

Sick of Sick Time?

If you have remote or traveling employees, be prepared to get sicker.

Five states, 27 cities, and one county across the United State have paid sick time laws on the books. For some employers, determining whether they must comply with the sick leave law will be simple. For employers with a traveling or remote workforce, the determination is quite a bit more complex, and represents a trap for the unwary.

Below is a breakdown of the states, cities and county that mandate paid sick leave as well as the employers that need to comply. In many cases, it does not matter how many employees the employer actually has working in the city or state. Instead, the laws look to the overall employer size and the number of hours the employee works in the city or state.

STATE LAWS

Massachusetts

Under the Massachusetts Earned Sick Time law, all employers, regardless of their size, must provide sick leave to employees. Employers with 11 or more employees must provide paid sick leave, and employers with fewer than 11 employees must provide unpaid sick leave.

If an employer maintained an average of 11 or more employees on the payroll during the preceding calendar year, the sick leave must be paid. All full-time, part-time, seasonal and temporary employees must be counted, including employees who work outside of Massachusetts. Even temporary employees provided by a staffing agency are counted as employees of both the employer and the staffing agency for purposes of determining whether the employer maintained an average of 11 or more employees.

Connecticut

Connecticut's Paid Sick Leave Act, requires certain employers with 50 or more employees in Connecticut to provide 40 hours of paid sick leave per year to service workers.

California

The Healthy Workplace Healthy Family Act applies to any employee who has worked in California for the same employer for 30 or more days within a year from the beginning of his/her employment, even if the employee is a non-resident and/or the company is

headquartered out of state. This means that any employer who has even one employee who works for more than 30 days within a year in California must provide paid sick leave.

Oregon

Oregon's Sick Leave Act applies to employers with 10 or more employees in Oregon (6 or more employees for employers located in Portland). Employers with less than 10 employees (less than 6 for employers located in Portland) must provide up to 40 hours of unpaid protected sick time.

Vermont

Vermont's Sick Leave Law will go into effect for most employers in Vermont on January 1, 2017. Employers with five or fewer employees who are employed for an average of at least 30 hours per week do not have to comply with the new law until January 1, 2018.

The law applies to any employer doing business in or operating within Vermont. This means that any employer with employees in Vermont will be responsible for complying with the law, regardless of where the employer is headquartered.

COUNTY ORDINANCE

Montgomery County, Maryland

Under the Montgomery County Sick Leave Law, any employer operating and doing business in the County that employs 1 or more persons within the country in addition to the owners must provide earned sick and safe leave to each employee for work performed in the County.

CITY ORDINANCES

New York City, NY

Employers located outside New York City must provide sick leave to employees who work more than 80 hours per calendar year in New York City. Employers with five or more employees who work more than 80 hours per calendar year in New York City must provide paid sick leave to employees who work in New York City. Employers with one to four employees who work more than 80 hours per calendar year in New York City must provide unpaid sick leave.

Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield

Under the New Jersey cities' various sick leave ordinances, workers employed in the relevant city (Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, or Plainfield) for at least 80 hours in a year must be provided with paid sick leave.

Philadelphia, PA

Under Philadelphia's Promoting Healthy Families and Workplaces Law, any employer that employs at least 10 employees (including full-time, part-time, or temporary employees) for more than 40 weeks a year is obligated to provide paid sick leave. All chain establishments—those with 15 or more establishments doing business under the same trade name—are also required to provide paid sick leave regardless of the number of employees they have at the establishments in Philadelphia.

***Pittsburgh, PA**

This ordinance is currently ineffective due to a judge's ruling that blocked implementation. The matter is now before an Appeals Court, but the law remains ineffective pending the appeal. Under Pittsburgh's Paid Sick Days Act, any employer that is situated or does business in Pittsburgh, and employs one or more persons in exchange for any form of compensation, is required to provide paid sick leave.

Washington, D.C.

The D.C. Accrued Sick and Safe Leave Act of 2008 (SSLA) applies to employers of any size with any employees in D.C. Only employees working *in* D.C. are counted for the purpose of determining how many sick days must be provided. An employee works in D.C. when:

- (1) he or she spends more than 50 percent of his or her working time in D.C.; or
- (2) his or her employment is based in D.C., he or she regularly spends a substantial amount of his or her work time in D.C., *and* he or she does not spend more than 50 percent of his or her work time working in any particular state.

Chicago, IL

Beginning July 2017, all employees who work at least 80 hours within any 120-day period for an employer that maintains a business facility within the city of Chicago or that is subject to city licensing requirements are entitled to sick leave, regardless of the number of persons the employer employs. In other words, the paid sick leave requirement will apply to most employees in the city of Chicago.

Minneapolis, MN

The Paid Sick and Safe Time Ordinance for the City of Minneapolis will be effective July 1, 2017. Under the ordinance, employers with six or more employees must provide paid sick and safe time, while smaller employers must at least provide unpaid leave. The Ordinance applies to private employers of all sizes, including employers with only one employee, as long one employee works within Minneapolis city limits.

Los Angeles, CA

With some limited exceptions, the Ordinance applies to all employees who work two or more hours during a particular week in the City of Los Angeles.

San Francisco/Oakland/Emeryville, CA (these laws are grouped together because they are almost identical)

Both the San Francisco and Oakland ordinances define employees as anyone working within the geographic boundaries of the respective cities, including part-time and temporary workers. Accrual caps are dependent on the size of the employer. The size of the employer is based on the total number of employees within the company NOT the total number of employees within geographic boundaries of the city.

San Diego, CA

All employers regardless of size must comply with the ordinance. All employees who perform at least two hours of work in the City in one or more calendar weeks of the year are entitled to paid sick leave.

Santa Monica, CA

All employers regardless of size must comply with the ordinance. Any employee who works at least two hours in the City in a particular week is entitled to paid sick leave.

Seattle, WA

All employers who employ more than four full-time employees (in *any* city or state) *and* have at least one employee who performs work within the City of Seattle must comply with Seattle's Sick/Safe Leave law.

Tacoma, WA

Every private sector employer that employs at least one employee is covered by the ordinance. All employees who work within the geographic boundaries of Tacoma are covered, including temporary and part-time employees. Employees who work in Tacoma only occasionally are covered by the ordinance if they perform more than 80 hours of work in Tacoma in a calendar year.

Spokane, WA

The ordinance provides paid sick and safe leave to employees performing more than 240 hours of work physically in the city of Spokane in a calendar year.

Questions? We can help.