



Webinar Series: Guidance on State and Local Paid Sick Leave and Paid Time Off Laws

Part 15: Paid Sick Leave in 2025: Legislative Updates and State-Specific Strategies

December 18, 2024

Seyfarth Shaw LLP

"Seyfarth" refers to Seyfarth Shaw LLP (an Illinois limited liability partnership)

©2024 Seyfarth Shaw LLP. All rights reserved. Private and Confidential





Legal Disclaimer

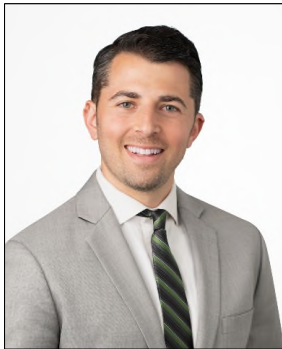
This presentation has been prepared by Seyfarth Shaw LLP for informational purposes only. The material discussed during this webinar should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The content is intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have.

Seyfarth Shaw LLP

"Seyfarth" refers to Seyfarth Shaw LLP (an Illinois limited liability partnership).

©2024 Seyfarth Shaw LLP. All rights reserved. Private and Confidential

Speakers



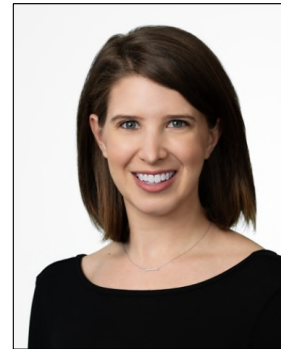
Joshua Seidman
Partner
New York Office

jseidman@seyfarth.com



Jean Wilson
Senior Counsel
Boston Office

jwilson@seyfarth.com



Catherine Feldman
Associate
Los Angeles Office

cfeldman@seyfarth.com



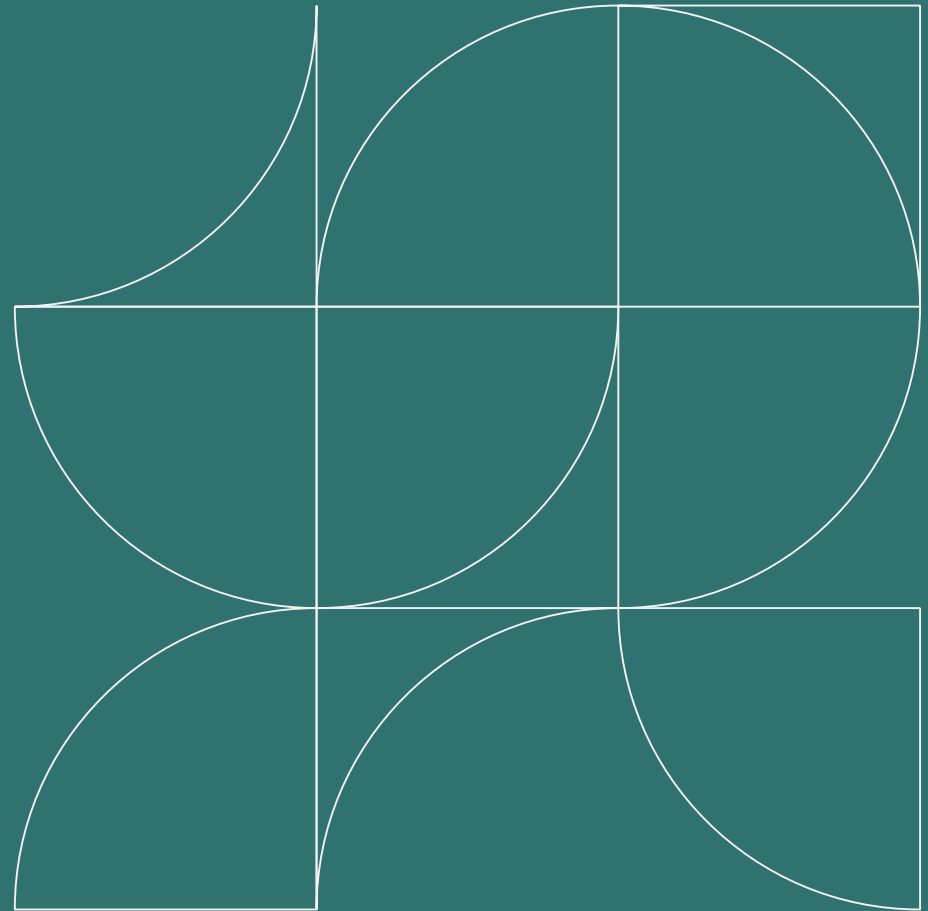
Renate Walker
Associate
Atlanta Office

rewalker@seyfarth.com

Agenda

01	Nationwide Paid Sick Leave (PSL) and Paid Time Off (PTO) Overview
02	Connecticut Paid Sick Leave Amendments
03	Massachusetts Paid Sick Leave Updates
04	California Paid Sick Leave Amendments
05	Michigan Earned Sick Time Act
06	Minnesota Paid Sick Leave Amendments
07	2024 Paid Sick Leave Ballot Initiatives – <u>3 New PSL Laws</u>
08	New York Paid Prenatal Personal Leave
09	PSL and PTO Law Outlook

Nationwide PSL and PTO Law Overview



Mandatory Paid Sick Leave (PSL) and PTO Laws

Total Mandates

As of Dec. 2024:
60 TOTAL PSL & PTO Mandates in the U.S.

- **Why?** Several jurisdictions have enacted multiple mandates.

Ex: General PSL Law + COVID-19 Temporary PSL Law

But number constantly changing due to COVID PSL laws + Sunset of Standard Laws.

As of Dec. 2020:
Approx. 69 TOTAL Mandates in U.S.

