

Paid Sick & Safe Time Laws and COVID-19

Last Updated on 4/22/20

Jurisdiction	Paid Sick Leave Laws & Programs Enacted due to COVID-19 (In Addition to Mandatory Existing Laws)					
Federal (Family First Coronavirus Response Act)	<p>Under H.R.6201, private employers with fewer than 500 employees must provide covered employees emergency paid sick and/or paid family leave. The law, which takes effect no later than April 2, 2020, 15 days after the law's March 18, 2020 enactment date, will remain in effect until December 31, 2020.</p> <p>For paid family leave, employees must be employed for at least 30 calendar days, whereas the paid sick leave provisions generally apply to all employees. However, for both paid leaves, employers of employees who are health care providers or emergency responders can exclude such employees from the law's requirements. Via regulations, the U.S. Department of Labor can exclude certain health care providers and emergency responders from coverage, including by allowing employers to opt out. Additionally, imposing paid leave requirements would jeopardize the viability of the business as a going concern, via regulations DOL can exempt small businesses with fewer than 50 employees from the law's requirements on leave for care for a child if the child's school or place of care closes, or whose child care provider is unavailable, due to coronavirus precautions.</p> <p>For paid family leave, employees must give notice of the need to use leave as soon as practicable. For paid sick leave, after the first workday or portion thereof an employee receives benefits, employers can require the employee to follow reasonable notice procedures to continue receiving paid sick leave. Under the law, employees can use paid leave for the following purposes:</p> <table border="1" data-bbox="423 1310 1435 1898"> <thead> <tr> <th data-bbox="423 1310 922 1373">EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT</th> <th data-bbox="922 1310 1435 1373">EMERGENCY PAID SICK LEAVE ACT</th> </tr> </thead> <tbody> <tr> <td data-bbox="423 1373 922 1898"> <p>Qualifying need related to a public health emergency declared by federal, state, or local authority concerning COVID-19 in which an employee is unable to work or telework due to:</p> <ul style="list-style-type: none"> Care for a child under 18 years old if a school or place of care has been closed due to a public health emergency Care for child under 18 years old if a child care provider is unavailable due to a public health emergency </td> <td data-bbox="922 1373 1435 1898"> <p>Employee is unable to work or telework due to the following:</p> <ul style="list-style-type: none"> Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 Seek medical diagnosis if the employee is experiencing coronavirus symptoms Care for an individual who is subject to a federal state, or local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to </td> </tr> </tbody> </table>		EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT	EMERGENCY PAID SICK LEAVE ACT	<p>Qualifying need related to a public health emergency declared by federal, state, or local authority concerning COVID-19 in which an employee is unable to work or telework due to:</p> <ul style="list-style-type: none"> Care for a child under 18 years old if a school or place of care has been closed due to a public health emergency Care for child under 18 years old if a child care provider is unavailable due to a public health emergency 	<p>Employee is unable to work or telework due to the following:</p> <ul style="list-style-type: none"> Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 Seek medical diagnosis if the employee is experiencing coronavirus symptoms Care for an individual who is subject to a federal state, or local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to
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		<p>concerns related to COVID-19</p> <ul style="list-style-type: none"> • Care for a child if a school or place of care is closed, or a child care provider is unavailable, due to COVID-19 precautions • Employee is experiencing any other substantially similar condition specified by the Health and Human Services Secretary of in consultation with the Secretaries of Treasury and Labor
<p>Employers must provide full-time employees 80 paid sick leave hours and a proportionate amount to part-time employees. Employees can use paid sick leave before other paid leave benefits an employer provides, and employers cannot require employees to use other employer-provided paid leave before paid sick leave. Additionally, the law does not diminish the rights or benefits to which an employee is entitled under law, a collective bargaining agreement, or an existing employer policy. After an employee's need to use paid sick leave ends, the entitlement ends. Unused paid sick leave does not carry over to the following year, and employers need not cash-out unused leave when employment ends.</p> <p>The first 10 days of paid family leave may be unpaid, though employees can elect to use accrued vacation, personal, medical, or sick leave during this period and employers cannot require them to use such accrued leave. Afterwards, employees receive paid leave during the remainder of their FMLA leave period when they use paid family leave for the above covered purposes.</p> <p>For paid sick and paid family leave, employees can use paid leave for their normally scheduled hours. For paid sick purposes, if employees use leave for themselves, employers pay leave at the employee's regular rate or the federal, state, or local minimum wage, whichever is greater. However, if they use leave to care for others, employers pay leave at two-thirds the applicable rate. Similarly, for paid family leave, employers must pay leave at two-thirds the employee's regular rate. The maximum daily and aggregate amounts of paid sick leave for personal or family care is \$511 and \$200 per day, and \$5,110 and \$2,000 overall, respectively. For paid family leave, the maximum daily and aggregate amounts are \$200 and \$10,000, respectively. The law covers unionized workers, though employers participating in multi-employer collective bargaining agreements may satisfy their paid sick and paid family leave obligations via contributions to multiemployer funds, plan or programs from which employees can secure payment for paid leave they use.</p> <p>Employers cannot require employees to search for or find a replacement worker to cover a shift when they use paid sick leave, and cannot discharge, discipline, or in any manner discriminate against employees who take paid sick leave and file a complaint, or institute or cause to be instituted any proceeding under or related to the law, or who testified or are about to testify in such a proceeding. For paid family leave, the FMLA's jobs restoration rights apply except to employers with fewer than 25 employees under certain circumstances.</p> <p>Employers must conspicuously display the U.S. DOL notice describing the paid sick law's requirements on its premises where they customarily post notices to employees.</p>		

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	<p><u>Note</u>: Possibly, additional COVID-19 legislation might amend H.R. 6201 and the above requirements. For a more complete discussion concerning the law, including available tax relief for employers, see Senate Approves Paid Sick Leave, Family Medical Leave Expansion; Bill Expected to Become Law.</p>
<p>Los Angeles, California Supplemental Paid Sick Leave Emergency Order</p>	<p>On April 7, 2020, the Mayor of Los Angeles issued an emergency order requiring certain employer to provide employee supplemental paid sick leave. The order took effect immediately and will remain in effect until two calendar weeks after the COVID-19 local emergency ends.</p> <p>The order applies to private employers with either 500 or more employees in L.A. or 2,000 or more employees in the U.S. It potentially exempts numerous employers, <i>i.e.</i>, employers of the following types of employees and/or under the following circumstances: Emergency Personnel; Health Care Worker; Global Parcel Delivery; Generous Existing Benefits (160 hours annually) Certain New Businesses; Government Workers; Businesses that were Closed or Already Provided Leave (14 Days). The order applies to employees who perform any work in L.A.'s geographic boundaries if employed with the same employer from February 3, 2020 through March 4, 2020, but exceptions may be available to employers with unionized workforces.</p> <p>If an employee works at least 40 hours per week or the employer classifies the employee as "full time," the employee receives 80 hours, whereas employees who work fewer than 40 hours per week and who an employer does not classify as full time receive an amount no greater than their average two-week pay over the period of February 3, 2020 through March 4, 2020. However, employers can offset the amount of SPSL by the amount of paid leave they provided an employee on or after March 4, 2020, for any reason the order identifies or in response to an employee's inability to work due to COVID-19, but employers cannot count "previously accrued hours" for offset purposes, <i>e.g.</i>, if employers voluntarily allowed employees during this period to use their pre-existing L.A. paid sick leave ordinance hours, employers cannot use these hours to offset their SPSL obligations.</p> <p>It appears employers must use the employee's average rate of pay to calculate the SPSL pay rate. Like the FFCRA, the order addresses the maximum value of SPSL: in no event shall the amount of SPSL paid exceed \$511 per day and \$5,110 in the aggregate for each employee.</p> <p>If employees are unable to work or telework, they can use SPSL for the following purposes: 1) Employee takes time off <u>due to COVID-19 infection or</u> because a public health official or healthcare provider requires or recommends employee isolate or self-quarantine to prevent the spread of COVID-19; 2) Employee takes time off work because employee: A) Is at least 65 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system; B) Needs to care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolation or self-quarantine; C) Needs to provide care for a family member whose senior care provider or whose school or child care provider caring for a child under the age of 18 temporarily ceases operations in response to a public health or other public official's recommendation. However, this only applies to an employee who is unable to secure a reasonable alternative caregiver.</p> <p>Employers must provide SPSL upon an employee's oral or written request. Employers cannot require a doctor's note or other documentation for SPSL use.</p>

