Health & Human Services and Public Safety Committee Agenda

Tuesday, September 25, 2018, 5:30pm

Room 24, City Hall

Councilor Belinda Ray, District 1, Chair

Councilor Brian Batson, District 3

Councilor Pious Ali, At-Large

1. Announcements

2. Review And Approval Of Draft Minutes From The September 11, 2018 Meeting.
   
   Documents:

   HHS PS MINUTES SEPTEMBER 11 2018 DRAFT.PDF

3. City Staff Answers To Committee Questions On Paid Sick Leave.
   
   Documents:

   2018-09-06 MEMO ON PAID SICK LEAVE (1).PDF
   2018-09-11 SICK LEAVE ORDINANCE (COMMITTEE REDLINE) (1).PDF

4. Next Meeting: October 9, 2018

NOTE: Since there are no action items on the agenda, there will be no opportunity for public comment at this meeting. Please feel free to send comments to members of the committee on any issue at any time via email. Councilors email addresses are available on the city website: www.portlandmaine.gov

   The meeting can be watched online via livestream: www.portlandmaine.gov/livestream

   Keep up to date with the new shelter design and planning process at the City's and Bayside Neighborhood Association's websites:

   www.portlandmaine.gov/shelterplanning
   https://baysideportland.org/category/shelter/
Health & Human Services and Public Safety Committee Minutes

Tuesday, September 11, 2018, 5:30pm, Council Chamber, City Hall

Committee Attendance:
Councilors Belinda Ray, Chair (District 1), Brian Batson (District 3), Pious Ali (At-Large)
Councilor Attendance: Ethan Strimling (Mayor), Jill Duson (At-Large), Nick Mavodones (At-Large), Kimberly Cook (District 5)
City Staff: City Manager Jon Jennings; Assistant City Manager, Michael Sauschuck; Director of Health and Human Services, Dawn Stiles; Director of Social Services, David MacLean; Executive Assistant, Adam Harr;

AGENDA ITEM 1 – Announcements and Approval of Minutes:

Meeting was called to order at approximately 5:35 PM.

Chair Ray made the following announcements:
- A correction for an article in the newspaper over the weekend that stated 200 people in the crowd of an HHS meeting booed and hissed; that was not accurate and she is grateful that people have been very respectful throughout this process.
- It is the final night of Rosh Hashanah. Were there a conflict with a member of the committee or if there was public comment, the meeting would have been rescheduled. Chair Ray wished those observing a happy holiday.
- There won’t be time to discuss Earned Sick Time.

Chair Ray moved to approve the July 10, 2018 and July 17, 2018 minutes Councilor Ali. Chair Ray rescinded that motion and made a motion to approve the July 10, 2018 and July 17, 2018 minutes as amended below; Councilor Ali seconded and the motion passed unanimously. Mayor Strimling was not able to review the meeting minutes and will be able to reconsider them at the next meeting if needed.

- July 17, 2018 Minutes
  - Anne said It could be good to clarify how the ordinance affects employers outside of Portland that have employees who come to Portland to complete onsite work.
  - The committee recommended not to exempt employees based on age.
  - The committee recommended not to exempt seasonal workers as a category.
  - Would consider a minimum number of hours that must be worked in order to be covered.
AGENDA ITEM 2 – City Staff answers to Committee and constituent questions on the proposed location for the Homeless Services Center.

Chair Ray called a recess at approximately 5:48 PM while agenda documents were projected and City staff reset the public wireless network. Chair Ray resumed at the meeting at 5:53 PM.

Homeless Services Center: Answers to Public Hearing Questions

Councilor Batson asked about process and order of events:
- Why an environmental assessment (impact analysis on the neighborhood) was not used to choose a site.
  - 9 criteria were used to determine the best site from the staff perspective
  - The planning department conducts environmental assessments further along in the process,
Councilor Ali asked if there was a consideration for smaller shelters while site selection was underway
- Assistant City Manager Sauschuck explained that staff looked at financial and logistical elements of multiple scattered sites of emergency shelters and clarified:
  - Scattered site model refers to multiple temporary emergency shelters, not housing first projects.
Chair Ray requested the answer to what has been accomplished and has yet to be accomplished in the Homeless Task Force be further fleshed out to include the implementation or planning of:
- Housing First approach
- Rapid Rehousing
- Central Intake Faculty (The proposed Homeless Services Center)
- Future steps, including a living document on taskforce progress

Chair Ray paused the review of the documents to hear where members of the committee and Council are with the process, what they feel next steps/changes should be.
Councilor Batson announced he will issue an alternative proposal on the September 25th meeting.
- Contract with a neutral outside organization through and open bid RFP to research a model of smaller shelters
- Pursue State legislation
- Cited a scattered site model as a best practice

Councilor Ali asked about process:
- Does Councilor Batson’s proposal need to go through three readings of committee?
  - If there is a change there would be another public comment
- Prior to the meeting there will be a deadline to the RFP
- Councilor Ali will not bring forward a proposal
- Councilor Duson asked if other Councilors are drafting proposals and if so, would have a process suggestion
- Councilor Cook suggested a comparative analysis between each site (area) before taking an up or down vote including County Way, District Rd etc.

Councilor Cook: Given the change in State funding no longer providing for operations it is time to reevaluate:
- The policies and financial obligations of the emergency shelter
- Whom a new emergency shelter should serve
- Details on the shelter including size and funding sources

Councilor Mavodones
- No one disagrees that the current model is not the best
- A vote this month may be premature
- Process and relationships are important
- Agrees with Councilor Cook to think further on the liberty of the aid provided
- The City of Portland shoulders State and country issue.
- The Council should spend some time talking about the policy and changes to state law.
- Councilor Mavodones is not opposed to either a larger facility or scattered sites.
  - Multiple smaller shelters will cost more
- When the map was rezoned, the change was driven in part by the idea that outside agencies might open new shelters

Councilor Duson shared that policies worked out in committee change significantly throughout the process
  - If the committee does vote on the 25th, it should accept or reject, or come up with another path forward.
  - Proposed the meeting finish the Q&A
  - Next meeting to list options instead of voting
  - Place options in a matrix.
    - Work with the Councilors proposals
    - Linked data to create a fair look
Mayor Strimling agreed with Councilor Duson that this process has started conversations about how to best serve its homeless population, including short term investments in Bayside.

- Would like broader Council input
- vote on rezoning expanded where shelters can exist in the city and did not choose between a single shelter or multiple smaller shelters
- Slowing down the process now could include short term options to help Bayside now

Chair Ray
- Not lose site of the multi-year long process
  - Slowing down means continuing a failing policy
  - Needs a backup plan
  - Does not want to lose momentum
- Data driven decisions
- Explore short term improvements in Bayside; how much more can be done in the current facility as many have already been implemented
- There are agencies that would say of the models this one is better than the other.
- Chair Ray talked to Cullen Ryan who announced his support for a singular shelter
- Does not want to go backwards and answer questions that have already been answered

Rob Parritt
- Single site and scattered site models can both be considered best practice; the important elements are:
  - Housing first approach
  - The best way to serve all of the clients would be under one roof

Councilor Cook
- There is already a scattered site model
  - 6 Shelters
    - 2 City Owned
      - Adult
      - Family
    - 4 Non profit
      - Teens – Joe Kreisler
      - Women – Florence House
      - Substance Use – Milestone Foundation
      - Domestic Violence – Trough These Doors
- A scattered site model previously discussed is actually the proposal to break up the Oxford Street Shelter population into sub populations each with its own shelter expanding the 6 shelters in the city up to 10.

The Mayor asked about the shelters that have closed in the city of Portland in the past 10 years
- YWCA
- Stepping Stones
Chair Ray reminded that the Council workshopped the decision to choose a single shelter over multiple smaller sites. When staff asked the Council, they were instructed to find a site for a single shelter.

- Mayor Strimling said that there was no vote in committee to go to a 200-bed shelter.
- Councillor Batson echoed the sentiment that there wasn't a decision between multiple City-run adult shelters versus one City-run adult shelter.
- Chair Ray corrected that there was no amendment to restrict scattered sites:
  - It was to rezone to allow smaller shelter zoning
  - It was not about the City perusing smaller scattered sites
  - The referral asked the committee to see where small shelters could go
    - Mayor Strimling understood that to be smaller shelters run by the City
    - Chair Ray noted that that may be an inaccurate characterization

- Chair Ray reiterated that the process needs to finish: one or two options presented to the full Council in the matrix format.
- Councillor Ali advised that anyone with proposals for the 25th to send back up materials to be able to vote and move forward.
- Chair Ray stated for the record that she believes the Barron Center proposal is a good proposal and that a 200-bed emergency shelter is the correct size.
- Councillor Duson believes a 200-bed shelter is the right size and to look at the sites again with a laid-out process.
- Councillor Batson would like to see how the decisions were made:
  - It is summarized in the matrix
  - There are only 2 Potential sites is the understanding of the Chair (County Way and Barron Center)
  - Community members have suggested District Road
  - Unclear if there were parcels on Outer Presumpscot

Councillor Cook would like to know when the first question’s answer will be finalized.

- It will be answered when the draft map is finalized for the housing committee

Councillor Duson suggested the committee have a matrix of the committee

- The committee may record its progress in a matrix format
- May have five or six options recorded
- Matrix done in committee

Process

- Should the committee narrow down to one to two options recommended to the full Council;
- Councillor Mavodones would like to have a conversation before it goes to the planning board to mitigate significant issues before that far down in the process
- Could the committee bring something to the Council and then the Council send it to the planning board?
The only requirement is the any zoning change that comes to the Council must go to the planning board to hold a hearing and send a recommendation to the Council before the Council can take an official act.

If the committee recommends to go to the planning board it should do so directly:
- Would that have to come from workshop?
- Straw poll?
- Other option drafted by corporation Counsel?
  - Vote to forward to the planning board?
- Councilor Batson asked how does the committee engage the Council if something does not need to go to the planning board?

