

Paid Sick Leave

From Perk to Mandate

Topics

1

Paid sick leave laws: background & elements of legislation

2

Case study: California's multiple PLS laws

3

Sick leave policy considerations

4

Tools for automation

5

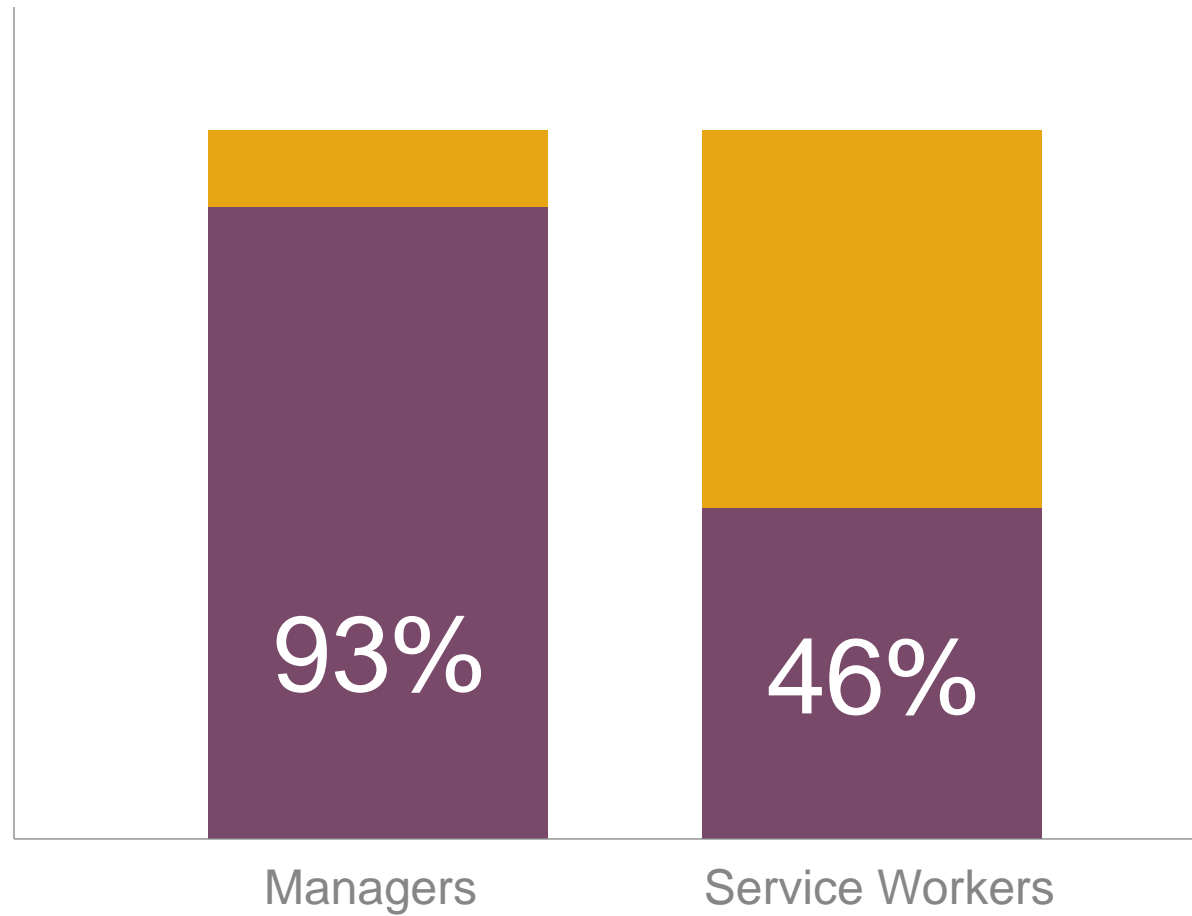
Your to-do list



Paid Sick Leave Laws

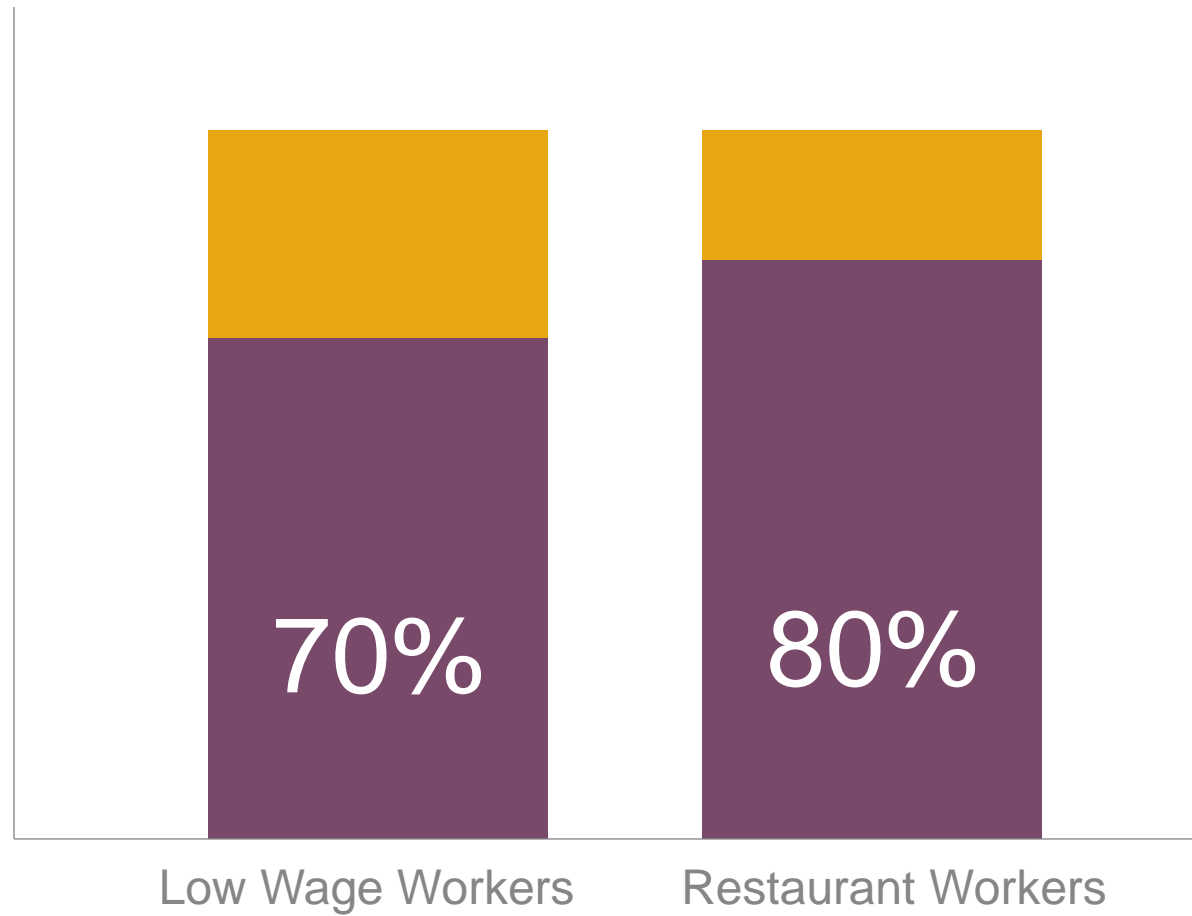
Voter Appeal: Fairness

Workers with Paid Sick Leave



Voter Appeal: Fairness

Workers with **NO** Paid Sick Leave



Does It Impact Me?

