



Paid Sick Leave: From Perk to Mandate

SPEAKER

Lia Coniglio, Esq.

Senior Manager, State Payroll Information Resources

PayrollOrg

Email: iconiglio@payroll.org



Agenda

1. Impact of PSL laws
2. COVID-19 emergency leave status
3. Current jurisdictions
4. Elements of legislation
5. Sick leave policy considerations
6. Your to-do list



36

46



Caveats

Information based on ...

- Our understanding of laws and evolving legislative efforts
- Case law, which is evolving

Not legal advice

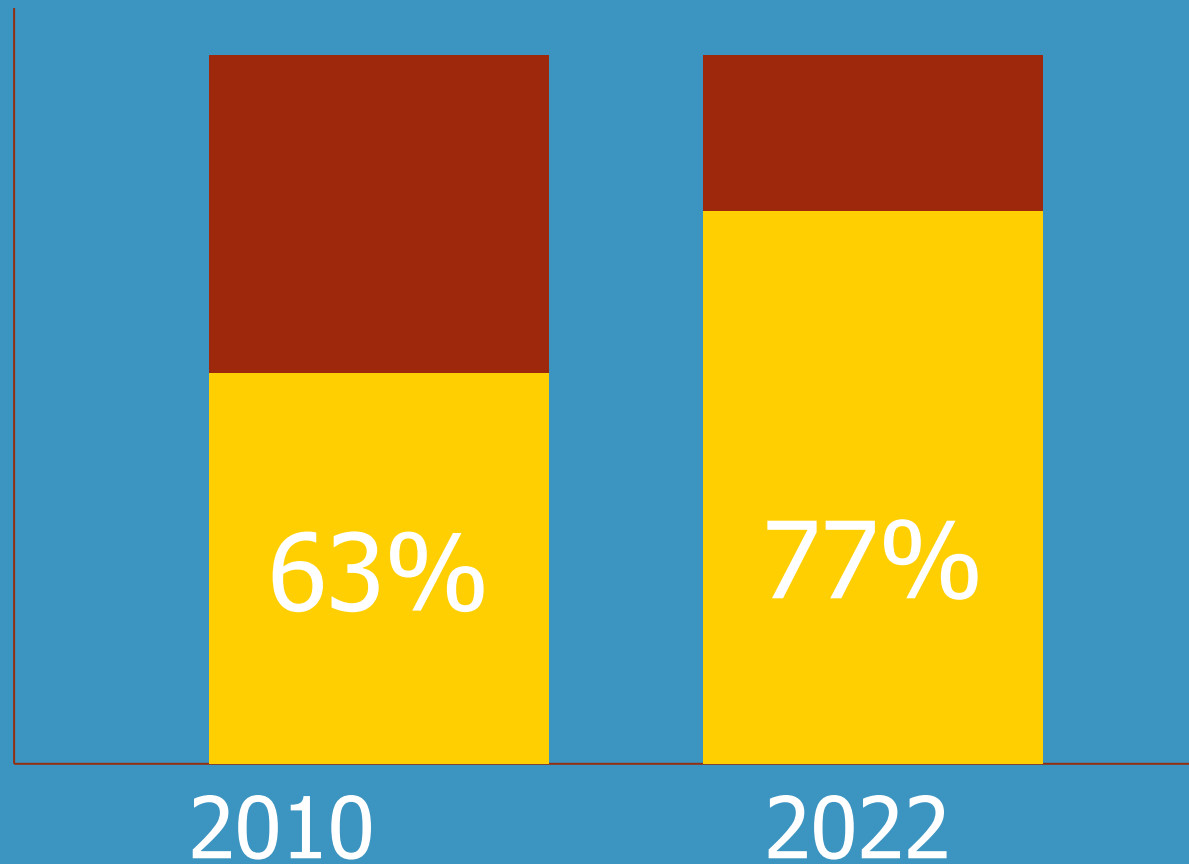


Impact of Legislation



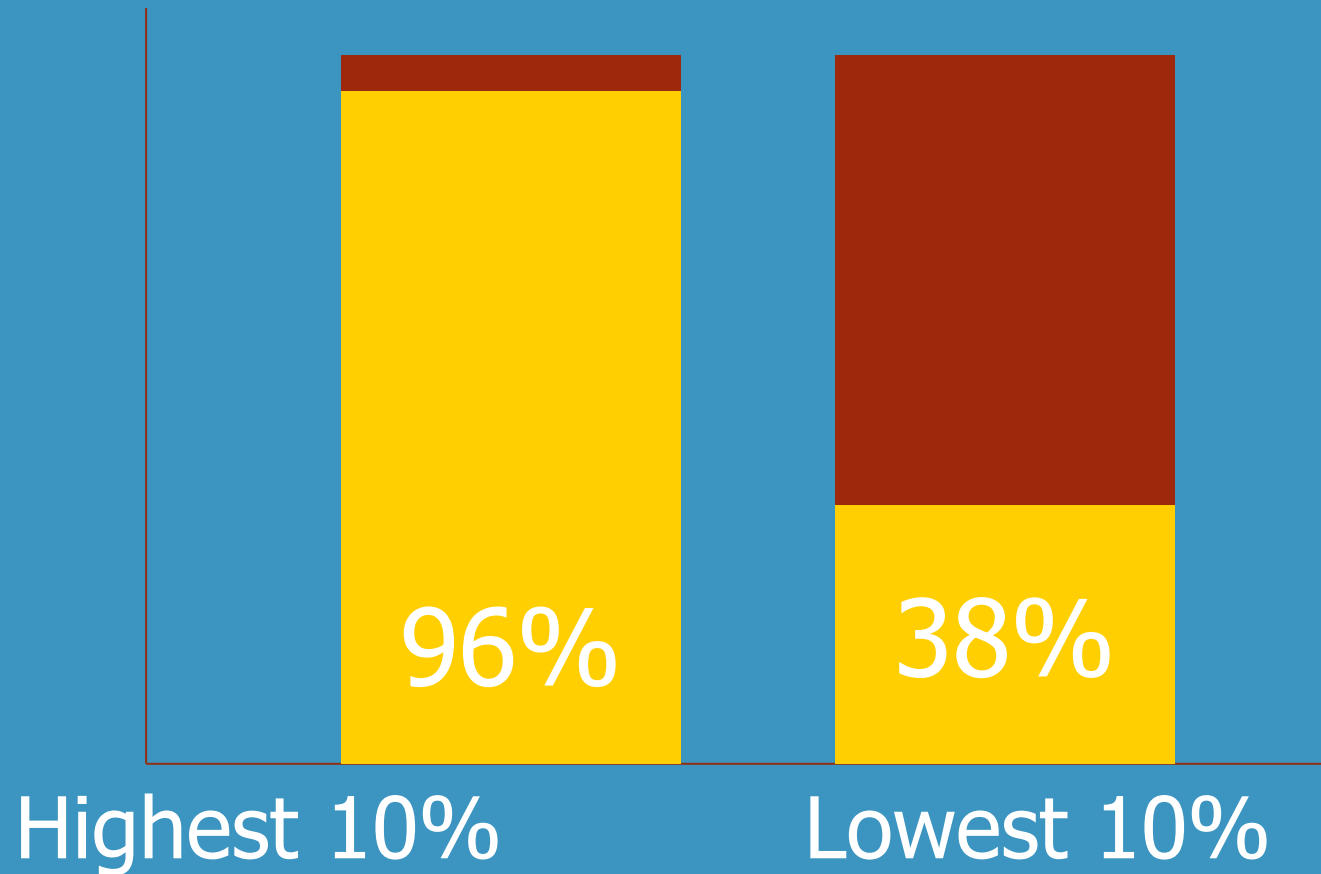
Impact of Laws

Workers with Paid Sick Leave



Inequities Remain

Paid Sick Leave by Wages Earned



Covid-19 Emergency Leave



COVID-19 Emergency Leave

Federal PHE ended May 11, 2023

WHO PHE ended May 5, 2023

Most laws expired



On the Way Out

December 31, 2023

- New York State – Paid Vaccine Leave. Four hours per vaccine/booster dose
- Philadelphia, PA – Supplemental Paid Sick Leave

January 1, 2024 – Nevada Paid Vaccine Leave



State And Local Updates



PSL Timeline

2006

San Francisco enacts
first Paid Sick Leave
Ordinance

2023

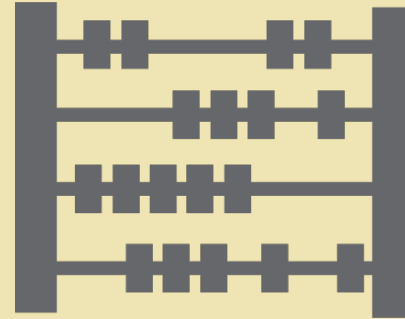
17 States
29 Local jurisdictions



Leave Trends

Sick leave

No reason leave



Paid family leave



Illinois Paid Leave for Any Reason

Effective January 1, 2024

Employees would accrue 1 hour of PSL for every 40 hours worked, up to 40 in a year

Front loading is permitted

Leave can be used for ANY reason (do not need to be sick)



Minnesota

Effective January 1, 2024

Employees accrue 1 hour of PSL for every 30 hours worked, up to 48 in a year

