

Blog Post

As School Bells Ring, Employers Should Review School-Related Activities Leave Policies

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Another school year is upon us, which means employers around the country should study up on school-related activities leave policies. While there is no federal law mandating that employers give employees time-off to attend school-related activities for their children, there are many states across the country that do. Employers who fail to do their homework may suffer significant penalties. Currently, 11 states and Washington, D.C., have laws that require private employers to give eligible employees time off from work to attend school-related activities.

The eligibility requirements, amount of leave, permitted uses for the leave, advance notice requirements, ability to substitute accrued paid time off, and penalties, among other elements, vary state-by-state for school-related activities leave laws. Some laws apply to all employers regardless of the number of employees they have in the state, while others limit application to a specific size. The amount of leave can range from four hours of time off per school year in some states, to as much as 40 hours of time off for employees located in California. Additionally, the permitted uses for leave can vary including allowing parents and guardians to attend school activities, conferences, meetings, to volunteer, or to address a school-related emergency. Most student-activities leave laws permit employers

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to require advanced written notice, and some laws expressly specify the minimum amount of days of advance notice that an employee must provide to an employer. Additionally, most laws permit employers to require that an employee provide documentation from the school as proof that the employee attended a school activity for the child; and further, most require employees to schedule their leave so it does not disrupt the operations of an employer's business.

Employers should especially check to see if they are a covered employer under state school-related activities leave laws because the penalties for failing to provide this leave and/or taking an adverse action against an eligible employee for using or attempting to use this leave could include reinstatement and reimbursement for lost wages and work benefits, the right to bring a civil action against the employer, attorneys' fees and costs, and civil penalties (which can be as high as three times the amount of the eligible employee's lost wages and benefits).

Employers need to sharpen their pencils and make any necessary edits to their current leave policies to avoid a failing grade.

Below is an overview of the 11 states and Washington, D.C., which currently require covered employers to provide some type of school-related activities leave for eligible employees:

California

An employer who employs 25 or more employees at the same location cannot discharge or in any way discriminate against an eligible employee who is a parent or guardian of one or more school-age children, or who has a child with a child care provider, and the employer must provide up to 40 hours of time off each year for child-related activities to: find, enroll, or reenroll their child in a school or with a child care provider; to participate in activities of the school or child care provider; and to address a child care provider or school emergency. Based upon the circumstances, the employee must provide

the employer with reasonable notice of the planned absence, or upon emergency, as much as is practical. Absent an emergency, an eligible employee cannot take more than eight hours of school-related leave in a month.

Washington, D.C.

All employers are required to provide eligible employees with up to 24 hours of leave during any 12-month period to attend or participate in a school-related event for the employee's child. The leave may be unpaid unless the employee elects to use paid time off. An employer may only deny the leave if granting the leave would disrupt the employer's business and make the achievement of production or service delivery unusually difficult for the employer. An employee must provide at least 10 days' notice to their employer unless the school-related event could not be reasonably foreseen.

Illinois

For employers who employ 50 or more employees in Illinois, eligible employees may, by request, take up to eight hours of leave per school year (but no more than four hours in a single day) to attend school conferences, behavioral meetings, or academic meetings related to the employee's child, if the conference or meeting could not be scheduled during nonwork hours. Eligible employees must exhaust other leave except sick leave and disability leave before taking the school conference and activity leave. An employer is not required to pay employees for taking this leave under the law. Eligible employees must provide their employer with a written request at least seven days in advance of the leave. If it is an emergency situation, no more than 24 hours' notice from the employee is required. The employee must consult with their employer to schedule the leave to ensure their absence does not disrupt the operations of the employer.

Louisiana

Louisiana's law does not require but permits employers to grant an eligible employee with leave from work of up to 16 hours during any 12-month period to attend, observe, or participate in conferences or classroom activities related to the employee's dependent children that are conducted at the child's school or day care center, if the conferences or classroom activities could not reasonably be scheduled during the nonwork hours of the employee. An employer is not required to pay an employee for taking this leave under the law. An employer can require an employee to provide reasonable notice to the employer prior to taking the leave and require that the employee make a reasonable effort to schedule the leave so it does not disrupt the operations of the employer.

Massachusetts

Employers with 50 or more employees must provide eligible employees with up to 24 hours of leave during a 12-month period to participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school. An eligible employee may elect, or an employer may require, the employee to substitute any accrued paid time off for this leave, but an employer is not required to provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave. If necessity for the leave is foreseeable, the employee must provide the employer with at least seven days' notice before the date the leave is to begin. If the necessity for the leave is not foreseeable, the employee must provide notice to the employer as soon as practicable. An employer may require an employee to provide certification to support the request for leave.

