

Paid Sick Leave State and Local Laws Chart: Overview

by Practical Law Labor & Employment

Status: **Maintained** | Jurisdiction: **Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, USA (National/Federal), Vermont, Washington, Wisconsin**

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At-a-glance charts summarizing private employers' obligations under state and local law to provide paid sick leave or unspecified paid leave that can be used for any reason including sickness to their employees. This resource covers requirements in those states, counties, and municipalities that have enacted paid leave laws and is organized by state. It also summarizes key provisions of the laws and ordinances, including employee eligibility, employer coverage, leave accrual and usage, carryover and payout, notice and posting requirements, and penalties for noncompliance. This resource also covers the federal Emergency Paid Sick Leave Law enacted as part of Coronavirus Families First Act, and generally identifies those jurisdictions that have enacted other COVID-19 related measures. For more up-to-date state COVID-19 developments, see [COVID-19: Employment Law and Development Tracker](#). This resource covers private, non-unionized employers. For more information on state leave laws generally, see the Leave Laws: State Q&A Tool and State Employee Leave Toolkit.

Overview of Paid Sick Leave Laws

Most workers require some time off each year to care for their own and their family members' health and medical needs. Until recently, no federal law mandated that private US employers provide paid sick leave for their employees. (For information about President Obama's executive order mandating paid sick leave for federal contractors, see Paid Sick Leave for Federal Contractors.) However, emergency legislation enacted in response to the 2019 novel coronavirus (COVID-19) outbreak guarantees paid sick leave to certain private employees for specified purposes related to coronavirus (see Federal Emergency Paid Sick Leave Act in Response to Coronavirus).

Most private employees traditionally had to rely on policies voluntarily implemented by their employers to receive any paid sick leave. To fill this gap in coverage, some states and municipalities have passed laws requiring certain employers to provide paid sick leave (PSL) to their employees. More than 15 states, plus the District of Columbia and the Commonwealth of Puerto Rico, have now passed statewide paid sick leave laws. Two of these state laws (Maine and Nevada) allow paid leave to be taken for any reason, not only for sick leave. More than 30

local jurisdictions have passed paid sick leave laws across the country applicable to private employers (though some have been preempted by later-enacted statewide laws).

Momentum toward enacting these laws continues, creating challenges for multi-jurisdictional employers that must provide their workers with sufficient paid leave to comply with multiple state or local laws. Some states have passed their own measures or clarified existing law to ensure coverage for absences related to COVID-19. Although some employers can implement a single policy for all employees that complies with the most generous of any applicable laws, as more laws are passed, it will become increasingly difficult for employers to create uniform policies for their workers. For a sample general paid time off (PTO) policy, see [Standard Document, Paid Time Off/Vacation Policy](#).

To help employers stay abreast of and comply with the rapidly changing legal developments in this area, the following charts, organized by state and frequently updated, provide an overview of the laws mandating paid sick leave for private-sector employees in some form, citing the legal source and common issues addressed by each law. Although the laws vary in detail, the laws typically address:



