

## Disclosure of Commercial Interests

I have commercial interests in the following organization:

Beth Baerman  
Communications Director  
Attendance on Demand, Inc.  
Developer of workforce management solutions



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## Paid Sick Leave

From Perk to Mandate



Beth Baerman  
Communications Director  
Attendance on Demand, Inc.

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## Topics

- 1 Paid sick leave laws: background & elements of legislation
- 2 Case study: California
- 3 Sick leave policy considerations
- 4 Tools for automation
- 5 Your to-do list

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## Paid Sick Leave Laws



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### Does It Impact Me?



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### Slow Start

**2006**  
San Francisco

**2011**  
Connecticut

**2008**  
Washington, DC & Milwaukee

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### Gaining Momentum

**2014 and 2015**

- 3 states
- 7 cities
- 1 county

**2016 and 2017**

- 3 states
- 10 cities
- 1 county

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### 2018 So Far...

**January 1**  
State of Washington

**February 11**  
State of Maryland

**July 1**  
State of Rhode Island

**October 1**  
Austin, TX

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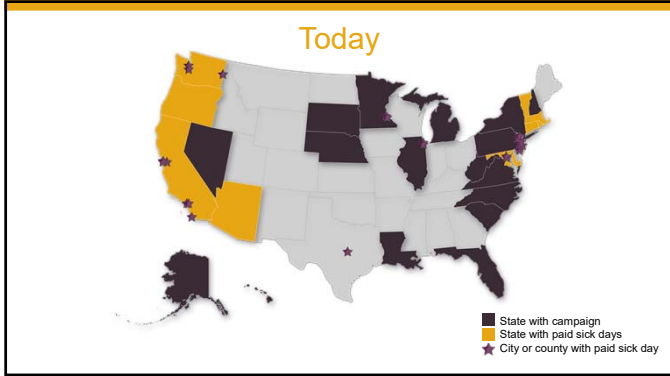
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### Jurisdictions

State	Locality	Enacted	Effective
Arizona	Statewide	2016	2017
California	Statewide	2014	2015, amended 2015
	Berkeley	2016	2017
	Emeryville	2015	2015
	Los Angeles	2016	2016
	Long Beach**	2012	2012
	Oakland	2014	2015
	San Diego	2016	2016
	San Francisco	2006	2007
Connecticut	Statewide	2016	2016
Illinois	Chicago	2011	2012
	Cook County**	2016	2017
Maryland	Statewide	2018	February 11, 2018
	Montgomery County	2015	2016
Massachusetts	Statewide	2014	2015

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### Jurisdictions

State	Locality	Enacted	Effective
Minnesota	Minneapolis	2016	2017
	St. Paul	2016	2017
New Jersey	Bloomfield	2015	2015
	East Orange	2014	2015
	Elizabeth	2015	2016
	Irvington	2014	2015
	Jersey City	2013	2014, expansions 2015
	Montclair	2014	2015
	Morristown	2016	2017
	New Brunswick	2015	2016
	Newark	2014	2015
	Passaic	2014	2015
	Paterson	2014	2015
Plainfield	2016	2016	
Trenton	2014	2015	

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**Jurisdictions**

State	Locality	Enacted	Effective
New York	New York City	2013	2014, expansions 2014
Oregon	Statewide	2015	2016
Pennsylvania	Philadelphia	2015	2015
Rhode Island	Statewide	2017	July 1, 2018
Texas	Austin	2018	October 1, 2018
Vermont	Statewide	2016	2017
Washington	Statewide	2016	January 1, 2018
	Seattle	2011	2012
	SeaTac**	2013	2014
	Spokane	2016	2017, sunset January 1, 2018
	Tacoma	2015	2016
DC	Washington, DC	2008	2008, amended 2014

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**Federal Level**

Executive order for federal contractors

- Signed Labor Day 2015
- Effective 2017

Legislation

- Healthy Families Act
- Workflex in the 21<sup>st</sup> Century Act




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**If at First You Don't Succeed...**


Connecticut

- Introduced 2008
- Died 3 times in legislature
- Enacted 2011



Philadelphia

- 2011 and 2013 mayor vetoed
- Signed 2015




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## Slide 13

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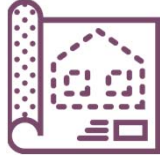
**LC1** Beth, can you add SeaTac to this slide/chart?