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	<p>In addition to prohibiting any waiver of the order's requirements, employers cannot discharge, reduce compensation of, or otherwise discriminate against an employee for opposing any practice the law proscribes for: 1) Requesting to use or using SPSL; 2) Participating in proceedings related to the law; 3) Seeking to enforce rights under the law by any lawful means; or 4) Otherwise asserting rights under the law. The order designates the Office of Wage Standards to interpret the law.</p> <p>For more information, see The L.A. Story of Supplemental Paid Sick Leave.</p>
<p>San Francisco, California Public Health Emergency Leave Ordinance</p>	<p>On April 7, 2020, the San Francisco Board of Supervisors adopted an emergency ordinance that requires private employers with 500 or more employees to provide paid public health emergency leave during the COVID-19 public health emergency. We expect the mayor to sign; when she does, the ordinance will take effect that day and will remain in effect until the 61st day following enactment (unless San Francisco enacts a separate measure extending the timeframe) or the COVID-19 public health emergency ends, whichever occurs first. Notably, employers do not receive tax credits or monetary relief for providing leave.</p> <p>The ordinance will apply to private employers with 500 or more employees, and will cover employees that performed 56 or more hours of work in San Francisco during the 365 days immediately preceding the law's effective date. Similar to the federal FFCRA, the ordinance allows an employer of an employee who is a health care provider or an emergency responder to elect to exclude such an employee from the law's requirements. Unlike the federal FFCRA, the ordinance provides a potential exception for employers with unionized workforces.</p> <p>Employers must provide each covered employee an amount of leave equivalent to what the federal FFCRA requires for emergency paid sick leave: Full-Time Employees (80 hours); Part-Time Employees (A number of hours equal to the number of hours that such employee works, on average, over a 2-week period). Unlike the federal FFCRA, the ordinance allows employers to offset the amount of leave by the amount of paid leave they provided employees on or after February 25, 2020, for any reason the ordinance identifies, but employers cannot count "previously accrued hours" for offset purposes, <i>e.g.</i>, if employers voluntarily allowed employees during this period to use their pre-existing San Francisco Paid Sick Leave Ordinance (PSLO) hours, employers cannot use those hours to offset leave obligations.</p> <p>Employees who are unable to work – either at their customary place of work or by means of telework – can use PHE leave for a number of reasons. It is important, first, to highlight a key difference between the FFCRA and the PHELO: employers must make PHE leave available, regardless of whether or when the employee is scheduled to work, <i>e.g.</i>, the law applies to furloughed employees. The PHELO defines qualifying event as including: 1) An employee being subject to an individual or general federal, state, or local quarantine or isolation order related to COVID-19; 2) An employee being advised by a health care provider to self-quarantine; 3) An employee experiencing symptoms associated with COVID-19 and seeking a medical diagnosis; 4) An employee caring for a family member who is subject to an order described in 1, has been advised as described in 2, or is experiencing symptoms as described in 3; 5) An employee caring for a family member whose school or place of care has been closed, or whose care provider is unavailable, due to the public health emergency; and 5) An employee experiencing any other substantially similar condition specified by the local health officer or the U.S. Secretary of Health and Human Services.</p>

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	<p>Employers cannot require employees to take leave in increments of more than one hour. Employers can require employees to follow reasonable notice procedures, but only when the need for leave is foreseeable. Employers can require employees to identify the basis for requesting leave, but they cannot require the employee to disclose health information and cannot require other documentation, including but not limited to a doctor’s note.</p> <p>For pay rate purposes, the ordinance incorporates standards in the San Francisco Paid Sick leave Ordinance. For nonexempt employees, employers must either calculate the rate in the same manner as the regular rate of pay for the workweek in which the employee uses leave (whether or not the employee actually works overtime in that workweek) or calculate the rate by dividing the employee’s total wages – excluding overtime premium pay – by the employee’s total hours worked in the full pay periods of the prior 90 days of employment. For overtime-exempt employees, employers calculate the rate in the same manner they calculate wages for other forms of paid leave time. Employers must pay leave no later than the payday for the next regular payroll period after an employee takes leave.</p> <p>Within three days after San Francisco OLSE publishes and makes available a new mandatory notice, employers must make that notice available in a manner calculated to reach all employees: by conspicuously posting at the workplace; via electronic communication; and/or by conspicuously posting on an employer’s web- or app-based platform. The notice must be in English, Spanish, Chinese, and any language spoken by at least 5% of employees who are, or were prior to the public health emergency, at the workplace or job site. The ordinance also contains a paystub requirement: to the extent feasible, on the same written notice state law requires, employers must set forth the amount of leave available. Employers must retain records related to leave for at least four years.</p> <p>Employers cannot require employees to find a replacement worker or interfere with employees attempting to or exercising their rights, and policies cannot count leave use as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action. Additionally, the anti-retaliation provision not only prohibits discharging, demoting, suspending, discriminating, or taking adverse action, but also bars any reduction of employee benefits, due to an employee’s exercise of their rights. Except as otherwise provided by potentially forthcoming rules or guidelines, the PSLO administrative and civil enforcement provisions apply to the PHELO, so employees can file private lawsuits and recover numerous types of damages, and OLSE can assess administrative penalties.</p> <p>For more information, see San Francisco Expected to Require Employers with 500 or More Employees to Provide Paid Public Health Emergency Leave.</p>
San Jose, California Emergency Paid Sick Leave Ordinance	<p>On April 7, 2020, the San Jose, California enacted an urgency ordinance that requires covered employers to provide emergency paid sick leave. The ordinance applies to employers with 500 or more employees, and to employers with fewer than 50 employees that partially exempt themselves from the federal FFCRA's childcare leave provisions (the extent of which, we do not know), and to employees who work at least two hours in San Jose who leave their home to perform essential work per a county shelter-in-place order. Unlike the federal FFCRA, the ordinance provides a potential exception for construction industry employers with unionized workforces that uses the potential exemption under California's paid sick leave law, but it is unclear whether the city will strictly apply the state law test or instead apply a San Jose variation.</p>

