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## Compliance Information



### Paid Sick Leave – California, Connecticut, Massachusetts and Washington, D.C.

The chart below is effective as of May 1, 2015, and covers those states requiring private employers to provide paid leave to employees for medical and family leave. It does not cover state laws offering other programs, such as employee-funded state disability insurance, which may also provide benefits for certain types of sick and family leave (California, New Jersey and Rhode Island each provide employee-funded state benefits for these type of leave).

State Laws, including Washington D.C.	
California	<p>On September 10, 2014, California Governor Edmund G. Brown signed into law the "Healthy Workplaces, Healthy Families Act of 2014" (AB 1522) which provides paid sick time to roughly 40% of the state's workforce. The bill specifically requires employers to provide paid sick leave to employees who work 30 or more days within a year from commencement of employment. The employer must permit such employees to earn a minimum of one hour of paid sick leave for every 30 hours worked. Portions of the law went into effect January 1, 2015. Paid sick leave entitlements go into effect <b>on July 1, 2015</b>.</p> <p>Other highlights of AB 1522 include:</p> <ul style="list-style-type: none"><li>• An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the commencement of employment is entitled to paid sick time.</li><li>• An employee is entitled to use accrued sick days beginning on the 90th day of employment.</li><li>• An employer may limit an employee's use of paid sick days to 24 hours or 3 days in each year of employment.</li><li>• Employers are prohibited from discriminating or retaliating against an employee who requests paid sick days.</li><li>• "Employee" <b>does not</b> include the following:(1) An employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for paid sick days or a paid leave or paid time off policy that permits the use of sick days for those employees, final and binding arbitration of disputes concerning the application of its paid sick days provisions, premium wage rates for all overtime hours worked, and regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.</li><li>• "Employer" means any person employing another under any appointment or contract of hire and includes the state, political subdivisions of the state, and municipalities</li><li>• "Family member" means any of the following: A child, which for purposes of this</li></ul>

	<p>article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child. A spouse. A registered domestic partner. A grandparent. A grandchild. A sibling.</p> <ul style="list-style-type: none"> <li>• "Paid sick days" means time that is compensated at the same wage as the employee normally earns during regular work hours and is provided by an employer to an employee.</li> <li>• Accrued paid sick days shall carry over to the following year of employment, but an employer may limit an employee's use of paid sick days to 24 hours or three days in each year of employment.</li> </ul> <p><b>An employer shall provide payment for sick leave taken by an employee no later than the payday for the next regular payroll period after the sick leave was taken.</b></p> <p><b>Notice/Posting Requirements.</b> In each workplace of the employer, the employer shall display a poster in a conspicuous place containing all of the information specified below. The Labor Commissioner shall create a poster containing this information and make it available to employers. The poster shall state all of the following: (1) An employee is entitled to accrue, request, and use paid sick days.(2) The amount of sick days provided for by this article.(3) The terms of use of paid sick days.(4) That retaliation or discrimination against an employee who requests paid sick days or uses paid sick days, or both, is prohibited and that an employee has the right under this article to file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.</p> <p>At the time of hiring, an employer shall provide to each employee a written notice, in the language the employer normally uses to communicate employment-related information to the employee, containing the following information:</p> <ul style="list-style-type: none"> <li>(A) The rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or otherwise, including any rates for overtime, as applicable.</li> <li>(B) Allowances, if any, claimed as part of the minimum wage, including meal or lodging allowances.</li> <li>(C) The regular payday designated by the employer in accordance with the requirements of this code.</li> <li>(D) The name of the employer, including any "doing business as" names used by the employer.</li> <li>(E) The physical address of the employer's main office or principal place of business, and a mailing address, if different.</li> <li>(F) The telephone number of the employer.</li> <li>(G) The name, address, and telephone number of the employer's workers' compensation insurance carrier.</li> <li>(H) That an employee: may accrue and use sick leave; has a right to request and use accrued paid sick leave; may not be terminated or retaliated against for using or requesting the use of accrued paid sick leave; and has the right to file a complaint against an employer who retaliates.</li> </ul> <p><b>Recordkeeping/Tracking Requirements.</b> An employer shall keep for at least three years records documenting the hours worked and paid sick days accrued and used by an employee, and shall allow the Labor Commissioner to access these records pursuant to the requirements set forth in Section 1174. An employer shall make these records</p>
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	<p>available to an employee in the same manner as described in Section 226. If an employer does not maintain adequate records pursuant to this section, it shall be presumed that the employee is entitled to the maximum number of hours accruable under this article, unless the employer can show otherwise by clear and convincing evidence.</p> <p><b>Penalties for Violation.</b> If paid sick days were unlawfully withheld, the dollar amount of paid sick days withheld from the employee multiplied by three, or two hundred fifty dollars (\$250), whichever amount is greater, but not to exceed an aggregate penalty of four thousand dollars (\$4,000), shall be included in the administrative penalty.</p> <p>If a violation of requirements results in other harm to the other employee or person, such as discharge from employment, or otherwise results in a violation of the rights of the employee or person, the administrative penalty shall include a sum of fifty dollars (\$50) for each day or portion thereof that the violation occurred or continued, not to exceed an aggregate penalty of four thousand dollars (\$4,000).</p> <p>An employer shall provide an employee with written notice that sets forth the amount of paid sick leave available, or paid time off leave an employer provides in lieu of sick leave, for use on either the employee's itemized wage statement described in Section 226 or in a separate writing provided on the designated pay date with the employee's payment of wages. The penalties described in this article for a violation of this subdivision shall be in lieu of the penalties for a violation of Section 226.</p> <p>For a copy of AB 1522 please click on the link provided below:  <a href="http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1501-1550/ab_1522_bill_20140116_introduced.pdf">http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1501-1550/ab_1522_bill_20140116_introduced.pdf</a></p>
Connecticut	<p>Connecticut's paid sick leave law originally took effect January 1, 2012, and provided paid leave for "service workers." The governor of Connecticut signed into law <a href="#">Public Act 14-128 (PA 14-128)</a> amending the Connecticut paid sick leave law effective January 1, 2015.</p> <p><b>Key provisions of the original law.</b> The Connecticut paid sick leave law was originally effective January 1, 2012. The law provides paid leave for use by a "service worker" (defined below) for the worker's own or his/her child's or spouse's: illness, injury or health condition; medical diagnosis, care or treatment of a mental illness or physical illness, injury or health condition; or preventative medical care.</p> <p>In addition, the law provides sick leave when a service worker is a victim of family violence or sexual assault, for: medical care or psychological or other counseling for physical or psychological injury or disability; to obtain services from a victim services organization; to relocate due to such family violence or sexual assault; or to participate in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.</p> <p><b>Key Definitions as amended by PA 14-128:</b>          "Employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company or other entity that employs fifty or more individuals in the state, [in any one quarter in the previous year,] which shall be determined [on January first, annually. Such determination shall be made based upon the wage information submitted to the Labor Commissioner by the employer pursuant to subsection (j) of section 31-225a] <u>based on such person's, firm's, business', educational institution's, nonprofit agency's, corporation's, limited liability company's or other entity's payroll for the week containing October first, annually.</u> "Employer" does not include: (A) any business establishment classified</p>