Minnesota

All employers must provide eligible employees with up to a total of 16 hours of leave during any 12-month period to attend school conferences or school-

related activities related to the employee's child, provided the conferences or school-related activities could not be scheduled during nonwork hours. If the employee's child receives child care services or attends a prekindergarten regular or special education program, the employee may use the leave to attend a conference or activity related to the employee's child, or to observe and monitor the services or program, provided the conference, activity, or observation could not be scheduled during nonwork hours. An employer is not required to pay an employee for this leave, however, an employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of the leave. If the leave could not be scheduled during nonwork hours and the need for the leave was foreseeable, the employee can be required to provide reasonable prior notice of the leave to their employer and must make a reasonable effort to schedule the leave so it does not disrupt the operations of their employer.

Nevada

Employers with 50 or more employees are required to provide eligible employees with leave for up to four hours per school year to: attend parent-teacher conferences; attend school-related activities during regular school hours; volunteer or otherwise be involved at the school in which the employee's child is enrolled during regular school hours; and attend school-sponsored events. Further, eligible employees may take school conference leave to: attend a conference requested by a school administrator; handle an emergency relating to the child after notification by a school official; or take leave under parental involvement leave if applicable to the employer. An employer is not required to pay an employee for leave under Nevada's parental involvement law. The leave must be mutually agreed upon by the employee and the employer. Employers can require the employee to provide a written request for the leave at least five days before the leave is to be taken; and can require the employee to provide documentation as proof that the employee

attended or was involved at the private school or school-related activity.

New Jersey

New Jersey's Earned Sick Leave requires all employers to provide eligible employees with up to 40 hours of earned sick leave per year. Eligible employees may use sick leave to attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability. When the employee's need to use earned leave is foreseeable, the employer may require advance notice, not to exceed seven calendar days prior to the date the leave is to begin. If the leave is unforeseeable, the employee is required to provide notice as soon as practicable to their employer. The law requires employees to make a reasonable effort to schedule the leave so it does not disrupt the operations of the employer.

New Mexico

Under New Mexico's Healthy Workplaces Act of 2021, all employers are required to provide eligible employees with sick leave per benefit year. Eligible employees may use earned sick leave for meetings at the employee's child's school or place of care related to the child's health or disability. When leave is foreseeable, the employee is required to make a reasonable effort to provide advanced oral or written notice of the need for the leave to the employer and must make a reasonable effort to schedule the leave in a manner that does not disrupt the operations of the employer. When the use of the leave is not foreseeable, the employee is required to notify the employer orally or in writing as soon as practicable.

North Carolina

All employers must provide all eligible employees with up to four hours of leave per year to attend or otherwise be involved at their child's school.

Employers are not required to pay employees for taking leave under North Carolina's Parental Involvement in Schools law. The law provides that the leave must be at a mutually agreed upon time between the employer and the employee.

Additionally, employers can require employees to provide their written request at least 48 hours before the time for the leave and an employer can require the employee to provide written verification from the child's school that the employee attended or was involved at the school during the time of the leave.

Rhode Island

All employers are required to provide eligible employees with up to 10 hours of unpaid leave during any 12-month period to attend school conferences or other school-related activities for their child. Employers are not required to pay employees under Rhode Island's School Involvement Leave law, however, an employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of the leave. Employees are required to provide 24 hours' prior notice of the leave and make a reasonable effort to schedule the leave so as to not disrupt the operations of the employer.

Vermont

Employers with 15 or more employees under Vermont's Short-Term Family Leave law are required to provide eligible employees with up to four hours of unpaid leave in any 30-day period, but no more than 24 hours in any 12-month period to participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee. At the employee's discretion, an employee may use accrued paid leave, including vacation and personal leave to take a short-term family leave. An employer can require

the employee to provide notice as soon as possible, but at least seven days' notice before taking the leave unless in the case of an emergency.

Employer Take-Aways

Employers should review their employee handbooks and school-related activities leave policies and ensure that these policies and/or their overlap with existing sick leave and paid time off policies are in compliance with state student activities leave laws to avoid serious penalties. Employers with questions regarding school-related activities leave policies should contact their Akerman Labor & Employment attorney for assistance and further guidance.

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