Federal

- **Executive Order 13706**
PSL for many EEs of certain federal contractors
- **Families First Coronavirus Response Act**
Emergency PSL for EEs of certain sized ERs (sunset as of 12/31/2020; reimbursement for voluntary leave option for select ERs ended 9/30/2021)

22 States + DC

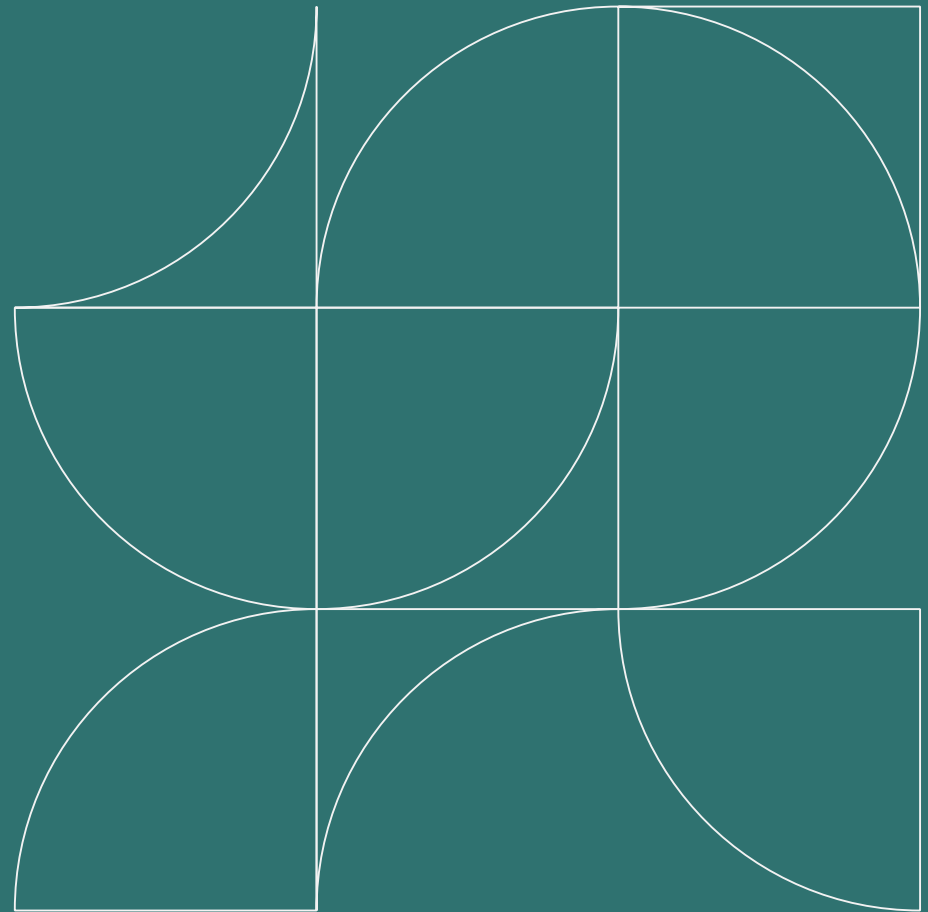
- PSL:**
- AK (7/1/25)
 - AZ
 - CA (1/1/25 amendment)
 - CO
 - CT (1/1/25 amendment)
 - DC
 - MD
 - MA (11/21/24 amendment)
 - MI (2/21/25 amendment)
 - MN (1/1/25 amendment)
 - MO (5/1/25)
 - NE (10/1/25)
 - NJ
 - NM
 - NY (1/1/25 amendment)
 - OR
 - RI
 - VT
 - VA
 - WA
- PTO:**
- IL
 - ME
 - NV

25 Municipalities

(1) San Francisco, CA; **(2)** Seattle, WA; **(3)** Long Beach, CA; **(4)** SeaTac, WA; **(5)** New York City, NY; **(6)** Los Angeles City, CA; **(7)** Oakland, CA; **(8)** Philadelphia, PA; **(9)** Tacoma, WA; **(10)** Emeryville, CA; **(11)** Montgomery County, MD; **(12)** Pittsburgh, PA; **(13)** Santa Monica, CA; **(14)** Minneapolis, MN; **(15)** San Diego, CA; **(16)** Chicago, IL (PTO/PSL); **(17)** Berkeley, CA; **(18)** Saint Paul, MN; **(19)** Cook County, IL (PTO); **(20)** Westchester County, NY; **(21)** Bernalillo County, NM (PTO); **(22)** Allegheny County, PA; **(23)** West Hollywood, CA (PTO); **(24)** Bloomington, MN; **(25)** Orland Park, IL (PTO)

Connecticut Paid Sick Leave Amendments

Effective January 1, 2025



Key Changes

- **CT PSL Amendments**

- January 2025 effective date

- **Key Changes**

- Reduces employee threshold for eligibility
- Covers broader group of employees
 - Not just service workers
 - Includes exempt employees now
- Cannot require advance notice
- Removes ability to request documentation from employees

Employer Eligibility

Effective Date	EE Threshold in the State (#)
Current standard	50
January 1, 2025	25
January 1, 2026	11
January 1, 2027	1

- **Headcount** determined by employer's payroll for the week containing January 1st
- **Exemptions**
 - Removed exemptions for certain manufacturers and non-profits
 - Very limited exemptions for certain employers in the construction industry who participate in multiemployer health plans pursuant to a CBA
 - Self-employed individuals not covered

Employee Eligibility

Covered Employees

- **Most employees covered**
 - "Employee" means an individual engaged in service to an employer in the business of the employer.
 - Applies to both **exempt and non-exempt** employees.
 - Not limited by service worker definition.