	<p>in sector 31, 32 or 33 in the North American Industrial Classification System, or (B) any nationally chartered organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, that provides all of the following services: Recreation, child care and education;</p> <p>A <u>covered employee</u> is one who: is classified as nonexempt under the federal Fair Labor Standards Act and is paid hourly; is a "service worker" as defined by the act (see below); and has worked 520 hours in past 12 months. Day and temporary workers are specifically excluded from coverage.</p> <p>A service worker is an employee primarily engaged in an occupation in certain occupation code numbers and titles defined by the federal Bureau of Labor Statistics Standard Occupational Classification system. Examples include:</p> <p style="padding-left: 40px;">Food service workers, librarians, pharmacists, register nurses, waiters and waitresses, building cleaning workers, child care workers, retail salespersons, secretaries and other office and administrative support staff, bus and taxi drivers, and chauffeurs.</p> <p>A list of the specific covered occupations is in § 1 (7) of the act, which can be found at <a href="http://www.cga.ct.gov/2011/ACT/PA/2011PA-00052-R00SB-00913-PA.htm">http://www.cga.ct.gov/2011/ACT/PA/2011PA-00052-R00SB-00913-PA.htm</a></p> <p>"Year" means any three-hundred-sixty-five-day period used by an employer to calculate employee benefits.</p> <p><b>Accruals and Usage.</b></p> <ul style="list-style-type: none"> <li>• Each service worker will earn 1 hour of paid leave for every 40 hours worked up to 40 hours of paid leave per calendar year commencing on January 1, 2012, or on the worker's date of hire, whichever is later.</li> <li>• The service worker may carry over up to 40 hours of accrued paid leave from year to year but may not use more than 40 hours in any single calendar year.</li> <li>• A service worker cannot use accrued paid leave until he or she has worked at least 680 hours after January 1, 2012, or after the worker's date of hire, whichever is later.</li> <li>• A service worker cannot use accrued paid leave if he or she did not average at least 10 hours of work per week in the most recent complete calendar quarter.</li> <li>• Any break in service (i.e., interruption of the employment relationship, whether voluntary or involuntary) starts the service worker's leave accrual over again. The service worker is not entitled to carry over accrued but unused paid sick leave hours from the prior period of service.</li> <li>• An employer is deemed in compliance with the act if it offers any other paid leave (e.g. paid time off or vacation time) of equal or greater amount and rate of accrual that can be used for the same purposes as those described in the act. The employer may elect to provide more paid time off than the amount provided by this act.</li> </ul> <p><b>Employee Required Notices.</b></p> <p>The employer can require a service worker to provide advance notice of up to seven days, if the leave is foreseeable. If it is not foreseeable, the employer can require the service worker to give notice as soon as practicable (which is not defined, but which should include a consideration of the circumstances).</p> <p>If paid sick leave is for 3 or more consecutive days, the employer can require reasonable</p>
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	<p>documentation that such leave is being taken for one of the purposes permitted under the act. For leave related to a health condition of the service worker or his/her spouse or child, documentation signed by the treating health care provider indicating the need for the leave and the number of days of such leave must be considered reasonable documentation. If the leave is due to family violence or sexual assault, a court record or documentation signed by the service worker or by a volunteer working for a victim services organization, an attorney, a police officer, or other counselor involved with the service worker must be considered reasonable documentation.</p> <p><b>Employer Required Notices.</b> At the time of hire (and, presumably, existing employees as of January 1, 2012), the employer must notify each service worker.</p> <ul style="list-style-type: none"> <li>• that he or she has a right to sick leave under the act;</li> <li>• the amount of sick leave provided;</li> <li>• the terms under which sick leave may be used;</li> <li>• the retaliation against an employee for requesting or using sick leave is prohibited; and</li> <li>• that the service worker may file a complaint with the Department of Labor for any violation.</li> </ul> <p>The employer may comply with this notice requirement by displaying a poster that contains the required information in a conspicuous place accessible to service workers at the employer's place of business. The information must be provided in both English <i>and</i> in Spanish.</p> <p><b>Retaliation Prohibited.</b> Based on the specific language of the act, a covered employer should be careful to comply with the retaliation provisions of the act with respect to all employees, not just "service workers." The retaliation portion of the act specifically refers to "employee" and not "service worker", thereby making this provision of the act applicable to all employees and may subject the employer to a claim from any employee to the Department of Labor.</p> <p>"No employer shall (1) terminate any employee, (2) dismiss any employee, or (3) transfer any employee from one worksite to another solely in order to not qualify as an employer, as defined in section 31-57r, as amended by this act."</p> <p><b>Key provisions of the amendment:</b> The amendment (1) clarifies that all manufacturers are exempt from the paid sick leave law, (2) allows employers to administer paid sick leave on the same annual basis as other benefits, and (3) allows employers to determine their number of employees in the same manner as for the purposes of the state's Family and Medical Leave Act. The amendment also simplifies how employers must count the number of employees working in the state to determine whether the mandate applies. Rather than counting employees in each quarter, an employer will take a snapshot of the number of employees on the payroll in the week that contains October 1st. In addition, terminating employees or transferring them between worksites to avoid the need to comply with the law is now prohibited. Finally, the amendment adds one category of "service employee" who are eligible for the sick leave, specifically radiologic technologists.</p> <p>For a copy Connecticut's Paid Sick Leave Statute please click on the link provided below. <a href="http://www.ctdol.state.ct.us/wgwkstnd/SickLeave.htm">http://www.ctdol.state.ct.us/wgwkstnd/SickLeave.htm</a></p>
<b>Massachusetts</b>	Voters in the Commonwealth of Massachusetts approved a ballot measure on November 4, 2014, requiring Massachusetts employers to provide up to 40 hours of sick time each