- The only requirement is that the planning board hold a hearing before the Council acts; the Council can make a recommendation but not a final act of implementing a zoning change.
  - A recommendation in the same way a committee could:
    - It may bog down the process
    - It could be helpful
- Clarification between rezoning the map with selecting a site:
  - Rezoning requires planning board
  - Selecting site does not necessarily:
    - Only if site selection would necessitate a zoning change
    - It would make sense for the Council to consider before the planning board in controversial situations
- Assistant City Manager Sauschuck explained that the Council needs to make major policy decisions that heavily influence the work of City staff before more meaningful progress can be made.
- Councilor Ali would like all planning to be transparent and involve local stakeholders including the announced and unannounced proposals of other Councilors.
- Councilor Duson understand that the Council desire providing services in a respectful and dignified way:
  - Comprehensive effective services in a respectful and dignified way
  - Not to hide the homeless
- Chair Ray thought the Council was clear on the size of one shelter but is hearing that may not be so:
  - A unified recommendation over multiple other proposals; do another workshop?
    - The visibility criterion may be interpreted differently
    - Chair Ray looked at 9/24
    - Mayor Strimling didn’t believe that the workshop meant an endorsement but open to learning about a possible model
      - Believes the committee should move forward on the 25th
    - Councilor Batson questions if going back to Council is the best path forward
      - A lot of the conversation on recommendations were limited by environmental factors (one or two floors based on size of parcels)
      - Believes there would be more options looking at smaller parcels of land.
The Council passed new zoning but the recommendation brought to the committee was made for a residential zone.

- This committee did not reject residential zones
  - It asked where does it make sense to look as it is not did not seem likely that one would find an appropriate parcel in a residential zone.
- Councilor Mavodones: The committee should take into consideration their colleagues’ thoughts
- Staff need to changes in direction as soon as criteria change
  - What gets to a thoughtful course correction as quickly as possible
  - Chair Ray: How can the committee do its work without guidance as it could significantly change recommendations

Councilor Duson: must show how and where decisions were made. (Matrix)
  - Councilor Duson supports the committee process over going back to a clarifying Council workshop

Councilor Cook delineated between Council Guidance and zoning ordinance.
  - Visibility was not necessarily the sensibility and there is no document available to prioritize it
    - Public Hearing
    - The process of fixing the location may deserve another discussion at the Council
    - What is Portland’s responsibility in terms of number of beds and funding
  - Mayor Strimling recalled the City Council referral that the City does a full review shelter system and with single large shelter option and a more inclusive rezoning plan.

Chair Ray reminded that the Mayor Strimling was referring things that were already in the committee.
  - Mayor Strimling wanted to remind that as part of Council Guidance, a second-tier approach was recommended.
  - Councilor Duson clarified that the zoning allowed for large shelters and smaller scattered shelters, and did not narrow to smaller City run shelters
  - Hiding the homeless: the perception that the Council has some nefarious intent to hide the homeless should not lead to a top line criterion of putting people experiencing homelessness on display

City Manager Jon Jennings: Staff does have a sense of the what the committee is asking for
  - Finalized map
  - Asked for the committee to consider Financial model of two to three scattered-site shelters
    - That guidance can be given tonight
    - If so, the 9/25 would not have a vote
  - Councilor Batson is in support of the consideration and cost analysis of three sites.
    - Bring in the potentially affected communities
  - Clear analysis and consensus among majority.
    - If it goes to the committee, the three members go the committee cannot make decisions without 5 Councilors in support
      - Councilor Duson reluctant to relinquish this work
      - Councilor Mavodones is not sure the process can move forward frustrated by angst without a workshop or some sort of a vote on criteria;
Mayor Strimling believes that the visibility is important in the context of disability intersecting with homelessness from the input of someone who has firsthand experience of being hidden.
  - Councilor Batson expressed his desire to fully explore as many possibilities as fully as possible.

Chair Ray is concerned that the committee may be asking for something not supported by the majority: single new facility or scattered multiple new sites
  - Councilor Ali: if an issue goes to the full Council first, and receives guidance it may defeat the purpose of the committee
  - Councilor Batson echoed the same fear he has around the Barron center proposal and supports the information coming back to the committee

**AGENDA ITEM 3 – Next Steps**

On the 24th A Council workshop to clarify the policy decisions and Guidance from the Council
  - Definitively state guidance as a Council (criteria, size, number of beds) so that the committee can complete their work and make a recommendation.

On the 25th: Paid Sick Time

When the Homeless Services Center returns to the committee agenda:
  - Councilor Batson will have a proposal
  - Matrix of options and choose one or two or create a master record in a hierarchical matrix
    - A first and second choice recommendation among the option in case the first fails.
  - All locations of the potential sites
  - Councilor Mavodones requested that Chair Ray and City Manager Jennings confirm the outcome of the meeting.
    - Chair Ray and City Manager Jennings agreed
  - Councilor Cook requested that the County Way and District Rowe be included in the analysis to fully vet it.
    - Some may disappear and repopulate the chart
    - Is there some way to explore the acquisition of non-City owned land?
  - Include pros and cons that are not purely financial

Chair Ray Thanked the Councilors in attendance and the members of the committee.

A motion to adjourn was approved unanimously at approximately 8:15 PM
At the last committee meeting considering the proposed paid sick leave ordinance, the Committee made some revisions to the proposed ordinance and asked for additional information. The most recent red-lined version of the ordinance is attached, and the answers to the Committee’s questions are below.

I. Exemptions for Health Care Workers

The Committee requested some examples of language from other jurisdictions exempting health care workers from paid sick leave.

A. Rhode Island

Rhode Island has an exemption for, “Any employee licensed to practice nursing pursuant to chapter 34 of title 5 is not subject to the provisions of this chapter if the employee:

(1) Is employed by a health care facility;
(2) Is under no obligation to work a regular schedule;
(3) Works only when he or she indicates that he or she is available to work and has no obligation to work when he or she does not indicate availability; and
(4) Receives higher pay than that paid to an employee of the same health care facility performing the same job on a regular schedule."

B. Vermont

The definition of employee in the Vermont legislation does not include, “An employee of a health care facility . . . if the employee only works on a per diem or intermittent basis.” Health care facility is defined as:

all persons or institutions, including mobile facilities, whether public or private, proprietary or not for profit, which offer diagnosis, treatment, inpatient, or ambulatory care to two or more unrelated persons, and the buildings in which those services are offered. The term shall not apply to any institution operated by religious groups relying solely on spiritual means through prayer for healing, but shall include:

(A) hospitals, including general hospitals, mental hospitals, chronic disease facilities, birthing centers, maternity hospitals, and psychiatric facilities including any hospital conducted, maintained, or operated by the State of Vermont, or its subdivisions, or a duly authorized agency thereof;
(B) nursing homes, health maintenance organizations, home health agencies, outpatient diagnostic or therapy programs, kidney disease treatment centers, mental health agencies or centers, diagnostic imaging facilities, independent diagnostic laboratories, cardiac catheterization laboratories, radiation therapy facilities, or any inpatient or ambulatory surgical, diagnostic, or treatment center.

It also includes “a residential care home, nursing home, assisted living residence, home for persons who are terminally ill, or therapeutic community residence” that is required to be licensed by the state.

C. Washington D.C.

Washington D.C.’s definition of employee does not include, “a healthcare worker who choose[s] to participate in a premium pay program.” Premium pay program means “a plan offered by an employer pursuant to which an employee may elect to receive extra pay in lieu of benefits.” Healthcare worker is not defined.

II. Maximum Amounts of Sick Leave Use and/or Accrual per Year

The Committee asked for legislative history from other jurisdictions showing the rationale for jurisdictions’ caps on the amount of sick leave an employee could accrue and/or use. The majority of jurisdictions cap the amount of paid sick time that can be used in any given year at 40 hours. The notable exception is California, where the state caps it at 24 hours, but many local jurisdictions cap the amount at 72 hours. Some jurisdictions have varied caps, depending on the number of employees.

Unfortunately, the available legislative history in most jurisdictions does not delve into the specifics of the number of hours chosen. However, the following information might be relevant to the Committee’s decisions.

- **California** – California currently allows an employer to cap the amount of paid sick time a worker can use each year at 24 hours or 3 days. Legislation earlier this year proposed to increase that to 40 hours or 5 days. Testimony in support of this increase cited to CDC information that employees with the severe flu needed at least one week to recover. Opponents cited to increased costs. This proposal died in committee.

- **Oregon** – A few commenters suggested changing the accruals to equal to 40 hours of sick leave a year to match a standard work week.

- **Vermont** – The Vermont bill provides for a phased-in approach, where employers have to provide 24 hours of leave for the first two years and then 40 hours thereafter. The legislature did extend these deadlines during the legislative process to allow businesses “flexibility.”
III. Wait Time to be Eligible for Paid Sick Leave

The most common waiting period for an employee to be allowed to take any accrued sick leave is 90 days, although Vermont has a waiting period of one year, Connecticut has a waiting period of 680 hours, and Rhode Island has a waiting period of 150 days.

Again, there is not much legislative history reflecting specifically on this waiting period. The only commentary I found was from a business owner in Oregon who suggested a 180 minimum work period to match the state family medical leave act and to allow for temporary and seasonal help without being subject to the law.

IV. Exemptions for Employees Covered by Collective Bargaining Agreements

The exemptions for employees covered by a CBA vary widely from jurisdiction to jurisdiction. Some do not have any exemption, some exempt only those in the construction industry covered by a CBA, some provide an exemption for employees covered by a CBA only where that CBA explicitly waives the members’ rights under the relevant paid sick leave law, and a few exempt all employees covered by a CBA.

It appears that the logic behind these exemptions is giving unions the ability to determine the value of paid sick leave in the context of negotiations. If it makes sense to bargain away paid sick time in exchange for a benefit that is perceived as more valuable, then some laws give unions that flexibility. Reflecting this notion, one commenter from Oregon testified that the legislature should “make it so that essentially any collective bargaining agreement that address sick leave or paid time off in any manner make those employees exempt from the bill. Union members need to be able to negotiate their benefit packages with minimum interference from the government”

V. City Examples of Per Diem Employees

The City uses per diem and on call employees in the following positions:

- Shelter attendants - We schedule per diem staff ahead of time on an "as needed" basis, depending on projected numbers and sites to cover, and call them in to work when spots (shifts) are open. If a per diem employee calls out sick, they try to replace them with another per diem employee, unless that shift would leave to overtime, in which case they then call in a regular, full-time Shelter Attendant. Per diem employees are not paid for any hours they lost due to being out sick.

- Registered Nurses and Certified Nursing Assistants – Per diem RNs and CNAs help supplement our regular nursing staff at the Barron Center. If a regular employee calls out sick, they call in one of the per diem employees. There is a minimum obligation for the per diem staff to be available to work for two weekend shifts per month. If a per
diem employee calls in sick after being scheduled to work a shift, they go back to the list of per diem employees and try to fill the shift. The per diem employee who called in sick does not get paid for the hours they lost due to being out sick.

