



Snapshot

A focused look at today's human resource issues

PROPOSED LEGISLATION ALERT: Statewide Mandatory Sick Leave

San Francisco Assemblywoman Fiona Ma recently introduced a bill in February 2008 that, if passed, would make California the first state in the nation to force employers to provide sick leave benefits to their employees.

The bill is modeled after a San Francisco law that requires the city's employers to offer paid sick leave. The law, the first of its kind in the nation, went into effect last February. Eleven other states, the city of Milwaukee and the District of Columbia are reportedly considering paid sick leave laws, and Democratic presidential candidates Hillary Clinton and Barack Obama both support the idea.

Under AB 2716 any employee who works in California for 7 or more days in a calendar year - even those not necessarily based in California - would be entitled to paid sick time.

Employees would accrue sick leave at a rate of at least one hour for every thirty hours worked, and would be eligible to use accrued sick time beginning on their 90th calendar day of employment. Small business employers (defined as those with 10 or fewer employees during at least 20 calendar weeks of the current or preceding year) could limit an employee's use of paid sick time to 40 hours or 5 days in each calendar year. All other employers would be allowed to cap usage at 72 hours or nine days per year.

Even people who employ housecleaners, nannies or other caregivers in their homes would be required to offer paid sick leave, although a spokesman for Ma conceded that it would be difficult for state regulators to enforce sanctions against them.

Another interesting provision that would represent change to many employers who already offer sick leave is that any unused sick leave may be carried over from year to year.

Sick leave also could be used to care for a sick family member or to recover from domestic violence or sexual assault. Employers who flout the law could face fines of up to \$250 per incident.

Labor, health and work-family groups support paid sick leave, but some business interests oppose it, citing cost concerns "Nobody wins when workers show up to work sick," Ma said. "The lack of paid sick days is a public health concern. It harms children and families and decreases productivity at work."

The California Chamber of Commerce and the California Restaurant Association have not taken positions on Ma's bill. But the National Restaurant Association publicly opposes the concept of requiring paid sick leave, decrying a "one-size-fits-all" mandate that they say could force small businesses to lower wages.

Marquee HR Library

More information about these and other issues confronting California employers is available online at:

www.marqueestaffing.com



Snapshot is a publication of **Marquee Staffing.**

This publication is for informational purposes only.

Please consult with appropriate legal counsel when making policy decisions for your company.



The Employment Experts

Visit us online: www.marqueestaffing.com