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	<p>Under the ordinance, employees can use emergency paid sick leave (EPSL) for the following reasons: 1) An employee is subject to quarantine or isolation by federal, state or local order due to COVID-19, or is caring for someone who is quarantined or isolated due to COVID-19; 2) An employee is advised by a healthcare provider to self-quarantine due to COVID-19 or is caring for someone who is so advised by a health-care provider; 3) An employee experiences symptoms of COVID-19 and is seeking medical diagnosis; 4) An employee is caring for a minor child because a school or daycare is closed due to COVID-19. However, employers need not allow employees to use EPSL if they are teleworking.</p> <p>The ordinance provides full-time employees with 80 hours of EPSL, whereas part-time employees receive an amount of hours equal to the number of hours they work on average over a two-week period. One of the biggest components of the ordinance is that it provides a full or partial exemption based on the amount of paid time off employees are already provided. Specifically, the ordinance does not apply to employers that provide employees with some combination of paid leave that is at least equivalent to the amount of EPSL the law requires. For employers that provide leave, but in a lesser amount, they must make up the difference between what they provide and what the law requires.</p> <p>The ordinance sets two different pay rate standards based on the reasons employees use EPSL. If they use EPSL for personal reasons, employers must pay employees' their regular rate of pay. However, employees that use EPSL to care for another person receive two-thirds their regular rate of pay. Additionally, similar to the FFCRA, the maximum value for personal-use EPSL is \$511 a day (aggregate of \$5,110) and to care for another the maximum value is \$200 a day (aggregate of \$2,000).</p> <p>The San Jose Office of Equality Assurance (OEA) will implement and enforce the ordinance, and can establish reasonable requirements to inform employees of their rights, including requiring employers to post notices.</p> <p>Finally, the ordinance' sole prohibition is that employers cannot require an employee to find a replacement as a condition of using EPSL.</p> <p>For more information, see Knowing the Way to San Jose's Emergency Paid Sick Leave Ordinance.</p>
<p>Colorado Emergency Paid Sick Leave Rules for COVID-19 Testing</p>	<p>Beginning March 11, 2020, for 30 days or for the duration of the declared state of emergency (whichever is longer – up to 120 days), covered employers must provide employees with flu-like symptoms who are being tested for COVID-19 and/or under health care provider instructions to quarantine or isolate due to a risk of having COVID-19 (As of March 26, 2020) up to 4 paid sick leave days. Per the FAQ, these are <u>calendar</u> days: "if an employee falls ill on a Thursday or is told by a health care provider to quarantine or isolate, and makes plans to get tested, then the maximum is Thursday through Sunday -- and the employee gets paid only for those days they actually would have worked." The paid leave entitlement ends when employees receive a negative COVID-19 test result. If employers already offer a sufficient amount of paid leave, they need not provide additional paid sick leave unless employees exhausted such leave and then experience a qualifying event. The emergency rules cover employers engaged in the following industries or workplaces: 1) Leisure and hospitality; 2) Food & beverage manufacturing (As of April 3, 2020); 3) Food services; 4) Child care; 5) Education at all levels and related services, including but not limited to cafeterias and transportation to, from, and on campuses; 6) Home health care (working with elderly, disabled, ill, or otherwise high-risk individuals); 7) Nursing homes; 8) Community living facilities; and 9) Retail establishments that sell groceries (As of March 26, 2020).</p>

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	<p>For more information, see Colorado Emergency Rule Requires Up to 4 Paid Sick Leave Days for Employees with Flu-Like Symptoms Who Are Tested for COVID-19 and New FAQs Clarify Colorado Emergency Paid Sick Leave Rules.</p>
New Jersey	<p>On March 20, 2020, New Jersey enacted a law that, during the governor's declared emergencies connected to COVID-19, employers cannot terminate or otherwise penalize employees if they request or take time off from work based on a licensed medical professional's written or electronic recommendation that they take time off for a specified period of time because they have, or likely have, an infectious disease. Following the absence, employers cannot refuse to reinstate employees to the position they held when leave began. Moreover, there can be no reduction in seniority, status, employment benefits, pay or other terms and conditions of employment. Although technically not a paid sick leave law, the reason employees can be absent is directly related (or in the neighborhood of) one or more reasons employees can use paid sick leave under state law: 1) Diagnosis, care, or treatment of, or recovery from, an illness or other adverse health condition; 2) preventive medical care; and 3) when a public health authority determines the employee's presence in the community would jeopardize others' health. Accordingly, at the very least, for employers this would add another layer of protection onto an otherwise protected absence if the employee uses available paid sick leave during the absence.</p>
New York State Paid and/or Unpaid Leave During COVID-19 Quarantine or Isolation	<p><u>Note</u>: Employees have other legal rights and can access other state benefits, but below we address only employer-provided paid leave requirements.</p> <p>On March 18, 2020, New York enacted a law that requires employers to provide paid and/or unpaid leave to an employee subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19 issued by the state, state or local health department, or any authorized government entity <u>unless</u> either the employee is deemed asymptomatic <u>or</u> has not been diagnosed with a medical condition <u>and</u> physically can work while under order, whether remotely or by similar means. Note that, per the FAQ, employees are ineligible for paid leave if they are working from home while quarantined; however, if employees were under quarantine before the law took effect and remain in quarantine afterwards, they can take quarantine leave.</p> <p>The type and amount of leave varies based on how many employees an employer has, but employers must provide leave without an employee losing accrued sick leave.</p> <ul style="list-style-type: none"> • 10 or Fewer Employees <ul style="list-style-type: none"> ○ <u>Generally</u>: Unpaid sick leave and other benefits a law may provide for the order's duration. ○ <u>Net income exceeds \$1 million in previous tax year</u>: 5 paid sick leave days then unpaid leave for the order's duration. • 11-99 Employees: 5 paid sick leave days then unpaid leave for the order's duration. • 100 or More Employees: 14 days of paid sick leave for the order's duration (implied that remainder is unpaid). <p>Per the FAQ, "[t]he number of paid days is <u>calendar</u> days, and the pay required should represent the amount of money that the employee would have otherwise received for the 5 or 14 day period."</p> <p>Employees are <u>ineligible</u> for paid sick leave if they return to the U.S. after traveling to a country for which the CDC issued a level 2 or 3 travel health notice, travel not part of</p>

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	<p>employment or at an employer's direction, and they had notice of the travel health notice and the state law's requirements before traveling. However, employees can use employer-provided accrued leave; or, if the employee has no, or insufficient, leave, employers must provide unpaid sick leave for the order's duration.</p> <p>If the federal government provides sick leave (and/or employee benefits) for employees related to COVID-19, state law benefits are unavailable. However, if state law would provide sick leave (and/or employee benefits) that exceed federal leave/benefits, the employee can claim additional sick leave (and/or employee benefits) under the state law in an amount that represents the difference between federal and state benefits.</p> <p>For more information, see New York Legislation Provides New Leave Time for Employees Subject to COVID-19 Quarantine, Effective Immediately.</p>
Puerto Rico Minimum Salary, Vacation, and Sick Leave Amendments	<p>On April 9, 2020, Puerto Rico immediately (and permanently) amended its existing Minimum Salary, Vacation and Sick Leave Act to require employers to provide five work days of special paid leave to non-exempt employees infected (or are suspected of being infected) by an illness or epidemic that triggers a state of emergency declared by either Puerto Rico's Governor or Health Secretary. Before employees can use this new leave, first they must exhaust all available accrued sick leave and any other available accrued leave to which they are entitled. Under the amended law, employers cannot consider an employee's leave use when making decisions concerning pay raises or promotions, and absences cannot justify disciplinary actions like suspension or termination. See Puerto Rico Enacts Law Creating Special Paid Leave for Non-Exempt Employees in the Private Sector.</p>
San Francisco Workers and Families First Program	<p>San Francisco, CA: Another set of emergency guidance was released on March 24: 1) Workers that have been laid off by their employer are no longer eligible for paid sick leave; 2) Employees who have their hours reduced or eliminated are not entitled to use accrued paid sick leave to account for such reductions or eliminations; 3) Employees are covered by the law unless there has been a separation of employment (e.g., termination, layoff, resignation, or retirement) & Employers are not required to pay employees for accrued unused paid sick leave upon the employee's separation from employment.</p>

Can Employers Require Employees to Use Mandatory Paid Sick Leave?
<p>Absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice is either expressly prohibited or carries risk without supplemental legal authority from another law that applies to the absence.</p> <p>Vermont's law does not prevent an employer from adopting a policy that requires an employee to use paid sick leave for an absence from work for one of the covered uses. Similarly, Arizona will not take enforcement action against an employer that in good faith designates an absence as paid sick leave, but the employer must correct any mis-designation. Oregon says that, when an employee has a qualifying paid sick leave absence but does not want to use PTO so later the employee can use it for vacation, a best practice is to require the employee to use PTO and discuss how the absence may otherwise be unprotected from discipline (unless a separate right to unpaid leave applies to the absence). Previously, Rhode Island <i>informally</i> told Littler employers can require employees to use paid sick leave for a covered absence <u>if</u> the requirement is clearly stated in a policy that employees receive.</p> <p>In Cook County, Illinois, a rule says employers cannot require employees to take paid sick leave, <u>but</u> can require use when an employee can do so instead of taking an unpaid absence from work.</p>

Can Employers Require Employees to Use Mandatory Paid Sick Leave?

