

Comparison of City Paid Sick Time in US in relation to WPG Policy Decision Outline

Jurisdiction	Passage	Effective	Scope: covered employers	Scope: covered employees (hours threshold) [exclusions]	Usage: Used beyond self?	Usage: what can it be used for	Usage: how counted (accrual rate)	Usage: documentation	Usage: accrual start	Usage: when able to access	Usage: cap on hours	Usage: relationship to PTO	Accrual: carryover
CA - state	2015	2015	All	<p>All employees that work with the same employer for at least 30 days/year (including part-time, per diem and temp.)</p> <p>Also includes employees of a staffing agency so whoever is the employer or joint employer is required to provide paid sick leave</p> <p>Also includes seasonal workers if they work with the same employer within 12 months of their separation and otherwise meet 30 day requirements</p> <p>Excludes:</p> <ul style="list-style-type: none"> Providers of publicly-funded In-Home Supportive Services (IHSS) Employees covered by collective bargaining agreements with specified provisions Individuals employed by an air carrier as a flight deck or cabin crew member, if they receive compensated time off at least equivalent to the requirements of the new law Retired annuitants working for governmental entities 	Includes parents, child, spouse, registered domestic partner, grandparent, grandchild, and sibling	<p>Physical/mental illness, injury or condition</p> <p>Safe time: yes (both employee and family members)</p>	<p>Allows for two options:</p> <p>Accrual policy: 1 hour for every 30 hours worked</p> <p>No accrual/up front policy: full amount of leave available at beginning of year, except for new hires who need to wait 120 days [note: inconsistency within same Dept. Of Industrial Relations FAQ]</p>	Law is silent	At start of employment (or if already employed at ordinance's effective date)	After 90 calendar days of employment	<p>Law allows employers to limit an employee's <u>use</u> of paid sick leave to 24 hours-3 days/year</p> <p>Accrual cap of no more than 48 hours-6 days/year</p>	<p>If employer already offers PTO or sick time that meets requirements of new law, policy does not change</p> <p>Generally, minimum requirement is at least 24 hours or 3 days of sick leave/year</p> <p>Law also provides a "grandfather" clause which allows those with sick/PTO policies in existence prior to Jan. 1, 2015 to maintain them and be deemed in compliance as long as they meet the following::</p> <ul style="list-style-type: none"> Policy provides no less than 1 day or 8 hours of accrued paid sick/PTO within 3 months of employment per year The employee was eligible to earn at least 24 hours-3days sick leave/pto within 9 months of employment <p>Sick leave provided to governmental employees pursuant to either certain Government Code provisions or a memorandum of understanding presumed to meet the accrual requirements</p>	Yes, but employers are able to cap by policy
CA - San Francisco	2006	2007	All	<p>Employees employed in the city. Includes temp. and part-time workers</p> <p>Also includes occasional employees who work within the city for at least 56 hours or more/year</p> <p>Excludes:</p> <ul style="list-style-type: none"> CBA covered employees if CBA waives it in clear and unambiguous terms 	Includes children; parents; siblings; grandparents; grandchildren; spouses; registered domestic partners; and, if a worker has no spouse/domestic partner, a designated person of the worker's choice	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	1 hour for every 30 hours worked	Employer <u>may</u> require if sick time used past 3 consecutive days	For qualified employees before effective date, starts immediately	Immediately upon accrual	<p>72 hours/ year: employers with 10+ employees</p> <p>40 hours/year: employers with less than 10 employees</p> <p>Note: cap is "floating": when an employee's accrued leave</p>	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance (more expansive than just complying with state law)	Yes up to yearly caps