Front loading is permitted

Employees must work at least 80 hours in a year for an employer in MN

Does not apply to independent contractors



Minnesota

Employer requirements

Include total number of PSL hours accrued and available for use AND hours used on pay statements

Provide notice to employees BY 1-1-24

Include PSL notice in employee handbook IF employer has an employee handbook



Minnesota

In addition to new state law, Bloomington, Duluth, and Minneapolis have LOCAL PSL laws

Employers must follow the MOST PROTECTIVE legal requirements that apply to employees

Do what is MOST beneficial to employee



Minnesota

<https://www.dli.mn.gov/sick-leave>

Browser address bar: [dli.mn.gov/sick-leave](https://www.dli.mn.gov/sick-leave)

Navigation links: DIRECTIONS, CONTACT US, CHECK A LICENSE, GET A PERMIT, RENEW A LICENSE, MAKE A PAYMENT

Search bar: [Search icon]

Language: Select Language (Powered by Google Translate)

Left sidebar menu:

- APPRENTICESHIP AND DUAL TRAINING
- CODES AND LAWS
- CONSTRUCTION CONTRACTOR REGISTRATION
- ELECTRICAL CONTRACTORS
- ELEVATOR CONTRACTORS
- EMPLOYMENT PRACTICES
 - Age, hours restrictions
 - Brochures and fact sheets about labor standards
 - Child labor laws
 - Contact Labor Standards
 - Earned sick and safe time**

Main content area:

For business > Employment practices > Earned sick and safe time

EARNED SICK AND SAFE TIME



Effective Jan. 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to employees who work in the state. [Minnesota's current sick and safe leave law](#) remains in effect until Dec. 31, 2023 and will be replaced by the new earned sick and safe time law on Jan. 1, 2024.