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- **Covered employers.** Some laws mandate paid sick leave only for employers of a certain size or delineate leave provisions based on the size of the employers. Many laws contain exclusions for government employees or employees in certain industries covered by a collective bargaining agreement (CBA). Although beyond the scope of this chart, some municipalities have enacted laws or policies mandating paid sick leave for their own public sector employees.
 - **Covered employees.** Some laws require employees to work a certain number of hours within the covered jurisdiction or be employed for a minimum time period before becoming eligible for paid leave. Other laws exclude certain categories of workers, such as nonexempt employees, independent contractors, and work-study program participants.
 - **Leave accrual and usage.** Paid sick leave laws generally specify how much leave employees accrue and when they accrue it, when employees can use accrued leave, and whether employers can frontload leave entitlement in lieu of accruals based on hours worked. Many laws allow employers to cap annual leave accrual, and some vary these caps based on employer size. Many laws also require employees to work for a minimum time period before they can use leave.
 - **Carryover of unused sick leave.** Many laws require employers to carry over accrued unused sick leave, often with an annual cap. Some laws restrict further accruals until some portion of the sick leave is used. Others allow or require employers to pay for unused leave annually or frontload annual leave entitlements in lieu of carryover requirements.
 - **Definition of family member.** The definition of family member varies significantly, but most jurisdictions expressly recognize the step, foster, and adopted parent-child relationship to the same degree as blood relatives. Where covered “child” relationships are defined (such as step, foster, and guardianship relationships), the converse parental relationships are also covered, unless otherwise specified. Some jurisdictions specifically cover “legal spouses” and civil union or domestic partners. Other jurisdictions simply afford protections to “spouses.” In light of the US Supreme Court’s decision in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), which held that same-sex couples have the right to marry in all states and a state may not refuse to recognize a lawful same-sex marriage performed in another state based on its same-sex character, any leave law that allows leave for the care of an employee’s spouse or child of an employee’s spouse likely includes all legally-married spouses, whether of the same or different sex (see [Legal Update, Supreme Court’s Recognition of Same-Sex Marriage Raises Benefits and Employment Law Issues](#)).
- **Qualifying use of leave.** Most paid leave laws allow leave to be used for more than an employee’s own illness, such as for preventive medical care or medical care (including preventive care) for a family member. Some jurisdictions also allow employees to use leave for reasons related to domestic violence, stalking, abuse, or human trafficking (commonly referred to as “safe leave”), or necessitated by a public health emergency at a school or workplace. For example, Westchester County has enacted a law requiring paid safe leave in addition to paid sick leave. Some jurisdictions now mandate paid leave that may be taken for any reason, such as Maine and Nevada.
 - **Interaction with existing sick leave plans.** Most paid leave laws provide that employers that already offer paid sick leave at least as generous as the leave required by law do not need to offer additional leave to their employees.
 - **Notice, posting, and recordkeeping requirements.** Most laws require some combination of workplace posting and individual notice to employees. They commonly require employers to retain records for between two and four years. Some laws create a rebuttable presumption of a violation in the absence of proper records.
 - **Advance notice.** Most laws allow employers to require that employees provide notice before using leave, if circumstances allow.
 - **Confirming employee’s proper use of leave.** Most laws limit to some degree the employers’ ability to require documentation of or inquire into the reasons for an employee’s sick leave absence.
 - **Payout on employment termination.** The current laws generally do not require employers to pay out unused sick leave at the time of termination. Many laws require accrued but unused leave to be reinstated after termination if the employee returns within a fixed period of time or if the employer sells or transfers the business to a successor employer.
 - **Anti-retaliation provisions.** Most laws expressly prohibit retaliation for taking paid leave, and some impose a presumption in favor of the employee for adverse employment actions taken within a specified time period of protected activity.
 - **Enforcement provisions.** Most laws provide for a combination of administrative and private enforcement actions, as well as civil (and sometimes criminal) fines and penalties for non-compliance.
- Although not specifically covered in the charts, most of the paid leave laws also:

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- Do not discourage employers from providing more generous leave or benefits to their employees.
- Presume, for purposes of leave accrual, that exempt employees under the Fair Labor Standards Act (FLSA) work 40 hours a week, unless they regularly work fewer hours.
- Calculate the amount of sick pay at the employee's regular hourly rate of pay, with varied calculation methods for exempt and commissioned employees.
- Prevent employers from requiring employees to find a replacement employee before using sick leave.
- Require employers to maintain the confidentiality of the employees' medical records.
- Allow employers to loan or advance leave to employees within their discretion, but generally do not impose liability on employers for failure to grant a loan request (for a general leave sharing policy, see [Standard Document, Leave Sharing and Vacation Donation Policy for Medical Emergencies](#)).

Employers should confirm the specific requirements in the jurisdictions where they conduct business or employ workers.

For more information on other types of leave mandated by federal and state law, see:

- [Employee Leave Toolkit](#).
- [State Employee Leave Toolkit](#)
- [Leave Laws: State Q&A Tool](#).
- [Leave Policy Language: State Q&A Tool](#).
- [Practice Note, Family and Medical Leave Act \(FMLA\) Basics](#).
- [Practice Note, Pregnancy and Parental Leave](#).
- [Practice Note, Military Leave Law](#).
- [Practice Note, Pandemic Flu Preparation and Response](#).
- [State Voting Leave Laws Chart: Overview](#).
- [COVID-19: Employment Law and Development Tracker](#).

