

1 "Director" means the director of labor and industrial
2 relations.

3 "Employee" has the same meaning as defined in the federal
4 Fair Labor Standards Act, title 29 United States Code section
5 203(e), excluding individuals employed by a public agency as
6 defined in that section, employees and public employees as
7 defined in section 89-2, sole proprietors, and independent
8 contractors. "Employee" includes recipients of public benefits
9 who are engaged in work activity as a condition of receiving
10 public assistance.

11 "Employer" has the same meaning as defined in the federal
12 Fair Labor Standards Act, title 29 United States Code section
13 203(d), excluding a public agency as defined in that section,
14 and employer and public employer as defined in section 89-2.

15 "Paid sick leave" means time away from work provided by an
16 employer to an employee that is compensated at the same hourly
17 rate and with the same benefits, including health care benefits,
18 as the employee normally earns during hours worked.

19 "Preventive medical care" means routine health care that
20 includes screenings, check-ups, and patient counseling to
21 prevent illnesses, disease, or other health problems.



1 § -2 **Accrual of paid sick leave.** (a) All employees who
2 work in the State for more than eighty hours in a year shall
3 have the right to paid sick leave as provided in this chapter.

4 (b) All employees shall accrue a minimum of one hour of
5 paid sick leave for every thirty hours worked. Employees shall
6 not accrue more than forty hours of paid sick leave in a
7 calendar year unless the employer provides a higher limit.

8 (c) An employee who is exempt from overtime requirements
9 under the federal Fair Labor Standards Act, title 29 United
10 States Code section 213(a)(1), shall be assumed to work forty
11 hours in each work week for purposes of paid sick leave accrual
12 unless the employee's normal work week is less than forty hours,
13 in which case paid sick leave shall accrue based upon the actual
14 hours in the normal work week.

15 (d) Paid sick leave as provided in this chapter shall
16 begin to accrue at the commencement of employment or the
17 effective date of this chapter, whichever is later.

18 (e) Employees shall be entitled to use accrued paid sick
19 leave beginning on the ninetieth calendar day following
20 commencement of employment. After the ninetieth calendar day of
21 employment, employees may use paid sick leave as it is accrued.



1 (f) Paid sick leave shall be carried over to the following
2 calendar year; provided that an employee's use of paid sick
3 leave pursuant to this chapter in each calendar year shall not
4 exceed forty hours of paid sick leave in a calendar year unless
5 the employer provides a higher limit.

6 (g) An employer shall not be required to provide
7 additional paid sick leave if the employer has a paid leave
8 policy that makes available an amount of paid leave sufficient
9 to meet the accrual requirements of this chapter and that may be
10 used for the same purposes and under the same conditions as paid
11 sick leave under this chapter.

12 (h) Nothing in this section shall be construed as
13 requiring financial or other reimbursement to an employee from
14 an employer upon the employee's termination, resignation,
15 retirement, or other separation from employment for unused
16 accrued paid sick leave.

17 (i) If an employee is transferred to a separate division,
18 entity, or location but remains employed by the same employer,
19 the employee shall be entitled to all paid sick leave accrued at
20 the prior division, entity, or location and shall be entitled to
21 use all paid sick leave as provided in this chapter. If an



1 employee is separated from employment and subsequently rehired
 2 within six months of separation by the same employer, the
 3 employee's previously accrued and unused paid sick leave shall
 4 be reinstated. In addition, the employee shall be entitled to
 5 use accrued paid sick leave and to accrue additional paid sick
 6 leave as of the date of re-commencement of employment.

7 (j) An employer may advance paid sick leave to an employee
 8 before its accrual by the employee.

9 **§ -3 Use of paid sick leave.** (a) An employee may use
 10 paid sick leave during absences from work due to:

- 11 (1) An employee's mental or physical illness, injury, or
 12 health condition;
- 13 (2) An employee's need for medical diagnosis, care, or
 14 treatment of a mental or physical illness, injury, or
 15 health condition;
- 16 (3) An employee's need for preventive medical care;
- 17 (4) An employee's need to seek medical attention, legal
 18 services, or victim services for a mental or physical
 19 illness, injury, or health condition caused by
 20 domestic abuse, sexual assault, or harassment to the



1 employee, or related to preparation for or
2 participation in a civil or criminal proceeding; and
3 (5) Closure of the employee's place of business by order
4 of a public official due to a public health emergency.
5 (b) Paid sick leave shall be provided upon the oral
6 request of an employee. When possible, the request shall
7 include the expected duration of the absence.
8 (c) When the use of paid sick leave is foreseeable, the
9 employee shall make a good faith effort to provide notice of the
10 need for the leave to the employer in advance of the use of the
11 paid sick leave and shall make a reasonable effort to schedule
12 the use of paid sick leave in a manner that does not unduly
13 disrupt the operations of the employer.
14 (d) Accrued paid sick leave may be used in smaller than
15 hourly increments or the smallest increment that the employer's
16 payroll system uses to account for absences or use of other
17 time.
18 (e) Paid sick leave shall not be used in conjunction with
19 benefits afforded by temporary disability insurance pursuant to
20 chapter 392 or workers' compensation pursuant to chapter 386.



1 **§ -4 Supplemental paid sick leave; public health**
2 **emergencies.** (a) Notwithstanding section -2, on the date a
3 public health emergency is declared, each employer shall
4 supplement each employee's accrued paid sick leave under this
5 section as necessary to ensure that an employee can take forty
6 hours of paid sick leave in a calendar year unless the employer
7 provides a higher limit.

8 (b) An employer may count an employee's unused accrued
9 paid sick leave under section -2 toward the supplemental paid
10 sick leave required by this section.