What is sick and safe time?

Sick and safe time is paid leave employers must provide to employees in Minnesota that can be used for certain reasons, including when an employee is sick, to care for a sick family member or to seek assistance if an employee or their family member has experienced domestic abuse.

Buttons: EMAIL US ►, CALL US ►

Connecticut

PSL Uses Expanded

Effective 10-1-23, service workers may use PSL for a mental health wellness day

Also, service workers with a child who is the victim of family or sexual violence may use PSL



New Jersey

Paid sick leave use expanded for school district employees

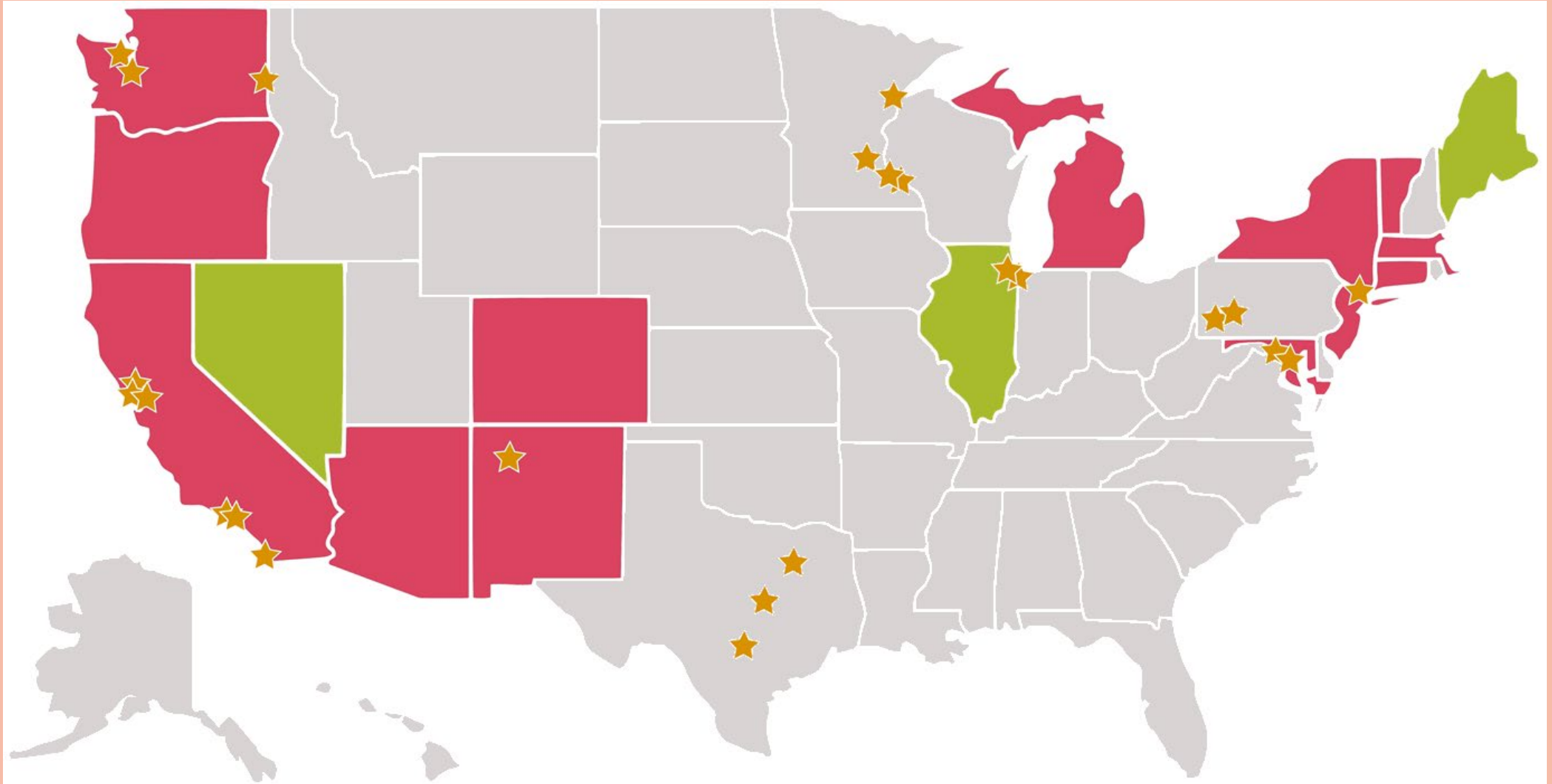
- To recover from a physical or mental illness, injury, or other health condition and/or take the time to have it diagnosed, treated, or cared for;**
- For preventative medical care;**
- To assist a member of their immediate family – including parents, spouses, siblings, and children – with the diagnosis, treatment, and/or care of a physical or mental illness, injury, or other health condition;**
- For circumstances related to domestic or sexual violence;**
- For the death of an immediate family member, for up to seven days;**
- To attend school-related conferences, meetings, functions, or other events for their child;**
- In connection with a closure of the school or facility caring for their child.**



