



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

## Overview of Paid Sick Time Laws in the United States

Five states, 22 cities, and one county across the United States have paid sick time laws on the books. This document provides an overview and comparison of these laws.<sup>1</sup>

Section I provides a comparison of paid sick time laws that have been passed at the statewide and countywide level, as well as Washington D.C.’s law.

Section II provides a comparison of paid sick time laws that have been passed at the city level.

Section III provides a brief overview of additional paid sick time laws that are narrower than the ones covered in this chart.

### I. Statewide, Countywide, and Washington D.C.’s Paid Sick Time Laws

	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Montgomery County, Maryland <sup>4</sup>	Vermont <sup>5</sup>
<b>Who is covered?</b>	Hourly workers in certain “service” occupations in Connecticut are covered, if they work for a business with 50 or more employees. For the full list of which professions are covered “service” occupations, go to <a href="http://www.ctdol.state.ct.us/wgwkstnd/SickLeaveLaw.htm">www.ctdol.state.ct.us/wgwkstnd/SickLeaveLaw.htm</a> and look at the definition of “service worker” (Sec. 31-57r(7)). Certain manufacturers and non-profit organizations are exempted, as are temporary and day laborers.	Workers employed in California for 30 or more days a year after commencement of employment, including state and local public workers, are covered. Workers who provide in-home supportive care are exempted. Flight deck/cabin crews subject to Railway Labor Act with comparable paid time off are exempted.	Workers employed in Massachusetts are covered. Workers employed by cities and towns are only covered if the law is accepted by vote or appropriation as provided in the State Constitution.	Workers employed in Oregon, including state and local public workers, are covered. Independent contractors, certain work training program participants, certain work study students, certain railroad workers, and individuals employed by their parent, spouse, or child are exempted.	Individuals employed by an employer within Washington, D.C. The following individuals are exempted: 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; and casual babysitters.	Workers employed in Montgomery County are covered, but they must regularly work more than 8 hours each week. Independent contractors are exempted. Workers are also exempted if <i>all</i> of the following apply: 1) they don’t have a regular work schedule with the employer; 2) they contact the employer for work assignments and are scheduled to work those assignments within 48 hours later; 3) they have no obligation to work for the employer if they don’t contact the employer for assignments; <b>and</b> 4) they’re not employed by a temporary placement agency.	Workers employed by an employer in Vermont for an average of no less than 18 hours per week during a year are covered. The following individuals are exempted: workers under 18 years of age; workers employed for 20 or fewer weeks in a year in a job scheduled to last 20 or fewer weeks; certain State workers excluded from the State classified service; certain employees who work on a per diem or intermittent basis at a health care or long-term care facility; certain per diem or intermittent workers who only work when indicating availability, have no obligation to accept the work, and have no expectation of continued employment; certain substitute educators for a school district or supervisory district/union if under no obligation to work a regular schedule or period of long-term (30 or more consecutive school days) substitute coverage; and certain sole proprietors/partner owners of an unincorporated business.
<b>Can sick time be used to care for loved ones?</b>	Yes: children and spouses	Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; and siblings	Yes: children; spouses; parents; or parents of a spouse	Yes: children; spouses; same-sex domestic partners; parents; parents of a spouse or same-sex domestic partner; grandparents; and grandchildren	Yes: children; grandchildren; spouses of children; siblings; spouses of siblings; parents; parents of a spouse/domestic partner; spouses; registered domestic partners; and a person with whom the worker has a committed (mutual, familial) relationship and has shared a mutual residence for at least the preceding 12 months	Yes: children; parents and legal guardians of the worker; spouses; grandparents; the spouse of a grandparent; grandchildren; siblings; and the spouse of a sibling	Yes: children; parents; parents-in-law; grandparents; spouses; grandchildren; and siblings
<b>How is “child” defined?</b>	Biological, foster, or adopted children, stepchildren, legal wards, or the child of a worker standing in loco parentis to the child. The child must be under 18 or 18 years of age and older but incapable of self-care because of a mental/physical disability.	Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, a legal ward, or a child of a person who has assumed the responsibilities of parenthood	Biological, adopted, or foster child, or a child of a worker standing in loco parentis to the child. According to current regulations in Oregon, this definition of child also includes a stepchild or the child of a same-sex domestic partner.	Biological children, foster children, grandchildren, or a child who lives with the worker and for whom the worker permanently assumes and discharges parental responsibility	Biological, adopted, or foster child; stepchild; child for whom the worker has legal or physical custody or guardianship; child for whom the employee is the primary caregiver	Undefined. The law specifically covers care of a child or foster child.
<b>Can sick time be used for specific “safe time” purposes (related to domestic violence, sexual assault, or stalking)?*</b>	Yes, but only when the worker is the victim	Yes, but only when the worker is the victim	Yes, but only when the worker or the worker’s dependent child is the victim	Yes, but only when the worker or the worker’s minor child or dependent is the victim	Yes, when the worker or the worker’s family member is the victim	Yes, when the worker or the worker’s family member is the victim	Yes, when the worker or the worker’s family member is the victim

\*“Safe time” refers to time off for purposes related to domestic violence, sexual assault or stalking (like the need for time off to obtain protective orders, relocate, etc.). Note that a victim of domestic violence, sexual abuse, or stalking can use sick time to attend to medical/health issues like any other worker. Also, some of these laws may only cover safe time if the domestic violence, sexual assault and/or stalking occurs between certain individuals (such as family members, household members, dating relationships, etc.).