11 (c) An employee may use paid sick leave under this section
12 until four weeks after the official termination or suspension of
13 the public health emergency for any absence related to the
14 public health emergency, including:

- 15 (1) The employee's need to self-isolate because the
16 employee has been diagnosed with a communicable
17 illness that is the cause of the public health
18 emergency;
- 19 (2) The employee is experiencing symptoms of a
20 communicable illness that is the cause of the public
21 health emergency; or

1 (3) The employee's need to seek or obtain a medical
2 diagnosis, medical care, medical treatment, or
3 preventive care for symptoms of a communicable illness
4 that is the cause of the public health emergency.

5 § -5 **Notice.** (a) An employer shall give its employees
6 notice of the following:

- 7 (1) That employees are entitled to paid sick leave;
8 (2) The amount of paid sick leave granted pursuant to this
9 chapter;
10 (3) The terms of paid sick leave use as guaranteed under
11 this chapter; and
12 (4) That each employee has the right to file a complaint
13 or bring a civil action if paid sick leave, as
14 required by this chapter, is denied by the employer.

15 (b) An employer shall comply with this section by
16 providing the information required in subsection (a) by
17 individualized notice. The notice shall be in English and in
18 any language that is the first language spoken by at least five
19 per cent of the employer's workforce.

20 (c) An employer who wilfully violates the notice
21 requirements of this section shall be subject to a civil fine in



1 an amount not to exceed \$100 for each separate offense. Each
2 failure to issue notice pursuant to this section shall
3 constitute a separate offense.

4 **§ -6 Employer records.** An employer shall retain records
5 documenting hours worked by employees and paid sick leave taken
6 by employees for a period of five years and shall allow the
7 director access to the records, with appropriate notice and at a
8 mutually agreeable time, to monitor compliance with the
9 requirements of this chapter. If an issue arises as to an
10 employee's entitlement to paid sick leave under this chapter, it
11 shall be presumed that the employer has violated this chapter,
12 absent clear and convincing evidence otherwise, if the employer
13 does not maintain or retain adequate records documenting hours
14 worked by the employee and paid sick leave taken by the employee
15 or does not allow the director reasonable access to the records.

16 **§ -7 Enforcement.** (a) An employee or other person may
17 report to the director any suspected violation of this chapter.
18 The director shall encourage reporting pursuant to this
19 subsection by keeping confidential, to the maximum extent
20 permitted by applicable laws, the name and other identifying
21 information of the employee or other person reporting the



1 suspected violation; provided that with the authorization of the
2 employee or other person, the director may disclose the
3 employee's or other person's name and identifying information as
4 necessary to enforce this chapter or for other appropriate
5 purposes.

6 (b) The director, the attorney general, any person
7 aggrieved by a violation of this chapter, or any labor
8 organization, a member of which is aggrieved by a violation of
9 this chapter, may bring a civil action in a court of competent
10 jurisdiction against an employer who violates this chapter. The
11 action may be brought without first filing an administrative
12 complaint.

13 (c) Upon prevailing in an action brought pursuant to this
14 section, an aggrieved person shall recover:

- 15 (1) The full amount of any paid sick leave to which the
16 person is entitled;
- 17 (2) Actual damages suffered as the result of the
18 employer's violation of this chapter; and
- 19 (3) Reasonable attorney's fees.



1 An aggrieved person shall also be entitled to equitable
2 relief as may be appropriate to remedy the violation including
3 reinstatement, back pay, and injunctive relief.

4 (d) The statute of limitations for a civil action brought
5 pursuant to this chapter shall be for a period of three years
6 from the date the alleged violation occurred.

7 (e) Actions brought pursuant to this chapter may be
8 brought as a class action.

9 (f) For purposes of this section, "labor organization" has
10 the same meaning as in section 378-1.

11 **§ -8 Confidentiality and nondisclosure.** An employer
12 shall not require disclosure of details of an employee's medical
13 condition as a condition of providing paid sick leave under this
14 chapter. If an employer possesses health information or
15 information pertaining to the details of a medical condition
16 about an employee, the information shall be treated as
17 confidential and shall not be disclosed except to the affected
18 employee or with the permission of the affected employee.

19 **§ -9 Employer adoption of more generous sick leave**
20 **policies; no effect on contracts, agreements, and plans**
21 **providing more generous sick leave.** (a) Nothing in this



1 chapter shall be construed to discourage or prohibit an employer
2 from the adoption or retention of a paid sick leave policy more
3 generous to the employee than is required by this chapter.

4 (b) Nothing in this chapter shall be construed as
5 diminishing the obligation of an employer to comply with any
6 contract, collective bargaining agreement, employment benefit
7 plan, or other agreement providing more generous paid sick leave
8 to an employee than is required by this chapter.

9 (c) Nothing in this chapter shall be construed as
10 diminishing the rights of public employees regarding paid sick
11 leave or the use of sick leave as provided by law.

12 (d) This chapter shall provide the minimum requirements of
13 paid sick leave and shall not be construed to preempt, limit, or
14 otherwise affect the applicability of any other law, rule,
15 requirement, policy, or standard that provides for greater
16 accrual or use by employees of sick leave, whether paid or
17 unpaid, or that extends other protections to employees."

18 SECTION 3. If any provision of this Act, or the
19 application thereof to any person or circumstance, is held
20 invalid, the invalidity does not affect other provisions or
21 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. This Act shall take effect on June 30, 3000;
7 provided that in the case of employees covered by a collective
8 bargaining agreement in effect on July 1, 2023, this Act shall
9 take effect on the date of termination, renewal, or amendment of
10 the collective bargaining agreement then in effect.

11



Report Title:

Employment; Paid Sick Leave

Description:

Requires employers to provide a minimum amount of paid sick leave to employees and supplemental paid sick leave to employees under certain public health emergency conditions. Effective 6/30/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