Paid Sick Leave Jurisdictions



Paid Sick Leave Jurisdictions



State	Locality	Enacted	Effective
Arizona	Statewide	2016	2017
California	Statewide	2014	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
Colorado	Statewide	2020	2021
Connecticut	Statewide	2011	2012
Illinois	Statewide	2023	January 1, 2024
	Chicago	2016	2017
	Cook County**	2016	2017
Maine	Statewide	2019	2021



State	Locality	Enacted	Effective
Maryland	Statewide	2018	2018
	Montgomery County	2015	2016
Massachusetts	Statewide	2014	2015
Michigan	Statewide	2018	2019
Minnesota	Bloomington	2022	July 1, 2023
	Duluth	2018	2020
	Minneapolis	2016	2017
	St. Paul	2016	2017
Nevada	Statewide	2019	2020
New Jersey	Statewide	2018	2018
New Mexico	Statewide	2021	2022
	Bernalillo County	2019	2020
New York	Statewide	2020	2020
	New York City	2013	2014
	Westchester County**	2018	2019



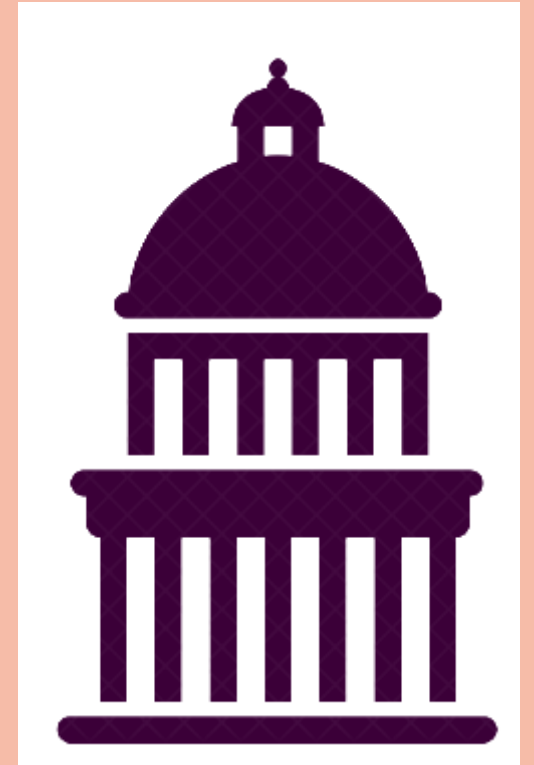
State	Locality	Enacted	Effective
Oregon	Statewide	2015	2016
Pennsylvania	Allegheny County	2021	2021
	Philadelphia	2015	2015
	Pittsburgh	2015	2020
Rhode Island	Statewide	2017	2018
Texas	Austin**	2018	
	San Antonio**	2018	
	Dallas**	2019	
Vermont	Statewide	2016	2017
Washington	Statewide	2016	2018
	SeaTac**	2013	2014
	Seattle	2011	2012
	Spokane	2016	2017
	Tacoma	2015	2016
DC	Washington, DC	2008	2008, amended 2014



Federal Level Paid Sick Leave

Executive order for federal contractors

- Signed Labor Day 2015
- Effective 2017



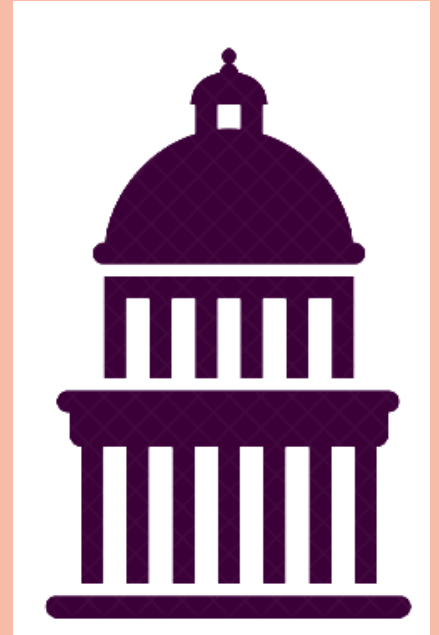
Healthy Families Act

Federal Level

- Initiatives in 2005, 2009
- Healthy Families Act introduced in every session since 2011
- Most recently on May 17 by Sen. Bernie Sanders

Pandemic influence on long term benefit?

More focus on paid family leave?