Federal Emergency Paid Sick Leave Act in Response to Coronavirus (COVID-19)

On March 14, 2020, the House of Representatives passed the Emergency Paid Sick Leave Act (EPSLA) as part of the

[Families First Coronavirus Response Act](#) (H.R. 6201, §§ 5105 to 5111) (FFCRA), as amended on March 16, 2020 by resolution before enrollment by [H. Res. 904](#) (166 Cong. Rec. H1698-01) (the Act). On March 18, 2020, the Senate passed the Act and President Trump signed it that day. The law was effective between April 1, 2020 (per [DOL FAQs](#)) through December 31, 2020, when it expired by its terms (though covered employers may claim a tax credit for voluntarily provided leave for certain COVID-19-related reasons through September 30, 2021 under COVID relief bills, including the Consolidated Appropriations Act, 2021 (CAA-21) and the American Rescue Plan Act of 2021 (ARPA-21)). For details about the EPSLA and other FFCRA provisions and amendments, see [Practice Note, COVID-19: Paid Sick and Family Leave Under the FFCRA](#).

Many states and local jurisdictions also have passed emergency paid sick leave measures in response to the COVID-19 pandemic. For more on COVID-19 and employment, see [COVID-19: Employment Law and Development Tracker](#) and [Legal Update, Expert Q&A: COVID-19 and Employment](#).

For more information on the FFCRA, see [Practice Note, COVID-19: Paid Sick and Family Leave Under the FFCRA](#) and [COVID-19: FFCRA Paid Sick and Family Leave FAQs](#).

State and Local Laws Charts

The following charts summarize the paid sick leave laws that have been enacted by various states (including the District of Columbia and Commonwealth of Puerto Rico) and local jurisdictions throughout the US. To the extent a statewide law provides more generous benefits for employees than any local law, the applicable state law governs. Some states have restricted local governments from mandating paid sick leave for private employers (see [Statewide Preemption Bans on Local Paid Sick Leave Laws](#)).

For information about federal and other pending and related legislation, see [Paid Sick Leave for Federal Contractors and Pending and Related Legislation](#). For more information on other state leave laws, including paid family and medical leave (which is not covered by these charts), see [Paid Family and Medical Leave State and Local Laws Chart: Overview](#) and [Leave Laws: State Q&A Tool](#).

The charts are organized alphabetically by state, then by the local jurisdiction within each state chart. Direct links to each state chart are available in the [Table of Contents](#).

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Arizona Laws (Statewide Only)

Jurisdiction and Source of Law	Eligible Employees, Leave Amount, Accrual, and Usage	Effective Date, Employer Coverage, and Exemptions	Other Key Provisions
Statewide			
<p>Arizona:</p> <p>Ariz. Rev. Stat. Tit. 23, ch. 2, Art. 8.1 (A.R.S. §§ 23-371 to 23-381) and A.R.S. § 23-364 (as amended) (Fair Wages and Healthy Families Act (Proposition 206)), with final rules published in the Arizona Administrative Register (Vol. 23, Issue 42, p. 2896) on October 20, 2017, and effective Jan. 1, 2018</p>	<p>Eligible Employees:</p> <p>Any person employed by an employer, including recipients of public benefits who are required to work as a condition of receiving public assistance, but not including:</p> <ul style="list-style-type: none"> • Those working for a parent or a sibling. • Babysitters. <p>Leave Amount and Accrual:</p> <p>Employees accrue 1 hour of leave for every 30 hours worked, with the following accrual caps based on employer size (including full-time, part-time, and temporary employees):</p> <ul style="list-style-type: none"> • 15+ employees: Leave accrual capped at 40 hours per year. • 1-14 employees: Leave accrual capped at 24 hours per year. <p>Employers may frontload the annual leave entitlement at the beginning of each year.</p> <p>Leave accrues on the later of employee's hire date or the effective date of the law.</p> <p>Carryover: Employees may carry over unused paid and unpaid sick leave to the next calendar year subject to carryover caps (under the Rules) of 24 and 40 hours respectively, based on employer size. Employers have the option to pay out accrued, unused leave at</p>	<p>Effective Date: July 1, 2017, except for employees covered by a CBA as of the effective date, who are covered when the CBA expires.</p> <p>Note: The Act approved by Arizona voters was challenged as unconstitutional by the Arizona Chamber of Commerce and other plaintiffs. The Arizona Supreme Court rejected that challenge. (<i>Arizona Chamber of Commerce & Indus. v. Kiley</i>, 399 P.3d 80 (Ariz. 2017)).</p> <p>Note: Arizona law prohibits local municipalities from enacting laws that provide benefits for employees more generous than provided under federal or state law H.B. 2579 (2016), Ariz. Rev. St. § 23-204). However, the preemption law was ruled unconstitutional (<i>United Food and Comm'l Workers Local 99 v. State</i>, 2017 WL 8776461 (Ariz. Super., Maricopa County Aug. 30, 2017)).</p> <p>Covered Employers: Any corporation, proprietorship, partnership, joint venture, limited liability company, trust, association, political subdivision of the state (such as municipalities and school districts), individual, or other entity acting directly or indirectly in the interest</p>	<p>Existing Policies:</p> <p>Employers' PTO policies may comply if the policies allow employees to accrue and use leave on terms at least equivalent to paid leave in the act.</p> <p>Posting and Notice:</p> <p>Employers must post notices of employees' right to leave entitlement by July 1, 2017, in English, Spanish, and any other language required by the Industrial Commission of Arizona (ICA). Employers must provide details of amount of paid leave used, available, and paid with the employee's paycheck. For more information see the ICA's FAQ About the Wage and Earned Paid Sick Time Laws.</p> <p>Advance Notice: Employees must make a good faith effort to notify employers before taking foreseeable leave and state the expected duration of the leave (if possible). For unforeseeable leave, employers may require notice if contained in a written policy disseminated to employees. Requests may be made orally, in writing, electronically, or by other means acceptable to the employer.</p> <p>Payout on Termination: Not required.</p>