Employees Not Covered

- **Seasonal employees** (who work less than 120 days per year)
 - count days actually worked
 - each day employee performs any work counts – no minimum hour/day requirement
- Certain construction workers in a union whose CBA contains an obligation that a multiemployer health plan be maintained

Reasons for Use - Existing

- **Illness, injury or health condition** of a covered family member
- The **medical diagnosis, care or treatment** for mental or physical illness, injury or health condition of a covered family member
- **Preventative medical care** of a covered family member
- A **mental health wellness day** for a covered employee (added October 2023)
 - a workday or shift that the employee takes off to attend to their own emotional and psychological well-being
- Where a covered employee is a victim of **family violence** or **sexual assault** or where a covered employee is a parent or guardian of a child who is a victim of family violence
 - medical care
 - counseling (psychological or other)
 - obtaining services from a victim services organization
 - relocating
 - participating in civil or criminal proceedings

Two New Reasons

- **Public Health Emergency**

- Closure by public official's order due to a public health emergency of either
 - an **employer's place of business**
 - a **family member's school or place of care**
- A (i) health authority, (ii) the employer of the employee or the employee's family member, or (iii) a health care provider determines that such employee or family member poses a risk to the health of others due to their exposure to a communicable illness, whether or not the employee or family member contracted the communicable illness.

Expanded Family Members

Broad expansion of who is covered family member:

- Spouse
- Sibling
- Child (no age limit)
- Grandparent
- Grandchild
- Parent of an employee
- **An individual related to the employee by blood or affinity whose close association with the employee shows to be equivalent to those family relationships.**

Employee Notice and Documentation

Notice

- **Advance notice not required**
- FAQ's: "However, when calling out, employees should do their best to provide notice as soon as practicable in compliance with the employer's regular policy for calling out the day of an absence."
- Cannot discipline employees if they don't follow notice procedure

Documentation

- Employer cannot require any documentation for covered PSL
- Unusual provision – most PSL laws allow documentation under certain conditions
- Will require a carve out or addendum if maintain multi-state sick leave policy

Accrual and Use of PSL

Accrual Rate

- **1 hour of PSL for every 30 hours worked**
- Accrual rate is now faster – had been 1 hour of PSL for every 40 hours worked
- For purposes of accrual, exempt employees considered to work 40 hours/week (unless regularly scheduled to work less than 40 hours/week)

Accrual Cap

- **40 hours PSL per year**
- Regardless of carry over amount, can limit PSL use to 40 hours per year
- Reason required is to allow employees to have access to PSL sooner

Increments of Use

- **Minimum increment of 1 hour**
- Can allow use in smaller increments but not larger

Use of PSL (cont.)

Waiting Period

- Accrue PSL from day one
- May use after **120th day** of employment
- Amended law eliminates requirement that employee work at least 680 hours before eligible to use PSL

Break in Service

- PSL balance **not reinstated** if employee rehired
- If employee previously worked for employer for 120 days, employee may **use PSL immediately upon rehire**
- If less than 120 days, must satisfy waiting period requirement

Replacement

- **Cannot require** employee to find a replacement to use PSL
- Can allow voluntary swapping of shifts
- Can allow employee to make up hours if choice to do so voluntary and within the same week

Carry Over and Frontloading

- **Carry Over**

- 40 hour carry over requirement if using accrual method
- No change from prior law

- **Frontloading**

- Specifically addressed and allowed
- If employer frontloads at least 40 hours, no carry over required
- PSL must be available for use from beginning of benefit year

- **Successor** employee or **transferred** employee

- Maintain existing sick time balance

Use of Other Paid Time Off for PSL Compliance

- Employers **can use other paid time off** (e.g., vacation, personal days, PTO, unlimited PTO) for compliance with the PSL Law if paid time:
 - can be used for the same purposes as required by the PSL law
 - accrues at the same or faster rate than 1 hour for every 30 hours worked
 - amount of PTO is equal to or more generous than the law's requirements (40 hours)
 - employer complies with PSL documentation requirements (new)

Note: PSL does not need to be paid out upon termination.

If employer uses other paid time off to meet PSL obligations, employer does not have to pay out this time upon termination unless payment is required by employee policy or CBA.

Payment of PSL

- Covered workers must be paid the **greater of**:
 - their **normal hourly wage**
 - or
 - the **minimum fair wage rate** in effect for the pay period during which the employee used PSL
- The “normal hourly wage” means the average hourly wage of the employee in the pay period prior to the one in which the employee uses PSL.

Additional Compliance Requirements

- **Posting and Notice**

- Display posters in English and Spanish
and
- Provide written notice by January 1, 2025 or at the time of hire – whichever is later
 - Employers must send posters via email to remote employees or publish on a digital platform that is known and accessible

- **Recordkeeping/Balance Notification Requirements**

- Must track and keep record of hours worked and paid sick leave accrued and used for each employee – must allow CT DOL and employees access to records
 - if records maintained **electronically**, must obtain **employee's consent**
 - access must be convenient, secure, and private
 - printable
- **Retain records for 3 years**
- Connecticut DOL may assess civil **penalties** of not more than **\$100 per violation**

Transition Issues

- **Waiting Period**

- Employees who have been employed for 120 days may use PSL upon accrual
- Employees who have not reached the 120-day mark on January 1, 2025, will not be able to use the time until after 120 days

