Eight States with Sick Leave Laws – What Employers Should Know

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While the FMLA provides for protected time off, it does not provide for paid sick leave. However, paid sick leave laws are gaining popularity at the state level. Rhode Island is poised to become the eighth state, in addition to the District of Columbia, to approve a paid sick leave law for employees, if the law is signed by the governor as expected.

Paid sick leave laws – as opposed to the Family Medical Leave Act that provides certain employees up to 12 weeks of unpaid, job-protected leave per year – typically grant employees a minimum number of paid sick hours or days each year, and govern the permissible reasons for employees to take such leave. Below is a snapshot of the states that have passed paid sick-leave laws and what you should know about them:

Rhode Island

- If signed into law, as expected, Rhode Island’s paid sick leave law will go into effect on July 1, 2018.
- Requires employers with 18 or more employees to provide employees with paid sick leave as follows:
  - Up to 24 hours of paid, protected leave in 2018
  - 32 hours of paid, protected leave in 2019, and
  - 40 hours of paid, protected leave every year thereafter.
- Employers with fewer than 18 employees do not have to provide paid sick leave, but are still required to provide protected unpaid leave in the same amounts as listed above.
- Employers can also issue employees their full allotment of leave at the start of each year to avoid tracking an employee’s accrual of paid sick leave.
- For employers that already provide paid sick leave in an amount equal to or greater than what is provided for in the law, no change in existing policies will be required.

Washington

- Starting January 1, 2018, employers in Washington will be required to provide their employees with paid sick leave.
- Most employees will accrue paid sick leave at a minimum rate of 1 hour of paid sick leave for every 40 hours worked (including part-time and seasonal workers).
- Any unused paid sick leave of 40 hours or less must be carried over to the following year.
Accrual of paid sick leave may begin on the 90th calendar day after the start of employment.

**Arizona**

- Effective July 2017, Arizona’s law requires 24 hours of paid sick leave annually for employers with 14 or fewer workers, or 40 hours of paid sick leave for entities with 15 or more employees.
- An employer can request proof or documentation of necessary time off only after an employee has been absent three days in a row.
- Employers must document accrued paid sick leave for each worker and post notices, and pay stubs must show the amount of paid sick leave used and the amount available for use.
- Employers must maintain paid sick leave records for 4 years.

**Vermont**

- Beginning in 2017, Vermont employers with 6 or more employees must allow workers to earn paid sick leave, accruing 1 hour of earned paid sick leave for every 52 hours worked.
- Employers with 5 or fewer employees must begin offering paid sick leave in 2018.
- Employers can limit the amount of earned paid sick leave accrued to 24 hours per year in 2017 and 2018. However, beginning in 2019 the cap increases to 40 hours per year.
- At the time of hire, Employers are required to inform new employees of the law and must display a required posting.

**Oregon**

- Oregon’s paid sick leave law applies to all employers with 10 or more employees.
- Employers must provide up to 40 hours of paid sick leave per year.
- Employees start to accrue one hour of paid sick leave for every 30 hours worked, or 1-1/3 hours for every 40 hours worked, immediately when an employee begins working, but new employees may be required to wait until their 91st calendar day of employment to use paid sick leave.
- An employer can “front-load” – or give 40 hours of paid sick leave all at once at the start of the year - and avoid tracking accrual rates, carryover entitlements, and usage.

**California**

- California’s law requires employers to offer a minimum amount of paid sick leave based on an accrual rate of 1 hour of paid sick leave for every 30 hours worked, or offer employees a lump sum at the beginning of each year that equals three days (24 hours) of paid sick leave.
- Employers must document how many days of paid sick leave employees have available on their pay stub, or on a separate document that is issued with an employee’s paycheck.
- Employees can roll over up to 48 hours of accrued, untaken paid sick leave (which can be limited to 24 hours per year).
- Employers must have a system in place to calculate, track, and report each employee’s paid sick leave balance, provide a written copy of the sick leave policy to employees at the time of hire, and display a poster explaining the sick leave policy.
- Employers must keep paid sick leave records for up to three years.

**Massachusetts**

- All employers must provide a minimum rate of 1 hour of sick time for every 30 hours worked, up to 40 hours of sick leave per year.
- Only employers of 11 or more employees must provide earned sick time that is paid. Smaller employers do not have to provide paid leave, but are still required to provide protected leave in the same amounts as
The law applies to full-time, part-time, seasonal, and temporary employees, but not independent contractors.

**Washington D.C.**

- All employers with one or more employees are covered by the earned sick leave law.
  - Employers with 100 or more employees must provide 1 hour of paid leave for every 37 hours worked (not to exceed 7 days per calendar year);
  - Employers with at least 25, but not more than 99 employees, must provide 1 hour of paid leave for every 43 hours worked (not to exceed 5 days per calendar year);
  - Employers with 24 or fewer employees must provide 1 hour of paid leave for every 87 hours worked (not to exceed 3 days per calendar year).
- The law covers both full and part-time employees, and temporary and contract workers.

**Connecticut**

- In 2012, Connecticut became the first state in the nation to provide paid sick leave.
- The law applies to businesses that employ 50 or more individuals, and provides non-exempt “service workers” with paid sick leave that accrues at a rate of 1 hour per 40 hours worked, limited to a maximum of 40 hours per year (the law excludes most manufacturing and certain tax exempt organizations).
- Service workers must have worked an average of at least 10 hours a week in the most recently completed calendar quarter to be eligible, and cannot begin using accrued sick leave until they have completed 680 hours of employment.
- At the time of hire, employers must give notice of the law, the amount of sick leave provided, that retaliation for use of sick time is prohibited, and that an employee may file a complaint with the Labor Commission for a violation.

**New York**

- New York State’s paid sick leave law will become effective January 1, 2018. Employees who work at least 20 hours per week for at least 26 weeks of the previous calendar year are eligible to take paid sick leave.
- For the year 2018, employees may take up to 8 weeks of paid sick leave, and will receive 50 percent of their average weekly wage while on leave.
- Employers and employees can agree that employees can supplement their paid sick leave wages with accrued vacation, sick, or other personal leave provided by the employer.
- The new law requires the employer to reinstate the employee on leave to her or his position (or to a comparable position with comparable pay, benefits, and terms and conditions of employment) upon the employee’s return to work.

Employers should be aware more than 28 cities or local jurisdictions also have sick leave ordinances in place, including New York, Chicago, San Diego, Los Angeles, and San Francisco.

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