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Montgomery County, Maryland <sup>4</sup>	Vermont <sup>5</sup>
Can sick time be used under the law to bond with a new child and/or deal with a family member's death*?	No.	No.	No.	Oregon's law allows paid sick time to be used: 1) to bond with a newborn, newly adopted, or newly placed foster child under age 18; and 2) to deal with the death of a family member (including attending the funeral, making arrangements, and grieving).	No.	No.	No.
Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?	No.	No.	No.	Yes.	No.	Yes.	Yes, for public health or safety reasons.
Rate at which workers earn paid sick time?	1 hour for every 40 hours worked	1 hour for every 30 hours worked	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	1 hour for every 30 hours worked or 1 and 1/3 hours for every 40 hours worked (for both paid and unpaid sick time, as described below)	In businesses with 24 or fewer employees: 1 hour for every 87 hours worked. In businesses with 25-99 employees (and workers in a restaurant or bar with 1-99 employees who regularly receive tips to supplement a base wage below the minimum wage): 1 hour for every 43 hours worked. In businesses with 100 or more employees: 1 hour for every 37 hours worked	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)	1 hour for every 52 hours worked
Amount of paid sick time that can be earned under the law per year?	Up to 40 hours of paid sick time a year	Workers can <i>earn</i> up to 48 hours or 6 days of paid sick time, but an employer isn't required to allow <i>use</i> of more than 24 hours or 3 days of paid sick time a year	Workers in businesses with 11 or more employees: up to 40 hours of paid sick time a year. Workers in businesses with fewer than 11 workers: up to 40 hours of <i>unpaid</i> sick time a year	<b>Larger businesses:</b> Workers in businesses with at least 10 or more employees: up to 40 hours of paid sick time a year <b>Employers located in Portland:</b> If a business is located in Portland (including maintaining any office, store, restaurant, or establishment in the city) and has at least 6 employees anywhere in Oregon, workers have the right to earn up to 40 hours of paid sick time a year. <b>Smaller businesses:</b> Workers in businesses with fewer than 10 workers (or fewer than 6 workers if the business is located in Portland): up to 40 hours of <i>unpaid</i> sick time a year. <b>Special rule for some home care workers:</b> Certain home care workers who are hired directly by the client but whose compensation is funded in whole or part by payments from the State, county, or a public agency must receive up to 40 hours of paid time off a year (including but not limited to sick time).	Workers in businesses with 24 or fewer employees: up to 24 hours a year. Workers in businesses with 25-99 employees (and workers in a restaurant or bar with 1-99 employees who regularly receive tips to supplement a base wage below the minimum wage): up to 40 hours a year. Workers in businesses with 100 or more employees: up to 56 hours a year. The number of employees is determined by the average monthly number of full-time equivalents in the prior year.	Workers in businesses with 5 or more workers: up to 56 hours a year. Workers in businesses with fewer than 5 workers: up to 32 hours of <i>paid</i> sick time and 24 hours of <i>unpaid</i> sick time.	<b>From 1/1/2017 to 12/31/2018:</b> Up to 24 hours a year. <b>After 12/31/2018:</b> Up to 40 hours a year.  Note: new businesses will not be subject to the paid sick time law for a period of one year after hiring their first employee.
When do workers begin to earn paid sick time?	At the commencement of employment, but paid sick time can't be used until the 680th hour of employment.	At the commencement of employment, but paid sick time can't be used until the 90 <sup>th</sup> day of employment. As noted earlier, the law covers a worker when the worker, on or after July 1, 2015, works in California for more than 30 days within a year from the commencement of employment.	At the date of hire, but sick time can't be used until the 90th calendar day following commencement of employment.	At the commencement of employment or January 1, 2016, whichever is later. For a worker employed on the law's effective date of January 1, 2016, earned sick time may be used as it is earned. For workers who begin employment after the effective date of January 1, 2016, earned sick time can't be used until the 91st calendar day of employment with the employer.	At the commencement of employment, but paid sick time can't be used until after 90 days of service with his or her employer.	At the commencement of employment, or October 1, 2016, whichever is later, but workers can be required to wait 90 days before using their sick time.	At the commencement of employment or when their employer becomes covered by the law, whichever is later, but workers can be required to wait up to 1 year before using their accrued paid sick time. See endnote 5 on page 6 for more.
Are there waivers/exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)? <sup>†</sup>	No specific language regarding waivers or exemptions for workers covered by a CBA	Construction industry workers covered by a CBA providing certain wage/hour/working conditions <b>and</b> expressly waiving the law's provisions in clear and unambiguous terms are exempted. Otherwise, workers covered by a CBA providing for comparable paid time off <b>and</b> certain wage/hour/working conditions are exempted.	No specific language regarding waivers or exemptions for workers covered by a CBA	The law exempts workers whose terms and conditions of employment are covered by a CBA <b>if</b> their employment-related benefits are provided by a joint multi-employer-employee trust or benefit plan <b>and</b> they are employed through a hiring hall or similar referral system operated by the labor organization or third party.	The law's paid sick time requirements won't apply to workers in the building/construction industry covered by a CBA that expressly waives the requirements in clear and unambiguous terms. Otherwise, the law's paid sick time requirements can't be waived in the written terms of a CBA for less than 3 paid leave days.	No specific language regarding waivers or exemptions for workers covered by a CBA	No specific waivers or exemptions for workers covered by a CBA

\* Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.

† All of these paid sick time laws include language making it clear that these laws establish a minimum requirement and employees can receive greater paid sick time rights through a contract, CBA, employment benefit plan, policy, standard, or other agreement.



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

	Connecticut	California <sup>2</sup>	Massachusetts	Oregon <sup>3</sup>	Washington D.C.	Montgomery County, Maryland <sup>4</sup>	Vermont <sup>5</sup>
<b>Does unused sick time carry forward to the subsequent year?</b>	Workers are entitled to carry forward up to 40 hours of unused paid sick time, but employers are not required to allow use of more than 40 hours of paid sick time a year.	Workers are entitled to carry forward unused paid sick time, but employers aren't required to allow use of more than 24 hours (or three days) of paid sick time per year. Carry forward is not required if the full amount of paid sick time (24 hours, or three days) is provided at the beginning of each year.	Workers are entitled to carry forward up to 40 hours of unused sick time, but employers aren't required to allow use of more than 40 hours of sick time a year. Per regulations, employers may choose to pay out workers up to 40 hours of unused sick time at the end of the year. If an employer pays out a worker for 16 hours or more of unused sick time, they must provide 16 hours of unpaid sick time up front in the new year; if they pay out less than 16 hours, they shall provide an equivalent amount of unpaid sick time up front in the new year. In either case, this unpaid sick time is replaced by paid sick time as the worker earns it.	Workers are entitled to carry forward up to 40 hours of unused sick time. An employer may adopt a policy: limiting the amount of sick time that can be earned to no more than 80 hours; or limiting use of sick time to no more than 40 hours a year. Carry forward is not required if the following elements are met: 1) the worker and the employer <i>mutually</i> agree not to carry forward the time; 2) the employer credits the worker with an amount of sick time that meets the law's requirements up front at the start of the subsequent year; <i>and</i> 3) if the employer has 10 or more workers in OR, the employer pays the worker for all unused paid sick time at the end of the year in which it is earned.	Per regulations, workers can carry forward unused paid sick time, but employers aren't required to allow use of more than: 56 hours of paid sick time a year (for businesses with 100 or more workers); 40 hours of paid sick time a year (for businesses with at least 25 and fewer than 100 workers)—this presumably will also be the rule for tipped workers in a restaurant or bar with 1-99 employees); or 24 hours of paid sick time a year (for business with fewer than 25 workers).	Workers are entitled to carry forward up to 56 hours of unused sick time and <i>may use up to 80 hours of sick time a year when they have sick time that is carried forward</i> . However, employers are not required to allow carry forward if, at the beginning of the new year, they award the full amount of sick time that the worker would earn over that year.	Workers are entitled to carry forward unused paid sick time and shall continue to accrue paid sick time, but employers aren't required to allow use of more than 24 hours (from 1/1/2017 to 12/31/2018) or 40 hours (after 12/31/2018) a year. However, employers are not required to carry it forward if they choose to pay a worker for unused paid sick time at the end of the year. If an employer offers a paid time off (PTO) policy or is party to a CBA that provides at least the full amount of PTO required by the paid sick time law at the beginning of each year and it can be used for the law's purposes at any time during the year, it shall not carry forward.
<b>Private Right of Action to go to Court?</b>	No	No, but the State Labor Commissioner or Attorney General may bring a civil action in Court against an employer or person violating the article.	Yes, after filing with the Attorney General	Yes	Yes	No	Yes
<b>For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?</b>	Not explicitly addressed in the paid sick time law	Yes. The California law does not preempt or limit other laws or policies that provide for greater earning or use of paid sick time. Therefore, the more expansive San Francisco, Oakland, and Emeryville (as well as San Diego, once passed, as described in Section III) paid sick time laws will still apply to workers covered by those laws, and other cities in California may continue to pass broader paid sick time laws.	Not explicitly addressed in the paid sick time law	No. The Oregon law preempts—or prohibits—cities from passing their own paid sick time laws. However, in response to Portland's more generous paid sick time law (in effect when the state bill was passed), the statewide paid sick time law requires that employers located in Portland with at least 6 employees (anywhere in Oregon) must provide paid sick time to their workers.	N/A	N/A	Not explicitly addressed in the paid sick time law
<b>What Agency or Official Enforces the Bill?</b>	The Connecticut Department of Labor	The California Labor Commissioner's Office, also known as the California Division of Labor Standards Enforcement (DLSE)	The Massachusetts Attorney General	The Oregon Bureau of Labor and Industries	Washington D.C. Department of Employment Services	Montgomery County Office of Human Rights. The County Executive may also delegate enforcement authority to any legally authorized State agency.	Vermont Department of Labor