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											drops below the cap due to usage, the employee begins to accrue again.		
CA – Emeryville	2015	2015	All	<p>Employees employed in the city who work at least 2 hours of work/week and who are entitled to min. wage under CA law</p> <p>Excludes:</p> <ul style="list-style-type: none"> Employees covered by a CAB expressly waiving the benefit 	Yes – same as San Fran + time can also be used to care for a guide dog, signal dog, or service dog of the employee/ family member/ designated partner	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	1 hour for every 30 hours worked	Not addressed	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	<p>55 or less employees: 48 hours/year</p> <p>55+ employees: 72 hours/year</p> <p>[Note: size of employer is based on # of employees who work in Emeryville]</p>	Not addressed so state law applies	Yes, but employers are able to cap by policy
CA – Oakland	2014	2014	All	<p>Employees employed in the city who work at least 2 hours of work/week and who are entitled to min. wage under CA law</p> <p>Excludes:</p> <ul style="list-style-type: none"> Employees covered by a CAB expressly waiving the benefit 	Yes – same as San Fran	<p>Physical/mental illness, injury or condition</p> <p>Safe time: no (med issues relating to dom. viol would count as regular use of sick time)</p>	1 hour for every 30 hours worked	<p>Employer <u>may</u> require if sick time used past 3 consecutive days</p> <p>If employer suspects abuse, <u>may</u> require documentation to verify subsequent uses of sick leave even if less than 3 days</p>	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	<p>10 or less employees: 48 hours/year (originally had 40, but had to expand to meet state law)</p> <p>10+ employees: 72 hours/year</p> <p>[Note: size of employer is based on # of employees regardless of location]</p>	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance	Yes up to yearly caps
CT - state	2011, amended in 2014	2014, as amended	<p>Any employer with 50+ employees in CT</p> <p>Excludes: Certain industrially classified businesses, 501(c)(3) organizations that provide recreation, child care and educational services</p>	<p>All service workers as defined by law (per state classification and must be paid on hourly basis and not exempt from min. wage/OT reqs.</p> <p>Excludes:</p> <ul style="list-style-type: none"> Day or temp. workers (work per diem or on occasional/irregular basis) 	Includes child and spouse	<p>Physical/mental illness, injury or condition</p> <p>Safe time: yes (both employee and family members)</p>	1 hour for every 40 hours worked	<p>3 days or more, employer <u>may</u> require “reasonable documentation”</p> <p>If foreseeable, employer <u>may</u> require advance notice not to exceed 7 days.</p> <p>If not, notice as soon as practicable</p>	At start of employment or at effective date of law for current employees	After 680 hours of employment (or from law’s effective date for current employees), and then can only use if worked an average of 10 hours/week in most recently completed quarter	40 hours/year	Employers in compliance if existing policy meets min. requirements of accrual rate and use	Yes – 40 hours per year regardless of how many accrued

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DC – Washington	2008, amended in 2013	2014, as amended	All	All employed within city limits Excludes: <ul style="list-style-type: none"> Independent contractors Students Health care workers choosing to participate in a premium pay program Unpaid volunteers engaged in the activities of an educational, charitable, religious, or nonprofit organization Casual babysitters Bar and restaurant workers who work for a combination of wages and tips Workers in the building and construction industry covered by a CBA that expressly waives the requirement 	Includes children; spouse; parents (in-laws); grandchildren; children’s spouses; siblings; and spouses; persons sharing residence with employee for at least 12 preceding months	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	1 hour for every 87 worked: employers with 24 or less employees 1 hour for every 43 worked: employers with 25-99 employees 1 hour for every 37 worked: employers with 100+ employees	Employer <u>may</u> require if sick time used past 3 consecutive days	At start of employment (or if already employed at ordinance’s effective date) Accrued hours for tipped restaurant or bar employees do not apply prior to Feb 2014 amendment	After 90 calendar days of employment	24 hour/year: employers with 24 or less employees 40 hours/year: employers with 25-99 employees 56 hours/year: Employers with 100+ employees	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance	Yes up to yearly caps
MD - Montgomery County	2015	2016	All operating within county	All employees within county Excludes: <ul style="list-style-type: none"> Employees who do not have a regular work schedule with an employer, contact the employer for assignments and are scheduled for work within 48 hours of contact, have no obligation to work for the employer without having initiated contact, and are not employed by a temp. agency Employees working less than 8 hours/week Independent contractors 	Includes children; parents and legal guardians; spouses; grandparents (and spouses); grandchildren; siblings (and spouses)	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	1 hour for every 30 hours worked (<i>but see cap</i>)	Employer <u>may</u> require if sick time used past 3 consecutive days	At start of employment (or if already employed at ordinance’s effective date)	Employer may opt to limit access until after 90 days of employment Employer also allowed to “front load” hours	56 hours/year For businesses with less than 5 employees, only 32 hours must be paid and 24 can be provided on an unpaid basis	Not addressed	Yes up to yearly caps (though can use up to 80 hours/year if they have that amount when time has been carried over) Employers that provide “front loaded” time need not allow carryover
NJ - Jersey City Newark Passaic East Orange Paterson Irvington Trenton Montclair Bloomfield Elizabeth	2013	2014	All operating within city	Employees employed in the city who work 80 hours/year Excludes: Employees of any govt., NJ school district, Bd. of Ed., & Rutgers U.	Includes children; parents; parents of a spouse or domestic/civil union partner; spouses; domestic/civil union partners;	Physical/mental illness, injury or condition Safe time: no (med issues relating to dom. viol would count)	1 hour for every 30 hours worked (for both paid and unpaid sick time)	Employer <u>may</u> require if sick time used past 3 consecutive days	At start of employment (or if already employed at ordinance’s effective date)	After 90 days of employment	40 hours/year: employers with 10+ employees 40 hours of <i>unpaid</i> sick time/year: employers with	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance	Yes up to yearly caps