- Event Staff – We use on call event staff as cashiers and concession workers. Most of these positions are on-call status, as event schedules vary.

- Election Workers – Election workers are considered on call and are only used as needed.

- Restaurant Employees – Many of our restaurant employees are on call, and their shifts vary from week to week.

- Barron Center Support Team Workers – We have some on-call support team workers in housekeeping and in the kitchen who supplement the regular, full-time support team workers as needed to fill vacancies, vacations, sick days, etc.

- Dispatchers – We have a few on call dispatchers who fill in for full time dispatchers, as needed.

Many of our per diem, seasonal, and on-call employees often work these non-scheduled, "work when you can" types of schedules because they are either 1) already work another regular job, and the job with the City is just to supplement their income, or 2) they are students or retired and only want to work a very light schedule, and on their terms (i.e., when they want to work). For our Shelter Attendants, we see that most of our regular hires come from our per diem pool, which shows us that in that work setting, a foot in the door is usually to come on as a per diem employee, then eventually get hired on as a regular employee.

VI. Impact to the City if Recreation and Child Care Workers Were Exempt

The City does employ a large number of non-permanent employees in our Parks & Recreation programs. They are more seasonal, on-call, and contractual employees. If these categories of workers continued to be exempt from required paid sick leave the cost increases expected to result from the ordinance (approximately $42k within the Parks and Recreation Department per Finance Department memo as updated 6/22/18) would not be incurred. The risk of revenue loss in recreational programs where replacement staff is not always guaranteed would also be reduced. Seasonal, on-call and contractual employees are not provided with any sick leave benefits currently, so an exemption moving forward would be a continuation of existing practice. If an on-call employee cannot work a shift, they simply refuse that shift (without no explanation or doctor's note required) and the City would move on to the next employee on the on-call list.
VII. City’s Treatment of Seasonal Camp Workers

The City’s seasonal, summer camp workers are terminated each year at the end of their season then re-hire them the following year at the start of their season.

VIII. Examples of Per Diem Employees at Other Employers in Portland

Most healthcare facilities rely on per diem employees to fill shifts. Child care facilities also routinely use per diem employees, and the school systems use substitute teachers on a per diem basis.
1. Definitions

The following definitions shall apply for purposes of this Article:

Child shall mean a biological, adopted, or foster child of the employee; stepchild or legal ward of the employee; child of a domestic partner of the employee; or a child for whom the employee stands in loco parentis.

Earned paid sick time shall mean paid sick time accrued and awarded pursuant to section X.

Employee shall have the same meaning as in Sec. 33.2 of this Code.

Employer shall have the same meaning as in Sec. 33.2 of this Code.

Family member shall mean a child, grandchild, sibling, spouse, domestic partner, parent, or grandparent of an employee; a spouse or domestic partner of a parent or grandparent of the employee; a sibling of a spouse or domestic partner of an employee; or any other person related by blood to the employee or whose close association with the employee is the equivalent of a family relationship: (A) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor; (B) A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child; (C) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision; (D) A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; (E) A person for whom the employee is responsible for providing or arranging care, including but not limited to helping that individual obtain diagnostic, preventive, routine or therapeutic health treatment; or (F) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Health care professional shall have the same meaning as in 26 M.R.S. § 843.

Parent shall mean a biological, adoptive, or foster parent of the employee or employee's spouse or domestic partner; a stepparent or legal guardian of the employee or employee's spouse or domestic partner; or a person who stood in loco parentis of the employee or the employee's spouse or domestic partner when that person was a minor child.

Sibling shall mean a biological, foster, or adopted sibling of an employee.

Spouse means a husband or wife.
Year shall mean a regular and consecutive 12-month period as determined by the employer.

2. Accrual of Earned Paid Sick Time

(a) All employees shall accrue a minimum of one hour of earned paid sick time for every 30 hours of worked, up to a maximum accrual of 48 hours in one year. Hours worked shall not include vacation, sick, or other time for which an employee is paid but no actual work is performed.

1. Employees who are exempt from overtime requirements under the Fair Labor Standards Act will be deemed to work 40 hours in each work week for purposes of earned paid sick time accrual, unless their normal work week is less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.

2. Employees shall begin to accrue earned paid sick time at the commencement of employment or on the date this law goes into effect, whichever is later.

3. Accrued paid sick time shall be awarded and available for use no more than eight days after it is accrued. Alternatively, an employer may award paid sick time in advance of accrual in an amount anticipated to be accrued over a year’s time.

(b) Earned paid sick time shall not be automatically forfeited with the passage of time, unless the employer has a policy to pay the employee for any remaining sick time at set intervals of not less than one year.

1. However, employers may set a cap on the amount of earned paid sick time that an employee can accrue, which cap may not be less than X hours.

2. However, nothing in this Article shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee’s termination, resignation, retirement or other separation from employment for accrued earned paid sick time that has not been used.

(c) If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all earned paid sick time accrued at the prior division, entity or location and is entitled to use all earned paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within two months of separation by the same employer, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional
earned paid sick time at the re-commencement of employment.

(d) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer, and are entitled to use earned paid sick time previously accrued.

(e) At its discretion, an employer may loan earned paid sick time to an employee in advance of accrual by such employee.

(f) Any employer that has a paid leave policy that makes available an amount of paid leave sufficient to meet the accrual requirements of this section, and allows that paid leave to be used for the same purposes and under the same conditions as earned paid sick time under this ordinance, is not required to provide additional paid sick time. This exception applies regardless of how the paid leave is designated, including “sick leave,” “paid time off,” or otherwise. If an employer has a policy that does not distinguish between sick leave and other types of leave, the employer need not track the actual reasons for leave, so long as leave is available for the same purposes and under the same conditions as earned paid sick time under this ordinance.

3. Use of Earned Paid Sick Time

(a) Employees may use earned paid sick time for any of the following:

1. Job protected leave provided pursuant to the Maine Employment Leave for Victims of Violence statute;

2. Leave for an employee’s mental or physical illness, injury, or health condition; an employee’s need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or an employee’s need for preventative medical care;

3. Leave for care of a family member’s mental or physical illness, injury, or health condition; an employee’s need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or an employee’s need for preventative medical care; or

4. Leave to attend a school meeting necessitated by the family member’s health condition or disability; or

5. Leave to attend a meeting at a place where a family member is receiving care necessitated by the family member’s health condition or disability.
(b) Earned paid sick time may be used in the smaller of hourly increments or the smallest increment that the employer’s payroll system uses to account for absences or use of other time.

(c) If an employee uses earned paid sick time for an entire day or shift, earned paid sick time must be paid for the hours the employee was otherwise scheduled to work.

(d) Employees may not use more than 48 hours of earned paid sick time in a year, unless the employer selects a higher limit.

4. Procedures for Taking Earned Paid Sick Time

(a) Earned paid sick time shall be provided upon the request of an employee.

1. An employer may not require more than five days’ notice for an employee to use earned paid sick time, when the need is foreseeable.

2. When the need for use of earned paid sick time is not foreseeable, an employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case.

3. An employer that requires notice of the need to use earned paid sick time shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice shall not deny earned paid sick time to the employee based on non-compliance with such a policy.

4. When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time to the employer in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the employer.

(b) An employer may not require, as a condition of an employee’s taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.

(c) For earned paid sick time of three or more consecutive work days, an employer may require reasonable documentation that the earned paid sick time has been used for a purpose covered by Sec. X(a)(2) through (a)(4). An employer may not require that the documentation explain the nature of the reasons for leave. However, nothing in this section shall be construed to limit an employer’s rights with respect to documentation of leave allowed under state or federal law.

1. Documentation signed by a health care professional indicating that earned...
paid sick time is necessary shall be considered reasonable documentation for purposes of this section.

2. If an employer requires documentation of the reasons for taking earned paid sick time, the employer is responsible for paying the employee’s out-of-pocket costs for obtaining such documentation.

5. Exercise of Rights Protected; Retaliation Prohibited

(a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Article.

(b) It shall be unlawful for an employer or any other person to retaliate against an employee for exercising his or her rights under this Article, including requesting or using earned paid sick time; filing a complaint or otherwise complaining about an employer’s alleged violation of this Article; participating in an investigation or other proceeding under this Article; or informing others of their rights under this Article.

(c) It shall be unlawful for an employer’s absence control policy to count earned paid sick time taken under this Act as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action. However, nothing in this Article shall be construed to prohibit an employer from taking disciplinary action against an employee who uses earned paid sick time for purposes other than those described in this Article.

(d) Protections of this section shall apply to any person who mistakenly but reasonably alleges a violation of this Article.

6. Notice of Rights

(a) Employers shall both display a poster notifying employees of their rights under this Article, and give employees written notice at the commencement of employment or the effective date of this ordinance, whichever is later. The poster and notice shall be consistent with this section.

(b) The notice and poster shall contain the following information: that employees are entitled to earned paid sick time and the amount of earned paid sick time; the terms of its use guaranteed under this Act; that retaliation is prohibited; that each employee has the right to file a complaint or bring a civil action if earned paid sick time as required by this Act is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking earned paid sick time, and the contact
information for the City of Portland where questions about rights and responsibilities under this Act can be answered.

(c) The notice and poster shall be provided in English, Spanish, Somali, Chinese, Vietnamese, Russian, Croatian, French, Arabic, Polish, Acholi, Farsi, Dinka, Khmer, Creole and any language that is the first language spoken by at least 5% of the employer’s workforce, provided that such notice has been provided created by the City of Portland.

(d) The City of Portland shall create and make available to employers, in all languages spoken by more than 5% of the City’s workforce and any language deemed appropriate by the City of Portland, model notices and posters meeting the requirements of this section. This requirement may be satisfied by posting the model notices and posters on the City’s website and making them available for download.

(e) The amount of earned paid sick time available to the employee, the amount of earned paid sick time taken by the employee to date in the year and the amount of pay the employee has received as earned paid sick time shall be recorded in, or on an attachment to, the employee’s regular paycheck.

(f) An employer who willfully violates this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense. Each day that an employer allows a violation of this section to continue shall be a separate offense.

7. Recordkeeping Requirements

(a) Employers shall retain records documenting hours worked by employees and earned paid sick time earned and taken by employees for a period of six (6) years.