	<p>calendar year to all employees.</p> <p>The new sick time law is effective <b>July 1, 2015</b>. The law gives one hour of sick time for every 30 hours worked, with a limit of 40 hours for the year. Employers with 11 or more employees must pay sick time. For employers with 10 or fewer employees, the sick time may be unpaid.</p> <p>The law covers employees who need time (1) to care for the employee's child, spouse, parent, or parent of a spouse who is suffering from a physical or mental illness, injury or medical condition that requires homecare, professional medical diagnosis or care, or preventative medical care or (2) to care for the employee's own physical or mental illness, injury or medical condition that requires homecare, professional medical diagnosis or care, or preventative medical care, or (3) to attend the employee's routine medical appointments or the routine medical appointments for the employee's child, spouse, parent, or parent of a spouse or address the psychological, physical or legal effects of domestic violence.</p> <p>Employees may begin using accrued paid sick time on the 90<sup>th</sup> calendar day of employment.</p> <p>The law covers both private and public employers, but cities and towns must first have local or state legislative approval or funding. Employees of the United States government are also excluded from the law.</p> <p>Employees must use a good faith effort to notify the employer in advance if the need for use of the sick time is foreseeable. Employers may require certification of the need for sick time, but only when an employee uses sick time for more than 24 consecutively scheduled work hours. Employers may not delay the taking of, or payment for, earned sick time while waiting for such certification.</p> <p>Employers may not retaliate against employees for exercising their sick time rights or supporting another employee's exercise of sick time rights. The Attorney General is responsible for enforcing the law, and may obtain injunctive or declaratory relief as appropriate. Violations may result in required restitution to the aggrieved party as well as civil penalties for each violation, which may be reduced for employers who have not previously been criminally convicted of a violation of the provisions or have not been issued a citation of applicable Massachusetts law.</p>
<p><b>Washington, D.C.</b></p>	<p>D.C.'s Earned Sick and Safe Leave and Accrued Sick and Safe Leave Act requires all employers to provide paid leave to employees for illness, and for absences associated with domestic violence and sexual abuse.</p> <p>This law has been in effect since <b>November 13, 2008</b>. Employers with more than 100 employees must provide one hour of leave per 37 hours worked (but no more than 7 days of leave per year); employers with 25-99 employees must provide one hour of leave per 43 hours worked (but no more than 5 days of leave per year); employers with 24 or fewer employees must provide one hour of leave per 87 hours worked (but no more than 3 days of leave per year). Leave shall accrue from the beginning of employment, and employees may access accrued leave after 90 days of employment. Unused leave may carry over annually, but shall not be reimbursed upon termination. Leave may be used for absences resulting from physical or mental illness, injury, medical condition, diagnosis or treatment of the employee or employee's family member, and for absences for social or legal services resulting from the employee or a family member being the victim of stalking, domestic violence, or domestic abuse. Employers may use existing paid leave policies to satisfy this Act if such policy allows employees to accrue and use leave under equivalent terms and conditions as those required. Employers must retain</p>