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					grandchildren; grandparents; the spouse or domestic/ civil union partner of a grandparent; and siblings	as regular use of sick time)					less than 10 employees		
NY – New York City	2014	2014	Employers with 5+ employees Employers with 1+ domestic workers who have worked for the employer for at least a year and who work 80+ hours/ year must provide paid sick leave [Note: Employers with 4 or less employees must provide <u>unpaid</u> sick time]	Employees employed in the city who work more than 80 hours/ year are covered. Domestic workers included where they’ve worked for the same employer for at least 1 year and over 80 hours/year. Includes part-time, temp., per diem and on call, undocumented, and transitional job program employees. Also includes telecommuters provided they qualify as working within the city For franchises, where owner/principal of multiple locations owns at least 30% of each location and they operate under same franchise agreement, total number of employees includes all employees in NYC provides the collective locations employ at least 5 employees all together Excludes: <ul style="list-style-type: none"> • Work-study students • Certain hourly speech/physical/occupational therapists • Independent Contractors • Participants in Work Experience Programs • Government employees • Certain employees subject to CAB’s 	Includes children; spouses; registered domestic partners; parents; grandchildren; grandparents; siblings; and the parents of a spouse or domestic partner	Physical/mental illness, injury or condition Safe time: no (med issues relating to dom. viol would count as regular use of sick time)	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	Employer <u>may</u> require if sick time used past 3 consecutive days	At start of employment (or if already employed at ordinance’s effective date) If covered by a CAB that is in effect at time of law, employees accrue under new ordinance on the date the CBA terminates Though not required, employer <u>may</u> allow for “front loading” in advance of accrual	After 120 days of employment	40 hours/year: employers with 5+ or employees 40 hours of <u>unpaid</u> sick time/year: employers with less than 5 employees	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance	Yes up to yearly caps
OR - state	2015	2016	All that employ 10+ employees [Note:	Employees within state including part-time and temp. Excludes: <ul style="list-style-type: none"> • Certain employees who 	Includes child; spouse; same-gender domestic partner; parent (in-laws); parent of an employee’s same-gender domestic	Physical/mental illness, injury or condition Safe time: yes (both employee	1 hour for every 30 hours worked or 1 1/3 hour for every 40 hours worked	Employer <u>may</u> require if sick time used past 3 consecutive days.	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	40 hours/year	Employers in compliance if their plan is “substantially equivalent” to the minimums of the law established	Yes – up to 40 hours though employers may adopt policies that limit accrual to no more than

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			Employers with 9 or less employees must provide <u>unpaid</u> sick time] Excludes federal employees	are covered by a CAB, employed through a hiring hall and whose benefits are provided by a joint multi-employer-employee trust or benefit plan	partner; grandparent or grandchild; person with whom the employee is or was in a relationship of in loco parentis	and family members)			Employers can opt to “front load” 40 hours of sick time at beginning of the year or track hours worked				80 hours or usage to no more than 40 hours/year
OR - Portland	2013	2014	All except federal, state and other subdivision of city/county/state govt. that employ at least 6= employees [Note: Employers with 5 or less employees must provide <u>unpaid</u> sick time]	Employees employed in the city who work 240 hours+/year (regardless of employer location); includes temp. employees, staffing agencies and telecommuters (latter depends on where the employee is conducting the work) Excludes: <ul style="list-style-type: none"> • A co-partner of the Employer • An independent contractor • A participant in a work training program administered under state or federal assistance laws • A participant in a work study program that provides students in secondary or post-secondary educational institutions with employment opportunities for financial and/or vocational training • Railroad workers exempted under the Federal Railroad Insurance Act 	Includes child; spouse; same-gender domestic partner; parent (in-laws); parent of an employee’s same-gender domestic partner; grandparent or grandchild; person with whom the employee is or was in a relationship of in loco parentis	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	1 hour for every 30 hours worked or 1 1/3 hour for every 40 hours (generally applies to salaried employees)	Employer <u>may</u> require if sick time used past 3 consecutive days	At start of employment (or if already employed at ordinance’s effective date) Though not required, employer <u>may</u> allow for “front loading” in advance of accrual	After 90 days of employment provided they worked a minimum 240 hours/year	40 hours/year though employers can allow more	Compliance can be achieved if employers meet minimum requirements of paid sick leave ordinance	Yes up to yearly caps for accrued time Employers that provide “front loaded” time need not allow carryover
PA - Philadelphia	2015	2015	All employers with 10+ employees for at least 40 weeks/year	Employees employed in the city who work 40 hours/year Excludes: <ul style="list-style-type: none"> • Independent contractors • Seasonal workers (hired for not more than 16 weeks/year) 	Includes children; parents; parents-in-law; spouses; grandparents (and spouses); grandchildren; siblings (and spouses); life partners (a long-term	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	1 hour for every 40 hours worked	Employer <u>may</u> require if sick time used past 2 consecutive days.	At start of employment (or if already employed at ordinance’s effective date)	After 90 calendar days of employment	40 hours/year: employers with 10+ employees 40 hours of <i>unpaid sick leave</i> /year for employers with	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance and as long as employee can use in the same manner as required in ordinance	Yes up to yearly caps Employers that provide “front loaded” time need not allow carryover