(b) Employers shall allow the City of Portland access to the records required by this section, with appropriate notice and at a mutually agreeable time.

(c) When an issue arises as to an employee’s entitlement to earned paid sick time under this Article, if the employer has not maintained adequate records required by this section, or does not allow the City of Portland reasonable access to such records, it shall be presumed that the employer has violated this Article, absent clear and convincing evidence otherwise.

8. Enforcement

(a) Enforcement.

1. The City Manager or his/her designee shall enforce the provisions of this ordinance.
2. The City Manager shall adopt rules and regulations for the proper administration and enforcement of this ordinance.

(b) Complaint Process

1. Any Employee, including, but not limited to, a Service Employee, alleging a violation of this ordinance may file a written complaint with the City Manager’s office.

2. The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager’s or his or her designee’s response to the complaint shall be final.

3. If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, three times the amount of any back wages withheld and the payment of not less than $100.00 to the employee as a penalty for each day that a violation of this chapter has occurred. If a violation occurred but did not result in wages being withheld, such as in the case of an employee who worked after being unlawfully denied permission to use earned paid sick time, appropriate relief shall include an additional amount of two times what the employee was paid.

4. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(c) Private Cause of Action.

1. Any Employee, including, but not limited to, a Service Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Such action may be brought by a person aggrieved by a violation of this section without first filing a complaint with the City Manager. Actions brought pursuant to this section may be brought as a class action pursuant to the laws of Maine.

2. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney’s fees.

3. Where applicable, remedies shall also include equitable relief, including reinstatement and back pay, and injunctive relief.

4. The City of Portland shall annually report on the City of Portland website the number and nature of the complaints received pursuant to this ordinance, the
results of investigations undertaken pursuant to this ordinance, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this ordinance, and the average time for a complaint to be resolved pursuant to this chapter.

9. Confidentiality and Nondisclosure

If an employer possesses health information or information pertaining to domestic violence, sexual assault, harassment or stalking about an employee or employee’s family member, such information shall be treated as confidential and not disclosed except to the affected employee, with the permission of the affected employee, as required for the administration of the leave, or as otherwise required by law.

10. Encouragement of More Generous Earned Paid Sick Time Policies; No Effect on More Generous Policies or Laws

(a) Nothing in this Act shall be construed to discourage or prohibit an employer from the adoption or retention of an earned paid sick time policy more generous than the one required herein.

(b) Nothing in this Act shall be construed as diminishing the obligation of an employer to comply with any law, regulation, contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required herein.

11. Public Education and Outreach

The City of Portland shall develop and implement a multilingual outreach program to inform employees about the availability of earned paid sick time under this ordinance. This program shall include the distribution of notices and other written materials in English, and well as Spanish, Somali, Chinese, Vietnamese, Russian, Croatian, French, Arabic, Polish, Acholi, Farsi, Dinka, Khmer, Creole to all child care and elder care providers, domestic violence shelters, schools, hospitals, community health centers and other health care providers.

12. Regulations

The city manager, or his or her designee, shall be authorized to coordinate implementation and enforcement of this Article and shall promulgate appropriate guidelines or regulations
tor such purposes.

13. **Severability**

If any provision of this Act or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

14. **Effective Date**

This Act will take effect on July 1, 2018.
Overview of Paid Sick Time Laws in the United States

In the United States, 9 states, 30 cities, 2 counties, and Washington D.C. have paid sick time laws on the books. This document provides an overview and comparison of these 42 laws, with the exceptions of the paid sick time laws recently passed in Maryland and in Austin, Texas. We are currently developing a digital, user-friendly version of this chart that will cover all 42 laws. In the meantime, information about Maryland and Austin’s laws can be found in Section IV of this document (“Additional Paid Sick Time Laws”).

Section I provides a comparison of paid sick time laws that are—or will soon be—in effect at the state wide level (with the exception of Maryland’s law), as well as Washington D.C.’s law. Section II provides a comparison of the seven local paid sick time laws that are—or will soon be—in effect in California. Section III provides a comparison of paid sick time laws that are—or will soon be—in effect at the county and city level, with the exceptions of Austin, Texas, and the seven California cities in Section II. Section IV provides a brief overview of the paid sick time laws in Maryland and Austin, Texas, and additional paid sick time laws that are narrower than the ones covered in this chart.

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

<table>
<thead>
<tr>
<th>State</th>
<th>Who is covered?</th>
<th>Sick Leave Law Link</th>
<th>Other relevant laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>Employees in Connecticut are covered, if they work for a business with 30 or more workers. For the full list of which professions are covered, see Connecticut’s “service” occupations. Go to <a href="http://www.child-stay.com/workplace/ChildSickLeaveLaw.htm">www.child-stay.com/workplace/ChildSickLeaveLaw.htm</a> and look at the definition of “service worker” (Sec. 3-367/7). Certain manufacturers and nonprofit organizations are exempted, as are temporary and day laborers.</td>
<td><a href="http://www.child-stay.com/workplace/ChildSickLeaveLaw.htm">1</a></td>
<td><a href="http://www.lni.wa.gov/workplacerel/Workers/receipts/TITLE2-12/2015-2.HTM">http://www.lni.wa.gov/workplacerel/Workers/receipts/TITLE2-12/2015-2.HTM</a>, 2018.</td>
</tr>
<tr>
<td>California</td>
<td>Employees in California for 50 or more days a year after commencement of employment are covered. Flight deck cabin crew subject to Railway Labor Act with comparable paid time off are exempted. Workers who provide in-home supportive services are exempted until July 1, 2018, at which point they will be able to accrue paid sick time (subject to specific scope and carryover provisions).</td>
<td><a href="http://www.ctdol.state.ct.us/wgwkstnd/Sec.3-3670.htm">2</a></td>
<td><a href="http://www.ctdol.state.ct.us/wgwkstnd/Sec.3-3675.htm">3</a></td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Employees in Massachusetts are covered. Independent contractors, certain railroad workers, and individuals employed by the parent, spouse, or child are exempted.</td>
<td>[4](<a href="http://www.mass.gov/e">http://www.mass.gov/e</a> здоровьe/healthcare/sicktime/index.html)</td>
<td>[5](<a href="http://www.mass.gov/e">http://www.mass.gov/e</a> здоровьe/healthcare/sicktime/index.html)</td>
</tr>
<tr>
<td>Oregon</td>
<td>Employees employed in Oregon are covered. Independent contractors, certain railroad workers, and individuals employed by the parent, spouse, or child are exempted.</td>
<td><a href="http://www.leg.state.or.us/bills/bills/50/SB1581.html">6</a></td>
<td><a href="http://www.leg.state.or.us/bills/bills/50/SB1580.html">7</a></td>
</tr>
<tr>
<td>Washington D.C.</td>
<td>Employees employed in Washington, D.C. are covered. The following individuals are exempted independent contractors; student 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 certain railroad workers.</td>
<td>[8](<a href="http://webserver.rilin.state.ri.us/S">http://webserver.rilin.state.ri.us/S</a> ATEL/12/28/12-22/2.HTM)</td>
<td>[9](<a href="http://webserver.rilin.state.ri.us/S">http://webserver.rilin.state.ri.us/S</a> ATEL/12/28/12-22/2.HTM)</td>
</tr>
<tr>
<td>Vermont</td>
<td>Employees employed in Vermont are covered. An employee or the employee’s spouse/registered domestic partner; and a child of a worker standing in loco parentis, regardless of age, is exempt.</td>
<td><a href="http://www.workplacepolicy.net/pdf_for_detailed_list_of_exemptions.html">10</a></td>
<td><a href="http://www.workplacepolicy.net/pdf_for_detailed_list_of_exemptions.html">11</a></td>
</tr>
<tr>
<td>Arizona</td>
<td>Employees employed in Arizona are covered. Independent contractors, certain railroad workers, and individuals employed by a parent or a sibling and individuals performing babysitting services in the employee’s home on a casual basis are exempted.</td>
<td><a href="http://www.leg.state.az.us/legis/ars/20/2018/5.html">12</a></td>
<td><a href="http://www.leg.state.az.us/legis/ars/20/2018/5.html">13</a></td>
</tr>
<tr>
<td>Washington State</td>
<td>Employees employed in Washington state are covered. Independent contractors, certain railroad workers, and individuals employed by a parent or a sibling and individuals performing babysitting services in the employee’s home on a casual basis are exempted.</td>
<td><a href="http://www.leg.statewa.gov/bills/20/WASLB1234.html">14</a></td>
<td><a href="http://www.leg.statewa.gov/bills/20/WASLB1234.html">15</a></td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Employees employed in Rhode Island are covered. Independent contractors, certain railroad workers, and individuals employed by a parent or a sibling and individuals performing babysitting services in the employee’s home on a casual basis are exempted.</td>
<td><a href="http://www.workplacepolicy.net/pdf_for_detailed_list_of_exemptions.html">16</a></td>
<td><a href="http://www.workplacepolicy.net/pdf_for_detailed_list_of_exemptions.html">17</a></td>
</tr>
</tbody>
</table>

Can sick time be used to care for a child’s illness? Yes: children and spouse

How is “child” defined? 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 incapable of self care because of a mental or physical disability.

How is “care” defined? Sick leave specifically accrues for care of a child or foster child.