## II. City Paid Sick Time Laws<sup>6</sup>

	San Francisco	Seattle	New York City	Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, and Elizabeth NJ <sup>7</sup>	Oakland, CA	Tacoma, Washington	Philadelphia	Emeryville, CA	Pittsburgh <sup>8</sup>	Spokane, Washington <sup>9</sup>
<b>Who is covered?</b>	Workers employed within the geographic boundaries of San Francisco are covered.	Workers employed by a business with more than 4 employees, if they perform more than 240 hours of work in Seattle within a calendar year, are covered. Work-study students are exempted.	Workers who have worked within NYC for more than 80 hours in a calendar year are covered. Domestic workers will receive some paid sick time. Work-study students, certain hourly speech/physical/occupational therapists, independent contractors, and government employees are exempted.	Workers employed in the relevant city (Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, or Elizabeth) for at least 80 hours in a year are covered. Workers employed by any government or a New Jersey School District or Board of Education are exempted. In Newark and Jersey City, workers employed by Rutgers and its subdivisions are exempted.	Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Oakland and who are entitled to minimum wage under California law are covered.	Workers employed in Tacoma are covered, but must perform work in Tacoma for more than 80 hours within a calendar year. Work-study students, independent contractors, single-person businesses, and government workers are exempted.	Workers employed in Philadelphia for at least 40 hours in a calendar year are covered. City workers are covered. The following workers are exempted: independent contractors; seasonal workers (hired for a temporary period of not more than 16 weeks a year); adjunct professors; interns (students working for the institution where enrolled); workers hired for a term of less than 6 months; and health care professionals who only work when indicating they are available and have no obligation to work when they do not indicate availability.	Workers who, in a calendar week, perform at least 2 hours of work within the geographic boundaries of Emeryville and who are entitled to minimum wage under California law are covered.	Workers employed in Pittsburgh are covered. City workers are covered. Independent contractors and seasonal workers (those hired for a temporary period of not more than 16 weeks and given written notification at time of hire that employment is limited to beginning/end of seasonal dates as determined by employer) are exempted.	Workers employed in Spokane for more than 240 hours a year are covered. Work-study students (under a state/federal program), those employed by certain firms engaged in construction work, seasonal workers (expected employment of less than 1 year and which is intermittent/recurring annually), independent contractors, domestic workers (those individuals employed as a domestic servant in a private home by an employer with less than 2 employees regularly employed 40 or more hours per week; or a person employed to do gardening, maintenance, or repair at the employer's private home), and government workers are exempted.



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

	San Francisco	Seattle	New York City	Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, and Elizabeth NJ <sup>7</sup>	Oakland, CA	Tacoma, Washington	Philadelphia	Emeryville, CA	Pittsburgh <sup>8</sup>	Spokane, Washington <sup>9</sup>
<b>Can sick time be used to care for loved ones?</b>	Yes: 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	Yes: children; parents; parents-in-law; grandparents; spouses; and registered domestic partners	Yes: children; spouses; registered domestic partners; parents; grandchildren; grandparents; siblings; and the parents of a spouse or domestic partner	Yes: children; parents; parents of a spouse or domestic/civil union partner; spouses; domestic/civil union partners; grandchildren; grandparents; the spouse or domestic/civil union partner of a grandparent; and siblings	Yes: 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	Yes: children; parents; grandparents; spouses; domestic partners (local or state registries)	Yes: children; parents; parents-in-law; spouses; grandparents; the spouse of a grandparent; grandchildren; siblings; the spouse of a sibling; a life partner (a long-term committed relationship between two unmarried individuals of the same sex or gender identity who meet certain, specified requirements)	Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; siblings; and, if a worker has no spouse/domestic partner, a designated person of the worker's choice. Paid sick time can also be used to care for a guide dog, signal dog, or service dog of the worker or worker's family member or designated partner.	Yes: children; parents; parents of a spouse or domestic partner; spouses; domestic partners; grandchildren; grandparents; the spouse or domestic partner of a grandparent; siblings; and any individual for whom the employee received oral permission from the employer to care for at the time of the employee's request to make use of sick time	Yes: spouses; domestic partners; children; grandchildren; parents; grandparents.
<b>How is "child" defined?</b>	Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child	Biological, adopted or foster children, stepchildren, legal wards, or the child of a worker standing in loco parentis. The child must be under 18 or 18 years of age and older but incapable of self-care because of a mental/physical disability	Biological, adopted, or foster children, legal wards, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster children, stepchildren, legal wards, children of a domestic partner or civil union partner, child of a worker standing in loco parentis to the child	Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child	Biological, adopted or foster children, stepchildren, legal wards, or the child of a worker standing in loco parentis. The child must be under 18 years of age or 18 and older but incapable of self-care because of a mental/physical disability	Biological, adopted or foster children, stepchildren, legal wards, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child	Biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or child of a worker standing in loco parentis to the child	Children who are under 18 years of age, or 18 or older but incapable of self-care because of a mental/physical disability
<b>Are specific "safe time" purposes included?</b>	No	Yes, when the worker or the worker's family member is the victim	No	No	No	Yes, when the worker or the worker's family member is the victim	Yes, when the worker or the worker's family member is the victim	No	No	Yes, when the worker or worker's family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) is the victim.
<b>Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?</b>	No	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes
<b>Can sick time be used to deal with a family member's death?</b>	No	No	No	No	No	Yes	No	No	No	Yes
<b>Rate at which workers earn paid sick time?</b>	1 hour for every 30 hours worked	In businesses with 250 or more employees, 1 hour for every 30 hours worked. In businesses with more than 4 and fewer than 250 employees, 1 hour for every 40 hours worked	1 hour for every 30 hours worked (for both paid and unpaid sick time, as described on the next page)	1 hour for every 30 hours worked	1 hour for every 30 hours worked	1 hour for every 40 hours worked	1 hour for every 40 hours worked (for both paid and unpaid sick time, as described on the next page)	1 hour for every 30 hours worked	1 hour for every 35 hours worked	1 hour for every 30 hours worked

