

## Blog Post

# State and Local Paid Family and Sick Leave Laws Continue to Sweep the Country

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Even before COVID-19 hit the United States, state and local governments were busy passing paid family and/or sick leave laws. Unlike the federal, state, and local leave laws which were enacted in response to COVID-19, these laws do not expire and have a broader application. In 2019, paid family leave laws in Washington, D.C. and Washington state, and paid sick leave laws in Michigan and Westchester County, New York took effect. Even more of these types of laws became or are becoming effective this year.

These state and local laws vary with respect to which employers are subject to the laws, how much time off employees receive, and the purposes for which leave can be taken, among other things. As a result, compliance is complicated for employers with offices across different states and cities.

In the midst of the COVID-19 crisis, New York and Colorado have enacted permanent sick leave laws. New York's law will take effect on September 30, 2020. The amount of leave required under the New York law varies based on the number of employees, with the largest employers being required to provide 56 hours of paid sick leave per year. Just last week, Colorado's governor signed a law, requiring employers in the state to provide up to six days of paid sick leave a year (as well as additional leave

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during a public health emergency). Beginning in 2021, employees who work for employers with at least 15 employees will accrue one hour of paid leave for every 30 hours they work. In 2022, employers with less than 15 employees will have to begin providing leave under the new law.

Several paid family and/or sick leave laws became effective earlier this year. On January 1, 2020, Nevada's paid leave law and Duluth, Minnesota's Sick and Safe Time Ordinance went into effect. Under Nevada's rather unique leave law, an eligible employee can accrue up to 40 hours of leave a year at a rate of 0.01923 hours for each hour worked and can use that leave "without providing a reason to his or her employer." The law applies to employers with at least 50 employees. Duluth's law provides one hour of time off for every 50 hours worked with a maximum of 64 hours a year. It applies to employers with at least five employees. Leave under this law can be used for medical reasons, to care for family members, or for absences resulting from sexual assault, domestic abuse, or stalking.

After withstanding a lengthy legal challenge, Pittsburgh, Pennsylvania's Paid Sick Days Act took effect on March 15, 2020. Under the Pittsburgh law, employers with at least 15 employees must provide employees up to 40 hours a year of paid sick leave, accrued at a rate of one hour of every 35 hours worked. Changes to New Jersey's Family Leave Act, Security and Financial Empowerment Act, and Temporary Disability Benefits Act which expand the protections afforded to employees under these laws became effective on July 1, 2020. For example, the New Jersey Family Leave Act's coverage was expanded from covering employers with 50 or more employees to covering employers with 30 or more employees.

Finally, employees in certain states and cities began to be able to start collecting benefits in 2020 under paid family leave law laws that were already in effect. Starting on January 1, 2020, Washington state

employees were able to apply for benefits under Washington's Paid Family and Medical Leave Law, which provides paid time off to almost all employees who work in Washington. Beginning on July 1, 2020, employees were able to receive paid family leave benefits in Washington, D.C. The D.C. law which provides varying amounts of paid family and medical leave (based on the reason for the leave) to employees who spend more than 50 percent of their work time in D.C.

The COVID-19 pandemic has highlighted the lack of permanent federally mandated paid family and sick leave and may spur even more state and local governments to pass general paid family and/or sick leave laws this year. Akerman Labor & Employment attorneys are available to help make sure you are in compliance with the various state and local leave laws that apply to your employees. For assistance, contact your Akerman attorney.

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