

THE ABCs OF PAID LEAVE

From A to Z, we break down some of the terms compliance pros should know in the ever-complex world of paid leave laws.

A – ANY REASON

Use of paid leave generally comes with conditions: recuperating from an illness or taking care of a family member, for example. But three jurisdictions, Maine, Nevada and Bernalillo County, N.M., allow employees to take time off for any reason.

B – BONE MARROW

One unique covered reason for taking paid sick leave? How about bone marrow or organ donation? The allowable reasons for using leave has broadened along with the increase of paid leave types across the country.

C – COVID-19

The coronavirus pandemic has created a host of new paid leave laws. From the emergency federal leave to expanded laws that cover public health emergencies, COVID-19 has had sweeping impacts on paid leave.

D – DESIGNATED FAMILY MEMBER

In some jurisdictions, if employees don't have a spouse or domestic partner, they can designate someone and use paid leave to care for that individual.

E – EMPLOYMENT DATE

When can employees begin using paid sick leave? In many jurisdictions, it depends on how long they have been on the job. The most common waiting period is 90 days, but there are several others, depending on whether a jurisdiction allows for use as accrued or after a certain number of hours or days of employment.

F – FFCRA

The F in our list of the ABCs of Paid Leave highlights the Families First Coronavirus Response Act (FFCRA). Though it expired at the end of 2020, it was extended for employers to voluntarily provide paid leave benefits and receive tax credits for doing so through Sept. 30, 2021. This emergency legislation marked the first time the federal government provided paid leave for workers.

G – GUIDE DOG

Paid sick leave in Emeryville, Calif., has a unique provision. An employee can use the time to care for a guide dog (or signal or service dog) — either the employee's own or that of a covered relation.

H – HUSBANDS

Spouses — husbands and wives — are always listed as covered relations under paid family and medical leave laws. But some jurisdictions have greatly expanded the people who qualify as a covered relation, from domestic partners to parents-in-law and others. Check out our [recent infographic, Family Matters](#), for further examples.

I – INFORMING EMPLOYEES

Employer obligations for paid leave often extend beyond simply providing paid time off. That includes informing employees about the law, often through [labor law postings](#), as well as details about how much time they have accrued or remains available on paychecks.

J – JOB PROTECTION

A big facet of paid family and medical leave legislation is job protection. However, this can also vary widely. In addition to different lengths of job protection, some states have opted to expand job protection in cases of issues with a pregnancy, and others have plans to expand the length of job protection in coming years.

K – KIDS

Kids are often considered covered relations under paid family and medical leave laws. But some states allow employees to use the leave to care for children of any age, including Rhode Island and Massachusetts, for example.

L – LIKE FAMILY

Certain states go beyond traditional definitions of family member, allowing workers to use paid family and medical leave to care for anyone they consider "like family."

M – MILITARY

Some paid leave laws cover more than illnesses or caring for a newborn. Covered reasons for using paid leave in Washington, D.C., for example, include military requirements.

N – NO SCHOOL

Several jurisdictions allow employees to use paid sick leave if their child's school is closed for a public health emergency. No school? Employees can use paid sick leave for this reason in Arizona, Michigan, Minneapolis, New York City and elsewhere.

O – ONE PAID LEAVE POLICY

For large employers, tracking and managing paid leave laws is a complex task. That fact may prompt an employer to apply one paid leave policy across the company. But it can become costly to provide additional paid leave in jurisdictions where it may not be required by law.

P – PAID LEAVE EVOLUTION

Paid leave laws emerged at the state level in 2004 with California's paid family leave program. Since then, of course, paid leave has sprouted up across the U.S., with cities and counties also crafting their own paid leave regulations.

Q – QUESTIONS FROM EMPLOYEES

The expansion of paid leave legislation may also give rise to more questions from employees. That means being able to accurately address issues from workers and ensuring compliance. No company wants to wind up in the headlines because of a misapplied law.

R – ROLLOVER

Paid sick leave laws require employees to be allowed to rollover accrued unused paid leave. That carryover is most commonly 40 hours of leave. But, again, different jurisdictions have different rules.

S – STATES WITH PFML

Several states have passed paid family and medical leave laws, plus Washington, D.C. They are:

- California
- Connecticut
- Massachusetts
- New Jersey
- New York
- Oregon
- Rhode Island
- Washington

T – TEMPORARY CAREGIVER PAID LEAVE

One thing to note about paid leave laws: they don't always follow a specific naming convention. Rhode Island, for example, calls its family and medical leave law Temporary Caregiver Paid Leave. It went into effect in 2014.

U – USE

As we've touched on here, the reasons for use differ across the various paid leave laws we see today. Some are more expansive than others, such as allowing employees to take leave to deal with issues resulting from an employee being the victim of domestic violence, sexual assault, or stalking.

V – VARY

Running down the ABCs of Paid Leave, one recurring theme is the specifics of these laws vary across jurisdictions, which creates challenges for large employers who must navigate the new and changing legislation across the country.

W – WAGE STATEMENTS

Some jurisdictions require employers to provide paid leave information on an employee's regular paycheck. That generally includes:

- Amount of available paid sick leave
- Amount of leave taken to date in the year

Others allow an online system for employees to check their paid leave status.

X – EXCLUSIONS

Cheating a bit for our X, we come to exclusions for paid sick leave payout requirements. The payout must usually be the same rate of pay (at least minimum wage), and employers must calculate a reasonable estimate for commissions. Generally, those exclusions include:

- Overtime or holiday pay
- Bonuses or other incentive pay

Y – YOUR OBLIGATIONS

What do all these ABCs add up to? Your obligations as an employer. Violations of paid leave can result in fines, poor employee relations and bad press.

Z – ZERO

Z, for paid leave, means zero. That was the number of federal laws that required paid leave before 2020. But employers should note that the required paid leave under the FFCRA expired Dec. 31, 2020, with voluntary benefits expiring Sept. 30, 2021. And remember – paid parental leave for federal employees was effective October 2020.

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GOVDOCS PAID LEAVE

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info@govdocs.com • 1-888-273-3274 • govdocs.com