Identifying Compliance Changes



Legislation

Legislation and ordinances

- Federal, state, and local level
 - Agency websites
- Getting copy of local ordinance may be challenging
- Can look for news/law firm articles for additional information
- Can try advocacy groups for info on proposals



Regulation

Rules and regulations

- May explain/clarify original law or ordinance
- State/locality may issue draft copy first
 - Employers can submit comments on draft



Other Influences

Court decisions

- Can impact when or if law will take effect
 - Check to see if decision is appealed – law may be put on hold until final decision

Opinion letters, frequently asked questions

- Guidance can help employers with compliance questions



Elements of Legislation



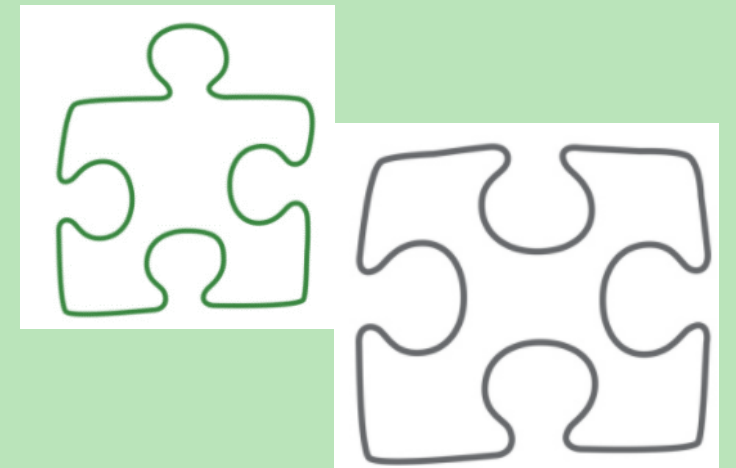
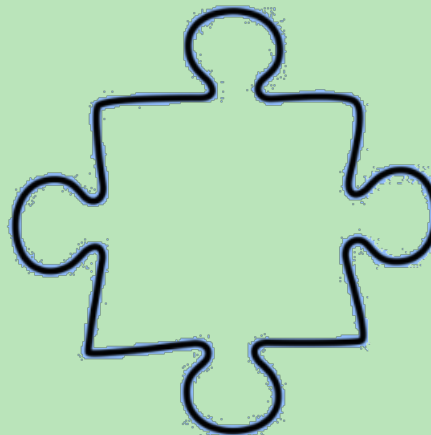
Who

Eligibility

- Employer size
 - Total employees across US vs. in particular state/city
- Employee work in jurisdiction

Exclusions

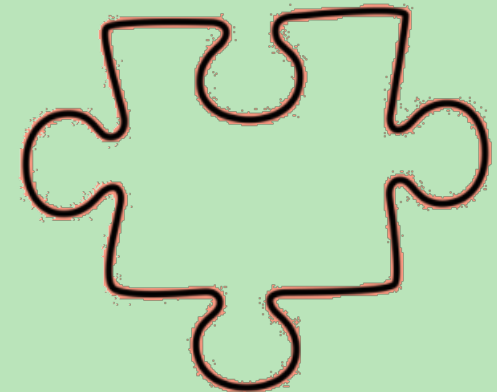
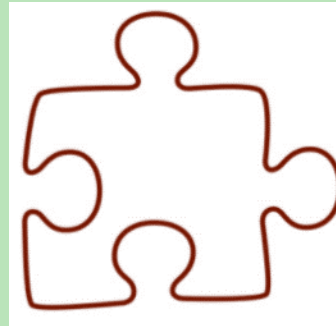
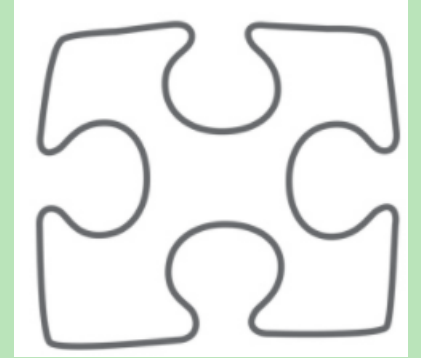
- Industries
- Unions



How Much

Accrual

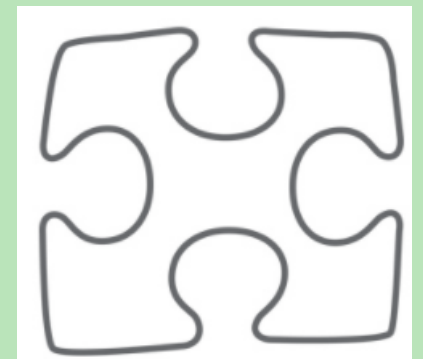
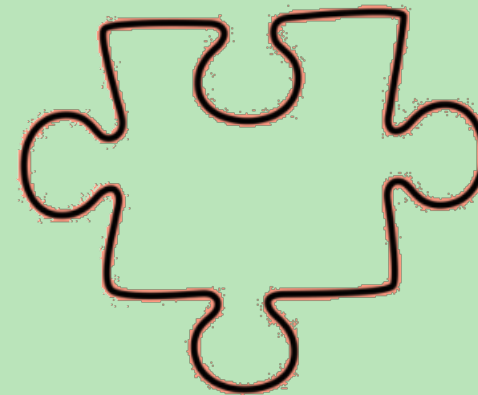
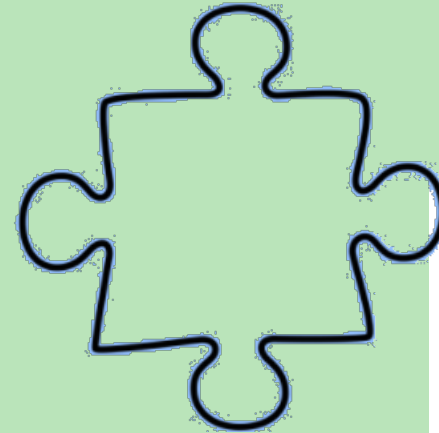
- Accrual rate
 - Most common is 1 hour per 30 hours worked
- Start at/after hire
- Yearly cap