\* "Safe time" refers to time off for purposes related to domestic violence, sexual assault or stalking (like the need for time off to obtain protective orders, relocate, etc.). Note that a victim of domestic violence, sexual abuse, or stalking can use sick time to attend to medical/health issues like any other worker. Also, some of these laws may only cover safe time if the domestic violence, sexual assault, and/or stalking occurs between certain individuals (such as family members, household members, dating relationships, etc.).



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

	San Francisco	Seattle	New York City	Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, <i>and</i> Elizabeth NJ <sup>7</sup>	Oakland, CA	Tacoma, Washington	Philadelphia	Emeryville, CA	Pittsburgh <sup>8</sup>	Spokane, Washington <sup>9</sup>
<b>Amount of paid sick time that can be earned under the law per year?</b>	Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 workers: up to 40 hours*	There is no limit on how much workers can <i>earn</i> , but workers can only <i>use</i> the following amounts of earned paid sick time a year: <b>Tier 1</b> (workers in businesses with more than 4 but fewer than 50 full-time workers or full-time equivalents—FTEs): up to 40 hours. <b>Tier 2</b> (workers in businesses with at least 50 but fewer than 250 full-time workers or FTEs): up to 56 hours. <b>Tier 3</b> (workers in businesses with 250 or more full-time workers or FTEs): up to 72 hours, or up to 108 hours if the employer has a universal paid time off policy	Workers in businesses with 5 or more workers: up to 40 hours a year. Workers in businesses with fewer than 5 workers up to 40 hours of <i>unpaid</i> sick time a year. All workers in certain chain businesses or franchises will be counted together to determine size.	Workers in businesses with 10 or more workers (and all child care, home health care, and food service workers, regardless of the size of their employer): up to 40 hours a year. Workers in businesses with fewer than 10 workers: up to 24 hours a year.	Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 employees: up to 40 hours*	Up to 24 hours a year	Workers in businesses with 10 or more workers: up to 40 hours a year. Workers in businesses with fewer than 10 employees: up to 40 hours of <i>unpaid</i> sick time a year. Certain chain establishments must provide paid sick time regardless of the number of employees in an establishment.	Workers in businesses with more than 55 workers: up to 72 hours. Workers in businesses with 55 or fewer workers: up to 48 hours*	Workers in businesses with 15 or more workers: up to 40 hours a year. Workers in businesses with fewer than 15 workers: up to 24 hours a year, <i>although in the first year after the law goes into effect, this time will be unpaid</i> (thereafter it will be 24 hours of <i>paid</i> sick time a year for workers in these small businesses).	There is no explicit limit on how much workers can <i>earn</i> , but workers can only <i>use</i> the following amounts of earned paid sick time a year: Workers in businesses with 10 or more workers: up to 40 hours a year. Workers in businesses with fewer than 10 employees: up to 24 hours
<b>Does unused sick time carry forward to the subsequent year?</b>	Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with 10 or more workers) or 40 hours of unused paid sick time (in businesses with fewer than 10 workers), but employers are not required to allow workers to earn more than these 72-hour or 40-hour caps.	Workers are entitled to carry forward the following amount of unused paid sick time: <b>Tier 1:</b> up to 40 hours; <b>Tier 2:</b> up to 56 hours; <b>Tier 3:</b> up to 72 hours (or up to 108 hours if the employer has a universal paid time off policy). Employers aren't required to allow <i>use</i> of more time in a year than as outlined above, according to business size.	Workers are entitled to carry forward up to 40 hours of unused sick time, but employers aren't required to allow use of more than 40 hours of sick time a year. Carry forward is not required if a worker is paid for unused sick time at the end of the year <i>and</i> the employer provides the worker with an amount of paid sick time that meets or exceeds the law's requirement on the first day of the subsequent year.	Workers are entitled to carry forward up to 40 hours of unused sick time, but employers aren't required to allow use of more than 40 hours of sick time a year. In all of these cities <i>except Jersey City</i> , carry forward is not required if a worker is paid for any unused sick time at the end of the year in which it is earned.	Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with 10 or more workers) or 40 hours of unused paid sick time (in businesses with fewer than 10 workers), but employers are not required to allow workers to earn more than these 72-hour or 40-hour caps.	Workers are entitled to carry forward 24 hours of unused paid sick time to the following year, <i>and may use hours carried forward up to a total not to exceed 40 hours in a year.</i>	Workers are entitled to carry forward unused sick time, but employers are not required to allow use of more than 40 hours of sick time per year. Carry forward isn't required if the employer chooses to provide at least 40 hours of sick time at the beginning of each calendar year.	Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with more than 55 workers) or 48 hours of unused paid sick time (in businesses with 55 or fewer workers), but employers are not required to allow workers to earn more than these 72-hour or 48-hour caps.	Workers are entitled to carry forward unused sick time, but employers aren't required to allow use of more than 40 hours of paid sick time a year (for businesses with 15 or more workers) or more than 24 hours of sick time a year (for businesses with fewer workers). Carry forward is not required if the employer provides the worker with an amount of paid sick time that meets or exceeds the law's requirement on the first day of the subsequent year.	Workers are entitled to carry forward up to 24 hours of unused paid sick time to the following year
<b>When do workers begin to earn paid sick time?</b>	90 calendar days after the commencement of employment.	At the commencement of employment, but paid sick time can't be used until the 180th calendar day after employment commenced.	At the commencement of employment, but sick time can't be used until the 120th calendar day following commencement of employment.	On the first day of employment, but paid sick time can't be used until the 90th calendar day of employment.	On the first day of employment, but paid sick time can't be used until after 90 calendar days of employment.	At the commencement of employment or February 1, 2016, whichever is later, but paid sick time can't be used until the 180th calendar day after employment commenced.	At the commencement of employment, but sick time can't be used until after 90 calendar days of employment.	Although not explicitly stated in the law and future regulations may address it, paid sick time will likely be earned in the same manner as the State's paid sick time law: workers begin to earn paid sick time at the commencement of employment, but paid sick time can't be used until the 90th day of employment.	At the commencement of employment or the law's effective date, whichever is later, but sick time can't be used until the 90th calendar day after employment commenced.	On the first day of employment, but employers can require workers to wait up to 90 days after employment begins before using paid sick time.