*Note: The chart is not exhaustive and is subject to change. For the most up-to-date information, please visit the websites of each state and city.*
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<tbody>
<tr>
<td>Can sick time be earned for specific “sick time” purposes (related to domestic violence, sexual assault, or stalking)?</td>
<td>Yes, but only when the worker is the victim.</td>
<td>Yes, but only when the worker is the victim.</td>
<td>Yes, but only when the worker’s dependent child is the victim</td>
<td>Yes, but only when the worker’s dependent child is the victim</td>
<td>Yes, when the worker or the worker’s family member is the victim</td>
<td>Yes, when the worker or the worker’s family member is the victim</td>
<td>Yes, when the worker or the worker’s family member is the victim</td>
<td>Yes, when the worker or the worker’s family member is the victim</td>
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<tr>
<td>Can sick time be earned under the law to bond with a new child or to deal with a family member’s death? (See endnote 11.)</td>
<td>No.</td>
<td>No.</td>
<td>No.</td>
<td>Yes.</td>
<td>No.</td>
<td>No.</td>
<td>No.</td>
<td>No.</td>
<td></td>
</tr>
<tr>
<td>Rate at which workers can earn paid sick time?</td>
<td>1 hour for every 40 hours worked for both paid and unpaid sick time, as described below.</td>
<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 40 hours worked for both paid and unpaid sick time, as described below.</td>
<td>1 hour for every 40 hours worked for 1 and 1/3 hours for every 48 hours worked.</td>
<td>1 hour for every 52 hours worked.</td>
<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 40 hours worked.</td>
<td>1 hour for every 35 hours worked for both paid and unpaid sick time, as described below.</td>
<td></td>
</tr>
<tr>
<td>Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time, as described below)</td>
<td>Up to 40 hours of paid sick time a year.</td>
<td>Employees may earn the amount of paid sick time a worker earns at 48 hours or 6 days. Employers may also cap the amount of paid sick time a worker can earn each year at 24 hours or 3 days.</td>
<td>Workers in businesses with 11 or more workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 25-99 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 24 or fewer workers: Up to 24 hours a year.</td>
<td>Workers in businesses with 100 or more workers: 1 hour for every 37 hours worked.</td>
<td>Workers in businesses with 15 or more workers: 24 hours.</td>
<td>No explicit cap on how much sick time can be earned or used in a year. However, as described below, employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year.</td>
<td></td>
</tr>
<tr>
<td>Larger businesses (workers in businesses with 10 or less workers: up to 40 hours of paid sick time a year):</td>
<td>Workers in businesses with 11 or more workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with fewer than 15 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 25-99 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 24 or fewer workers: up to 24 hours a year.</td>
<td>Workers in businesses with 100 or more workers: 1 hour for every 37 hours worked.</td>
<td>Workers in businesses with 15 or more workers: 24 hours.</td>
<td>Workers in businesses with 15 or more workers: 40 hours.</td>
<td>No explicit cap on how much sick time can be earned or used in a year. However, as described below, employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year.</td>
<td></td>
</tr>
<tr>
<td>Employers located in Portland, if a business is located in Portland (excluding meaning any office, store, restaurant, or establishment in the city) and has at least 6 workers anywhere in Oregon, workers have the right to earn up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 11 or more workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with fewer than 15 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 25-99 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 24 or fewer workers: up to 24 hours a year.</td>
<td>Workers in businesses with 100 or more workers: 1 hour for every 37 hours worked.</td>
<td>Workers in businesses with 15 or more workers: 24 hours.</td>
<td>Workers in businesses with 15 or more workers: 40 hours.</td>
<td>No explicit cap on how much sick time can be earned or used in a year. However, as described below, employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year.</td>
<td></td>
</tr>
<tr>
<td>Smaller businesses (workers in businesses with 10 or less workers: up to 40 hours of paid sick time a year):</td>
<td>Workers in businesses with 10 or less workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with fewer than 15 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 25-99 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 24 or fewer workers: up to 24 hours a year.</td>
<td>Workers in businesses with 100 or more workers: 1 hour for every 37 hours worked.</td>
<td>Workers in businesses with 15 or more workers: 24 hours.</td>
<td>Workers in businesses with 15 or more workers: 40 hours.</td>
<td>No explicit cap on how much sick time can be earned or used in a year. However, as described below, employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year.</td>
<td></td>
</tr>
<tr>
<td>Special rule for some home care workers: Certain home care workers whose care is 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 sick time a year (excluding but not limited to sick time).</td>
<td>Workers in businesses with 11 or more workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with fewer than 15 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 25-99 workers: up to 40 hours of paid sick time a year.</td>
<td>Workers in businesses with 24 or fewer workers: up to 24 hours a year.</td>
<td>Workers in businesses with 100 or more workers: 1 hour for every 37 hours worked.</td>
<td>Workers in businesses with 15 or more workers: 24 hours.</td>
<td>Workers in businesses with 15 or more workers: 40 hours.</td>
<td>No explicit cap on how much sick time can be earned or used in a year. However, as described below, employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year.</td>
<td></td>
</tr>
<tr>
<td>Employees in businesses with fewer than 11 workers: 1 hour for every 30 hours worked.</td>
<td>Employees in businesses with fewer than 11 workers: 1 hour for every 30 hours worked.</td>
<td>Employees in businesses with fewer than 15 workers: 1 hour for every 30 hours worked.</td>
<td>Employees in businesses with fewer than 20 workers: 1 hour for every 35 hours worked.</td>
<td>Employees in businesses with 24 or fewer workers: 1 hour for every 48 hours worked.</td>
<td>Employees in businesses with 100 or more workers: 1 hour for every 48 hours worked.</td>
<td>Employees in businesses with 15 or more workers: 24 hours.</td>
<td>Employees in businesses with 15 or more workers: 40 hours.</td>
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<td></td>
</tr>
</tbody>
</table>

**Notes:**
- **Connecticut:**
  - Workers earn 1 hour for every 40 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.

- **California:**
  - Workers earn 1 hour for every 40 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.

- **Massachusetts:**
  - Workers earn 1 hour for every 40 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.

- **Oregon:**
  - Workers earn 1 hour for every 40 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.

- **Washington D.C.:**
  - Workers earn 1 hour for every 24 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.

- **Vermont:**
  - Workers earn 1 hour for every 40 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.

- **Arizona:**
  - Workers earn 1 hour for every 52 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.

- **Washington State:**
  - Workers earn 1 hour for every 40 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.

- **Rhode Island:**
  - Workers earn 1 hour for every 40 hours worked.
  - Workers in businesses with fewer than 11 workers earn 1 hour for every 30 hours worked.
When do workers begin to earn paid sick time?

- **Connecticut**: The Connecticut Department of Labor, located at 200 Heritage Drive in Hartford, Connecticut 06140, can provide information about employers' obligations under Connecticut law. The Commissioner's Office, a division within the Department, is responsible for enforcing Connecticut's paid sick time law.

- **California**: The California Department of Labor Standards Enforcement (DLSE), located at 1575 L Street, Suite 620 in Sacramento, California 95814, can provide information about employers' obligations under California law.

- **Massachusetts**: Employees are entitled to carry forward up to 40 hours of unused paid sick time, but employers aren’t required to allow use of more than 40 hours of paid sick time a year.

- **Oregon**: No specific language regarding paid sick time is available at the outset of employment, but workers aren’t entitled to use paid sick time until the 90th day of employment. As noted earlier, the law covers a worker when the worker, or the worker’s spouse, or the worker’s dependent, was hired after July 1, 2018, works for a business with fewer than 25 workers; 40 hours a year (for businesses with 10 or more workers); 40 hours of paid sick time a year (for businesses with at least 25 and fewer than 100 workers); or 24 hours of paid sick time a year (for businesses with at least 100 workers), plus 24 hours of paid sick time a year for employees who work in the building/construction industry. The law’s paid sick time requirements don’t apply to workers in the building/construction industry covered by a CBA that explicitly waives the requirements in clear and unambiguous terms.

- **Washington D.C.**: The D.C. Commission of Labor and Industry, located at 1200 7th Street N.W., Suite 1200 in Washington, D.C. 20001, can provide information about employers’ obligations under Washington D.C. law. Employers aren’t required to allow use of more than 24 hours of paid sick time a year. The law’s provisions in clear and unambiguous terms explicitly exempt construction workers covered by a CBA to the extent that the CBA waives the requirements in the endnote 4 on page 6 for more.

- **Washington State**: None. The Oregon law preempts the same.

- **Rhode Island**: The Rhode Island Department of Labor and Training, located at 250 Promenade Boulevard, South Kingstown, Rhode Island 02879, can provide information about employers’ obligations under Rhode Island law. Employers aren’t required to allow use of more than 24 hours of paid sick time a year. Employers are entitled to carry forward up to 40 hours of unused paid sick time, but employers aren’t required to allow use of more than 40 hours of paid sick time a year.

Does unused sick time carry forward to the subsequent year?

- **Connecticut**: Yes, at the commencement of employment.

- **California**: Yes, after filing with the state or local labor commission or other designated entity.

- **Massachusetts**: Yes, after filing with the Attorney General.

- **Oregon**: Yes, at the commencement of employment. Workers aren’t entitled to use paid sick time until the 90th day of employment. The endnote 4 on page 6 provides more.

- **Washington D.C.**: Yes, after filing with the Department of Employment Services.

- **Washington State**: Yes, at the commencement of employment.

- **Rhode Island**: No, employers aren’t required to allow use of more than 24 hours of paid sick time a year. Employers aren’t required to allow use of more than 40 hours of paid sick time a year. The law’s provisions in clear and unambiguous terms explicitly exempt construction workers covered by a CBA to the extent that the CBA waives the requirements in the endnote 4 on page 6 for more.

Private Right of Action to go to Court?

- **Connecticut**: No.

- **California**: Yes, after filing with the Attorney General.

- **Massachusetts**: Yes, after filing with the Attorney General.

- **Oregon**: Yes, after filing with the Attorney General.

- **Washington D.C.**: Yes, after filing with the Department of Employment Services.

- **Washington State**: Yes, after filing with the Attorney General.

- **Rhode Island**: Yes, after filing with the Attorney General.

Are there waivers or exceptions for workers covered by a valid collective bargaining agreement (CBA)? (See endnote 4.)

- **Connecticut**: No specific language regarding waivers or exceptions for workers covered by a CBA.

- **California**: Construction industry workers covered by a CBA providing certain wage/hour and working conditions and expressly waiving the law’s provisions in clear and unambiguous terms are exempt. Otherwise, workers covered by a CBA providing comparable paid time off and certain wage/hour/working conditions are exempt.

- **Massachusetts**: Construction industry workers covered by a CBA providing certain wage/hour and working conditions and expressly waiving the law’s provisions in clear and unambiguous terms are exempt. Otherwise, workers covered by a CBA providing comparable paid time off and certain wage/hour/working conditions are exempt.

- **Oregon**: Construction industry workers covered by a CBA providing certain wage/hour and working conditions and expressly waiving the law’s provisions in clear and unambiguous terms are exempt. Otherwise, workers covered by a CBA providing comparable paid time off and certain wage/hour/working conditions are exempt.

- **Washington D.C.**: Construction industry workers covered by a CBA providing certain wage/hour and working conditions and expressly waiving the law’s provisions in clear and unambiguous terms are exempt. Otherwise, workers covered by a CBA providing comparable paid time off and certain wage/hour/working conditions are exempt.