New Jersey's law says employers cannot require employees to use paid sick leave. **Saint Paul, Minnesota** says employers can require sick employees to leave work, but employees decide whether they want to use paid sick leave for the absence. **Washington State** (generally and in a COVID-19 FAQ) says employers cannot require employees to use paid sick leave (which applies to employees covered by state law and local laws in **SeaTac, Seattle and Tacoma**). Additionally, for employees not covered by state law but covered by local law, **Seattle, Washington** (generally and in a COVID-19 FAQ) says employers cannot require employees to use paid sick leave for covered absences.

California (generally and in a COVID-19 FAQ) interprets its minimum increment of use provision in a manner that allows employees to dictate whether they will use available paid sick leave for a covered absence (which applies to employees covered under state law and local laws in **Berkeley, Emeryville, Long Beach (Hotels), Los Angeles (Generally, Airport Workers & Hotels), Oakland, San Diego, San Francisco, and Santa Monica**). Although there are counter-arguments to the agency's position, DLSE will aggressively enforce the law and paid sick leave lawsuits are common. Additionally, **Emeryville** says its law does not require employees to use paid sick leave.

Note: Similar "employee chooses" language appears in other laws' minimum increment of use provisions (like California's law, these laws allow an employer to require employees to use a certain amount of paid sick leave during an absence): **Chicago, IL; New York City, NY**. Accordingly, it is *possible* the relevant enforcement agency could interpret its law similarly.

Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee. Accordingly, in the following jurisdictions (plus jurisdictions referenced in the above note), without supplemental legal authority from another law that applies to the absence, the practice carries risk: **Federal Executive Order 13706 (Government Contractors); Connecticut; District of Columbia; Maryland (including Montgomery County); Massachusetts; Michigan; Duluth & Minneapolis, MN; Westchester County, NY; Philadelphia & Pittsburgh, PA; Puerto Rico; Dallas, TX.**

Nevada Mandatory PTO Law

Nevada says that, if an employee is subject to a mandatory government quarantine by a federal, state, or local agency and unable to report to work, employers should not deduct the employee's paid leave balance. However, at their option, quarantined employees can choose to request to use paid leave for the absence.

Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences?

Depending on the reason for the absence, COVID-19 absences *might* be a covered use under a federal, state, or local law that mandates private employers (who are not government contractors*) provide employees job-protected paid sick leave.

Mandatory paid sick leave laws exist in or under: Federal Executive Order 13706* (Government Contractors); Arizona; California (including Berkeley, Emeryville, Long Beach (Hotels), Los Angeles (Generally, Airports Workers & Hotels), Oakland, San Diego, San Francisco, and Santa Monica); Connecticut; District of Columbia; Chicago & Cook County, IL; Maryland (including Montgomery County); Massachusetts; Michigan; Duluth, Minneapolis & Saint Paul, MN; New Jersey; New York City & Westchester County, NY; Oregon; Philadelphia & Pittsburgh, PA; Puerto Rico; Rhode Island; Texas; Vermont; Washington State (including SeaTac (Hospitality & Transportation), Seattle & Tacoma).

Note: Austin and San Antonio, TX enacted laws, but state courts enjoined both during litigation challenging these ordinances.

Employee or Covered Relation Contracts COVID-19

Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences?

If an employee contracts COVID-19, undoubtedly the laws apply. The laws may apply also if a covered relation contracts COVID-19 and the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.

Employee or Covered Relation *Might* Have Contracted COVID-19

Under various paid sick leave laws, employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision expressly covers quarantines. However, health authorities or health care providers must make a determination. Without such a determination, a voluntary self-quarantine or an employer-instituted quarantine *technically* would not be a covered paid sick leave use.

This provision exists in the following jurisdictions: Arizona; Montgomery County, MD; Michigan; New Jersey; Westchester County, NY; Oregon; Pittsburgh, PA; Rhode Island.

One law, in Oregon, allows employees to use paid sick leave if they are excluded from the workplace under a law or rule that requires the employer to exclude the employee from the workplace for health reasons.

Update: On March 25, 2020, New Jersey immediately broadened the scope of its provision via permanent amendments:

- the **declaration of a state of emergency by the Governor**, or the issuance by a **health care provider or the Commissioner of Health** or other public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others
- **during a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others**

Nearly all paid sick leave laws allow employees to use leave for preventive care. These provisions might impliedly cover quarantines. However, the majority of laws use medical care*, so a self- or employer-instituted quarantine without medical care *technically* would not be a covered paid sick leave use. Note, though, some laws use broader terminology** and a few include catchall language*** that might apply to these situations.

These provisions exist in the following jurisdictions:

- *Arizona; Connecticut; District of Columbia; Chicago and Cook County, IL; Maryland (including Montgomery County); Massachusetts; Michigan; Duluth and Saint Paul, MN; New Jersey; New York City and Westchester County, NY; Oregon; Philadelphia and Pittsburgh, PA; Puerto Rico; Rhode Island; Vermont; Washington State (including SeaTac, Seattle and Tacoma)
- **California (including Los Angeles and Santa Monica) (Preventive care); Minneapolis, MN (Preventive medical or health care); Dallas, TX* (Preventative medical or health care).
- ***Berkeley, Emeryville, Oakland, San Diego, and San Francisco, CA (Other medical reasons).

Nevada Mandatory PTO Law

Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences?

[Nevada](#) says employees can choose to request to use paid leave if they are quarantined by a federal, state, or local agency and unable to report to work.

Employee or Covered Relation Has Not Contracted COVID-19

For the following two reasons employees *might* be able to use paid sick leave.

Closure of the employee's place of business by order of a public official due to a public health emergency

As written, most laws require a public official to close a business. Without such an order, an employer deciding to close down a place of business due to a public health emergency like COVID-19 *technically* would not be a covered paid sick leave use. However, in [Vermont](#), closure by a public official is not required.

This provision exists in the following jurisdictions: Arizona; San Diego, CA; Chicago & Cook County, IL; Montgomery County, MD; Michigan; Minneapolis & Saint Paul, MN; New Jersey; New York City & Westchester County, NY; Oregon; Pittsburgh, PA; Rhode Island; Vermont; Washington State (including SeaTac, Seattle & Tacoma).

Closure of a child's school or place of care by order of a public official due to a public health emergency

As written, most laws require a public official to close a school or place of care. Without such an order, a school or place of care deciding to close down due to a public health emergency like COVID-19 *technically* would not be a covered paid sick leave use. However, in [Westchester County, NY & Vermont](#), closure by a public official is not required.

This provision exists in the following jurisdictions: Arizona; San Diego, CA; Chicago & Cook County, IL; Montgomery County, MD; Michigan; Minneapolis & Saint Paul, MN; New Jersey; New York City & Westchester County, NY; Oregon; Pittsburgh, PA; Rhode Island; Vermont; Washington State (including SeaTac, Seattle & Tacoma).

Note: In Montgomery County, MD, Minneapolis & Saint Paul, MN, Vermont, and Seattle, Washington (as of March 18, 2020), the school and/or place of care closures are not limited to a child and include a covered relation.

Evolving Interpretation: Closure of a business, school or place of care due to COVID-19 exposure concerns

COVID-19 exposure concerns are causing more businesses, schools, and places of care to close temporarily. We expect this trend to continue, particularly with schools. Closures of schools, especially those with a large student population, might noticeably affect staffing levels on short notice.

Although the above jurisdictions permit employees to use paid sick leave when a public official closes a covered location, in jurisdictions without these express provisions, when these locations voluntarily close due to COVID-19 exposure concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use *might* not mean protected leave is unavailable.

Guidance published or received to date indicates, under current circumstances, agencies *might* interpret a paid sick leave law broadly to bring an absence within its protections. Therefore, it is *possible* closure-exposure-related absences qualify as preventive (medical) care.

Notes

Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences?

- Required v. Require or Permit: The analysis discusses whether paid sick leave laws say employees can use leave in these scenarios, not whether employees must use leave or whether employers should allow employees to use leave if a law does not require.
- Direct v. Indirect COVID-19 Business Closure: The analysis discusses closures directly due to COVID-19 exposure concerns. It does not apply if a business closes for financial concerns indirectly caused by COVID-19 (e.g., no patronage).