Workers without paid sick leave

1.5 times more likely to report to work sick

3 times more likely to forgo medical care for themselves

1.6 times more likely to forgo medical care for their families

Does It Impact Me?



nomo

Slow Start

2006

San Francisco

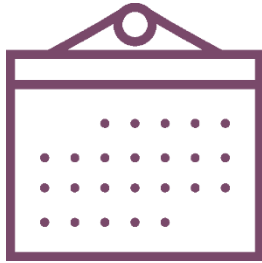
2011

Connecticut

2008

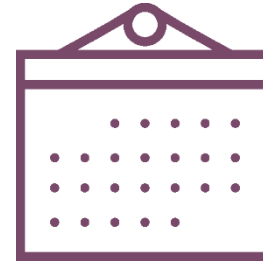
Washington, DC &
Milwaukee

Gaining Momentum



2014 and 2015

- 3 states
- 7 cities
- 1 county



2016 and 2017

- 3 states
- 10 cities
- 1 county

2018

January 1

February 11

July 1

October 1

October 29

State of Washington

State of Maryland

State of Rhode Island

Austin, TX

State of New Jersey



2019 So Far...

March 1

State of Michigan



August 1

San Antonio, TX

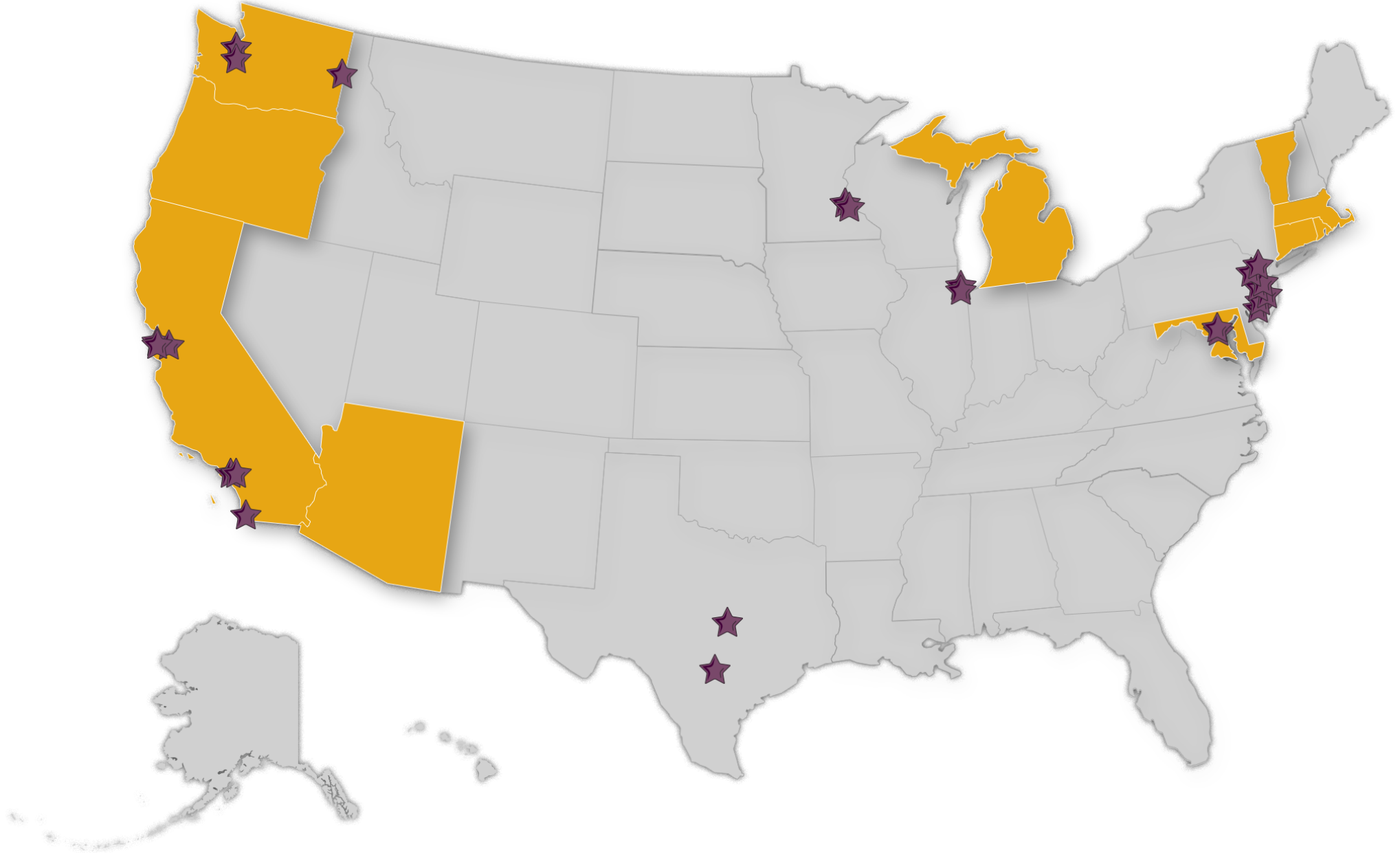


January 1, 2020

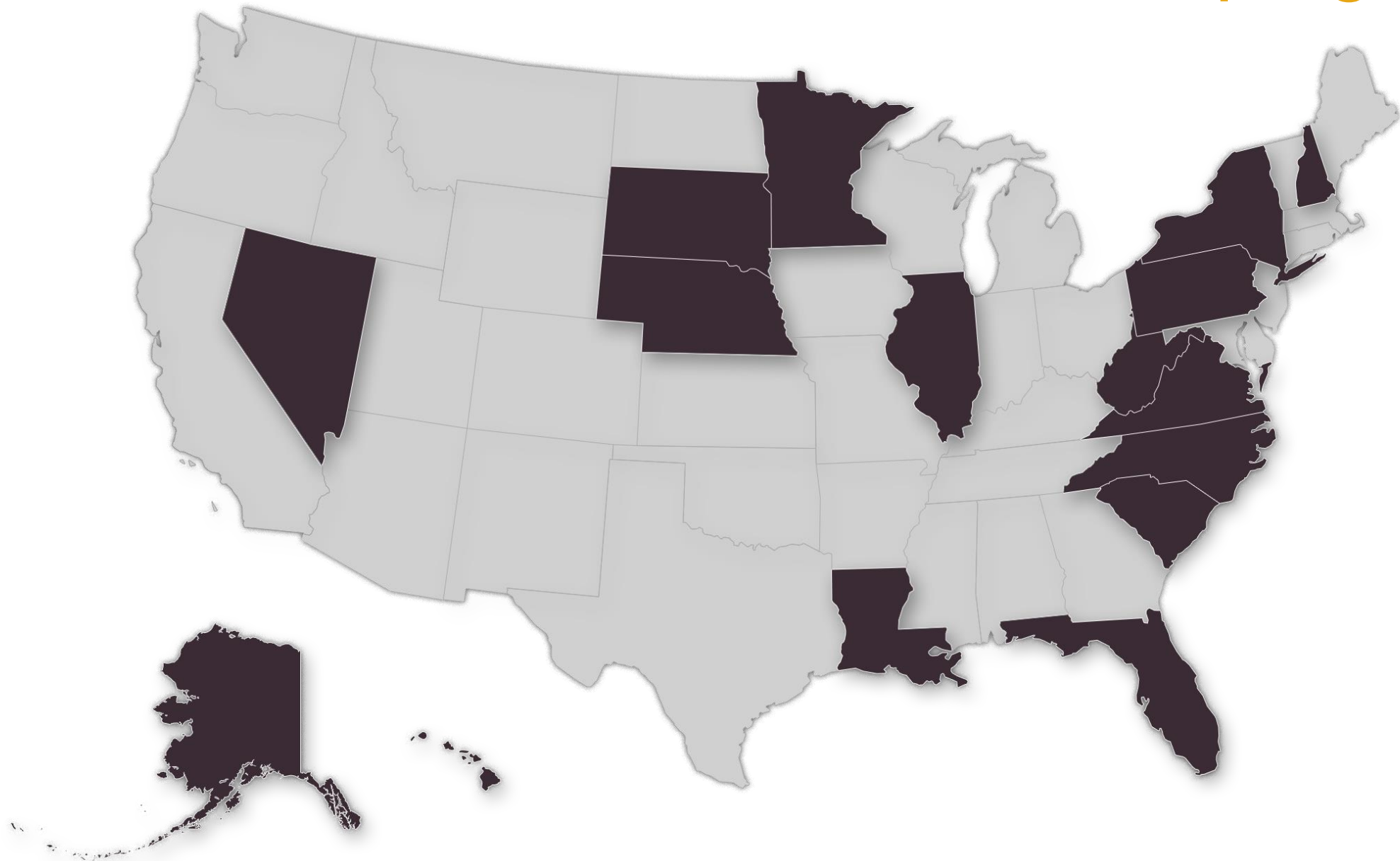
Duluth, MN



Paid Sick Leave Jurisdictions



Statewide Paid Sick Leave Campaigns



Jurisdictions

State	Locality	Enacted	Effective
Arizona	Statewide	2016	2017
California	Statewide	2014	2015, amended 2015
	Berkeley	2016	2017
	Emeryville	2015	2015
	Los Angeles	2016	2016
	Long Beach**	2012	2012
	Oakland	2014	2015
	San Diego	2016	2016