\* The enforcing agencies in San Francisco and Oakland have interpreted the laws to cap how much paid sick time can be earned—but *not* on an annual basis. Once a worker reaches his or her earnings cap (i.e., banks the maximum amount of earned sick time as indicated in the chart) and uses paid sick time, the worker once again begins to earn paid sick time back up to this same cap. Since the language is similar in Emeryville, it is likely that the city's law will be interpreted the same way.



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

	San Francisco	Seattle	New York City	Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, and Elizabeth, NJ <sup>7</sup>	Oakland, CA	Tacoma, Washington	Philadelphia	Emeryville, CA	Pittsburgh <sup>8</sup>	Spokane, Washington <sup>9</sup>
<b>Are there waivers/exemptions for workers covered by a valid Collective Bargaining Agreement (CBA) or bargaining unit?</b>	All or any part of the law doesn't apply to workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms.	The law's provisions won't apply to any workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms.	The law's provisions won't apply to workers in the construction or grocery industry covered by CBA if the law's provisions are expressly waived in the CBA. The law's provisions won't apply to other workers covered by a CBA if the provisions are expressly waived in the CBA and the CBA provides a comparable benefit.	Members of a construction union covered by a CBA are exempted. Otherwise, all or any part of the law's requirements do not apply to workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms.	Workers may enter into a written CBA waiving a provision of the law if such waiver is set forth in clear and unambiguous terms.	The law's provisions won't apply to any workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms.	The law's provisions do not apply to workers covered by a bona fide CBA.	All or any portion of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms showing that the parties intend the waiver.	Members of a construction union covered by a collective bargaining unit are exempted.	No specific language regarding waivers or exemptions for workers covered by a CBA.
<b>Private Right of Action to go to Court?</b>	Yes	No	No	Yes	Yes	No	Yes. Can go directly to court in the first 120 days after May 13, 2015, the law's effective date. After that, workers may go to Court only after receiving a final decision from the agency or 180 days after filing a complaint, whichever is earlier.	Yes	No	Possibly. The law requires the City Council and the Administration to jointly determine enforcement procedures, which must be in effect by October 1, 2016.
<b>What Agency or Official Enforces the Bill?</b>	San Francisco Office of Labor Standards Enforcement	Seattle Office for Civil Rights	New York City Department of Consumer Affairs	Newark: Newark Department of Child and Family Well-Being Passaic: Passaic Department of Human Services, Division of Health Irvington: Irvington Department of Neighborhood Services The laws in: East Orange, Paterson, Trenton, Montclair, Bloomfield, Jersey City, and Elizabeth are enforced by the relevant city's Municipal Department of Health and Human Services.	No particular agency specified in the law. The Contracts and Compliance Division of the City Administrator's Office has been authorized to take complaints from workers.	The Finance Director or his or her designee.	The Mayor shall designate the agency.	No specific agency authorized. The City itself has authority under the law to issue rules and regulations, as well as to enforce the law through administrative citations and/or remedies.	The Office of the City Controller or a Department or entity designated by the Mayor's Office	To be determined by the City Council and Administration by October 1, 2016

<sup>1</sup> Please note that this chart does not provide an exhaustive overview of these paid sick time laws, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment.

