

FOCUS ON POLICY

Paid Sick Leave at the Local Level – a National Trend Unfolds as Federal Unpaid Leave Law Remains Constant (for Now)

Under the Family and Medical Leave Act (FMLA), employers with 50 or more employees that meet the requirements for eligibility are required to provide up to 12 weeks of sick leave to their employees. This sick leave is required when an employee or a member of the employee's family (as defined by the statute) is faced with identified medical situations. Under the FMLA, however, this required sick leave is unpaid at the federal level.

While sick leave remains unpaid at the federal level, there is a significant and growing trend among states, cities and municipalities to implement local rules requiring employers to provide at least some amount of paid sick leave to their employees.

At the state level, multiple states have enacted laws requiring paid sick leave. These states include, but are not limited to, Massachusetts, Oregon, California, and Vermont. In Massachusetts, as of November 4, 2014, employees not working for the government must receive up to 40 hours of paid sick leave each year. In Oregon, the legislature passed a bill that took effect on January 1, 2016, requiring almost all employers to provide paid sick leave to their employees for up to 40 hours annually. In California, as of April 4, 2016, employees who work more than 30 days a year receive paid sick leave for up to 48 hours per year. In Vermont, starting on January 1, 2017, most employees who work an average of at least 18 hours per week are allowed paid sick leave for up to 24 hours per year in the first year of application and up to 40 hours per year in the second year. Additionally, Washington, D.C. lawmakers' amendments to an already existing paid sick leave law took effect in March 2014, requiring employers with over 100 employees to provide paid sick leave for up to 56 hours annually.

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NATIONAL EMPLOYMENT PERSPECTIVE

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Multiple cities have recently passed local ordinances requiring employers to provide paid sick leave to their employees. Included in this list are Chicago, Minneapolis, Pittsburgh, and Spokane. The Chicago and Minneapolis ordinances will both take effect on July 1, 2017, while the Pittsburgh and Spokane measures will each take effect in January 2017. At the county level, the Montgomery County, Maryland, paid sick leave law took effect on October 1, 2016, while the Cook County, Illinois, paid sick leave law will take effect July 1, 2017, coinciding with Chicago's ordinance.

While at the federal level, sick leave remains unpaid, time will tell whether the growing trend of states, cities, and municipalities enacting paid sick leave laws will move Congress to amend the FMLA to require paid sick leave as well.