

Update on Mandatory Paid Sick Leave Legislation Pending in Congress

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In May 2009, mandatory paid leave legislation was introduced in Congress. The proposed federal Healthy Families Act (H.R. 2460; S. 1152) (“HFA”) seeks to guarantee full-time employees at least 56 hours of paid sick leave each year and part-time employees a pro-rata amount of leave to care for themselves and their families’ medical needs or for an absence resulting from domestic violence, sexual assault, or stalking (including participating in related legal proceedings). As currently drafted, the legislation would apply to employers with 15 or more employees.

On November 10, the Senate Health, Education, Labor and Pensions Committee’s Children and Families Subcommittee held hearings on the HFA and the newly introduced Emergency Influenza Containment Act (H.R. 3991) (the “EICA”). The EICA would give employees with symptoms of a contagious illness (like the flu) up to five days paid leave annually when an employer tells that employee to go home or not to report to work because of that illness.

Rep. Rosa DeLauro (D-Conn.), who along with the late Senator Edward

Kennedy introduced the HFA, testified at the Subcommittee that many low-income workers lack paid sick leave and it is “completely unacceptable” that these employees “are forced to put their jobs on the line every time they take a day off.” Sen. Christopher Dodd (D-Conn.), chairman of the Subcommittee, said that he intends to offer legislation in the Senate that would permit up to seven days of paid sick leave for employees with flu-like symptoms.

While it is impossible to predict what the final version of either the HFA or EICA would require, there is support for the concept of mandatory paid sick leave among Democrats in both the House and Senate. Moreover, and just as significantly, President Obama supports the concept. Deputy Labor Secretary Seth Harris told the Subcommittee that the Obama administration supports both the HFA and EICA as well as “other proposals that advance workplace flexibility and protect the income and security of workers.” Vorys will continue to monitor this legislation and report on any major developments.

This client alert is for general information purposes and should not be regarded as legal advice.