<sup>2</sup> On August 29, 2014, the California Legislature passed a statewide paid sick time law. The law took effect in July 2015. The California statewide law explicitly states that it establishes minimum requirements on sick time and does not preempt or limit other laws or policies that provide for greater accrual or use of paid sick time. Therefore, the more expansive San Francisco, Oakland, and Emeryville (and San Diego, once passed, as described on the following page) paid sick time laws will still apply to workers covered by those laws, and other cities or counties in California may continue to pass broader paid sick time laws.

<sup>3</sup> Oregon's Legislature passed a statewide paid sick time law on June 12, 2015. The law will go into effect on January 1, 2016. The law preempts—or prohibits—local governments from passing paid sick time laws. As a result, Eugene's paid sick time law—passed in July 2014 and originally scheduled to go into effect on July 1, 2015—will no longer take effect. On the other hand, Portland's City Council unanimously passed a paid sick time law in March 2013, and it has been in effect since January 1, 2014. Although Oregon's new paid sick time law has blocked localities from passing paid sick time laws, Portland's law will survive for some limited purposes. As described in the chart's overview of Oregon's paid sick time law, the employer size threshold for providing paid sick time will remain lower for employers who are located in Portland (including maintenance of any office, store, restaurant, or establishment in the city). As described in the chart, an employer located in Portland that employs at least six workers anywhere in Oregon must provide its workers with paid sick time, and smaller employers located in Portland must provide unpaid sick time. For employers who are not located in Portland, the size threshold for providing paid sick time is 10 or more employees (with smaller employers providing unpaid sick time), as described in the chart.

<sup>4</sup> On June 23, 2015, the Montgomery County Council passed a paid sick time law, which will go into effect on October 1, 2016.

<sup>5</sup> On February 17, 2016, the Vermont Legislature provided final passage of a paid sick time bill, which the Governor said he will sign into law. With the exception of provisions around small business planning/implementation assistance and a business survey that take effect earlier, Vermont's paid sick time law will take effect for employers with more than 5 employees (employed for an average of no less than 30 hours per week) on January 1, 2017; these employers may require their existing employees on January 1, 2017 to wait up to December 31, 2017 before using paid sick time accrued during this first year. An employer with 5 or fewer employees (employed for an average of no less than 30 hours per week) won't be subject to the paid sick time law until January 1, 2018; these employers may require their existing employees on January 1, 2018 to wait up to December 31, 2018 before using paid sick time accrued during this first year. Also, as described in the chart, new businesses will not be subject to the paid sick time law for a period of one year after hiring their first employee.

\* All of these paid sick time laws include language making it clear that these laws establish a minimum requirement and employees can receive greater paid sick time rights through a contract, CBA, employment benefit plan, policy, standard, or other agreement.



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

<sup>6</sup> As described in footnote 3, the paid sick time law in Eugene (OR) will not go into effect due to passage of the statewide paid sick time law in Oregon. The paid sick time law in Portland (OR) will survive for the limited purposes described in the previous footnote. As a result, Eugene and Portland have been removed from this comparison chart.

<sup>7</sup> All of the paid sick time laws in New Jersey reflected in this chart are now in effect. Furthermore, in December 2015, the city of New Brunswick passed a narrower paid sick and safe time law that departs from the more comprehensive laws in the other 10 cities listed in the chart. In covered businesses with 10 or more employees: full-time workers (averaging 35 hours/week) are entitled to earn up to 40 hours of paid sick/safe time per year, while part-time employees (averaging 20-35 hours/week) are entitled to earn up to 24 hours. In covered businesses with more than 5 full-time equivalent employees but fewer than 10 employees, workers are entitled to earn up to 24 hours a week. However, the law excludes all workers employed for an average of less than 20 hours per week. The law also exempts all government and board of education workers, independent contractors, individuals who work from home, and certain “per diem” hospital employees who work on a flexible, “as needed” basis to cover for other absent hospital workers. The New Brunswick law is now in effect. For more, go to: <http://thecityofnewbrunswick.org/planninganddevelopment/paid-sick-safe-time-in-new-brunswick/>

<sup>8</sup> On August 3, 2015, the Pittsburgh City Council passed a paid sick time law by a vote of 7-1. Although a lower court ruled against the law in late 2015 based on a unique provision in Pennsylvania law, the city will be appeal the decision.