- **Washington State**: Construction industry workers covered by a CBA providing certain wage/hour and working conditions and expressly waiving the law’s provisions in clear and unambiguous terms are exempt. Otherwise, workers covered by a CBA providing comparable paid time off and certain wage/hour/working conditions are exempt.

- **Rhode Island**: Construction industry workers covered by a CBA providing certain wage/hour and working conditions and expressly waiving the law’s provisions in clear and unambiguous terms are exempt. Otherwise, workers covered by a CBA providing comparable paid time off and certain wage/hour/working conditions are exempt.

What Agency or Official Enforces the Law?

- **Connecticut**: The Connecticut Department of Labor, located at 200 Heritage Drive in Hartford, Connecticut 06140.

- **California**: The California Labor Commissioner’s Office, also known as the California Division of Labor Standards Enforcement (DLSE), located at 1575 L Street, Suite 620 in Sacramento, California 95814.

- **Massachusetts**: The Massachusetts Attorney General’s Office, located at 750 Washington Street in Boston, Massachusetts 02108.

- **Oregon**: The Oregon Bureau of Labor and Industries, located at 1000 NE Browne Street in Salem, Oregon 97310.


- **Washington State**: The Washington State Department of Labor and Industries, located at 1400 Pursglove Street in Olympia, Washington 98504.

- **Rhode Island**: The Rhode Island Department of Labor and Training, located at 250 Promenade Boulevard, South Kingstown, Rhode Island 02879.

For the maximum paid sick time laws that are not explicitly addressed in the paid sick time law

- **Connecticut**: Yes. The A.C.A. does not explicitly address in the paid sick time law.

- **California**: Yes. The A.C.A. does not explicitly address in the paid sick time law.

- **Massachusetts**: Yes. The A.C.A. does not explicitly address in the paid sick time law.

- **Oregon**: No. The Oregon law explicitly addresses in the paid sick time law.

- **Washington D.C.**: Yes. The A.C.A. does not explicitly address in the paid sick time law.

- **Washington State**: Yes. The A.C.A. does not explicitly address in the paid sick time law.

- **Rhode Island**: Yes. The A.C.A. does not explicitly address in the paid sick time law.

Endnotes:

1. Endnote 1 on page 6 for more.

2. Endnote 2 on page 6 for more.

3. Endnote 3 on page 6 for more.

4. Endnote 4 on page 6 for more.
## Local Paid Sick Time Laws in California

<table>
<thead>
<tr>
<th>San Francisco</th>
<th>Oakland</th>
<th>Emeryville</th>
<th>Santa Monica</th>
<th>San Diego</th>
<th>Los Angeles</th>
<th>Berkeley</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Who is covered?</strong></td>
<td>Workers employed within the geographic boundaries of San Francisco are covered.</td>
<td>Workers who, in any 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.</td>
<td>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.</td>
<td>Workers who, in a calendar week, perform at least 2 hours of work within the geographic boundaries of Santa Monica and who are entitled to minimum wage under California law are covered.</td>
<td>Government and school district employees are exempted.</td>
<td>Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Los Angeles and are entitled to minimum wage under California law are covered.</td>
</tr>
<tr>
<td><strong>Amount of paid sick time</strong></td>
<td>40 hours (from 1/1/2017 to 12/31/2017) and 48 hours (after 12/31/2017).</td>
<td>120 hours (from 1/1/2017 to 12/31/2017) and 144 hours (after 12/31/2017).</td>
<td>Works from 12/31/2016 to 12/31/2017.</td>
<td>Up to 48 hours a year.</td>
<td>Up to 96 hours a year.</td>
<td>Up to 48 hours a year.</td>
</tr>
<tr>
<td><strong>Rate at which workers earn paid sick time</strong></td>
<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 30 hours worked.</td>
</tr>
<tr>
<td><strong>Is &quot;child&quot; defined?</strong></td>
<td>A legal guardian or a relative, child from biological, adoptive, foster care, and step relationships; child of a domestic partner; the child of the child's parent. A legal guardian or a relative, child from biological, adoptive, foster care, and step relationships; child of a domestic partner; the child of the child's parent. A legal guardian or a relative, child from biological, adoptive, foster care, and step relationships; child of a domestic partner; the child of the child's parent. A legal guardian or a relative, child from biological, adoptive, foster care, and step relationships; child of a domestic partner; the child of the child's parent. A legal guardian or a relative, child from biological, adoptive, foster care, and step relationships; child of a domestic partner; the child of the child's parent. A legal guardian or a relative, child from biological, adoptive, foster care, and step relationships; child of a domestic partner; the child of the child's parent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Can paid sick time be used for specific &quot;safe time&quot; purposes (related to domestic violence, sexual assault, or stalking)? (See endnote 2.)</strong></td>
<td>Yes, but only as of January 1, 2017, and only when the worker is the victim. No.</td>
<td>No, beyond what is provided under the State's paid sick time law.</td>
<td>No, not beyond what is provided under the State's paid sick time law.</td>
<td>No, not beyond what is provided under the State's paid sick time law.</td>
<td>Yes, not only when the worker is the victim. No.</td>
<td>No, not beyond what is provided under the State’s paid sick time law.</td>
</tr>
<tr>
<td><strong>Rate at which workers earn paid sick time?</strong></td>
<td>1 hour for every 30 hours worked.</td>
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<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 30 hours worked.</td>
<td>1 hour for every 30 hours worked.</td>
</tr>
<tr>
<td><strong>Amount of paid sick time that can be earned under the first part?</strong> (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)</td>
<td>Workers in businesses with 10 or more employees: up to 72 hours. Workers in businesses with fewer than 10 employees: up to 40 hours.</td>
<td>Workers in businesses with 10 or more employees: up to 72 hours. Workers in businesses with fewer than 10 employees: up to 40 hours.</td>
<td>Workers in businesses with 55 or fewer employees: up to 120 hours. Workers in businesses with 56 or more employees: up to 144 hours.</td>
<td>Workers in businesses with 26 or more employees: up to 40 hours (from 1/1/2017 to 12/31/2017) and 72 hours (after 12/31/2017). Workers in businesses with 25 or fewer employees: up to 32 hours (from 1/1/2017 to 12/31/2017) or 40 hours (after 12/31/2017).</td>
<td>Employers may cap the amount of paid sick time a worker earns at 80 hours. Employees may also cap the amount of paid sick time a worker can use each year at 40 hours.</td>
<td>Workers in businesses with 25 or more employees: up to 72 hours. Workers in businesses with fewer than 25 workers: up to 48 hours.</td>
</tr>
</tbody>
</table>
### When do workers begin to earn paid sick time?
- 90 calendar days after the commencement of employment for workers hired on or after January 1, 2017, paid sick time begins to accrue at the commencement of employment, but workers aren’t entitled to use paid sick time until the 90th day of employment.

### Does unused paid sick time carry forward to the subsequent year?
- Yes.

### Are there waivers/ exemptions for sick time?
- Yes.

### III. County and City Paid Sick Time Laws (Other than the Local California Laws in Section II)

<table>
<thead>
<tr>
<th>County, City, and/or State</th>
<th>Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montgomery County, Maryland</td>
<td>No specific language regarding waivers or exemptions for workers covered by a CBA.</td>
</tr>
<tr>
<td>Cook County and Chicago, IL</td>
<td>Yes.</td>
</tr>
<tr>
<td>Seattle, WA</td>
<td>Yes.</td>
</tr>
<tr>
<td>New York City, NY</td>
<td>Yes.</td>
</tr>
<tr>
<td>San Francisco, CA</td>
<td>Yes.</td>
</tr>
<tr>
<td>Portland, OR</td>
<td>Yes.</td>
</tr>
<tr>
<td>Portland, OR</td>
<td>Yes.</td>
</tr>
<tr>
<td>San Diego, CA</td>
<td>Yes.</td>
</tr>
<tr>
<td>Los Angeles Office of Wage Standards (within the Department of Public Works/ other Bureau/Division)</td>
<td>No particular agency specified in the law (although the minimum wage law passed at the same time will be enforced by the Berkeley Department of Finance or other City department as designated by the City by resolution).</td>
</tr>
</tbody>
</table>

### What Agency or Official Enforces the Law?
- San Francisco Office of Labor Standards Enforcement

### When do workers begin to earn paid sick time?
- On the first day of employment, but workers aren’t entitled to use paid sick time until after 90 calendar days of employment.

### How is paid sick time calculated?
- Yes.

### Do employers have any obligations to workers for the commencement of employment?
- Yes.

### When do workers begin to earn paid sick time?
- On the first day of employment, but workers aren’t entitled to use paid sick time until after 90 calendar days of employment.

### Are there waivers/ exemptions for sick time?
- No specific agency specified in the law (although the minimum wage law passed at the same time will be enforced by the Berkeley Department of Finance or other City department as designated by the City by resolution).
### Can sick time be used to care for loved ones?

<table>
<thead>
<tr>
<th>Montgomery County, Maryland</th>
<th>Cook County and Chicago, IL</th>
<th>Seattle, WA</th>
<th>New York City, NY</th>
<th>Norfolk, Prince, East Orange, Paterson, Irvington, Teaneck, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield and Short Hills, NJ</th>
<th>Tacoma, WA</th>
<th>Spokane, WA</th>
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<th>Pittsburgh, PA</th>
<th>Minneapolis, MN</th>
<th>Saint Paul, MN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, children, parents and legal guardians of the worker’s spouse, grandparent, grandchild, sibling, or child of the worker’s family member</td>
<td>Yes, children, legal guardian or wards; spouses, domestic partners (including partners in a civil union); parents; parents of a spouse or domestic partner; grandparents; grandparents, grandchildren; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship</td>
<td>Yes, children, legal guardian or wards; spouses, domestic partners (including partners in a civil union); parents; parents of a spouse or domestic partner; grandparents; grandparents, grandchildren; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship</td>
<td>Yes, children, spouses, registered domestic partners, parents; parents, grandparents, grandchildren; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship</td>
<td>Yes, children; parents; parcels of a spouse or domestic civil union partner; domestic civil union partners; grandparents; grandchildren; the spouse or domestic partner of a grandparent; the spouse, or child of a grandparent; the spouse of a parent, or child; the child of a parent; or a sibling</td>
<td>Yes, spouses, domestic partners, children, siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship</td>
<td>Yes, children; parents; parcels of a spouse or domestic civil union partner; domestic civil union partners; grandparents; grandchildren; the spouse or domestic partner of a grandparent; the spouse, or child of a grandparent; the spouse of a parent, or child; the child of a parent; or a sibling</td>
<td>Yes, children; parents; legal guardians; grandparents; children; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship</td>
<td>Yes, children; parents; legal guardians; grandparents; children; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship</td>
<td>Yes, children; parents; legal guardians; grandparents; children; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship</td>
<td>Yes, children; parents; legal guardians; grandparents; children; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship</td>
</tr>
</tbody>
</table>