- **Employers Previously Covered by PSL Law**

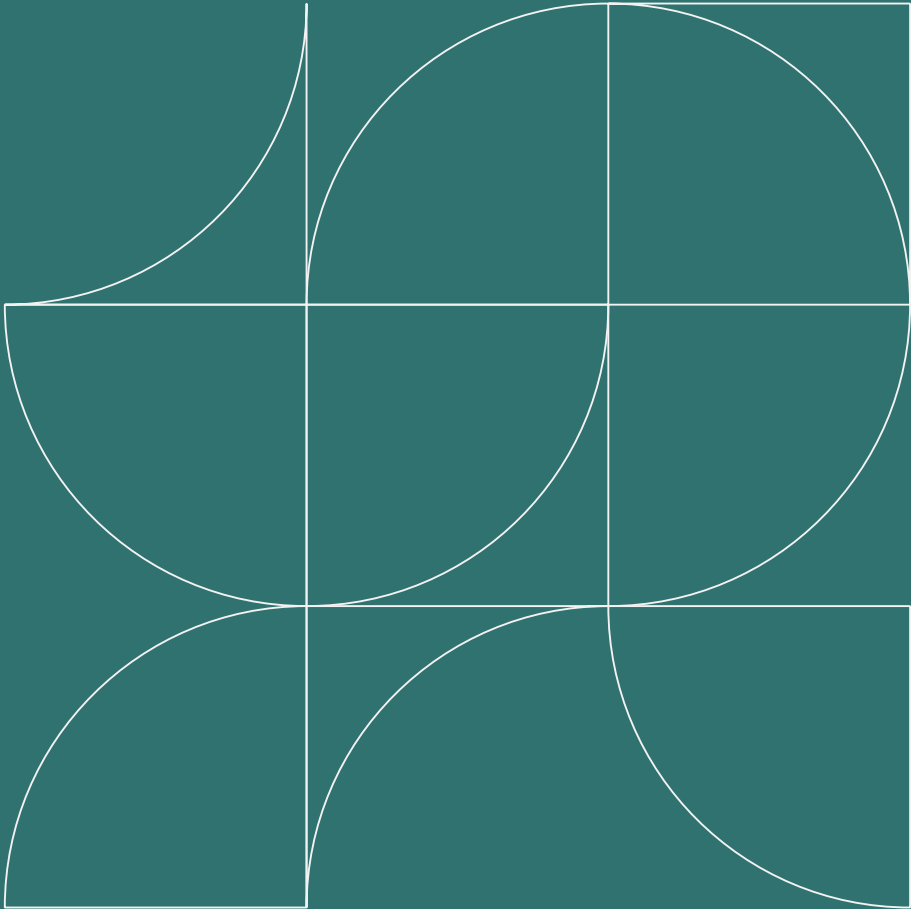
- Must allow employees to carry over up to 40 hours on Jan. 1, 2025 (if use calendar year) and begin accruing PSL at a faster rate.
- Employers that have a **benefit year that is different from a calendar year** must allow employees to begin accruing 1 hour for every 30 hours worked on Jan. 1, 2025, **even if** the employer frontloaded 40 hours at the beginning of the most recent benefit year.
- DOL Rationale: The amended law provides significantly different benefits from the previous version.
- Employers can then switch to frontloading of time at the beginning of the next benefit year.

Resources

- [CT DOL Paid Sick Leave Webpage](#)
- [Public Act No. 24-8 - An Act Expanding Paid Sick Days](#)
- [CT DOL Frequently Asked Questions](#)
- [CT Paid Sick Leave Sample Notice to Employees](#)
- [CT Paid Sick Leave Poster](#)
- [CT DOL - Q&A and Survey Questions from Webinar](#)

Massachusetts

New Reason for Use



Massachusetts Earned Sick Time Law Amendment

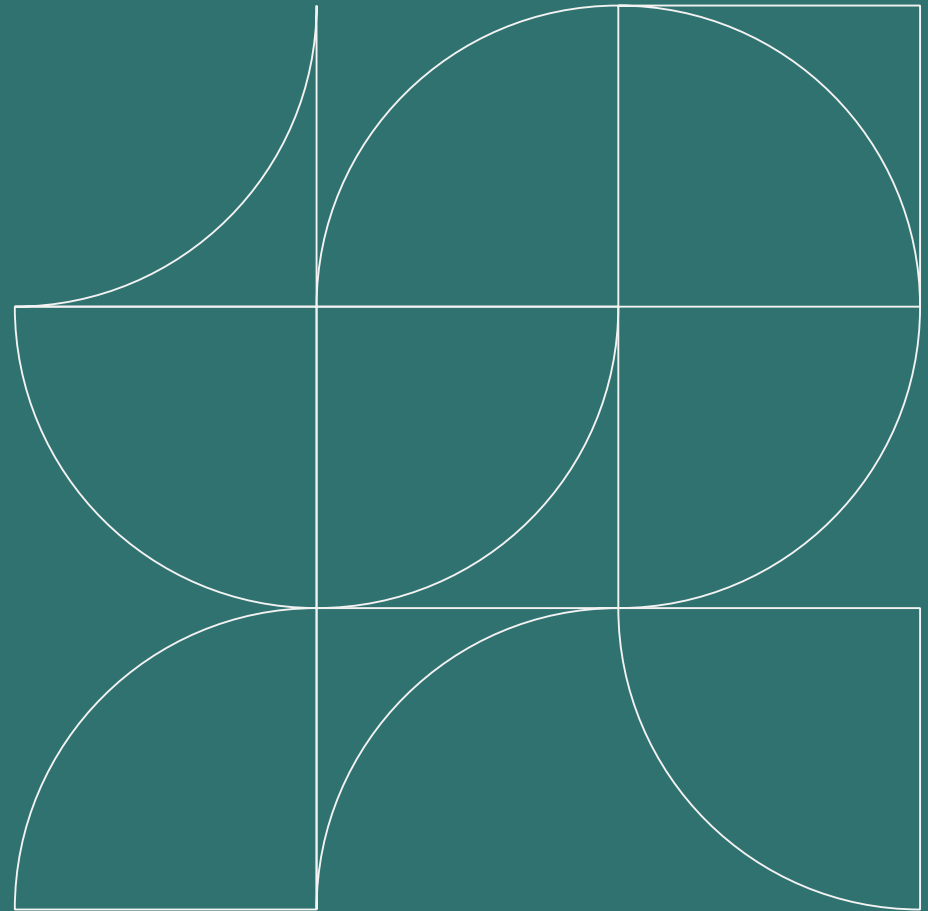
- **Effective Date: November 21, 2024**
- Covered reasons expanded to include a pregnancy loss, unsuccessful assisted reproduction (such as in vitro fertilization (IVF)), or a failed adoption, or surrogacy.
- Sick time is available to address both the physical and mental effects of such an event on an employee or their spouse.