<sup>9</sup> On January 11, 2016, the Spokane City Council passed a paid sick time law by a vote of 6-1. The Council then passed the bill into law over the Mayor’s veto on January 25, 2016. The law will take effect on January 1, 2017. However, businesses that receive their first business registration in Spokane after the enactment of the law—but before the effect date of January 1, 2017—are not subject to the law until 1 year after the date of their first business registration.

### III. Additional Paid Sick Time Laws

In July 2014, the San Diego City Council passed a paid sick time and minimum wage ordinance and then voted to override the mayor’s veto of the ordinance on August 18, 2014. However, opponents collected signatures to put the paid sick time and minimum wage ordinance to a vote in a referendum, so implementation of the law will be delayed until a vote in June 2016. Once the San Diego paid sick time law is passed, city workers and most private-sector workers will be entitled to use up to 40 hours of paid sick time a year to recover from their own illness, care for sick family members, or address certain needs related to domestic violence, sexual assault or stalking.

In October 2014, Los Angeles approved an ordinance guaranteeing paid sick time to certain hotel workers in the city. Under the law, hotels with 150 or more rooms must allow certain non-managerial/non-supervisory full-time workers to earn up to 96 hours of paid time off per year (for sick leave, vacation, or personal necessity use) and, following use of that time, up to 80 hours of additional unpaid sick time for personal or immediate family health needs. Covered part-time hotel workers will earn time proportionally.

In November 2013, voters in SeaTac, Washington passed a law that gives certain hospitality and transportation workers a variety of new labor rights, including the right to earn paid sick time (at a rate of 1 hour for every 40 hours worked). Covered employers are required to pay eligible workers a lump sum payment at the end of the calendar year equivalent to the compensation due for any unused compensated time. The law also raises the minimum wage for these workers, gives them a right to keep their tips, and requires hospitality and transportation employers to offer additional hours to part-time employees before they may hire new part-time staff.

In November 2012, the voters of Long Beach, California approved a measure to guarantee a living wage and paid sick time to certain hotel workers in the city. Under the law, hotels with 100 or more rooms are required to pay workers a minimum of \$13 an hour (adjusted for increases in the federal minimum wage or cost of living) and allow workers to earn a minimum of 5 paid sick days a year.

For more detailed information on the sick time laws and bills described in this document, see:

- A Better Balance’s website at <http://www.abetterbalance.org/web/ourissues/sickleave>
- San Francisco Office of Labor Standards Enforcement: <http://sfgsa.org/index.aspx?page=419>
- Washington D.C. Department of Employment Services: <http://does.dc.gov/service/wage-and-hour-compliance>
- Seattle Office for Civil Rights: <http://www.seattle.gov/laborstandards/paid-sick-and-safe-time>
- Connecticut Department of Labor: <http://www.ctdol.state.ct.us/wgwkstnd/SickLeave.htm>
- New York City Department of Consumer Affairs Website: <http://www.nyc.gov/PaidSickLeave> and A Better Balance’s website: <http://www.abetterbalance.org/web/nycpaysick>
- Jersey City Municipal Website: <http://www.jerseycitynj.gov/business.aspx?id=13851>
- Newark Municipal Website: <http://www.ci.newark.nj.us/government/departments/health-and-community-wellness/paid-sick-leave/>
- Montclair Municipal Website: [http://www.montclairnjusa.org/index.php?option=com\\_content&view=category&layout=blog&id=341&Itemid=880](http://www.montclairnjusa.org/index.php?option=com_content&view=category&layout=blog&id=341&Itemid=880)
- East Orange Municipal Website: <http://eastorange-nj.gov/earned-sick-time/>
- SeaTac Municipal Website: <http://www.ci.seatac.wa.us/index.aspx?page=681>
- Massachusetts Attorney General’s Website: <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/earned-sick-time/>
- Emeryville Municipal Website: <http://www.ci.emeryville.ca.us/1024/Minimum-Wage-Ordinance>
- Tacoma Municipal Website: <http://www.cityoftacoma.org/cms/one.aspx?objectId=75860>
- San Francisco Code Chapter 12W; D.C. Code § 32-131.01 et seq.; Seattle Code § 14.16.010 et seq.; Conn. Gen. Stat. § 31-57r et seq.; New York City Code § 20-911 et seq.; Jersey City Code § 3-350 et seq.; Newark Legislation File # 13-2010, Version 6; San Diego Municipal Code § 39.0101 et seq.; Cal. Lab. Code § 245 et seq.; Long Beach Code § 5.48.010 et seq.; Los Angeles Code § 186.00 et seq.; Oakland Code § 5.92.010 et seq.; Massachusetts General Laws Chapter 149, §§ 148C, 148D; Tacoma Code § 18.10.010 et seq.; Philadelphia Code § 9-4101 et seq.; Or. Rev. Stat. §§ 653.256 et seq., 659A.885; Emeryville Code § 5-37.01 et seq.; Montgomery County Code Chapter 27, Article XIII; Pittsburgh Code § 626 et seq.; Spokane Municipal Code § 09.01.010 et seq.; 21 Vermont Statutes § 481 et seq.