### How is “child” defined?

<table>
<thead>
<tr>
<th>Montgomery County, Maryland</th>
<th>Cook County and Chicago, IL</th>
<th>Seattle, WA</th>
<th>New York City, NY</th>
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<th>Philadelphia, PA</th>
<th>Pittsburgh, PA</th>
<th>Minneapolis, MN</th>
<th>Saint Paul, MN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological, adopted, or foster children, or a child of a grandparent, or a child of the worker standing in loco parentis</td>
<td>Biological, adopted or foster children, legal guardian or wards, or a child or the child of a worker standing in loco parentis. The child must be under 18 or 15 years of age and older but incapable of self-care because of a physical or mental disability</td>
<td>Biological, adopted or foster children, legal guardian or wards, or a child or the child of a worker standing in loco parentis</td>
<td>Biological, adopted or foster children, legal guardian or wards, or a child or the child of a worker standing in loco parentis</td>
<td>Biological, adopted or foster children, legal guardian or wards, or a child or the child of a worker standing in loco parentis</td>
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<td>Biological, adopted or foster children, legal guardian or wards, or a child or the child of a worker standing in loco parentis</td>
<td>Biological, adopted or foster children, legal guardian or wards, or a child or the child of a worker standing in loco parentis</td>
</tr>
</tbody>
</table>

### Any specific “safe time” purposes included? (See endnote 18.)

<table>
<thead>
<tr>
<th>Montgomery County, Maryland</th>
<th>Cook County and Chicago, IL</th>
<th>Seattle, WA</th>
<th>New York City, NY</th>
<th>Norfolk, Prince, East Orange, Paterson, Irvington, Teaneck, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield and Short Hills, NJ</th>
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<th>Saint Paul, MN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Can sick time be used when a worker’s place of work or child’s school/place of care is closed due to public health emergencies? (See endnote 15.)

<table>
<thead>
<tr>
<th>Montgomery County, Maryland</th>
<th>Cook County and Chicago, IL</th>
<th>Seattle, WA</th>
<th>New York City, NY</th>
<th>Norfolk, Prince, East Orange, Paterson, Irvington, Teaneck, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield and Short Hills, NJ</th>
<th>Tacoma, WA</th>
<th>Spokane, WA</th>
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<th>Pittsburgh, PA</th>
<th>Minneapolis, MN</th>
<th>Saint Paul, MN</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Can sick time be used under the law to deal with a new child or a new family member’s death? (See endnote 17.)

<table>
<thead>
<tr>
<th>Montgomery County, Maryland</th>
<th>Cook County and Chicago, IL</th>
<th>Seattle, WA</th>
<th>New York City, NY</th>
<th>Norfolk, Prince, East Orange, Paterson, Irvington, Teaneck, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield and Short Hills, NJ</th>
<th>Tacoma, WA</th>
<th>Spokane, WA</th>
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<th>Pittsburgh, PA</th>
<th>Minneapolis, MN</th>
<th>Saint Paul, MN</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Rate at which workers earn paid sick time?

<table>
<thead>
<tr>
<th>Montgomery County, Maryland</th>
<th>Cook County and Chicago, IL</th>
<th>Seattle, WA</th>
<th>New York City, NY</th>
<th>Norfolk, Prince, East Orange, Paterson, Irvington, Teaneck, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield and Short Hills, NJ</th>
<th>Tacoma, WA</th>
<th>Spokane, WA</th>
<th>Philadelphia, PA</th>
<th>Pittsburgh, PA</th>
<th>Minneapolis, MN</th>
<th>Saint Paul, MN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below)</td>
<td>1 hour for every 60 hours worked</td>
<td>1 hour for every 40 hours worked</td>
<td>1 hour for every 30 hours worked</td>
<td>1 hour for every 40 hours worked</td>
<td>1 hour for every 30 hours worked</td>
<td>1 hour for every 40 hours worked</td>
<td>1 hour for every 40 hours worked</td>
<td>1 hour for every 40 hours worked</td>
<td>1 hour for every 40 hours worked</td>
<td>1 hour for every 40 hours worked</td>
</tr>
</tbody>
</table>

**Endnote 15:** In both paid and unpaid sick time, as described below.

**Endnote 16:** See below.

**Endnote 17:** Yes, when the worker is in the state registry.

**Endnote 18:** Yes, when the worker or the worker’s family member is the victim.

40 Worth Street, 10th Floor, New York, NY 10013 | T: 212.430.5982 | info@abetterbalance.org | abetterbalance.org
Amount of paid sick time that can be earned under a law or new law per year? (Note: All of these paid sick time laws take into account that these laws establish a minimum wage or guarantee paid sick time benefits to all workers.)

<table>
<thead>
<tr>
<th>Montgomery County, Maryland</th>
<th>Cook County, Chicago, IL</th>
<th>Seattle, WA</th>
<th>New York City, NY</th>
<th>Northfield, Pine Lawn, Edwardsville, Glenallen, Maysville, Maria, Chester, Plainfield, and Marlborough, NY</th>
</tr>
</thead>
<tbody>
<tr>
<td>To workers in businesses with 5 or more workers: up to 50 hours a year. Workers in businesses with fewer than 5 workers: up to 32 hours of paid sick time in a year.</td>
<td>To workers in businesses with 5 or more workers: up to 50 hours a year. Workers in businesses with fewer than 5 workers: up to 32 hours of paid sick time in a year.</td>
<td>To workers in businesses with 5 or more workers: up to 40 hours a year. Workers in businesses with fewer than 5 workers: up to 24 hours of paid sick time in a year.</td>
<td>To 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 of paid sick time in a year.</td>
<td>To 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 of paid sick time in a year.</td>
</tr>
</tbody>
</table>

When do workers begin to earn paid sick time?

| At the commencement of employment, or October 1, 2015, whichever is later, but workers can be required to wait 90 days before using their sick time. | At the commencement of employment, or July 1, 2015, whichever is later, but workers can be required to wait 90 days before using their sick time. | At the commencement of employment, or October 1, 2015, whichever is later, but workers can be required to wait 90 days before using their sick time. | At the commencement of employment, or on July 1, 2016, whichever is later, but workers aren’t required to use sick time until after 90 calendar days after employment commenced. | At the commencement of employment, or on July 1, 2016, whichever is later, but workers aren’t required to use sick time until after 90 calendar days after employment commenced. |

After the commencement of employment, are there any limits on how much workers can earn, or can workers only earn the following amounts of paid sick time a year? (Note: In Illinois, a worker is entitled to up to 40 hours of paid sick time if the employee has an intermittent paid sick time off policy.)

| Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year to any time in the subsequent year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year to any time in the subsequent year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year to any time in the subsequent year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year to any time in the subsequent year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year to any time in the subsequent year. |

Are there any limits on how much workers can earn, or can workers only earn the following amounts of paid sick time a year?

| There are no limits on how much workers can earn, but workers can only earn the following amounts of paid sick time a year: Tier 1 (workers in businesses with more than 4 but fewer than 50 full-time workers or full-time equivalents—FT(EE)—up to 40 hours. Tier 2 (workers in businesses with 50 to 90 FT(EE)—up to 36 hours. Tier 3 (workers in businesses with 90 or more FT(EE) up to 24 hours, or up to 108 hours if the employer has a universal paid sick time off policy. | There are no limits on how much workers can earn, but workers can only earn the following amounts of paid sick time a year: Tier 1 (workers in businesses with more than 4 but fewer than 50 full-time workers or full-time equivalents—FT(EE)—up to 40 hours. Tier 2 (workers in businesses with 50 to 90 FT(EE)—up to 36 hours. Tier 3 (workers in businesses with 90 or more FT(EE) up to 24 hours, or up to 108 hours if the employer has a universal paid sick time off policy. | There are no limits on how much workers can earn, but workers can only earn the following amounts of paid sick time a year: Tier 1 (workers in businesses with more than 4 but fewer than 50 full-time workers or full-time equivalents—FT(EE)—up to 40 hours. Tier 2 (workers in businesses with 50 to 90 FT(EE)—up to 36 hours. Tier 3 (workers in businesses with 90 or more FT(EE) up to 24 hours, or up to 108 hours if the employer has a universal paid sick time off policy. | There are no limits on how much workers can earn, but workers can only earn the following amounts of paid sick time a year: Tier 1 (workers in businesses with more than 4 but fewer than 50 full-time workers or full-time equivalents—FT(EE)—up to 40 hours. Tier 2 (workers in businesses with 50 to 90 FT(EE)—up to 36 hours. Tier 3 (workers in businesses with 90 or more FT(EE) up to 24 hours, or up to 108 hours if the employer has a universal paid sick time off policy. | There are no limits on how much workers can earn, but workers can only earn the following amounts of paid sick time a year: Tier 1 (workers in businesses with more than 4 but fewer than 50 full-time workers or full-time equivalents—FT(EE)—up to 40 hours. Tier 2 (workers in businesses with 50 to 90 FT(EE)—up to 36 hours. Tier 3 (workers in businesses with 90 or more FT(EE) up to 24 hours, or up to 108 hours if the employer has a universal paid sick time off policy. |

How are workers required to allow use of more than 40 hours of paid sick time a year?

| At the commencement of employment, but workers aren’t entitled to use paid sick time until the 120th calendar day following commencement of employment. | At the commencement of employment, but workers aren’t entitled to use paid sick time until the 90th calendar day following commencement of employment. (Except Plainfield, which is the 100th calendar day of employment. | At the commencement of employment, but workers aren’t entitled to use paid sick time until the 90th calendar day after employment commenced. | At the commencement of employment, or 90 days before using paid sick time in a year. | At the commencement of employment, or 90 days before using paid sick time in a year. |

Do workers have the right to carry forward unused sick time and 24 hours of sick time a year? (Note: In Illinois, workers are entitled to carry forward up to 40 hours of unused paid sick time a year.)

| Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year, but employers aren’t required to allow use of more than 40 hours of paid sick time a year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year, but employers aren’t required to allow use of more than 40 hours of paid sick time a year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year, but employers aren’t required to allow use of more than 40 hours of paid sick time a year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year, but employers aren’t required to allow use of more than 40 hours of paid sick time a year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time in a year, but employers aren’t required to allow use of more than 40 hours of paid sick time a year. |

Is there an explicit cap on how much sick time can be earned or used in a year? (Note: In Illinois, employers that require workers to use paid sick time in any of the first 90 calendar days after employment is effective are subject to a different law from Plainfield.)

| No explicit cap on how much sick time can be earned or used in a year. | No explicit cap on how much sick time can be earned or used in a year. | No explicit cap on how much sick time can be earned or used in a year. | No explicit cap on how much sick time can be earned or used in a year. | No explicit cap on how much sick time can be earned or used in a year. |

Do employers need to provide paid sick time benefits to workers?

| There is no explicit limit on how much workers can earn, but only workers can use the following amounts of paid sick time a year: 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. | There is no explicit limit on how much workers can earn, but only workers can use the following amounts of paid sick time a year: 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. | There is no explicit limit on how much workers can earn, but only workers can use the following amounts of paid sick time a year: 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. | There is no explicit limit on how much workers can earn, but only workers can use the following amounts of paid sick time a year: 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. | There is no explicit limit on how much workers can earn, but only workers can use the following amounts of paid sick time a year: 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. |

Are there any waivers or exemptions for workers covered by a CBA?

| No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. |

Collective Bargaining Agreement (CBA) or covered by a valid exemption for workers.

<p>| No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. |</p>
<table>
<thead>
<tr>
<th>What Agency or Official Enforces the Bill?</th>
<th>Montgomery County, Maryland</th>
<th>Cook County and Chicago, IL</th>
<th>Seattle, WA</th>
<th>New York City, NY</th>
<th>Norwalk, Pasco, East Orange, Paterson, Irvington, Trenton, Mount Union, Roselle, Jersey City, Elizabeth, Plainfield and Montclair, NJ</th>
<th>Tacoma, WA</th>
<th>Spokane, WA</th>
<th>Philadelphia, PA</th>
<th>Pittsburgh, PA</th>
<th>Minneapolis, MN</th>
<th>Saint Paul, MN</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Office of Human Rights. The County Executive may also delegate enforcement to a legally authorized State agency.</td>
<td>County Council, Cook County Commission on Human Rights</td>
<td>Seattle Office for Civil Rights</td>
<td>New York City Department of Consumer Affairs</td>
<td>Vermont Agency of Labor...Family Wellness</td>
<td>The Finance Director or his or her designee</td>
<td>City of Spokane Contact and Business Standards Compliance Office</td>
<td>The Philadelphia Managing Director’s Office</td>
<td>The Office of the City Controller or a Department or entity designated by the Mayor’s Office</td>
<td>Minneapolis Department of Human Rights</td>
<td>Saint Paul Department of Human Rights and Equal Economic Opportunity</td>
<td></td>
</tr>
</tbody>
</table>

1 Please note that this chart does not provide an exhaustive overview of these state, county, and city 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 (such as welfare participants, for example). City paid sick time laws cannot cover state government workers, and neither city nor state paid sick time laws are able to cover federal government workers.

2 California’s statewide paid sick time law took effect in July 2015. On April 4, 2016, the Governor signed into law minimum wage legislation that also expanded the existing paid sick time law to cover providers of in-home supportive care, beginning July 1, 2018. For these newly covered domestic workers, paid sick time usage and carry forward will differ from what is described in this chart, and the law directs a workgroup to issue guidance in 2017; officials are also likely to issue related regulations prior to July 1, 2018. 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 more favorable paid sick time rights to workers. Therefore, the more expansive San Francisco, Oakland, Emeryville, Santa Monica, Los Angeles, San Diego, and Berkeley 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.

3 Oregon’s Legislature passed a statewide paid sick time law on June 12, 2015, and the law went 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—did not take effect. On the other hand, Portland passed a paid sick time law in March 2013, and it went into effect on January 1, 2014, prior to passage of the statewide law. Although Oregon’s paid sick time law blocked localities from passing paid sick-time laws and preempted Portland’s law, the Portland law influenced a key provision of the statewide law. As described in this chart, the employer size threshold for providing paid sick time is 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 workers (with smaller employers providing unpaid sick time). Eugene and Portland have been removed from this comparison chart.

4 On February 17, 2016, the Vermont Legislature provided final passage of a paid sick time bill, and the Governor signed it into law on March 9, 2016. With the exception of provisions around small business planning/implementation assistance and a business survey that took effect earlier, Vermont’s paid sick time law became effective for employers with more than 5 workers (employed for an average of no less than 30 hours per week) on January 1, 2017; these employers could have required workers who existed 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 workers (employed for an average of no less than 30 hours per week) became subject to the paid sick time law on January 1, 2018; these employers may require workers who existed 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 worker.

5 Washington State voters overwhelmingly approved a paid sick time law on November 8, 2016. The law took effect on January 1, 2017, and the right to begin earning paid sick time began on January 1, 2018. The statewide law in Washington 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 local paid sick time laws in Seattle, Spokane, Tacoma, and SeaTac (described in part IV below) remain in effect, and other localities in Washington may continue to pass broader paid sick time laws.

6 Rhode Island’s Legislature passed a statewide paid sick and safe time bill on September 19, 2017, and the Governor signed it into law on September 28, 2017. Workers will begin earning paid sick and safe time on July 1, 2018.

7 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 June 2016 referendum, and the law was delayed from going into effect. On June 7, 2016, voters in San Diego approved the paid sick time and minimum wage ordinance. The law went into effect on July 11, 2016. An implementing ordinance that made some amendments was passed by the Council and later approved by the Mayor on August 3, 2016. The implementing ordinance took effect on September 2, 2016.
IV. Additional Paid Sick Time Laws

On February 16, 2018, the City Council in Austin, Texas voted to pass a paid sick time covering private sector employees. On March 1, 2018, the City Council passed a resolution to effectively expand the ordinance to cover all City employees as well. Workers who have worked within the City of Austin for at least 80 hours in a calendar year are covered. Independent contractors and unpaid interns are exempt. Beginning on October 1, 2018, individuals who work for employers with more than 15 employees can earn up to 64 hours of paid sick time per year, while individuals who work for employers with 6 to 15 employees can earn up to 48 hours of paid sick time per year. Beginning on October 1, 2020, individuals who work for employers with 5 or fewer employees can also earn up to 48 hours of paid sick time per year.

Sick time is accrued at a rate of 1 hour of paid sick time for every 30 hours worked. New employees can be required to wait 60 days before using sick time, if the employer establishes that the employee’s term of employment is at least one year. However, workers can begin accruing paid sick time upon the commencement of their employment or on the applicable effective date, whichever is later. Workers can carry over to the following year unused earned sick time up to the applicable yearly cap. Earned sick time can be used to care for family members including children, parents, parents-in-law, legal guardians, spouses, grandparents, siblings, and any individual who acted as a parent or stood in loco parentis to the employee or the employee’s spouse when the employee or the employee’s spouse was a minor. Earned sick time can also be used for maternity or paternity leave, or for “safe time” purposes when the worker or the worker’s family member is a victim of domestic violence, sexual assault, or stalking. Workers do not have a private right of action to file a lawsuit in court to redress violations of the law.

On January 12, 2018, the Maryland Legislature voted to override Governor Hogan’s veto of a paid sick time bill passed by the Legislature in 2017. The right to begin earning paid sick time began on February 11, 2018. Workers who work for employers with at least 15 employees can earn up to 40 hours of paid sick time per year, at a rate of 1 hour of sick time for every 30 hours worked. Those who work for employers with fewer than 15 employees can earn the same amount of unpaid, job-protected sick time at the same rate. New employees can be required to wait 106 days before using sick time, though they begin accruing it as soon as they start working. Workers are entitled to use up to 40 hours of unused sick time to the following year, but employers are allowed to cap the total amount of earned sick time accrued at 64 hours per year. Likewise, employers aren’t required to allow use of more than 64 hours of sick time per year. Workers do not have a private right of action to file a civil action in court to redress violations of the law (although they may file a civil action to enforce an order issued by the enforcement agency). Earned sick time can be used to care for family members including children, parents, parents-in-law, legal guardians, spouses, grandparents, siblings, and any individual who acted as a parent or stood in loco parentis to the employee or the employee’s spouse when the employee or the employee’s spouse was a minor. Earned sick time can also be used for maternity or paternity leave, or for “safe time” purposes when the worker or the worker’s family member is a victim of domestic violence, sexual assault, or stalking. All Maryland workers are covered except for the following: agricultural workers; realtors; workers under the age of 18; workers employed by a temporary staffing service to provide temporary staffing services to another person; workers directly employed by an employment agency to provide part-time or temporary services to another person; workers that regularly work less than 12 hours per week; workers in the construction industry covered by a collective bargaining agreement waiving sick and safe leave in clear and unambiguous terms; workers that are on-call in the health or human services industry that can reject or accept a shift, not guaranteed to be called for work, and not employed by a temporary staffing agency.
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 workers 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:

- • Connecticut: http://www.ctdol.state.ct.us/wksstd/SickLeave.htm
- • California: http://www.dir.ca.gov/DLSE/A1522.html
- • San Francisco: http://sfgsa.org/index.aspx?page=419
- • Oakland: http://www2.oaklandnet.com/government/o/CityAdministration/d/MinimumWage/index.htm
- • East Orange: http://eastorange.org/earned
- • Trenton: http://www.trentonnj.org/trentonpaidsick
- • San Diego: https://www.sandiego.gov/treasurer/minimum-wage-program
- • Philadelphia: http://www.phila.gov/SWDO/Pages/PaidSickLeave.aspx
- • Emeryville: http://www.ci.emeryville.ca.us/1024/Minimum-Wage-Ordinance
- • Spokane: https://my.spokanecity.org/citycouncil/tems-of-interest/sick-leave/
- • Santa Monica: https://www.smgov.net/departments/HED/Economic_Development/Minimum_Wage_Proposal.aspx
- • Minneapolis: http://www.minneapolis.gov/sicktimeinfo/index.htm
- • Los Angeles: http://wagnela.lacity.org/
- • SeaTac: http://www.ci.seatac.wa.us/index.aspx?page=681