	<p>records for 3 years.</p> <p>Visit <a href="http://does.dc.gov/service/wage-and-hour-compliance">http://does.dc.gov/service/wage-and-hour-compliance</a> for more information.</p> <p>As a result of amendments via A20-0259 to the District of Colombia (DC) 2008 Accrued Sick and Safe Leave Act (ASSLA), <b>effective October 1, 2014</b>, the one-year service period for eligibility is eliminated and the paid leave entitlements are extended to wait staff, bartenders, and staffing agency workers. In addition, the amendment clarifies employees' sick leave rights after transfer or on re-employment, adds employer recordkeeping requirements, gives employees a private right to sue, and increases penalties. A high level summary of the ASSLA amendments follows:</p> <p><b>Eliminating service period and carryovers</b> - Under original ASSLA regulations, employees qualify for paid sick leave if they work in DC at least 50% of the time and have worked for an employer at least 1,000 hours over a 12-month period. The amended law eliminates the 12-month/1,000-hour eligibility requirement as of October 1, 2014 and repeals a provision allowing employees to carry over unused sick leave from year to year.</p> <p><b>Wait staff and staffing agency workers</b> - The ASSLA had excluded wait staff and bartenders, but the amended law extends paid sick leave to these employees. The revised law also stipulates that employers must pay DC minimum wage for accrued sick leave taken by tipped workers. An employer that uses staffing agency workers will need to credit them accrued sick leave if the employer exercises control over their wages, hours, or working conditions.</p> <p><b>Company transfers and temporary separation</b> - Under the amendments, employees who transfer within a company can't lose any accruals for time worked in DC and can't be required to restart the 90-day waiting period to use accrued leave after transferring out of and back into DC. Employees who terminate but are rehired within one year likewise must have unused accruals reinstated and can't be required to wait to use accrued leave.</p> <p><b>Employer recordkeeping</b> - The revised law requires employers to retain records documenting employees' sick leave accruals and use for three years. Employers must make the information available to government auditors on request. Employers that fail to maintain adequate records can face penalties for violations.</p> <p><b>Enforcement and penalties</b> - The amended law grants employees a private right to sue for ASSLA violations and request back pay, reinstatement, punitive and compensatory damages, and other costs and equitable remedies. However, the amendments set a three-year statute of limitations for bringing a civil suit. Starting October 1, 2014 civil penalty amounts double to \$1,000 for the first violation, \$1,500 for the second, and \$2,000 for subsequent violations.</p> <p>For a copy of the ASSLA amendment (A20-0259) please click on the link provided below: <a href="http://dcclims1.dccouncil.us/images/00001/20131220112839.pdf">http://dcclims1.dccouncil.us/images/00001/20131220112839.pdf</a></p>
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