	San Francisco	2006	2007
	Santa Monica	2016	2016
Connecticut	Statewide	2011	2012

Jurisdictions

State	Locality	Enacted	Effective
Massachusetts	Statewide	2014	2015
Illinois	Chicago	2016	2017
	Cook County**	2016	2017
Maryland	Statewide	2018	February 11, 2018
	Montgomery County	2015	2016
Michigan	Statewide	2018**	March 1, 2019
Minnesota	Duluth	2018	January 1, 2020
	Minneapolis	2016	2017
	St. Paul	2016	2017
New Jersey	Statewide	2018	October 29, 2018
New York	New York City	2013	2014, expansions 2014

Jurisdictions

State	Locality	Enacted	Effective
Washington	Statewide	2016	January 1, 2018
Oregon	Statewide	2015	2016
Pennsylvania	Philadelphia	2015	2015
Rhode Island	Statewide	2017	July 1, 2018
Texas	Austin	2018**	October 1, 2018
	San Antonio	2018**	August 1, 2019
Vermont	Statewide	2016	2017
	Seattle	2011	2012
	SeaTac**	2013	2014
	Spokane	2016	2017, sunset January 1, 2018
	Tacoma	2015	2016
DC	Washington, DC	2008	2008, amended 2014

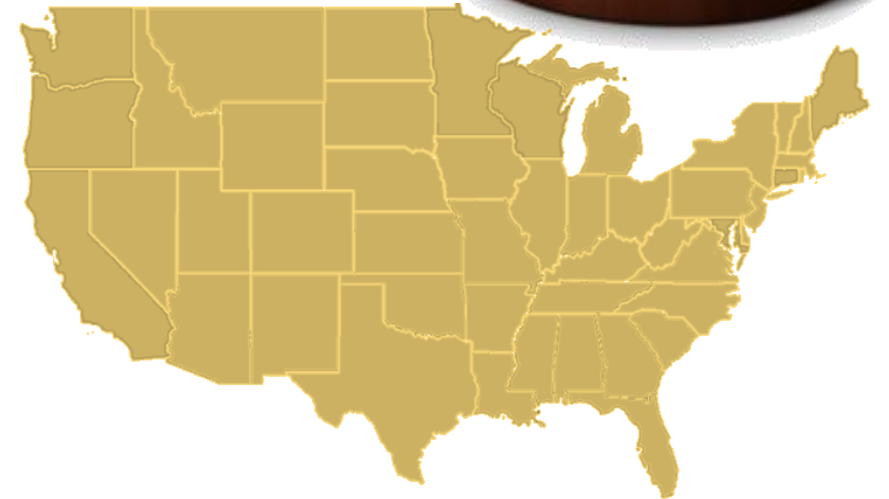
Federal Level

Executive order for federal contractors

- Signed Labor Day 2015
- Effective 2017

Legislation

- Healthy Families Act
- Workflex in the 21st Century Act



If at First You Don't Succeed...