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Jurisdiction and Source of Law	Eligible Employees, Leave Amount, Accrual, and Usage	Effective Date, Employer Coverage, and Exemptions	Other Key Provisions
Statewide	<p>year's end, in lieu of carryover, but only if the employer provides the employee with the full amount of annual leave available for immediate use at the beginning of the next year.</p> <p>Leave Usage: Employees can use leave as accrued, except that employers may require employees hired after July 1, 2017 to wait until the 90th calendar day after commencing employment to use leave.</p> <p>If rehired within 9 months of a separation from employment, accrued unused leave is reinstated. Successor employers must allow use of all previously accrued but unused leave.</p> <p>Permitted Uses: Paid leave can be used for:</p> <ul style="list-style-type: none"> • Diagnosis, care, or treatment of mental or physical illness, injury, or health condition, or preventive medical care, of an employee or employee's family member, defined as child (including adopted, foster, step, legal ward, in loco parentis, regardless of age), spouse, registered domestic partner, child or parent of the employee's spouse or domestic partner, parent, grandparent, grandchild, or sibling. 	<p>of an employer regarding an employee, except federal and state employees.</p> <p>Exemptions: Excluded from coverage are:</p> <ul style="list-style-type: none"> • Federal government employees. • State of Arizona employees. <p>Employers are not required to provide paid leave to employees who have expressly waived their rights under the Act in a CBA.</p>	<p>Additional Provisions:</p> <ul style="list-style-type: none"> • Retaliation is prohibited. An adverse action taken within 90 days of an employee's protected activity raises a presumption of retaliation that can be rebutted by clear and convincing evidence of permissible reasons for the action. • Employers cannot impose any policy that results in discipline for use of paid leave. • State law does not preempt or prohibit more favorable local laws. • Employers may, but are not required to, loan leave to an employee before it is accrued. • Leave can be used in the smaller of hourly increments or the smallest increment the employer's payroll system uses to account for other absences or use of time. • For leave of 3 or more consecutive work days, employers may require reasonable documentation (as defined) that leave was used for a permissible purpose. • Employers must retain records of paid sick leave accrual and usage for 4 years and provide records to employees on reasonable request.

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Statewide	<ul style="list-style-type: none"> For specified purposes related to the employee's or employee's family member's domestic or sexual violence, abuse or stalking. Closure of employee's place of business, closure of a child's school or place of care by order of a public official for any health-related reason. 		<ul style="list-style-type: none"> Failure to maintain records creates a rebuttable presumption that the employer violated the law. <p>Penalties and Remedies:</p> <ul style="list-style-type: none"> Employees can file an administrative action with the ICA or a civil action in court. Penalties for recordkeeping, notice, or posting violations are: <ul style="list-style-type: none"> – \$250 for first violation; – at least \$1,000 for each subsequent or willful violation; and – special monitoring and inspection. For failure to provide or pay for earned sick time, employees may recover: <ul style="list-style-type: none"> – the amount of sick time owed; – interest; – an additional amount equal to twice the earned sick time; – attorneys' fees and costs of suit for prevailing plaintiffs; and – other appropriate legal and equitable remedies. For retaliation, employers are liable for an amount set by the ICA or court sufficient to compensate and deter future violations, but at least \$150 for each day the violation continued or until final judgment.

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Statewide			

- 2-year statute of limitations applies for enforcement actions, or 3-year limitation period for willful violations.

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