Business reduces operations of closes for any health- or safety-related reason [Seattle, Washington COVID-19 Amendment]

On March 18, 2020, [Seattle, Washington](#) amended its law and expressly allows employees to use paid sick leave if they work for a Tier 3 employer (250 or more full-time equivalent employees, regardless of location) and their place of business reduces operations or closes for any health- or safety-related reason.

Agency Guidance and Emergency Rules re: COVID-19 and Paid Sick Leave

Little contacted all state and local paid sick leave enforcement agencies. We asked whether the agencies intend to publish guidance concerning the interaction between COVID-19 and their paid sick leave law, and suggested issues the agencies should address. We have not received responses from all agencies. Thus far, the responses are mixed. Some agencies do not intend to issue guidance. Others said they would publish guidance soon or in the future.

Additionally, we are monitoring agency sites to obtain guidance and/or emergency rules.

Business, School or Place of Care Closures

[Oregon](#), [Washington State](#), and [Minneapolis, Minnesota](#) say that whether paid sick leave must be available for a closure-related absence depends on whether a public official requires a shutdown.

Note: Minneapolis says, for covered closures, employer may make good faith determinations involving a reasonable number of paid sick leave hours employees will use per pay period during the closure, based on an employee's typical schedule, expected schedule, or recent earnings history.

Conversely, in California, [Emeryville](#), [Los Angeles](#), and [San Francisco](#) say employers must allow employees to use leave if they take time off because: 1) Employee's business or a work location temporarily ceases operations in response to a public health or other public official's recommendation (or mandate, in **Los Angeles** – also, the specific FAQ language is "takes time off work or loses regular or scheduled work hours"); 2) Employee needs to provide care for a family member whose school, child care provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official's recommendation (or mandate, in **Los Angeles**). Notably, the laws do not contain a closure-related provision. [Philadelphia, Pennsylvania](#) emergency rules say preventive medical care includes: 1) Family member remains at home due to closure of school, daycare, adult care facility, or other care facility; 2) Employee remains at home because governor, state health secretary, mayor, or local health commissioner requires business, or a particular type of business, to remain closed. The responses and emergency items indicate agencies may more broadly interpret their law to cover impliedly absences connected to COVID-19.

[Seattle, Washington](#) says, at their discretion, employers can allow employees to use leave for closure-related absences where there has been no order by a public official, e.g., if a private school principal (not a public official) closes the school. Concerning who qualifies as a public official, Seattle says a federal, state, or local government employee and/or public health official granted authority to close a place of business or school, e.g., federal CDC, state or local health department, public school superintendent or principal. [Massachusetts](#) says the law does not

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require employers to allow employees to use paid sick leave when they miss work because their child's school closes due to an order from a state or local authority because of a COVID-19 related matter, but it encourages employers to so allow.

Business Reduces Hours

[Minneapolis, Minnesota](#) says the law does not require employers to allow employees to use leave if an employee's work hours have been reduced.

Furloughs, Layoffs & Terminations

[Washington State](#) and [Minneapolis, Minnesota](#) say employers are not required to allow employees to use paid sick leave if they, on their own, decide to close temporarily due to COVID-19.

[Cook County, Illinois](#) says "probably not" about whether employees can use paid sick leave if they were furloughed but technically remain on the payroll, unless company policy provides paid leave during a furlough.

In response to the question "Does my employer have to pay out sick time if I'm being laid off?" [Oregon](#) says, "[e]mployers are not required to pay out sick time" and in response to the question "Can I take sick time if I am being laid off?" it says, "[i]n general, no."

[Minneapolis, Minnesota](#) says employees are not entitled to use leave after their termination or other separation from employment due to COVID-19. In response to the question, "Will I get paid if my employer temporarily closes the shop?" [Oregon](#) says "[e]mployers would not have to pay sick time if they are forced to terminate employees altogether."

Quarantines

[Minneapolis, Minnesota](#) says employees cannot use leave if an employee preemptively self-quarantines without reason to believe the individual has probably contracted an illness. However, [Oregon](#) says employees can use paid sick leave if they do not feel comfortable going to work because others at work are sick and they want to quarantine themselves.

[Minneapolis, Minnesota](#) and [Duluth, Minnesota](#) say employees can use paid sick leave for/to care or quarantine due to COVID-19 symptoms or infection, or quarantine following close personal contact with a coronavirus-infected or symptomatic person. In California, [Emeryville](#), [Los Angeles](#), and [San Francisco](#) say employers must allow employees to use leave if they take time off because: 1) Public health officials or healthcare providers require or recommend an employee isolate or quarantine to prevent the spread of disease; 2) Need to provide care for a family member (includes blood affinity in [Los Angeles](#)) who is not sick but who public health officials or healthcare providers have required or recommended isolate or quarantine. [Washington State](#) says employees can use paid sick leave if their employer requires them to leave work because the employer believe the employee has been exposed to COVID-19, and suggests employees can use paid sick leave if their doctor recommends they not return to work due to possible COVID-19 exposure (or symptoms). [Massachusetts](#) says employees can use paid sick leave when public health officials or healthcare providers require an employee or family member to quarantine, or recommend quarantine and the employee follows the recommendation. Notably, the laws in these jurisdictions do not contain a communicable disease threat provision. The responses indicate agencies may more broadly interpret their law to cover impliedly absences connected to COVID-19.

[California](#) says "preventative care" – a covered use of paid sick leave – "may include self-quarantine as a result of potential exposure to COVID-19 if quarantine is recommended by civil authorities." Similarly, [New Jersey](#) says a person told to self-quarantine can use paid sick leave under either the law's communicable disease threat

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provision or the law's self-care provision (preventative medical care; diagnosis, care, treatment of, recovery from, illness, injury, or health condition). Additionally, [Philadelphia, Pennsylvania](#) emergency rules say preventive medical care includes: 1) Employee or family member self-quarantine for 2 weeks: a) COVID-19 symptoms (*e.g.*, fever, dry cough, shortness of breath); b) Individual returns to U.S. after traveling to a tier 2 or 3 country (per CDC); and c) Contact with a COVID-19-diagnosed person; 2) Employee or family member must self-quarantine because governor, state health secretary, mayor, or local health commissioner requires residents of certain Pennsylvania areas not to travel and such travel is necessary to report to work.

[Puerto Rico](#)'s Department of Labor and Human Resources issued Opinion 2020-01 (Spanish), stating that sick leave (statutorily mandated for non-exempt employees) may be used by employees who are sick, disabled or exposed to a contagious disease that will require their absence from work for the employees' own health protection or that of others. The Opinion goes on to state that employees are entitled to use their sick leave for preventive care, routine and diagnostic medical appointments and, accordingly, that they can use it "for any meritorious absence related to COVID-19."

Other Reasons

Agencies may broadly interpret their law to cover absences connected to COVID-19 for reasons no paid sick leave law deems a covered use.

COVID-19 Screening

In Minnesota, [Minneapolis](#) and [Duluth](#) say employees can use paid sick leave for COVID-19 screening and testing following close personal contact with a COVID-19 infected or symptomatic person. [Philadelphia, Pennsylvania](#) emergency rules say preventive medical care includes evaluating a person under investigation for COVID-19.

Vulnerable / High Risk Population

In California, [San Francisco](#) says employers must allow employees to use leave if they take time off because they are part of a "vulnerable population" per local health department guidelines: a person 60 years old or older or a person with a health condition such as heart disease, lung disease, diabetes, kidney disease, or weakened immune system. [Emeryville](#) says employees can use leave if they fall within the definition of a "vulnerable population" under the guidance from the state or any other official subsequent updates. [Los Angeles](#) says employees can use leave if they are 65 or older or have a serious chronic medical condition as described by the CDC.

[New Jersey](#) says employees can use paid sick leave if they do not go to work because their healthcare provider says they are at greater risk due to a pre-existing condition.