Practice Point: There is a movement towards including reproductive loss as a covered reason in bereavement leave policies.

IL and CA have bereavement leave laws that include reproductive loss.

MA is the first state to include reproductive loss as a specific reason for use of sick leave.

California Paid Sick Leave Amendments



Key Changes

Effective January 1, 2025

- **Victim Status Extended**

- Expansion of safe time use for victims of “qualifying acts of violence”
- Includes victims and covered family members

- **More Reasons to Use PSL**

- Employees may take time off to seek additional types of relief for themselves and victimized family members
- Employees may use PSL for absences related to jury and witness duty

- **Preventative Care for Outdoor Workers**

- Agricultural employees who work outside may use PSL to avoid smoke, heat, or flooding conditions created by a local or state emergency, including when a worksite is close due to these conditions

Victims' Time Off And Workplace Protections

- Prohibits discrimination, retaliation, or termination of employees who:
 - take time off for jury service with reasonable notice
 - take time off to appear in court as a witness under court order
 - are victims and take time off to obtain relief for their/their child's health, safety, or welfare with reasonable notice unless not feasible
 - **(for employers with 25+ employees)** are victims/have a family member who takes time off to assist the family member for various reasons relating to a **qualifying act of violence** with reasonable notice unless not feasible
- Employees who are victims/have family members who are victims of a qualifying act of violence are eligible for reasonable workplace accommodations

Reasons For Leave

- If an employee or their family member are victims of a **qualifying act of violence**, the employee may use PSL for:
- Less than 25 employees – Employees to obtain or attempt to obtain **any relief**, including a TRO, restraining order, or other injunctive relief to ensure health, safety, or welfare of the employee or their child
- More than 25 employees – Additional categories of relief:

– to aid family members with:

Childcare or care to a care-dependent adult to ensure their safety	Services from domestic violence shelters, programs, or rape crisis centers
Psychological counseling	Care when recovering from injuries
Medical attention for injuries	

- to participate in safety planning and increase safety against future qualifying acts of violence
- to relocate or engage in the process of securing a new residence (temporary/permanent housing, enrolling child in new school/childcare)
- to seek, obtain, or assist a family member to seek or obtain civil or criminal legal services
- to prepare for, participate in, or attend legal proceedings

Definitions

- **Qualifying Acts of Violence**

- Domestic violence, sexual assault, stalking, or an act, conduct or pattern of conduct in which an individual:
 - Causes bodily injury or death to another individual;
 - exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual; or
 - uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.

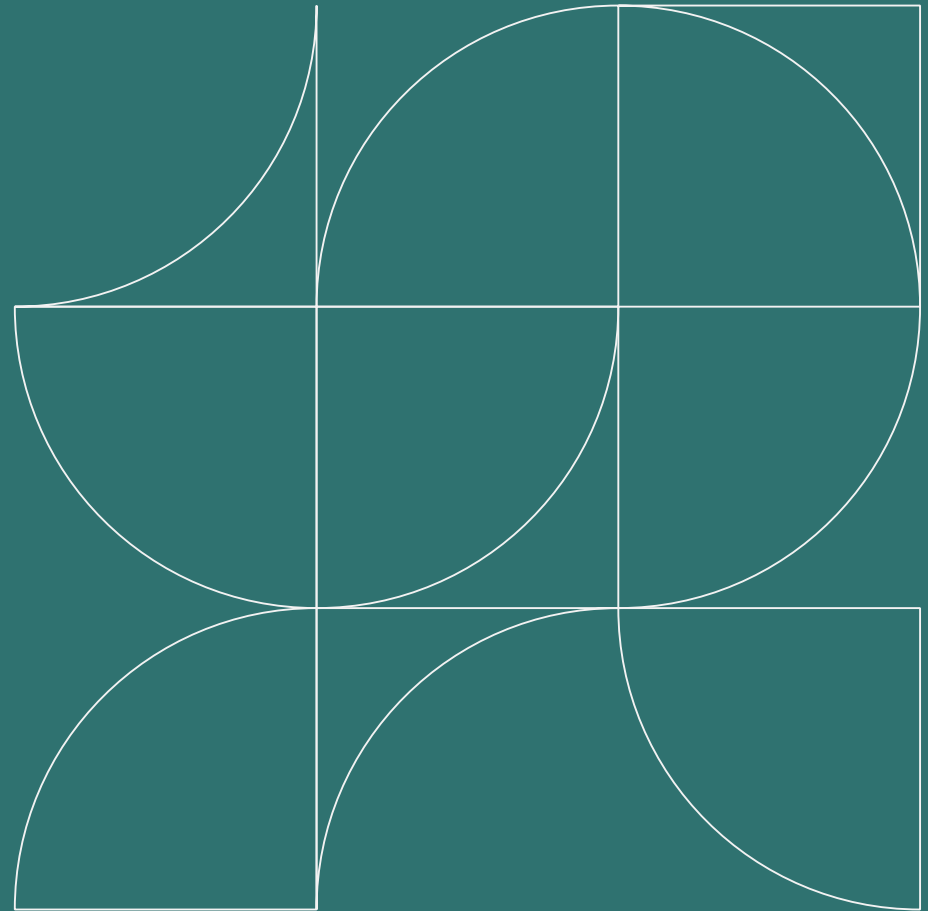
- **Family Member**

- Child, parent, grandparent, grandchild, sibling, spouse, domestic partner, or designated person (any individual related by blood or whose association with the employee is the equivalent of a family relationship).
 - Can be limited to one designated person per 12-month period.

