

Paid Sick Leave Laws Gaining Traction in Big Cities, States

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Chicago and *Minneapolis* became the latest cities to adopt paid sick leave laws earlier this year and they likely won't be the last. An increasing number of states and localities now require most employers to provide paid sick leave to employees.

Paid sick leave laws vary from state to state and it is important to know the details of the laws that apply to your business. For example, the coverage/eligibility requirements, use of sick time to care for loved ones and the amount of paid sick leave varies. Other differences include the rate that paid sick leave is earned, whether paid sick leave can be carried over to subsequent years and whether paid sick leave applies to care for a newborn child. For instance, in Connecticut, sick time is earned at a rate of one hour for every 40 hours worked, whereas in California, sick time is earned at a rate of one hour for every 30 hours worked. Additionally, Oregon's law is the only one that allows the use of paid sick leave to bond with a newborn child.^[1] The bottom line for business is if you operate in a state with a paid sick leave law, it is important to carefully review the law and make sure your policies conform to its requirements.

The following states (and District of Columbia) have paid sick leave laws:

State:	Coverage/Eligibility:	Amount of Paid Sick Time:	Can Sick Time Be Used to Care For Loved Ones:
Connecticut	Hourly workers in certain "service" occupations who work for businesses with 50 or more employees. ^[2]	Up to 40 hours per year	Yes: children and spouses.
California	Workers employed in California for 30 or more days a year, including state and local public workers. ^[3]	Workers can earn up to 48 hours or 6 days but an employer isn't required to allow use of more than 24 hours or 3 days a year.	Yes: children, parents, grandchildren, grandparents, spouses, registered domestic partners and siblings.
Massachusetts	Workers employed in Massachusetts who do not work for cities	Workers in businesses with 11 or more employees up to	Yes: children, spouses, parents, or parents of a spouse.

	and towns.	40 hours of paid sick time a year.	
Oregon	Workers employed in Oregon, including public workers but excluding independent contractors.	Workers in businesses with at least 10 or more employees: up to 40 hours of paid sick time a year.	Yes: children, spouses, same-sex domestic partners, parents, parents of a same-sex domestic partner, grandparents, and grandchildren.
Washington, D.C.	Individuals employed by an employer within Washington D.C. ^[4]	24 or fewer employees: up to 24 hours a year. 25-99 employees: up to 40 hours a year. 100 or more employees: up to 56 hours a year.	Yes: children, grandchildren, spouses of children, siblings, spouses of siblings, parents, and registered domestic partners.
Vermont	Workers employed by an employer in Vermont for an average of no less than 18 hours per week during a year. ^[5]	From 1/1/17-12/31/18: up to 24 hours a year. After 12/31/18: up to 40 hours a year.	Yes: children, parents, parents-in-law, grandparents, spouses, grandchildren and siblings.

Beyond states, several cities and counties have paid sick leave laws. The Chicago and Minneapolis paid sick leave laws will take effect July 1, 2017. Other cities and counties with paid sick leave laws include:

- Montgomery County, Md.,
- San Francisco, Oakland, Santa Monica, and Emeryville, Calif.
- Seattle, Spokane and Tacoma, Wash.
- New York City, N.Y.
- Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, and Plainfield, N.J.
- Philadelphia and Pittsburgh, Penn.

Additionally, the California state law does not preempt local or municipal acts that also provide paid sick leave. The California law sets the floor, but local or municipal governments are able to establish more generous sick leave benefits and protections.

As with the state paid sick leave laws, the eligibility requirements, amount of sick leave available, and how that sick leave can be used differ from locality to locality and require individualized analysis.

Even if your business does not operate in a locality that currently has a paid sick leave law, it is increasingly likely that your state or locality may soon consider such a law. The combination of the growth of paid sick leave laws and their prominence in policy discussions surrounding support for families continues to build momentum for their adoption in more communities. Currently, New Jersey, Maryland, and Washington have paid sick leave legislation that is under consideration and there is growing support for these laws in numerous other states.

Employers should stay tuned and follow these developments to ensure that their sick leave policies and procedures stay compliant in the ever changing world of leave laws.

[1] California has a paid family leave law that provides paid leave for the care of a newborn child.

[2] For a full list of which professions are covered "service" occupations go to www.ctdol.state.ct.us/wgwkstnd/SickLeaveLaw.htm

[3] Workers subject to the Railway Labor Act (i.e. employees of airlines and railroads) are exempted. Workers who provide in-home supportive care are exempted until July 1, 2018.

[4] The following individuals are exempted: independent contractors, students, health care workers choosing to participate in a premium pay program, unpaid volunteers.

[5] The following individuals are exempted: workers under 18 years of age; workers employed for 20 or fewer weeks in a year in a job scheduled to last 20 or fewer weeks; certain State workers excluded from the State classified service; certain employees who work on a per diem or intermittent basis at a

health care or long-term care facility; certain per diem or intermittent workers who only work when indicating availability, have no obligation to accept the

work, and have no expectation of continued employment; certain substitute educators for a school district or supervisory district/union if under no

obligation to work a regular schedule or period of long-term (30 or more consecutive school days) substitute coverage; and certain sole

proprietors/partner owners of an unincorporated business.

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