[Philadelphia, Pennsylvania](#) emergency rules say preventive medical care includes when an employee or family member has greater risk of harm than the general population if COVID-19 contracted, *e.g.*, compromised immune system; healthcare professional, CDC, governor, state health secretary, mayor, or local health commission recommends self-quarantine.

Travel to High Risk Areas

[California](#) provides examples of other instances in which employees can use, or employers may allow them to use, paid sick leave for preventative care, *e.g.*, where there has been exposure to COVID-19 or where the worker has traveled to a high-risk area.

Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences?

[Philadelphia, Pennsylvania](#) emergency rules say preventive medical care includes employee or family member self-quarantine for 2 weeks after the individual returns to the U.S. after traveling to a tier 2 or 3 country (per CDC).

Changes aside from covered uses

Reasonable Documentation

As of March 18, 2020, [Seattle, Washington](#)'s ordinance allows employees to use paid sick leave if a family member's school or place of care closes and/or if an employee works for a Tier 3 employer (250 or more full-time-equivalent employees anywhere) and the employee's place of business reduces operations or closes for any health- or safety-related reason. Under the amended ordinance, for leave use of more than 3 consecutive days, an employer may require reasonable verification that leave was taken for a covered purpose and require that requests be supported by verification of a notice of reduced operations or closure, which the employee may satisfy by providing the notice, or a copy of the notice, in whatever form the employee received it.

Documentation Restrictions

In [San Francisco, California](#), emergency rules temporarily suspend an existing rule allowing employers to request documentation to support an absence and replace with an emergency rule that prohibits requiring a doctor's note or other documentation to use leave during the duration of the local health emergency. Similarly, emergency health regulations in [San Diego County, California](#) requires businesses to suspend any policy or procedure requiring doctor verification for sick or other leave approval (this impacts the City of San Diego law). [Philadelphia, Pennsylvania](#) emergency rules say reasonable documentation includes an employee's signed statement affirming conditions apply to the employee and/or family member (along with a public statement from a government official, local health department, or CDC for quarantine (travel / contact / travel ban) and/or greater risk of harm). However, employers cannot require a note from a health professional (for greater risk of harm, if public statement identifies individual's circumstances as high risk).

Rate of Pay

[Philadelphia, Pennsylvania](#) emergency rules say tipped employees and commission-paid employees (arguably commission-only or base rate below minimum wage) must be paid for paid sick leave at least the state minimum wage.

Jurisdiction	Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences? If Covered, Can Employers Require Employees to Use Paid Sick Leave?
Federal (Government Contractors)	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under the mandatory paid sick leave provisions of federal Executive Order 13706.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave for preventive care from a healthcare provider, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving care from a healthcare provider, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p>

Jurisdiction	Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences? If Covered, Can Employers Require Employees to Use Paid Sick Leave?
	<p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Under federal Executive Order 13706, absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p>
Arizona	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Arizona's mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision <u>expressly</u> covers quarantines. However, health authorities or health care providers must make a determination. Without such a determination, a voluntary self-quarantine or an employer-instituted quarantine <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Employees can use leave when an employee's place of business, or a child's school or place of care, is closed by order of a public official due to a public health emergency. As written, the law requires a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p>

Jurisdiction	Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences? If Covered, Can Employers Require Employees to Use Paid Sick Leave?
	Arizona will not take enforcement action against an employer that in good faith designates an absence as mandatory paid sick leave, but the employer must correct any mis-designation.
California	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under California 's mandatory paid sick leave law and/or similar local laws in Berkeley, Emeryville, Long Beach (Hotels), Los Angeles (Generally, Hotels & Airport Workers), Oakland, San Diego, San Francisco, and Santa Monica.</p> <p>If an employee contracts COVID-19, undoubtedly the laws apply. The laws may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>In San Diego, employees can use leave when an employee’s place of business, or a child’s school or place of care, is closed by order of a public official due to a public health emergency. As written, the law requires a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Under state law and local laws in Los Angeles and Santa Monica, employees can use leave for preventive care, which the state says may include self-quarantine due to potential COVID-19 exposure if civil authorities recommend quarantine. The state provides examples of other instances in which employees can use, or employers may allow them to use, paid sick leave for preventive care, <i>e.g.</i>, where there has been COVID-19 exposure or where the worker traveled to a high-risk area.</p> <p>San Francisco says <u>employers must</u> allow employees to use leave if they take time off because: 1) Public health officials or healthcare providers require or recommend an employee isolate or quarantine to prevent the spread of disease; 2) Employee’s business or a work location temporarily ceases operations in response to a public health or other public official’s recommendation; 3) Need to care for a family member who is not sick but who public health officials or healthcare providers have required or recommended isolate or quarantine; 4) Employee needs to care for a family member whose school, child care provider, senior care provider, or work temporarily ceases operations in response to a public health or other public official’s recommendation; and 5) They are part of a “vulnerable population” per local health department guidelines: a person 60 years old or older or a person with a health condition such as heart disease, lung disease, diabetes, kidney disease, or weakened immune system.</p> <p>In Berkeley, Emeryville, Oakland, and San Diego, employees can use leave for other medical reasons, which <u>might impliedly</u> cover self- or employer-instituted quarantines and <u>might be</u> a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language</p>

Jurisdiction	Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences? If Covered, Can Employers Require Employees to Use Paid Sick Leave?
	<p>authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> • In San Francisco, emergency rules temporarily suspend an existing rule allowing employers to request documentation to support an absence and replace with an emergency rule that prohibits requiring a doctor’s note or other documentation to use leave during the duration of the local health emergency. Similarly, emergency health regulations in San Diego County, California requires businesses to suspend any policy or procedure requiring doctor verification for sick or other leave approval (this impacts the City of San Diego law). • San Francisco’s Workers and Families First Program will provide up to \$10 million in public funding to offset costs employers incur if they allow employees who have exhausted employer-provided paid leave benefits, or who have exhausted or are ineligible for federal or state supplemental sick leave, to take additional leave for qualifying reasons. <p>California interprets its <u>minimum increment of use</u> provision in a manner that allows employees to dictate whether they will use available mandatory paid sick leave for a covered absence (which applies to employees covered under state law and local laws in Berkeley, Emeryville, Long Beach (Hotels), Los Angeles (Generally, Airport Workers & Hotels), Oakland, San Diego, San Francisco, and Santa Monica). Although there are counter-arguments to the agency’s position, DLSE will aggressively enforce the law and paid sick leave lawsuits are common. Additionally, Emeryville says its law does not require employees to use mandatory paid sick leave.</p>
Colorado (Non-PSST)	<p>Emergency Regulation Update (March 26 & April 3, 2020): Colorado expanded covered industries (twice) and uses (once)</p> <p>Beginning March 11, 2020, for 30 days or for the duration of the declared state of emergency (whichever is longer – up to 120 days), covered employers must provide employees with flu-like symptoms who are being tested for COVID-19 and/or under health care provider instructions to quarantine or isolate due to a risk of having COVID-19 (As of March 26, 2020) up to 4 paid sick leave days. Per the FAQ, these are <u>calendar</u> days: "if an employee falls ill on a Thursday or is told by a health care provider to quarantine or isolate, and makes plans to get tested, then the maximum is Thursday through Sunday -- and the employee gets paid only for those days they actually would have worked." The paid leave entitlement ends when employees receive a negative COVID-19 test result. The emergency rules cover employers engaged in the following industries or workplaces: 1) Leisure and hospitality; 2) Food & beverage manufacturing (As of April 3, 2020); 3) Food services; 4) Child care; 5) Education at all levels and related services, including but not limited to cafeterias and transportation to, from, and on campuses; 6) Home health care (working with elderly, disabled, ill, or otherwise high-risk individuals); 7) Nursing homes; 8) Community living facilities; and 9) Retail establishments that sell groceries (As of March 26, 2020).</p>
Connecticut	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Connecticut’s mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations</p>