Amount of Leave

- **12 weeks of leave** if the employee is the victim
- **10 days of leave** if the employee is not the victim, and the family member is a victim but is not deceased
- **5 days of leave** if the employee's family member is the victim, is not deceased, and leave is to relocate or secure a new residence, including enrolling a child in new school/childcare
- Leave runs concurrently with CFRA/FMLA.
- **Leave is unpaid**, but employees may use available accrued PSL or vacation time.

Michigan Earned Sick Time Act



Key Changes

The Michigan Earned Sick Time Act (“ESTA”) is Effective February 21, 2025

Highlights:

- Broader Employee Eligibility
- Broader Employer Coverage
- Faster Paid Sick Leave Accrual Rate
- Increased Annual Usage Cap
- Annual Accrual Cap/Year-End Carry Over Cap
- Broader Reasons For Use and Covered Family Members

Expanded Employee Eligibility

- **Current Law:** 12 exclusions from its “eligible employee” definition.
 - Employees must have:
 - Worked an average of 25+ hours/week in the immediately preceding calendar year; and
 - Their primary work location be in Michigan.
 - Excludes: employees exempt from overtime under the FLSA, private employees covered by CBA, certain temporary help service firm employees disqualified from receiving benefits under the MESA, variable hour employees as defined by federal regulations, railway, flight deck, or cabin crew employees
- **ESTA:**
 - "Employee" means an individual engaged in service to an employer in the business of the employer.
 - Applies to both exempt and non-exempt employees.
 - Not limited by hours worked or primary work location.
 - Only exclusion is an individual employed by the U.S. government.

Employer Coverage

- **Current Law:** Only employers with 50+ employees.
- **ESTA:**
 - “Employer” means a person, firm, business, etc. that employs **one or more** individuals.
 - Allows for reduced obligations for “small businesses” with less than 10 employees during a given week.
 - Not a small business if the employer has 10+ employees in 20+ workweeks in the current or prior calendar year.
 - 20 workweeks need not be consecutive
 - Employee count includes temporary employees provided through a staffing agency

PSL Accrual Rate, Annual Usage Cap, and Accrual Cap

- **Current Law:** Covered employees earn PSL at the rate of one hour for every 35 hours worked, up to 40 hours per year, and may use 40 hours per year.
- **ESTA:** Employees will earn PSL at a **faster rate of one hour for every 30 hours** worked with **no cap on accrual**, and may use **72 hours** per year.
 - **Small Businesses:** ESTA sets a 40-hour annual usage cap, but employees may use an additional 32 hours of **unpaid** sick leave in a year if they accrue more than 40 hours.
- **Action Items:** Employers should ensure their systems do not stop accrual at 40 hours.

Carryover and Frontloading

- **Current Law:**

- **Carryover:** Up to 40 hours of unused PSL each year.
- **Frontloading:** Employers can avoid carryover by providing a frontloaded grant of at least 40 hours.

- **ESTA:**

- **Carryover:** No express cap.
- **Frontloading:** The law is silent on frontloading. The FAQs confirm frontloading is not prohibited provided it complies with the accrual, use, carryover, and other provisions of the law.

- **Key Takeaway:** Even if frontloading PSL, under the ESTA employers would not avoid carryover or accrual obligations.

Reasons For Use

- **Both Laws:** Cover the same absences:
 - employee or covered family member illness, injury, health condition, or preventative care;
 - certain absences when employee or covered family member is a victim of domestic violence or sexual assault; and
 - absences due to certain public health emergencies.
- **One New Reason For Use Under The ESTA:**
 - Meetings at a child's school or place of care related to the child's health or disability, or the effects of domestic violence or sexual assault on the child

Expanded Family Members

- **Both Laws:** child, parent, spouse, grandparent, grandchild, and sibling
- **ESTA:** Also covers
 - Domestic partner; and
 - Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Increments of Use, Employee Notice and Documentation

- **Current Law:**

- *Increments of Use:* 1-hour increments.
- *Notice:* Employers can require employees to request PSL using their usual notice procedures.
- *Documentation:* An employer could request reasonable documentation for PSL with no waiting period.

- **ESTA:**

- *Increments of Use:* Smaller of hourly increments or the **smallest increment the employer's payroll system** uses to account for absences or use of other time.
- *Notice:* Employers can require **7 days' notice** for foreseeable absences.
- *Documentation:* Employer must wait for employee to be absent for **more than 3 consecutive days** before requiring documentation.

Use of Other Paid Time Off for PSL Compliance

- **Current Law:**

- Employers can use 40 hours of PTO (e.g., vacation, personal days, paid time off, including unlimited paid time off) for compliance with the PSL Law and do not need to provide additional sick leave if certain criteria are met.

- **ESTA:**

- Employers can still use non-sick PTO for compliance, but must provide leave in the same amounts, for the same reasons, and under the same conditions as under the ESTA, and accrued at the same or a greater rate.

Payment of PSL

- **Current law:** Employees must be paid either (1) their normal hourly wage or base wage for that employee; or (2) the applicable minimum wage rate.
 - FAQs used “an employee’s regular rate of pay,” not their normal hourly wage.
- **ESTA:** Employees must be paid **the greater of** the normal hourly wage for the employee or the applicable minimum wage.

