

Paid Sick Days:
A Comparison of Three Cities' Laws and Pending Federal Legislation

	San Francisco	Washington, DC			Milwaukee		Healthy Families Act	
Earned Time	At what rate does an employee earn paid sick time?	1 hour per 30.		1 hour per 37 for businesses with 100 employees or greater.	1 hour per 43 for businesses with 25–99 employees .	1 hour per 87 for businesses with 1–24 employees .	1 hour per 30.	
	What is the minimum cap on how much paid sick time an employee can earn? <i>N.B. Employers are always able to provide more than the minimum cap.</i>	72 hours (9 days) at any point in time for businesses with 10 employees or greater.	40 hours (5 days) at any point in time for businesses with fewer than 10 employees.	56 hours (7 days) in a calendar year for businesses with 100 employees or greater.	40 hours (5 days) in a calendar year for businesses with 25–99 employees .	24 hours (3 days) in a calendar year for businesses with 1–24 employees .	72 hours (9 days) in a calendar year for businesses with 10 employees or greater.	40 hours (5 days) in a calendar year for businesses with fewer than 10 employees. 56 hours (7 days) in a calendar year for businesses with 15 employees or greater. Exempt from coverage if business has fewer than 14 employees.
	Is the cap on the number of hours of paid sick time that an employee may use the same as the number earned in a given year?	No. There is no limit on the number of hours an employee may earn in a given year, but the employee may not have "in the bank" or use at a given time , a number of hours that exceeds the minimum cap.		Yes. While accrued paid sick time does not expire at the end of the year an employee may not use in any one year, more than the maximum hours that may be earned in a year. Thus, an employee does not have to re-earn hours starting at the beginning of each year but can never use more than the cap in a given year.				
	When does an employee begin to earn paid sick time?	90 calendar days after the first day of work.		At commencement of employment.				
	When does an employee have access to the earned paid sick time?	Paid sick time is available to employees as soon as they accrue it.		After 90 days of employment.			On the 90th calendar day following commencement of employment.	On the 60th calendar day following commencement of employment.
	If an employer has a paid time off or vacation policy, can that meet the Act's requirements?	Yes. As long as the employer's policy offers employees paid time in the same amount and for the same purposes as outlined in the Act. The employer is not required to provide additional paid sick time. So, if an employee comes down with the flu and can use vacation time or paid time off without giving advanced notice, those policies are adequate if the total amount of time and uses conform with the requirements of the Act.						
	Are employers required under the Act to pay employees for unused paid sick time when the employees resign or are fired?	No, under the Act, unused accrued paid leave shall not be reimbursed upon the termination or resignation of any employee.						
Who earns time	Are all employees included?	All employees who perform work in San Francisco, including on a part-time or temporary basis accrue time for those hours worked in the city, regardless of where employer is located.		Only if the individual has spent more than 50% of his/her working time in the District of Columbia. Shall not include an independent contractor, a student, or health care workers in positions for which there are critical labor shortages.			Any person who is employed within the geographic boundaries of the city of Milwaukee, Wisconsin by an employer, and includes a part-time or temporary employee.	It depends. All employees are included, except if employer has 14 or fewer employees.

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Use	May an employee use paid sick days for illnesses for herself and family members? [1]	Yes.	Yes.	Yes.
	May an employee use days for domestic violence treatment? [2]	Not addressed in the ordinance. Employees are not entitled to use sick leave for that purpose but employers may certainly be more generous than what the law requires.	Yes.	Yes.
	How much notice must an employee provide an employer before taking leave?	An employer may require employees to give "reasonable" notification of an absence from work for which paid sick leave is or will be used. An employer may not impose unreasonable notification requirements on employees. Policies approved through a collective bargaining agreement shall be deemed reasonable. It is reasonable for employees to provide notification of a pre-scheduled or foreseeable absence from work or notification as soon as practicable for an unforeseeable absence.	At least 10 days, or as early as possible, if the paid leave is foreseeable. If leave is not foreseeable, an oral request for paid leave shall be provided prior to the work shift after the employee is aware of the need to take paid leave. In the case of an emergency, the employer shall be notified within 36 hours of the onset of the emergency.	Not specified in bill language but, "[a]n employer may not impose unreasonable barriers to use of paid sick leave." At least 7 days if leave is foreseeable. If leave is not foreseeable, then as soon as practicable after employee is aware of the necessity of the leave.
Documentation	May an employer require certification of absence?	Yes, but employer's policy must not deter an employee from legitimate use of paid sick leave. Policies requiring a doctor's note for the use of paid sick leave of three or fewer consecutive work days shall be deemed unreasonable.	Yes, requiring certification after 3 or more consecutive days shall be deemed reasonable.	→
	What documentation must an employer retain of employee hours worked?	Records documenting the hours worked by employees and the use of paid sick leave for a period of 4 years.	Not addressed in bill.	Records documenting hours worked by employees and paid sick leave taken for a period of 5 years from creation of the record. Records of the persons employed, wages, and practices of employment and make reports to the Secretary of Labor.
Damages	What are potential damages for employer violation of the bill?	Dollar amount of paid sick leave withheld from the employee multiplied by three, or \$250, whichever amount is greater. Unpaid sick time wages owed employee plus three times the wages, or \$250 whichever amount is greater.	Willful violation of act shall be subject to a civil penalty of \$500 for the 1st offense, \$750 for the second offense, and \$1,000 for the third and every subsequent offense.	Willful violation of act shall forfeit between \$500 and \$5,000. Each successive violation within 5 years of last violation shall forfeit between \$1,000 and \$10,000. Liability for compensatory damages up to a sum equal to 56 hours of wages or salary, interest, liquidated damages, and any appropriate equitable relief.

[1] Categories include when employee is ill, injured, or receiving medical care, treatment, or diagnosis, and to aid a family member to receive the same.

[2] Categories include time used to seek medical attention due to domestic abuse, sexual assault, or stalking, or obtaining services from a victim services organization or psychological counseling for employee or family member.

Three cities have passed paid sick days legislation—San Francisco, Washington DC, and Milwaukee, Wisconsin. A Milwaukee County Circuit Court Judge struck down the city's newly enacted ordinance requiring employers to provide paid sick leave, but advocates have appealed the ruling. Other cities and states are taking up paid sick and safe day legislation. A good resource for model legislation is A Better Balance (www.abetterbalance.org). A good national resource for fact sheets and other information is the National Partnership for Women and Families (www.nationalpartnership.org).