How Used

Usage

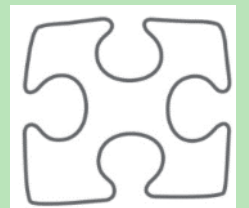
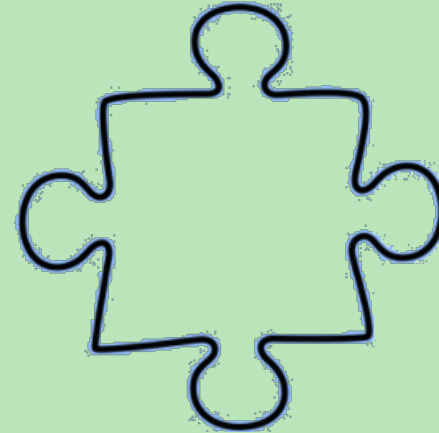
- Yearly cap
- Use increment
- Reasons
 - Definition of family
 - Purpose of time off



How Paid

Rate of pay

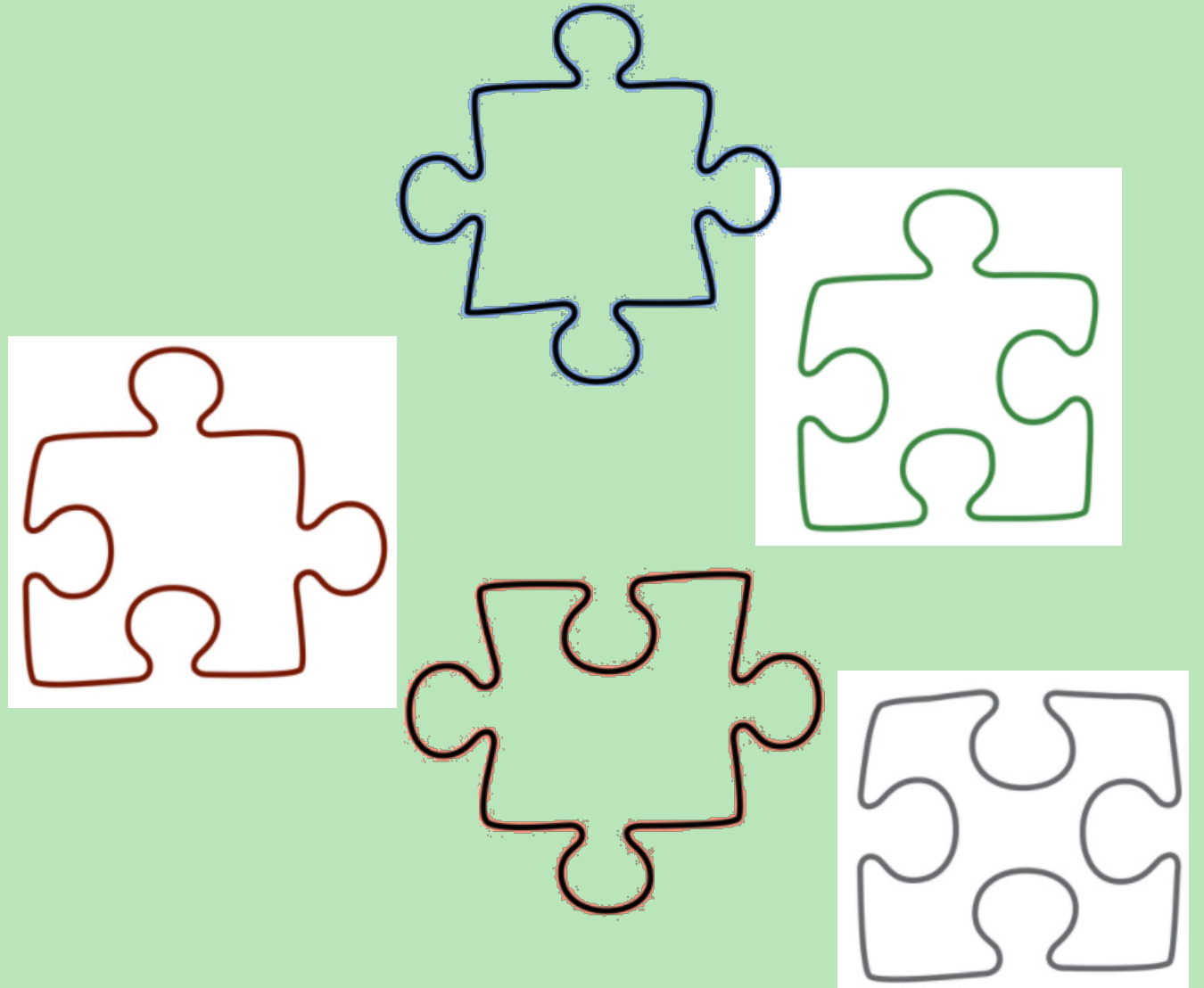
- Regular rate of pay
- Worked rate
- Weighted average previous pay period
- Weighted average current work week
- Weighted average full pay periods previous 90 days