Additional Compliance Requirements and Provisions

- **Notice and Posting**

- Post a poster **and** provide written notice **at the time of hire** or on/after February 21, 2025, whichever is later

- **Recordkeeping/Balance Notification Requirements**

- Retain records for 3 years (previously 1 year)

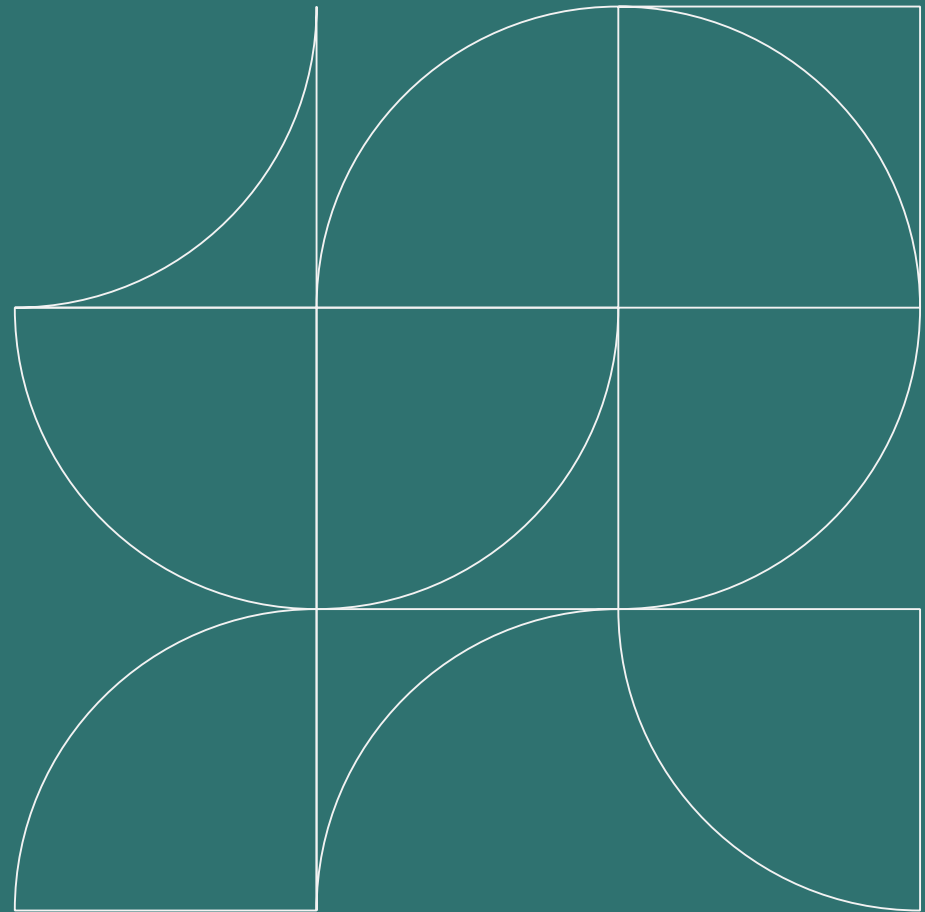
- **Reinstatement**

- Reinstatement PSL balance if employee is rehired within 6 months of separation

- **Enforcement/Penalties/Private Right of Action**

- Prohibits unlawful retaliation and interference
- Employees may file civil actions within a 3-year SOL
- No administrative exhaustion requirement

Minnesota Paid Sick Leave Amendments



Minnesota Earned Sick & Safe Time Amendments – 5/25/2024

- **Amended Definition of Employee**

- Covers those who are **anticipated** to work more than 80 hours in a year
- Excludes volunteer or paid on-call firefighters, volunteer ambulance attendants, paid-on-call ambulance service personnel, elected officials, individuals appointed to fill vacancies in elected offices, and individuals employed by a farmer, family farm, or family farm corporation who work for 28 days or less per year

- **Covered Reasons for Use**

- Added **bereavement leave**
- **Weather-event exception** for certain types of workers (limits right to use ESST for absences related to closures due to weather or public emergencies)

- **Increments of Use**

- Smallest increment tracked by employer's payroll system, but not less than **15 minutes** or more than 4 hours

Minnesota Earned Sick & Safe Time Amendments – 5/25/2024

- **Rate of Pay**

- Base rate the employee earns from employment

- **Balance Notification**

- Employers can choose a **reasonable system** for providing info each pay period
- If providing electronically, must have access to **employer-owned computer** during regular working hours to **view and print**

- **Documentation**

- Employers may require reasonable documentation after an employee uses ESST for **more than 3 consecutively scheduled workdays**
- Must accept **employee's own written statement** for safe time absences if other documentation cannot be obtained in a reasonable time or without added expense

