not equal totals. Dash indicates no workers in this category or data did not meet publication criteria. For definitions of major plans, key provisions, and related terms, see the "Glossary of Employee Benefit Terms" at www.bls.gov/ncs/ebs/glossary20102011.htm.