Lia Coniglio, 4/28/2017

### If at First You Don't Succeed...

Federal Level

- Initiatives in 2005, 2009
- Healthy Families Act in 2011
- Reintroduced 2013, 2015, 2017



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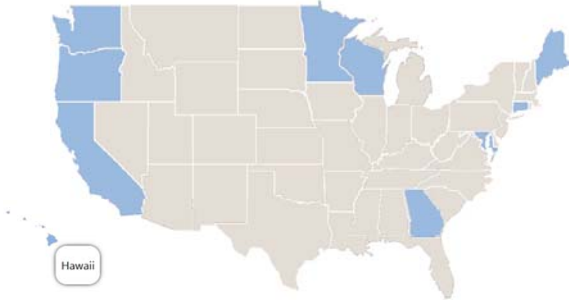
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### Kin Care Laws



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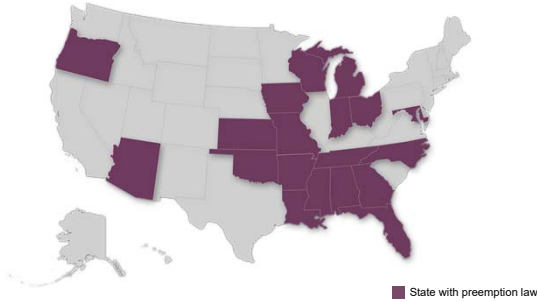
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### Preemption Laws



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### Elements of Legislation

Eligibility

- Employer size
- Employee work in jurisdiction

Exclusions

- Industries
- Unions



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### Elements of Legislation

Accrual

- Accrual rate
  - Most common: 1 hour per 30 hours worked
- Start at/after hire
- Yearly cap



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### Elements of Legislation

Usage

- Yearly cap
- Use increment
- Reasons
  - Definition of family
  - Purpose of time off



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### Elements of Legislation

- Rate of pay
  - Regular rate of pay
  - Rate that would have been paid, if worked
  - Weighted average rate during previous pay period
  - Weighted average during current work week
  - Weighted average during the full pay periods within previous 90 days

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### Who's Covered

#### Employers

- 1 or more employees

#### Employees

- Working 30 days/year in California for same employer
  - Even if they live outside California
  - Even if employer is outside California




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### Excluded Groups

- In-home caregivers
- Flight crews with comparable PTO
- Collectively bargained employees
  - Comparable PTO
  - Certain conditions



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### Definition of Family

- Spouse, children, parents
- Grandparents/grandchildren
- Siblings
- Registered domestic partners



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### Paid Sick Time Accrual

- Beginning at hire date
- 1 hour per 30 hours worked
- Accrue up to 48 hours
- Available for use on 90<sup>th</sup> day of employment



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### Accrual Alternative

- Front load 24 hours
- Beginning of each year
  - Calendar
  - Hire anniversary
  - Fiscal year



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### Usage

- Minimum 2 hours
- Capped at 3 days or 24 hours per year
- Purpose
  - Illness, treatment, diagnosis, preventative care for employee or family member
  - Safe time for employee



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### Carryover

- Balance carries over to new year if accrued
- Balance reinstated for rehires within 1 year



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### Rate of Pay

- Hourly rate
- Different rates of pay, piece rate, commission pay
  - Regular rate during week (blended rate)
  - Blended rate during pay periods in last 90 days



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### Reporting to Employee

- Each pay period
- Written notice on pay stub or separately
- Amount of sick time available



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### Interplay Between State and Local Requirements

- State
- Cities
- Private sector
- Federal



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### Eligibility: Work in Jurisdiction

 30 Days in a Year

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley (10/1/2017)
No minimum for SF employees	2 hours in a week	2 hours in a week	2 hours in a week	2 hours in a week	2 hours in a week	2 hours in a week
Occasional workers, 56 hours in a year			No minimum for hotel workers		30 days in a year for same employer	

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### Accrual Rate

 1 hour for 30 hours worked or front load 24 hours

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley (10/1/2017)
1:30	1:30 no front load	1:30	1:30	1:30	1:30	1:30 no front load
Any front load with additional accrual after lump sum earned		Front load of annual accrual cap  Any front load with additional accrual after lump sum earned	Front load of annual accrual cap	Front load 40 hours	Front load 48 hours	

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### Accrual Cap

 48 hours or 6 days

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley (10/1/2017)
9 or fewer employees: 40 hours	9 or fewer employees: 40 hours	55 or fewer employees: 48 hours	25 or fewer employees: 32 hours	80 hours	No accrual cap	24 or fewer employees: 48 hours
10 or more employees: 72 hours	10 or more employees: 72 hours	56 or more employees: 72 hours	26 or more employees: 40 hours  Increase 1/1/2018 to 40 and 72 hours		Maximum unused sick leave balance: 72 hours	25 or more employees: 72 hours