How Managed

Balance

- Frontload
- Carryover
- Ceiling
- Reinstatement
- Employee reporting



Multiple Jurisdictions



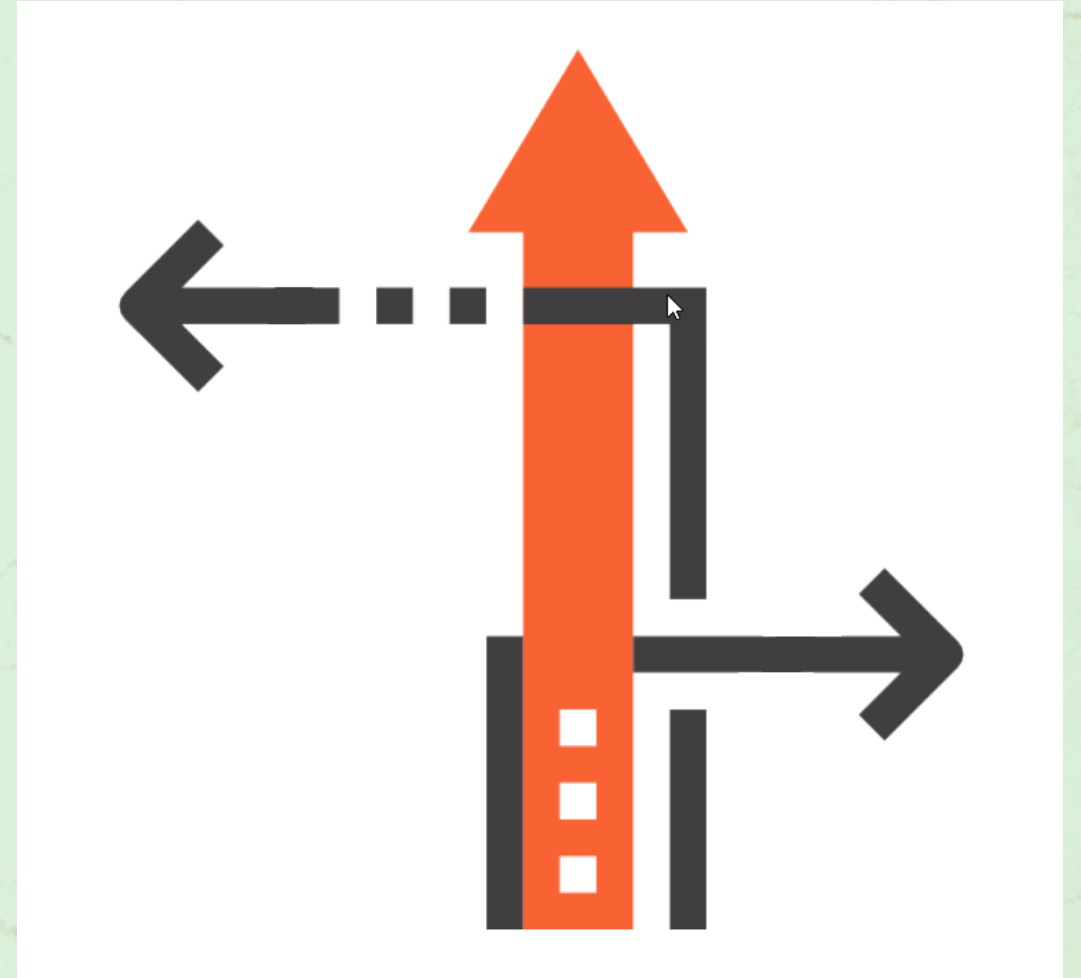
Interplay Between Multiple Laws

State

Cities

Federal

**You have to comply with
all of them!**



California Example



San Francisco

Oakland

Emeryville

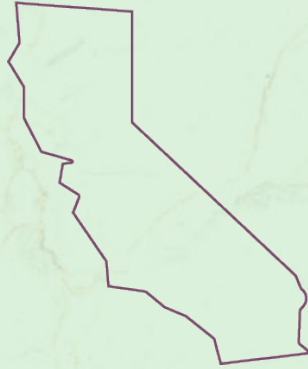
Santa Monica

San Diego

Los Angeles

Berkeley



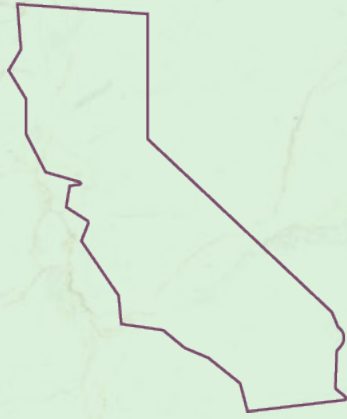


Accrual Cap

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: 40 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: 72 hours		Maximum unused sick leave balance: 72 hours	25 or more employees: 72 hours