Connecticut

- Introduced 2008
- Died 3 times in legislature
- Enacted 2011

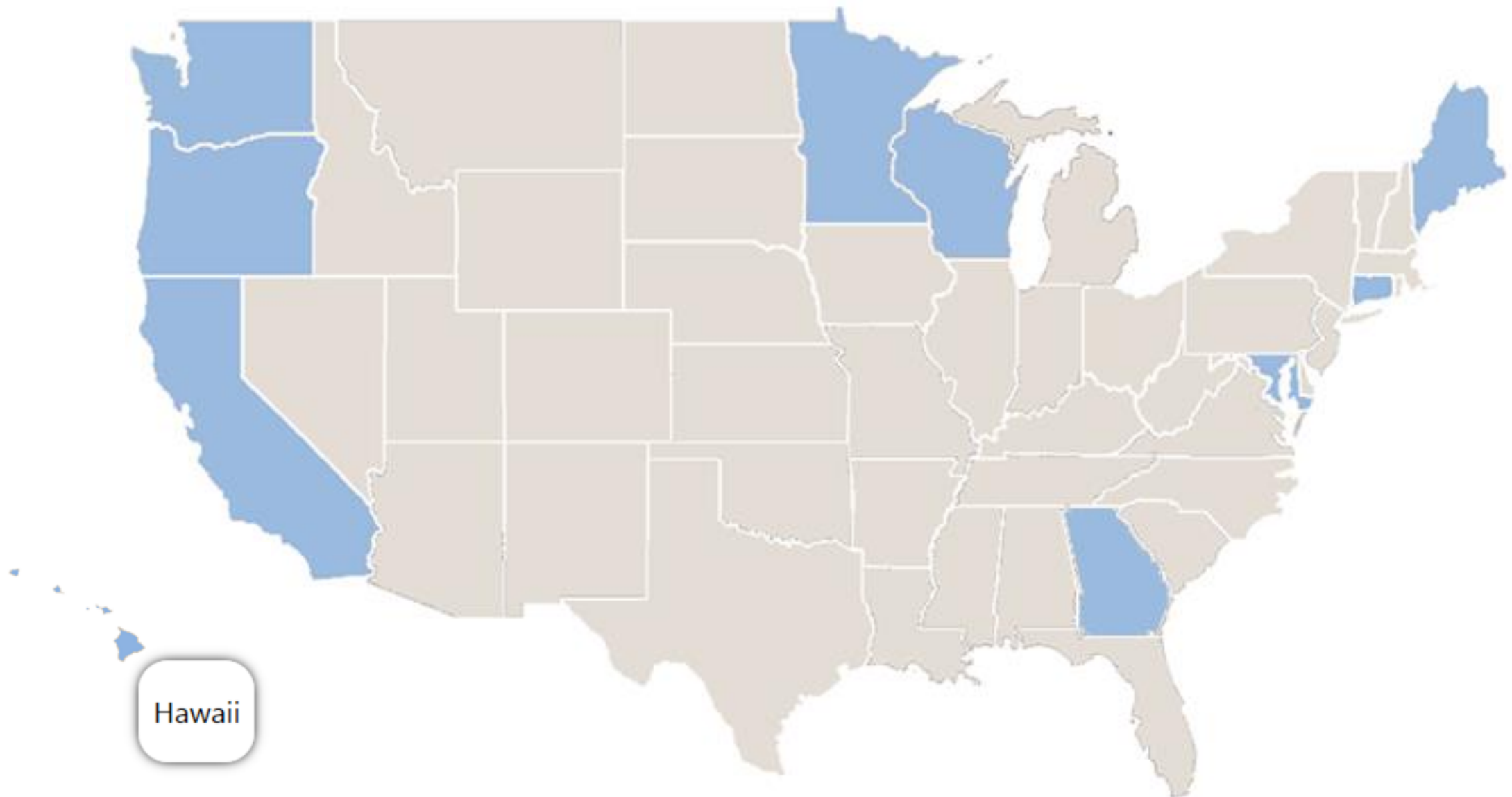


Philadelphia

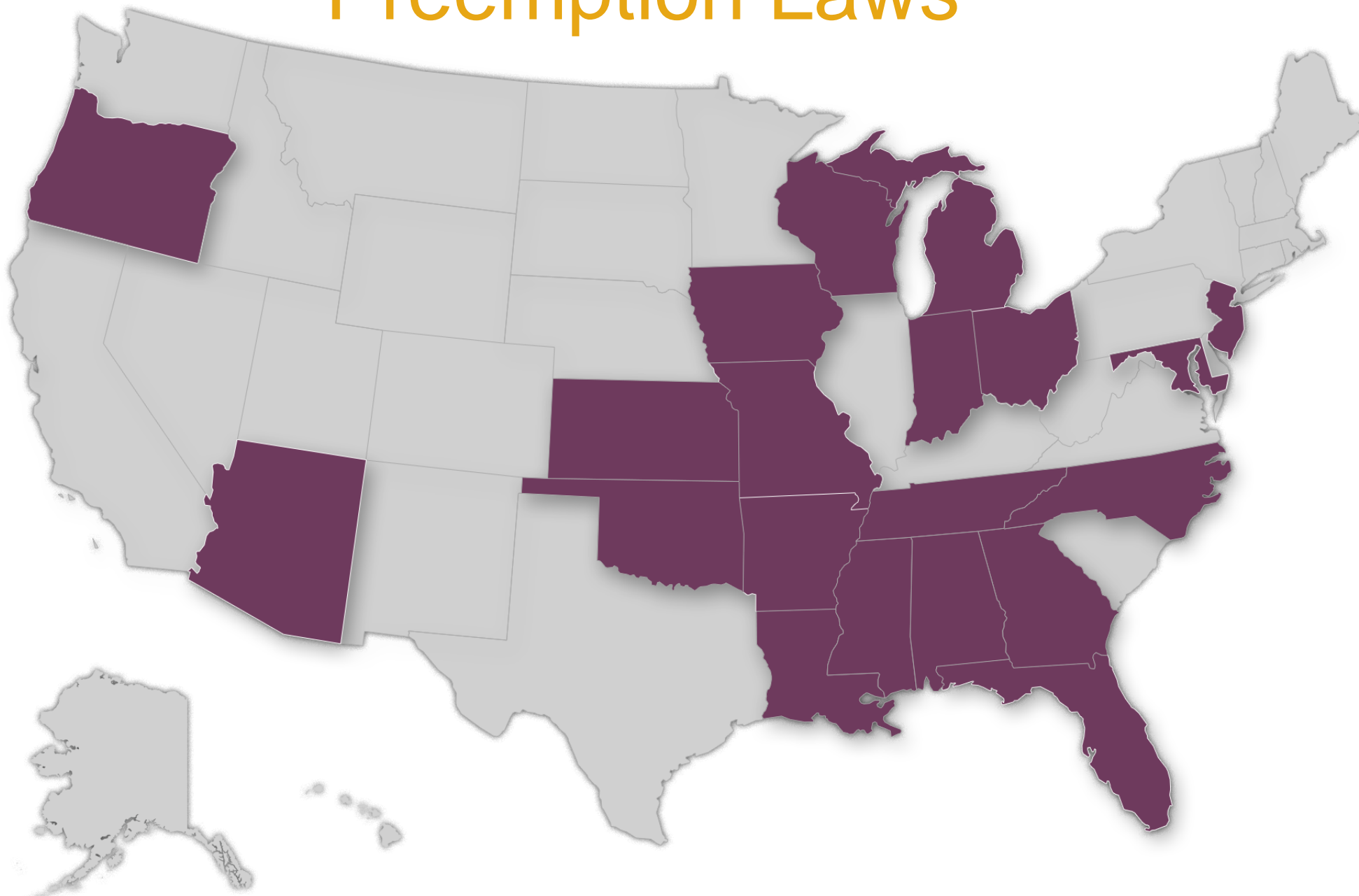
- 2011 and 2013 mayor vetoed
- Signed 2015