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### Use Cap

 24 hours or 3 days

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley (10/1/2017)
None	None	None	Accrual cap	40 hours	48 hours	24 or fewer employees: 48 hours No cap for larger businesses

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### Use Increment

 2 Hours

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley (10/1/2017)
1 hour	1 hour	2 hours	Not addressed	2 hours	2 hours	Not addressed

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### Definition of Family

 Spouse, children, siblings, registered domestic partner, grandparents, grandchildren

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley (10/1/2017)
Adds... other designated person if no spouse or registered domestic partner	Adds... other designated person if no spouse or registered domestic partner	Adds... other designated person if no spouse or registered domestic partner  Also ... allows sick time use for care of service dog	Same as state law	Same as state law	Adds... individuals related to employee by blood or affinity equivalent to a family relationship	Adds... other designated person if no spouse or registered domestic partner

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### Pay Rate

Average regular rate in workweek or average regular rate in full pay periods in last 90 days

San Francisco	Oakland	Emeryville	Santa Monica	San Diego	Los Angeles	Berkeley (10/1/2017)
Regular hourly rate	Regular hourly rate	Not addressed	Not addressed	Regular hourly rate	Not addressed	Regular hourly rate
						If rate change, piece rate, or commission in last 90 days, then average regular rate in full pay periods in last 90 days.

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### Hotel Workers

- Long Beach: 3.33 hours/month PTO
- Los Angeles: 1.85 hours/week PTO
- Proportional amounts for part timers




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### Federal Contractors

Accrual	1 hour per 30 hours worked up to 56 hours or front load 56 hours
Use Increment	1 hour
Carryover	Up to 56 hours
Used for	Illness, preventative care visits, "safe time"
Definition of family	Includes domestic partners and their children
Notice to employee	Monthly
Rehire	Balance reinstated if rehired within 12 months

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### Private Contractors

	Facebook	Microsoft
Yearly Sick Time	15 paid days off Holiday/vacation/sick	15 unrestricted or 10 vacation & 5 sick
Employee Eligibility	Substantial work for FB	Substantial work for MS Employed 9 mos/1500 hrs with supplier
Contractor Eligibility	US companies, more than 25 workers supporting FB	50 or more employees in US




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### Policy Considerations




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### Current Paid Sick Leave Policies

Is it equal or better than mandate? ...in all ways?



Verify

- Usage rules (family, safe time)
- Caps and carryover
- Pay rate




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### New Sick Leave Policy

- Consider up front credit v. work-based accrual
- Use policy templates
  - SHRM
  - APA
  - Other resources



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### Issues for Multi-Jurisdiction Employer

One policy



Multiple policies



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TOOLS FOR AUTOMATION



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### Software Systems

- Time and Attendance
- Human Resources
- Payroll



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### Features

- Accrual calculations
- Accrual, usage, and carryover limits
- Leave request increments
- Benefit activity reporting
- Integration



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WRAP-UP



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## Your To-Do List

1. Know the mandates in your jurisdiction
  - Advocacy groups
    - National Partnership for Women and Families
      - [www.paid sick days.org/campaigns](http://www.paid sick days.org/campaigns)
      - [www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-statutes.pdf](http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-statutes.pdf)
  - Legal blogs
    - Paid Sick Leave @ Work
      - [www.pslatwork.com](http://www.pslatwork.com)




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**national partnership for women & families**  
**Paid Sick Days – State, District and County Statutes**  
**Updated November 2016**  
**(For City Laws, Click Here.)**

**Key:** EE: employee, ER: employer, SB: small business, LB: large business, FTE: full-time equivalent, DV: domestic violence, SAFE: safe time coverage, PHE: public health emergency, CBA:

Location	District of Columbia D.C. Code 2006, amended 2013 (effective 2014)	Connecticut (2011) effective 1/2012	California (2014, amended 2015 and 2016) effective 7/2015, 2016 expansion effective 7/2018	Massachusetts (2014) effective 7/2015	Oregon (2015) effective 1/2016	Montgomery County, Md. (2015) effective 10/2016	Vermont (2016) effective 1/2017 for LB, and 1/2018 for SB	Arizona (2017) effective 7/2017	
<b>Summary</b>	EEs accrue one hour of paid sick time for every 37 hours worked and can accrue and use up to three to seven days, depending on EE's size. EEs receive one hour for every 48 hours worked and can accrue and use up to five days regardless of ER	Enumerated EEs whose place of business has 50 or more EEs accrue one hour of paid sick time for every 40 hours worked and can accrue and use up to 40 hours. Covers sick time for EE or family members' care and for absences associated with domestic violence	EEs accrue one hour of paid sick time for every 30 hours worked and can use up to 24 hours. EEs may use alternate accrual method if accrual is regular and provides a sufficient amount of time, beginning in 2018, in-home supportive services for EE	EEs whose place of business has 11 or more EEs accrue one hour of paid sick time for every 30 hours worked and can accrue and use up to 40 hours. All others receive equivalent unpaid time. Covers sick time for EE or family members' care and for absences	EEs whose place of business has 10 or more EEs (six or more EEs if ER is in a city with population above 500k, so that Portland's law remains in effect) accrue one hour of paid sick time for every 30 hours worked, and can accrue and use up to 40 hours. All others receive equivalent unpaid time for EE or family members'	EEs whose place of business has five or more EEs accrue one hour of paid sick time for every 30 hours worked and can accrue up to 56 hours and use up to 80 hours. All others receive an equivalent 12 paid and 24 unpaid hours. Covers sick time for EE or family members'	EEs whose place of business has five or more EEs accrue one hour of paid sick time for every 30 hours worked and can accrue up to 56 hours and use up to 80 hours. All others receive an equivalent 12 paid and 24 unpaid hours. Covers sick time for EE or family members'	EEs accrue one hour of paid sick time for every 52 hours worked and can accrue or use up to 24 hours in 2017 and 2018, and 40 hours in 2019 and following years. Workers in small businesses begin to accrue and use time in 2016. Covers sick time for EE or family members'	EEs accrue one hour of paid sick time for every 52 hours worked and can accrue or use up to 40 hours per year. All other businesses have more EEs can accrue and use up to 40 hours per year. Covers sick time for EE or family members'

**PAID SICK LEAVE @ WORK**  
**Empowering Resources and Development**

**Rhode Island Proposed Sick Leave Rules Seem to Expand the Law**

March 20, 2018 Paid Sick Leave

The Rhode Island Department of Labor and Training issued proposed rules concerning the state's **Healthy and Safe Families and Workplaces Act**, which takes effect on July 1, 2018. Two of the proposed rules seem to go beyond what the law requires and go where other PSL laws do not venture.

*Accrual of Paid Sick Leave*

The statute says that employees accrue an hour of paid sick and

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**Mike Soltis**

**RECENT POSTS**  
 Rhode Island Proposed Sick Leave Rules Seem to Expand the Law  
 A Legislative Creep in Connecticut's Paid Sick Leave!

**Your To-Do List**

- Advocacy groups
  - A Better Balance
    - www.abetterbalance.org/resources/paid-sick-time

**Resources Articles**

**Paid Sick Time**  
10 comments in March 18, 2017 [Link Back Page](#)

**Paid Sick Time Legislative Successes**  
 Click here to view an overview of the paid sick time laws that exist in other US states, territories, DC and all of the District of Columbia.

**Healthy Families Act**  
 The Healthy Families Act (HFA) (HR 677 / SB 522) has been reintroduced in the House and Senate. The 18 month legislative deadline has almost expired. To find out how a year to address their own health needs or the care for a sick family member. [Click Here to Read About HFA](#)

**Kin Care Laws**  
 Among private sector workers who do have access to paid sick time, only 30% can use that time to care for a sick loved one abroad and the District of Columbia has passed legislation to address this problem, allowing workers who travel paid sick time to use that time to care for a sick family member. [Click Here to Read About Kin Care Laws](#)

**Paid Sick Days Campaigns**

**Paid Sick Time Tools and Resources**  
 Click to view a list of helpful tools and information to assist you and your sick day caregivers.

**Paid Sick Time for Workers in NYC**  
 Click here to read more about your rights to paid sick time.

**Paid Sick Time and Employers in NYC**  
 Are you an employer and wondering how the legislative landscape about paid sick time in NYC? [Click Here to get the information you need.](#)

**Background on Paid Sick Time in New York City**  
 Need more in-depth background? [Click Here to Read About How and Why About Paid Sick Time and NYC PSL](#) or [Click Here to Read About NYC PSL Legislation](#)

### Your To-Do List

1. Know the mandates in your jurisdiction
2. Review your current policies
3. Look for help from automated systems



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THANK YOU!

Beth Baerman  
bethb@attendanceondemand.com

 @bbaerman  /bethbaerman



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