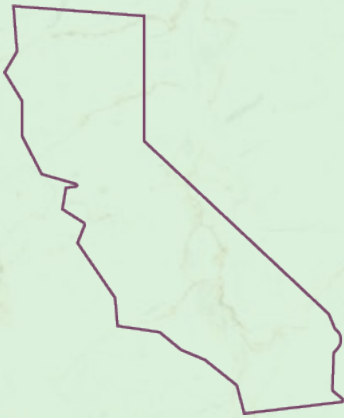


Use Cap

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





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

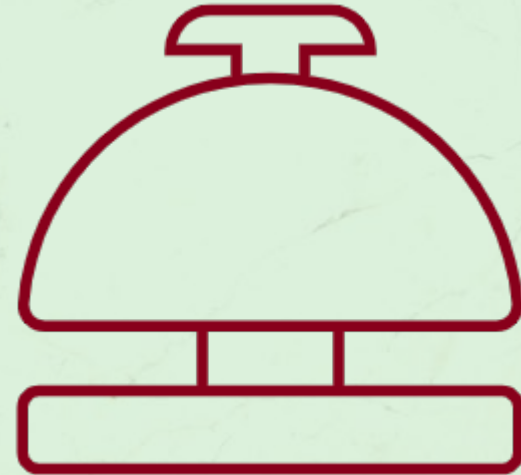


Hotel Workers

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

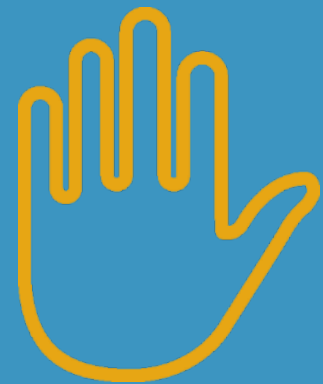
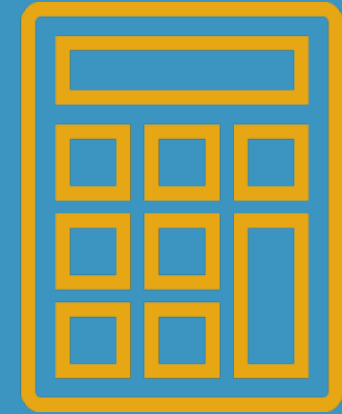


Current Paid Sick Leave Policies

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

Verify

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

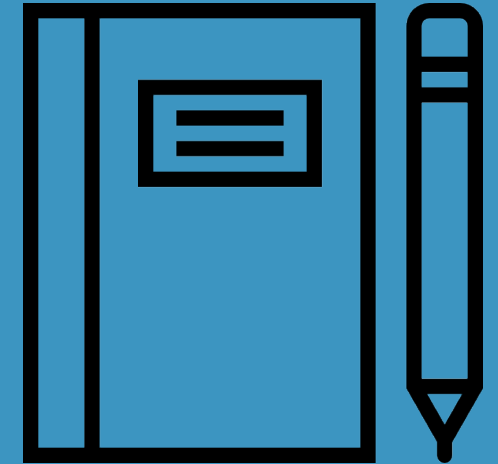


New Sick Leave Policy

Consider up front credit v. work-based accrual

Use policy templates

- SHRM
- Other resources



PTO bank v. separate sick and vacation

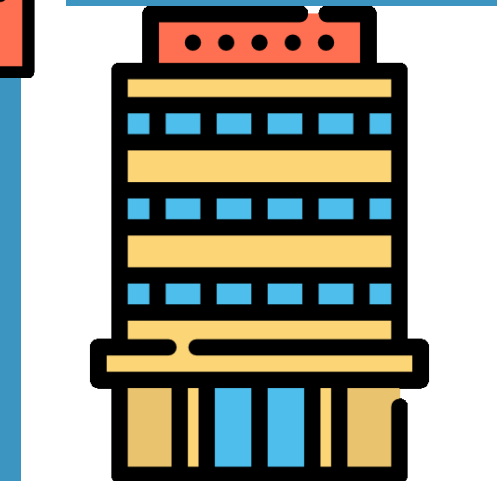
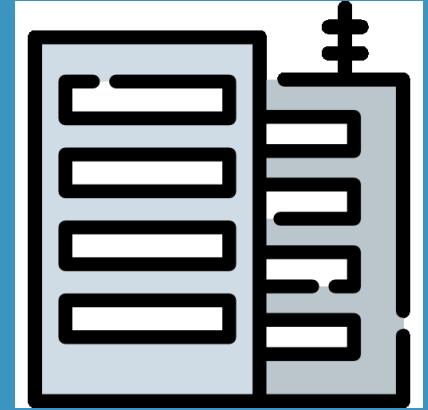


Issues for Multi-Jurisdiction Employers

One policy



Multiple policies



Wrap Up



Your To-Do List

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



Know the Mandates

PayrollOrg Resources

- Guide to State Payroll Laws
 - Table 9.2 – State/City Paid Sick Leave Requirements
 - Section 13 – COVID-19-Related Information
- PayState Update
- Payroll Source Plus
- Subscribe to APA News to receive Pay News Now digests electronically



Know the Mandates

Paid Sick Leave vs. Paid FAMILY Leave

Important to know the difference



Paid Family Leave

Usually have employer/employee contributions to fund program

Longer leave; like FMLA – to care for new child, sick family member, when you have a serious illness

Not accrual based





Iconiglio@payroll.org

Thank You!