Jurisdiction	Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences? If Covered, Can Employers Require Employees to Use Paid Sick Leave?
	<p>have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p>
Illinois	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under mandatory paid sick leave laws in Chicago and/or Cook County.</p> <p>If an employee contracts COVID-19, undoubtedly the laws apply. The laws may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Under both laws, employees can use leave when an employee’s place of business, or a child’s school or place of care, is closed by order of a public official due to a public health emergency. As written, the laws require a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Under both laws, employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p>

Jurisdiction	Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences? If Covered, Can Employers Require Employees to Use Paid Sick Leave?
	<p>In Cook County, a rule says employers cannot require employees to take mandatory paid sick leave, <u>but</u> can require use when an employee can do so instead of taking an unpaid absence from work.</p> <p>In Chicago, absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee. Additionally, in Chicago, the law allows employers to require employees to use a certain amount of mandatory paid sick leave during an absence. However, it contains “employee chooses” language similar to the law in California, where that state’s labor department interpreted the provision to allow employees to dictate whether they will use available leave for a covered absence. Accordingly, it is <i>possible</i> Chicago’s enforcement agency could interpret its laws similarly.</p>
Maryland	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Maryland's mandatory paid sick leave law and/or a similar local law in Montgomery County.</p> <p>If an employee contracts COVID-19, undoubtedly the laws apply. The laws may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>In Montgomery County, employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others’ health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision <u>expressly</u> covers quarantines. However, health authorities or health care providers must make a determination. Without such a determination, a voluntary self-quarantine or an employer-instituted quarantine <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Under both laws, employees can use leave for preventive medical care, which <u>might</u> <u>impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>In Montgomery County, employees can use leave when an employee’s place of business, or a covered relation’s school or place of care, is closed by order of a public official due to a public health emergency. As written, the law requires a public official to close a business. Without such an order, an employer, school, or place of care deciding to close down a place of business due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p>

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	<p>Absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p>
Massachusetts	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Massachusetts's mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p>
Michigan	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Michigan's mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision <u>expressly</u> covers quarantines. However, health authorities or health care providers must make a determination. Without such a determination, a voluntary self-quarantine or an employer-instituted quarantine <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p>

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	<p>Employees can use leave when an employee’s place of business, or a child’s school or place of care, is closed by order of a public official due to a public health emergency. As written, the law requires a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p>
Minnesota	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under mandatory paid sick leave laws in Duluth, Minneapolis and/or Saint Paul.</p> <p>Minneapolis says employees can use paid sick leave for COVID-19 screening and testing following close personal contact with a COVID-19 infected or symptomatic person.</p> <p>If an employee contracts COVID-19, undoubtedly the laws apply. The laws may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>In Minneapolis and Saint Paul, employees can use leave when an employee’s place of business, or a covered relation’s school or place of care, is closed by order of a public official due to a public health emergency. As written, the laws require a public official to close a business. Without such an order, an employer, school, or place of care deciding to close down a place of business due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use. Minneapolis confirms this in its COVID-19 FAQ, and says employers are <u>not</u> required to allow employees to use paid sick leave if employers, on their own, decide to close temporarily due to COVID-19.</p> <p><u>Note</u>: Minneapolis says, for covered closures, employer may make good faith determinations involving a reasonable number of paid sick leave hours employees will use per pay period during the closure, based on an employee’s typical schedule, expected schedule, or recent earnings history. It also says "Regardless of separation from employment, accrued sick and safe time hours must be paid to the employee in these circumstances."</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these</p>

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	<p>locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>In Duluth and Saint Paul, employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical care</u>, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use. Minneapolis says employees can use paid sick leave to care or quarantine due to COVID-19 symptoms or infection, or quarantine following close personal contact with a coronavirus-infected or symptomatic person; however, an employee <u>cannot</u> use leave if preemptively self-quarantining without reason to believe the individual has probably contracted an illness.</p> <p>Saint Paul, Minnesota says employers can require sick employees to leave work, but employees decide whether they want to use mandatory paid sick leave for the absence. In Duluth and Minneapolis, absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p>
New Jersey	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under New Jersey's mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision <u>expressly</u> covers quarantines. Without a determination by health authorities or health care providers, a voluntary self-quarantine or an employer-instituted quarantine <i>technically</i> would <u>not</u> be a covered paid sick leave use. <u>However</u>, the state labor department says a person told to self-quarantine can use paid sick leave for self-care, which includes preventative medical care.</p> <p>Employees can use leave when an employee's place of business, or a child's school or place of care, is closed by order of a public official due to a public health emergency. As written, the law requires a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language</p>

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	<p>authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>New Jersey's law says employers cannot require employees to use mandatory paid sick leave.</p>
New York	<p>NOTE: Included in the New York State 2020-21 fiscal year budget is a permanent, statewide mandatory paid sick leave law. However, currently it does not affect this document because accrual / frontloading requirements do not begin until September 30, 2020, and employees cannot use leave until January 1, 2021.</p> <p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under mandatory paid sick leave laws in New York City and/or Westchester County.</p> <p>If an employee contracts COVID-19, undoubtedly the laws apply. The laws may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>In Westchester County, employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision <u>expressly</u> covers quarantines. However, health authorities or health care providers must make a determination. Without such a determination, a voluntary self-quarantine or an employer-instituted quarantine <i>technically</i> would <u>not</u> be a covered paid sick leave use. New York City says an employee can use paid sick leave if: 1) under quarantine (which it notes may also be covered by state or federal law); or 2) caring for a family member under a mandatory or precautionary order of quarantine.</p> <p>Under both laws, employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. Although without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> appear be a covered paid sick leave use, New York City says an employee can use paid sick leave if self-isolating for preventative purposes.</p> <p>Under both laws, employees can use leave when an employee's place of business, or a child's school or place of care, is closed by order of a public official due to a public health emergency. As written, the New York City law (only) requires a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p>

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	<p>In New York City and Westchester County, Absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p> <p>Additionally, the New York City law allows employers to require employees to use a certain amount of mandatory paid sick leave during an absence. However, it contains “employee chooses” language similar to the law in California, where that state’s labor department interpreted the provision to allow employees to dictate whether they will use available leave for a covered absence. Accordingly, it is <i>possible</i> the New York City enforcement agency could interpret its law similarly.</p>
Oregon	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Oregon's mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision <u>expressly</u> covers quarantines. However, health authorities or health care providers must make a determination. Without such a determination, a voluntary self-quarantine or an employer-instituted quarantine <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Additionally, employees can use paid sick leave if they are excluded from the workplace under a law or rule that requires the employer to exclude the employee from the workplace for health reasons.</p> <p>Employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Employees can use leave when an employee’s place of business, or a child's school or place of care, is closed by order of a public official due to a public health emergency. As written, the law requires a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use, which Oregon confirms via its COVID-19 paid sick leave guidance.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language</p>

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	<p>authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Oregon says that, when an employee has a qualifying absence under its mandatory paid sick leave law but does not want to use <u>PTO</u> so later the employee can use it for vacation, a best practice is to require the employee to use PTO and discuss how the absence may otherwise be unprotected from discipline (unless a separate right to unpaid leave applies to the absence).</p>
Pennsylvania	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under mandatory paid sick leave laws in Philadelphia and/or Pittsburgh.</p> <p>Philadelphia emergency rules say preventive medical care includes evaluating a person under investigation for COVID-19.</p> <p>Philadelphia emergency rules say preventive medical care includes when an employee or family member has greater risk of harm than the general population if COVID-19 contracted, <i>e.g.</i>, compromised immune system; healthcare professional, CDC, governor, state health secretary, mayor, or local health commission recommends self-quarantine.</p> <p>If an employee contracts COVID-19, undoubtedly the laws apply. The laws may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>In Pittsburgh, employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision <u>expressly</u> covers quarantines. However, health authorities or health care providers must make a determination. Without such a determination, a voluntary self-quarantine or an employer-instituted quarantine <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>In Pittsburgh, employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Philadelphia emergency rules say preventive medical care includes: 1) Employee or family member self-quarantine for 2 weeks: a) COVID-19 symptoms (<i>e.g.</i>, fever, dry cough, shortness of breath); b) Individual returns to U.S. after traveling to a tier 2 or 3 country (per CDC); and c) Contact with a COVID-19-diagnosed person; 2) Employee or family member must self-quarantine because governor, state health secretary, mayor, or local health commissioner requires residents of certain Pennsylvania areas not to travel and such travel is necessary to report to work.</p> <p>In Pittsburgh, employees can use leave when an employee's place of business, or a child's school or place of care, is closed by order of a public official due to a public health emergency. As written, the law requires a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use. Philadelphia emergency rules say preventive medical care includes: 1) Family</p>