Kin Care Laws



Preemption Laws





Elements of Legislation

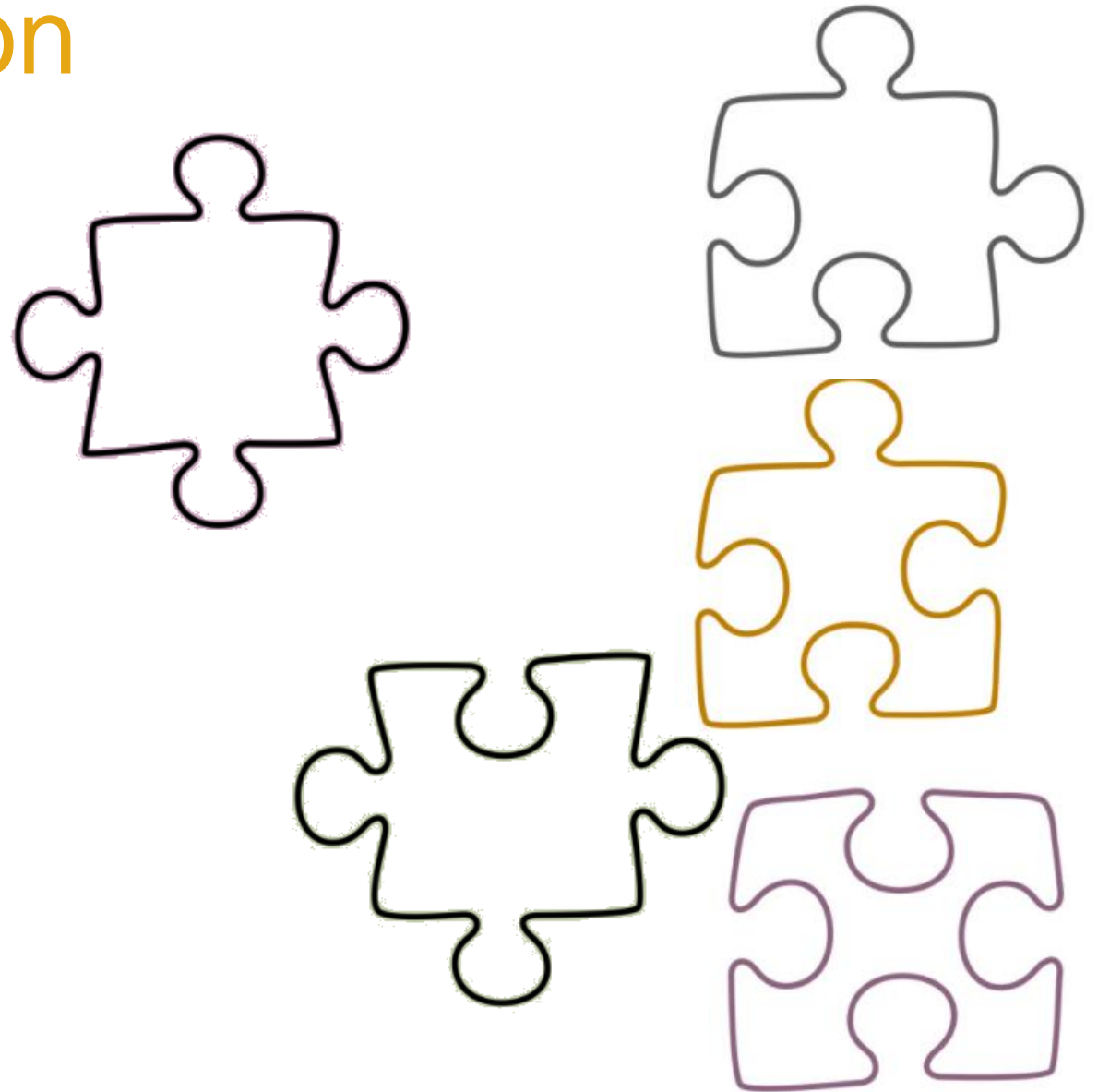
Elements of Legislation

Eligibility

- Employer size
- Employee work in jurisdiction

Exclusions

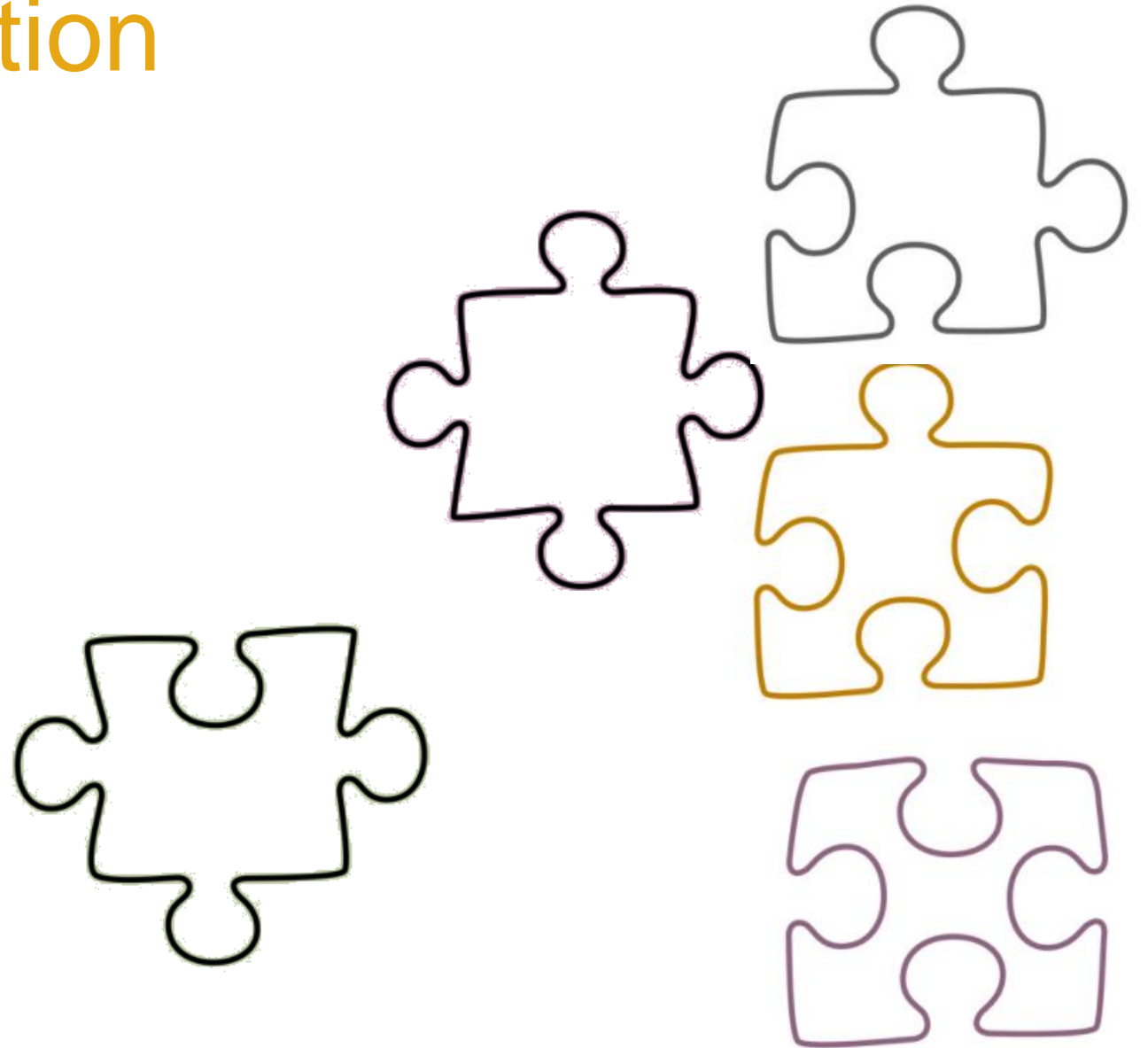
- Industries
- Unions