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			[Note: employers with 9 employees or less must provide unpaid sick leave]	<ul style="list-style-type: none"> Adjunct professors Interns Workers hired for a term of less than 6 months State and federal employees Health care professionals (excluding those employed by a temp placement agency) who only work when they say that they are available and who aren't obligated to work if they are not available Employees covered by a bona fide CBA 	committed relationship between two unmarried individuals of the same sex or gender identity who meet certain, specified requirements)						less than 10 employees Chain establishment (with at least 15+ establishments whether or not located in Philadelphia and regardless of ownership) must provide paid sick time regardless of the number of employees		
WA - Seattle	2011	2012	Businesses with 4+ employees	<p>Employees employed in the city that work over 240 hours/year</p> <p>Excludes:</p> <ul style="list-style-type: none"> Federal/state/county employers Employees who work or telecommute outside of Seattle Employees who travel through Seattle Students enrolled in a work study program Two year exemption for new small and medium-sized employers (Tier 1 and Tier 2) 	Includes children; parents (and in-laws); grandparents; spouses; and registered domestic partners	Physical/mental illness, injury or condition Safe time: yes (both employee and family members)	<p>1 hour for every 30 hours worked: employers with 250+ employees (Tier 3)</p> <p>1 hour for every 40 hours worked: employers with 4-249 employees (Tier 1 and Tier 2)</p>	<p>Employer <u>may</u> require if sick time used past 3 consecutive day.</p> <p>Employer <u>may</u> ask for documentation for absences shorter than 3 days if there is a clear instance or pattern of abuse</p> <p>Police report required for paid safe time</p> <p>Where employer offers health ins., employer/ye each pay \$50% of cost for documentation; if employee declined health ins., not entitled to reimbursement</p>	At start of employment (or if already employed at ordinance's effective date)	After 180 calendar days of employment	<p>40 hours/year: employers with 4-49 FTE's</p> <p>56 hours/year: employers with Businesses with 50-250 FTE's</p> <p>72 hours/year (or up to 108 hours/year if the employer has a universal paid time off policy): employers with 250+ FTE's</p>	Combined or universal leave (PTO) policies are permitted provided they comply with the underlying sick time ordinance	Yes up to yearly caps
WA - Tacoma	2015	2016	All except fed govt, state, county local	<p>Employees employed in the city who work 80 hours/year</p> <p>Excludes:</p> <ul style="list-style-type: none"> Work-study 	Includes children; parents; grandparents; spouses; domestic partners (local or state	Physical/mental illness, injury or condition Safe time: yes	1 hour for every 40 hours worked	Does not specify other than to say an employer may require an	At start of employment (or if already employed at ordinance's	After 180 calendar days of employment	24 hours/year	Compliance can be achieved if an employer offers PTO sufficient to meet or exceed accrual requirement of ordinance	Yes up to yearly caps

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			governments and single person businesses	<ul style="list-style-type: none"> • Students • Independent • Contractors • Govt. employees 	registries)	(both employee and family members)		employee comply with the employer's usual and customary note requirements	effective date) Though not required, employer <u>may</u> allow for "front loading" in advance of accrual				