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	<p>member remains at home due to closure of school, daycare, adult care facility, or other care facility; 2) Employee remains at home because governor, state health secretary, mayor, or local health commissioner requires business, or a particular type of business, to remain closed.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p><u>Notes</u></p> <ul style="list-style-type: none"> Philadelphia emergency rules say reasonable documentation includes an employee's signed statement affirming conditions apply to the employee and/or family member (along with a public statement from a government official, local health department, or CDC for quarantine (travel / contact / travel ban) and/or greater risk of harm). However, employers cannot require a note from a health professional (for greater risk of harm, if public statement identifies individual's circumstances as high risk). Philadelphia emergency rules say tipped employees and commission-paid employees (arguably commission-only or base rate below minimum wage) must be paid for paid sick leave at least the state minimum wage. <p>In Philadelphia and Pittsburgh, absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p>
Rhode Island	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Rhode Island's mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave when a health authority or health care provider determines an employee's or covered relation's presence in the community may jeopardize others' health because of the individual's exposure to a communicable disease, whether or not the person actually contracted the communicable disease. This provision <u>expressly</u> covers quarantines. However, health authorities or health care providers must make a determination. Without such a determination, a voluntary self-quarantine or an employer-instituted quarantine <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p>Employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p>

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	<p>Employees can use leave when an employee’s place of business, or a child’s school or place of care, is closed by order of a public official due to a public health emergency. As written, the law requires a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Previously, Rhode Island <u>informally</u> told Littler employers can require employees to use paid sick leave for a covered absence <u>if</u> the requirement is clearly stated in a policy that employees receive.</p>
Texas	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Dallas’s mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave for preventive medical <u>or health</u> care, which <u>might impliedly</u> cover self- or employer-instituted quarantines and <u>might be</u> a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Previously, the state labor department <u>informally</u> told Littler employers can require employees to use mandatory paid sick leave for a covered absence <u>if</u> the requirement is clearly stated in a policy that employees receive.</p>
Vermont	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Vermont’s mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p>

Jurisdiction	Do Mandatory Paid Sick Leave Laws Cover COVID-19 Absences? If Covered, Can Employers Require Employees to Use Paid Sick Leave?
	<p>Employees can use leave when an employee’s place of business, or a covered relation's school or place of care, is closed for public health or safety reasons.</p> <p>Employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Vermont's mandatory paid sick leave law does not prevent an employer from adopting a policy that requires an employee to use paid sick leave for an absence from work for one of the covered uses.</p>
Washington, D.C.	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under the District of Columbia's mandatory paid sick leave law.</p> <p>If an employee contracts COVID-19, undoubtedly the law applies. The law may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Absent express authority allowing employers to require employees to use mandatory paid sick leave for a covered absence, such a practice carries risk without supplemental legal authority from another law that applies to the absence. Paid sick leave practitioners advise clients to expect an enforcement agency to more likely side with an employee.</p>
Washington State	<p>Depending on the reason for the absence, COVID-19 absences <i>might</i> be a covered use under Washington State's mandatory paid sick leave law and/or similar local laws in SeaTac (Hospitality & Transportation), Seattle, and Tacoma.</p> <p>If an employee contracts COVID-19, undoubtedly the laws apply. The laws may apply also if a covered relation contracts COVID-19 <u>and</u> the employee will care for or assist the family member. Employees can use paid sick leave for an absence when they or covered relations</p>

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	<p>have an illness, injury, or health / medical condition, or a need for diagnosis, care, or treatment thereof.</p> <p>Under all the laws, employees can use leave when an employee’s place of business, or a child’s school or place of care, is closed by order of a public official due to a public health emergency. As written, the laws require a public official to close a business, school, or place of care. Without such an order, an employer, school, or place of care deciding to close down due to a public health emergency like COVID-19 <i>technically</i> would <u>not</u> be a covered paid sick leave use. Washington State says that whether paid sick leave must be available for a closure-related absence depends on whether a public official requires a shutdown, and employers are <u>not</u> required to allow employees to use paid sick leave if they, on their own, decide to close temporarily due to COVID-19. Concerning who qualifies as a public official, Seattle says a federal, state, or local government employee and/or public health official granted authority to close a place of business or school, <i>e.g.</i>, federal CDC, state or local health department, public school superintendent or principal. Additionally, Seattle says, at their discretion, employers can allow employees to use paid sick leave for closure-related absences where there has been no order by a public official, <i>e.g.</i>, if a private school principal (not a public official) closes the school.</p> <p>Under all the laws, employees can use leave for preventive medical care, which <u>might impliedly</u> cover self- or employer-instituted quarantines. However, without seeking and/or receiving <u>medical</u> care, preventive care <i>technically</i> would <u>not</u> be a covered paid sick leave use. Washington State says employees can use paid sick leave if their employer requires them to leave work because the employer believe the employee has been exposed to COVID-19, and suggests employees can use paid sick leave if their doctor recommends they not return to work due to possible COVID-19 exposure (or symptoms). Notably, the law does not contain a communicable disease threat provision. The response indicates agencies may more broadly interpret their law to cover impliedly absences connected to COVID-19.</p> <p><u>Evolving Interpretation (Closure of a Business, School or Place of Care due to COVID-19 Exposure Concerns)</u>: Even if a jurisdiction does not expressly permit employees to use paid sick leave when a public official closes a covered location, when these locations voluntarily close due to COVID-19 <u>exposure</u> concerns, and/or closure involves private (rather than public) schools, the absence of express language authorizing paid sick leave use <i>might</i> not mean protected leave is unavailable. It is <i>possible</i> closure-exposure-related absences qualify as preventive (medical) care.</p> <p>Washington State says employers cannot require employees to use mandatory paid sick leave (which applies to employees covered by state law and local laws in SeaTac, Seattle and Tacoma). Additionally, for employees not covered by state law but covered by local law, Seattle, Washington says employers cannot require employees to use mandatory paid sick leave for covered absences.</p> <p>Washington State issued three new PSST COVID-19 FAQ:</p> <ol style="list-style-type: none"> 1. Can an employee use accrued paid sick leave if an employer is subject to Governor Inslee’s orders closing businesses related to the coronavirus (COVID-19)? It depends on whether the person remains employed by the employer. If the individual is still employed, they are entitled to use accrued paid sick leave — as required by RCW 49.46.210(1)(b)(iii) — for any shifts they would have been required

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	<p>to work. If an employer lays off someone or reduces their hours, then the employee would probably be eligible for unemployment insurance through the Employment Security Department.</p> <p>2. What if my employer is still operating, but has restrictions on operations due to the governor's coronavirus orders? Can I use paid sick leave then? If an employer lays off someone, either permanently or temporarily, to comply with the governor's orders, the employee would be eligible to apply for unemployment benefits. If a person is no longer considered an employee of a business, they are no longer eligible for paid sick leave.</p> <p>3. How does someone know if they are still considered employed by their employer? Employers must let an employee know if they are laying them off and they're no longer considered employed. Employees can file for unemployment benefits if they're laid off or if their hours are reduced. When disputes come up over who is entitled to paid sick leave during closures related to the coronavirus, L&I may consider a wide variety of sources to determine if someone is still considered an employee.</p>

For questions or to receive the latest version, please contact:

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