Elements of Legislation

Accrual

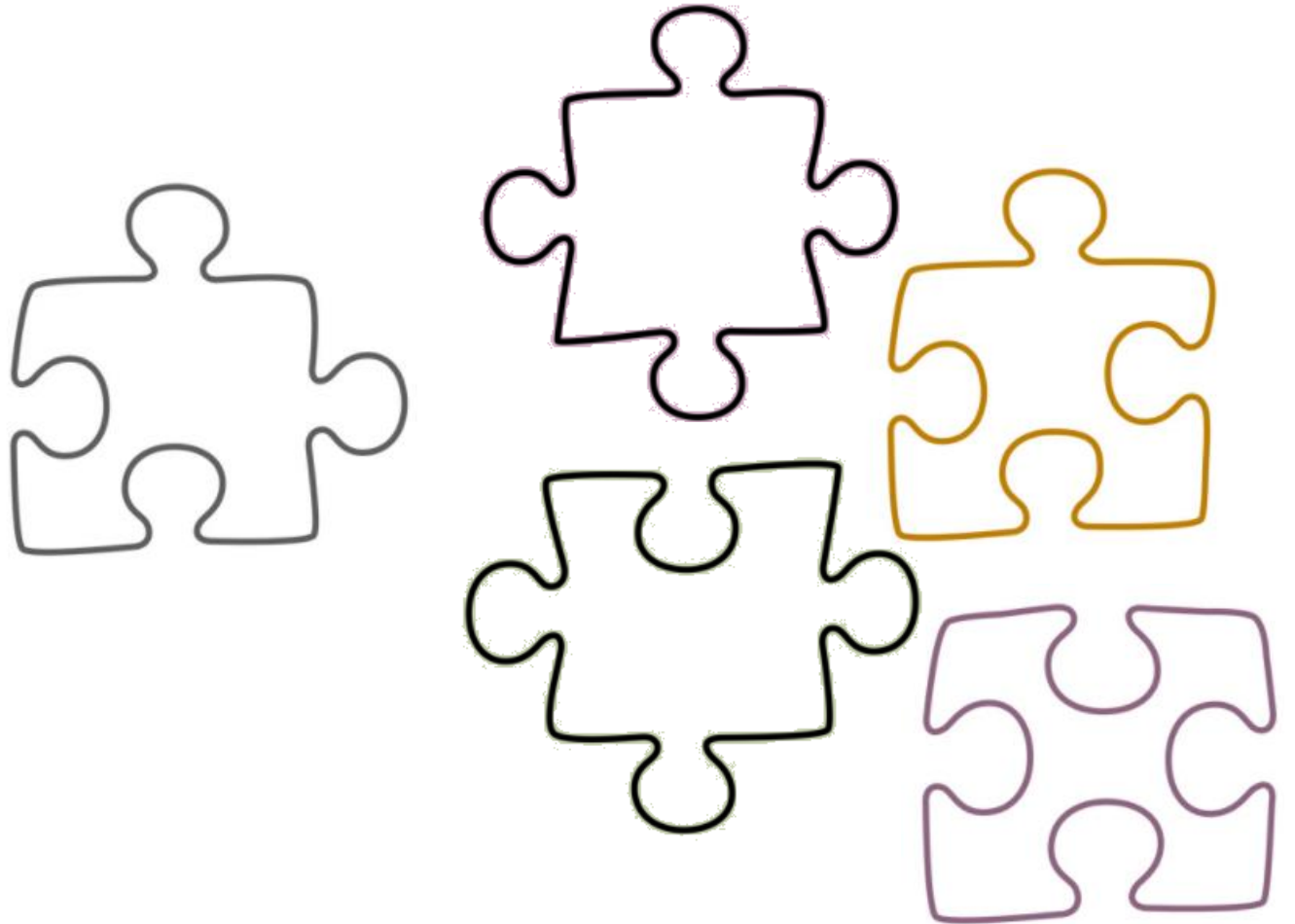
- Accrual rate
- Start at/after hire
- Yearly cap



Elements of Legislation

Usage

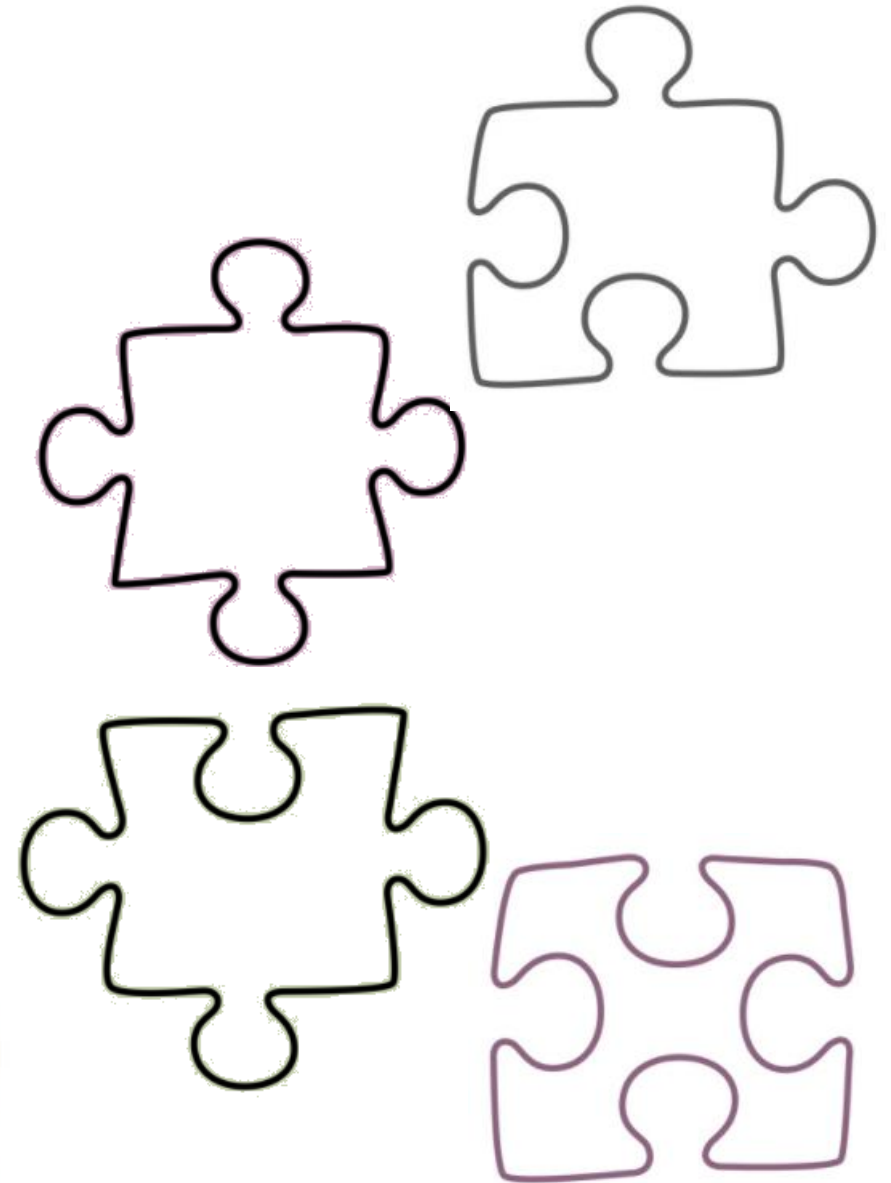
- Yearly cap
- Use increment
- Reasons
 - Definition of family
 - Purpose of time off



Elements of Legislation

Rate of pay

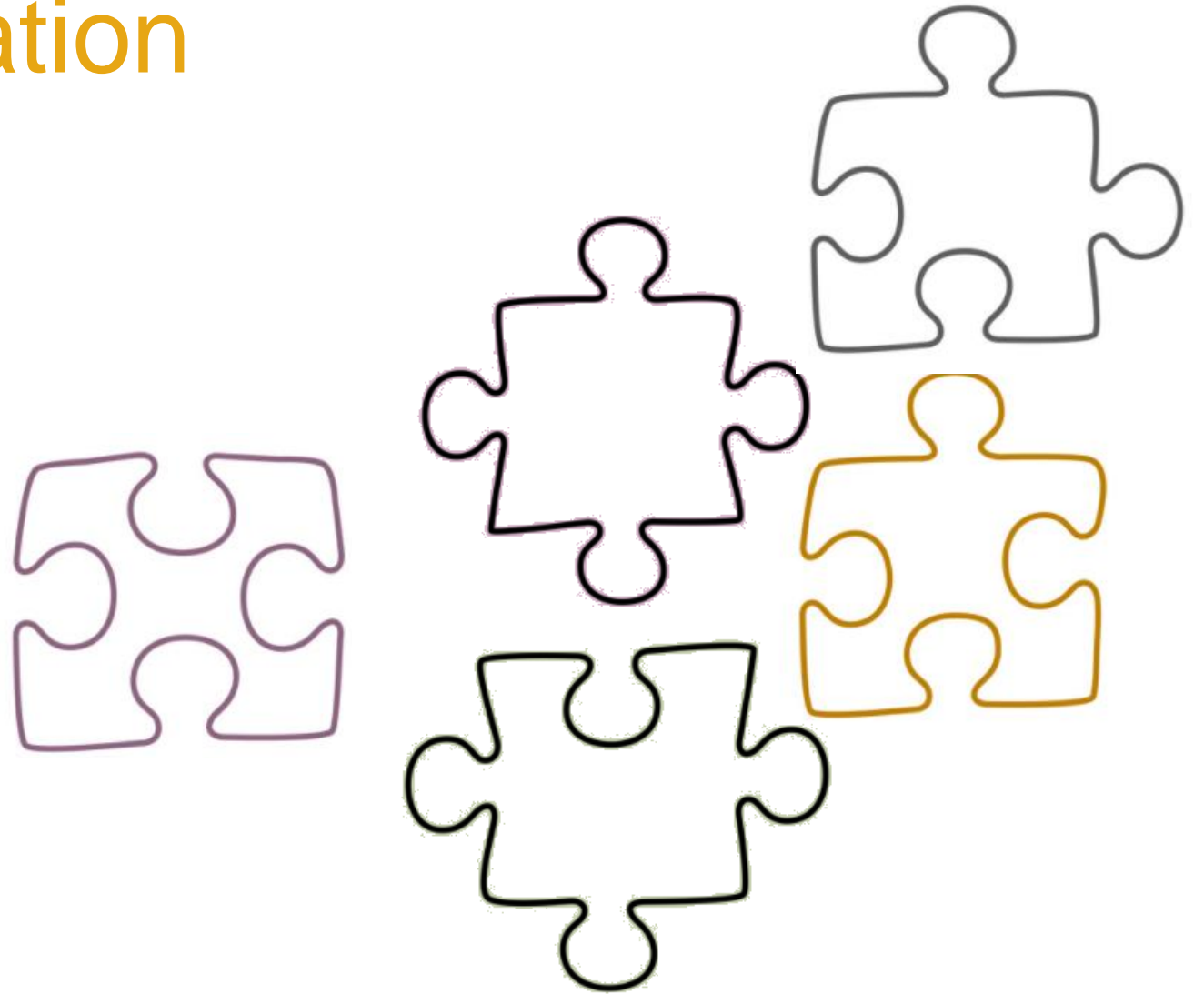
- Regular rate of pay
- Worked rate
- Weighted average previous pay period
- Weighted average current work week
- Weighted average full pay periods previous 90 days



Elements of Legislation

Balance

- Frontload
- Carryover
- Ceiling
- Reinstatement
- Employee reporting





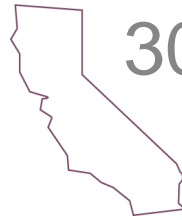
CALIFORNIA CASE STUDY

Interplay Between State and Local Requirements

- State
- Cities
- Private sector
- Federal



Eligibility: Work in Jurisdiction



30 Days in a Year


San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley
No minimum for SF employees Occasional workers, 56 hours in a year	2 hours in a week	2 hours in a week	2 hours in a week No minimum for hotel workers	2 hours in a week	2 hours in a week 30 days in a year for same employer	2 hours in a week

Accrual Rate



1 hour for 30 hours worked *or* front load 24 hours

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley
1:30 Any front load with additional accrual after lump sum earned	1:30 no front load	1:30 Front load of annual accrual cap Any front load with additional accrual after lump sum earned	1:30 Front load of annual accrual cap	1:30 Front load 40 hours	1:30 Front load 48 hours	1:30 no front load



Accrual Cap

48 hours or 6 days

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley
9 or fewer employees: 40 hours	9 or fewer employees: 40 hours	55 or fewer employees: 48 hours	25 or fewer employees: 32 hours	80 hours	No accrual cap	24 or fewer employees: 48 hours
10 or more employees: 72 hours	10 or more employees: 72 hours	56 or more employees: 72 hours	26 or more employees: 40 hours Increase 1/1/2018 to 40 and 72 hours		Maximum unused sick leave balance: 72 hours	25 or more employees: 72 hours



Use Cap

24 hours or 3 days

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley
None	None	None	Accrual cap	40 hours	48 hours	24 or fewer employees: 48 hours No cap for larger businesses

Use Increment



2 Hours

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley
1 hour	1 hour	2 hours	Not addressed	2 hours	2 hours	Not addressed

Definition of Family



Spouse, children, siblings, registered domestic partner, grandparents, grandchildren

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley
Adds... other designated person if no spouse or registered domestic partner	Adds... other designated person if no spouse or registered domestic partner	Adds... other designated person if no spouse or registered domestic partner Also ... allows sick time use for care of service dog	Same as state law	Same as state law	Adds... individuals related to employee by blood or affinity equivalent to a family relationship	Adds... other designated person if no spouse or registered domestic partner



Pay Rate

Average regular rate in workweek *or* average regular rate in full pay periods in last 90 days

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley
Regular hourly rate	Regular hourly rate	Not addressed	Not addressed	Regular hourly rate	Not addressed	Regular hourly rate If rate change, piece rate, or commission in last 90 days, then average regular rate in full pay periods in last 90 days.

Hotel Workers

- Long Beach: 3.33 hours/month PTO
- Los Angeles: 1.85 hours/week PTO
- Proportional amounts for part timers



Federal Contractors

Accrual	1 hour per 30 hours worked up to 56 hours or front load 56 hours
Use Increment	1 hour
Carryover	Up to 56 hours
Used for	Illness, preventative care visits, “safe time”
Definition of family	Includes domestic partners and their children
Notice to employee	Monthly
Rehire	Balance reinstated if rehired within 12 months



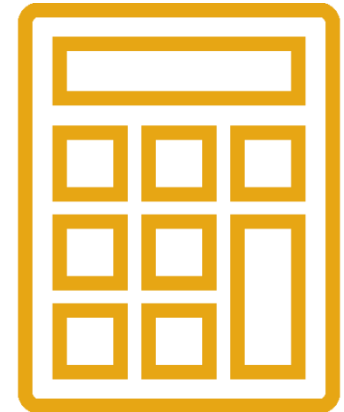
Policy Considerations

Current Paid Sick Leave Policies

Is it equal or better than mandate? ...in all ways?

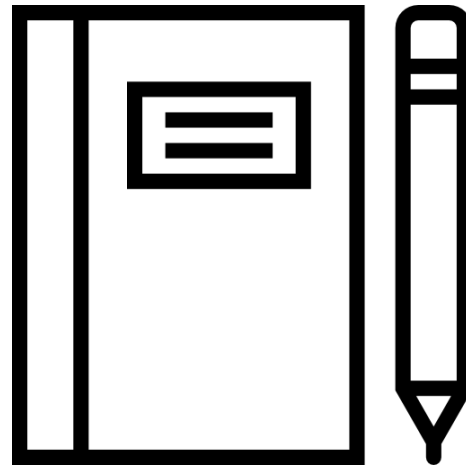
Verify

- Usage rules (family, safe time)
- Caps and carryover
- Pay rate



New Sick Leave Policy

- Consider up front credit v. work-based accrual
- Use policy templates
 - SHRM
 - APA
 - Other resources



Issues for Multi-Jurisdiction Employer

One policy



Multiple policies





TOOLS FOR AUTOMATION

Software Systems

- Time and Attendance
- Human Resources
- Payroll



Features

- Accrual calculations
- Accrual, usage, and carryover limits
- Leave request increments
- Benefit activity reporting
- Integration





WRAP-UP

Your To-Do List

1. Know the mandates in your jurisdiction
 - Advocacy groups
 - National Partnership for Women and Families
 - www.paid sickdays.org/campaigns
 - www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-statutes.pdf
 - Legal blogs
 - Paid Sick Leave @ Work
 - www.pslatwork.com





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Paid Sick Days Campaigns



The National Campaign

The **Healthy Families Act** is federal legislation that would set a national paid sick days standard. The Healthy Families Act coalition advocates for passage of the bill and a national paid sick days standard through public education, mobilization and advocacy in order to secure paid sick days for tens of millions of Americans.

In the States

Paid sick days laws are or will soon be in place in seven states, the District of Columbia and 31 other jurisdictions.

Estimates of the number and percentage of private sector workers without paid sick days in the states that have not adopted any state or municipal paid sick days laws can be found [here](#).

In 2006, San Francisco became the first locality in the nation to guarantee access to earned paid sick days. In 2008, the District of Columbia passed a paid sick days standard that included paid “safe” days for victims of domestic violence, sexual assault and stalking. That law was expanded in 2014 to include tipped restaurant and bar workers. In 2011, the Connecticut legislature became the first in the nation to pass a statewide paid sick days law and, in the same year, Seattle passed a paid sick days law. In 2013, New York City and Jersey City, N.J., adopted paid sick days standards. Newark, N.J., followed in early 2014, followed by

Paid Sick Days – State, District and County Statutes

Updated November 2016

(For City Laws, Click [Here.](#))

Key:

EE: employee; ER: employer; SB: small business; LB: large business; FTE: full-time equivalent; DV: domestic violence; SAFE: safe time coverage; PHE: public health emergency; CBA: co

Location	District of Columbia D.C. Code (2008, amended 2013) (effective 2014)	Connecticut (2011) (effective 1/2012)	California (2014, amended 2015 and 2016) (effective 7/2015; 2016 expansion effective 7/2018)	Massachusetts (2014) (effective 7/2015)	Oregon (2015) (effective 1/2016)¹	Montgomery County, Md. (2015) (effective 10/2016)	Vermont (2016) (effective 1/2017 for LB, and 1/2018 for SB)	Arizona (2016) (effective 7/2017)
Summary	EEs accrue one hour of paid sick time for every 37 to 87 hours worked and can accrue and use up to three to seven days, depending on ER's size. EEs in certain industries receive one hour for every 43 worked and can accrue and use up to five days regardless of ER size. Covers sick	Enumerated EEs whose place of business has 50 or more EEs accrue one hour of paid sick time for every 40 hours worked and can accrue and use up to 40 hours. Covers sick time for EE or family members' care and for absences associated with domestic violence or sexual assault.	EEs accrue one hour of paid sick time for every 30 hours worked and can use up to 24 hours and accrue up to 48 hours. ERs may use alternate accrual method if accrual is regular and provides a sufficient amount of time. Beginning in 2018, in-home supportive services EEs	EEs whose place of business has 11 or more EEs accrue one hour of paid sick time for every 30 hours worked and can accrue and use up to 40 hours. All others receive equivalent unpaid time. Covers sick time for EE or family members' care and for absences associated with EE	EEs whose place of business has 10 or more EEs (six or more EEs if ER is in a city with population above 500k, so that Portland's law remains in effect) accrue one hour of paid sick time for every 30 hours worked, and can accrue and use up to 40 hours. All others receive equivalent unpaid	EEs whose place of business has five or more EEs accrue one hour of paid sick time for every 30 hours worked and can accrue up to 56 hours and use up to 80 hours. All others receive an equivalent 32 paid and 24 unpaid hours. Covers sick time for EE or family members' care, absences	EEs accrue one hour of paid sick time for every 52 hours worked and can accrue or use up to 24 hours in 2017 and 2018, and 40 hours in 2019 and following years. Workers in small businesses begin to accrue and use time in 2018. Covers sick time for EE or family members' care	EEs accrue one hour of paid sick time for every 52 hours worked and can accrue or use up to 24 hours in 2017 and 2018, and 40 hours in 2019 and following years. Workers in small businesses begin to accrue and use time in 2018. Covers sick time for EE or family members' care

Rhode Island Proposed Sick Leave Rules Seem to Expand the Law

🕒 March 26, 2018 📁 Paid Sick Leave

The Rhode Island Department of Labor and Training issued [proposed rules](#) concerning the state's [Healthy and Safe Families and Workplaces Act](#), which takes effect on July 1, 2018. Two of the proposed rules seem to go beyond what the law requires and go where other PSL laws do not venture.

Accrual of Paid Sick Leave

The statute says that employees accrue an hour of paid sick and safe leave time for every thirty-



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[Sick Day Protests](#)

Your To-Do List

1. Know the mandates in your jurisdiction
2. Review your current policies
3. Look for help from automated systems





THANK YOU!

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