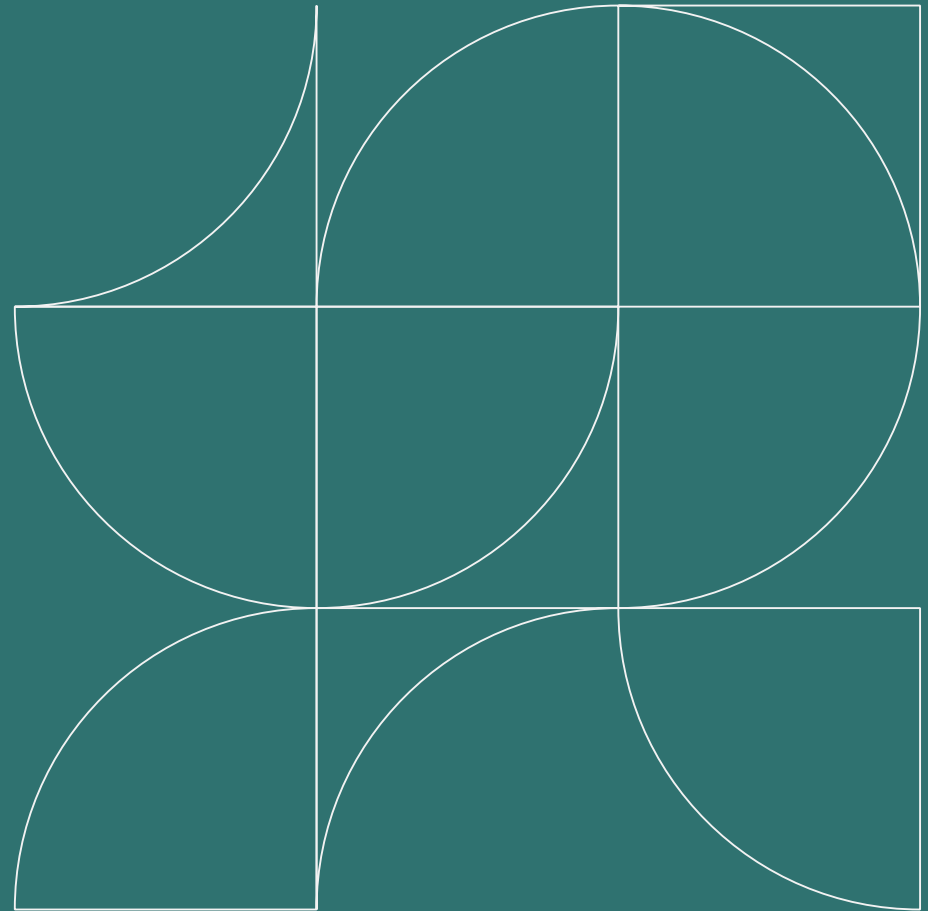
Application of ESST to Other Types of Employer-Provided Paid Time Off (effective 1/1/2025)

“All paid time off and other paid leave made available to an employee by an employer in excess of the minimum amount required [under the MN ESST law] for absences from work due to personal illness or injury, *but not including short-term or long-term disability or other salary continuation benefits*, must meet or exceed the minimum standards and requirements provided in [the MN ESST law].”

Example from MN ESST Website:

- Employee receives 50 hours of PTO, plus minimum 48 hours of ESST per year.
- “[T]he employer must follow the ESST requirements about notice, documentation, anti-retaliation, replacement workers and more for the additional PTO hours when they are used for an ESST-qualifying purpose.”

2024 Paid Sick Leave Ballot Initiatives – 3 New PSL Laws



Effective Date, Employer Coverage, & Employee Eligibility

Alaska

- **Effective Date:** 7/1/2025
- **Employer Coverage:** No provision; presume all employers in AK
- **Employee Eligibility:** All employees in AK, subject to over 20 exceptions, including apprentices, some camp counselors, agricultural workers, fishermen, and domestic workers, and more

Missouri

- **Effective Date:** 5/1/2025
- **Employer Coverage:** All employers in MO, with exceptions for federal gov't, state gov't & political subdivisions
- **Employee Eligibility:** All employees in MO, subject to 12 exceptions including nonprofit workers, foster parents, domestic workers, babysitters, and more

Nebraska

- **Effective Date:** 10/1/2025
- **Employer Coverage:** All employers in NE, except federal gov't, state gov't & political subdivisions
- **Employee Eligibility:** All employees in NE who work 80 or more hours a year, except those covered by federal Railroad Unemployment Insurance Act

Accrual/Frontload, Year-End Carryover, & Annual Usage Cap

Alaska

- **Accrual:** 1 hour for every 30 hours worked; capped at 56 hours for ERs with 15+ EEs and 40 hours for ERs with less than 15 EEs
- **Frontloading:** No provision
- **Year-end Carryover:** All earned, unused PSL carries over
- **Annual Usage Cap:** 40-56 hours, depending on employer size

Missouri

- **Accrual:** 1 hour for every 30 hours worked
- **Frontloading:** Upfront grant allowed
- **Year-end Carryover:** Up to 80 hours of earned, unused PSL carries over
- **Annual Usage Cap:** 40-56 hours, depending on employer size

Nebraska

- **Accrual:** 1 hour for every 30 hours worked; capped at 56 hours for ERs with 20+ EEs and 40 hours for ERs with less than 20 EEs
- **Frontloading:** Upfront grant allowed
- **Year-end Carryover:** All earned, unused PSL carries over
- **Annual Usage Cap:** 40-56 hours, depending on employer size

Increments of Use, Waiting Period, & Balance Reinstatement

Alaska

- **Increments of Use:** The smaller of hourly increments of the smallest increment the employer's payroll system uses to account for absences or use of other time
- **Usage Waiting Period:** None
- **Balance Reinstatement Upon Rehire:** 6 months

Missouri

- **Increments of Use:** The smaller of hourly increments or the smallest increment the employer's payroll system uses to account for absences or use of other time
- **Usage Waiting Period:** None
- **Balance Reinstatement Upon Rehire:** 9 months

Nebraska

- **Increments of Use:** The smaller of hourly increments or the smallest increment the employer's payroll system uses to account for absences or use of other time
- **Usage Waiting Period:** None
- **Balance Reinstatement Upon Rehire:** 12 months

Alaska – Reasons for Use

1. An employee's own mental or physical illness, injury or, health condition; need for medical diagnosis, care, or treatment; or need for preventative medical care;
2. Care or assistance to a family member relating to mental or physical illness, injury, or health condition; need for medical diagnosis, care, or treatment; or need for preventative medical care; or
3. Absences necessary due to domestic violence, sexual assault, or stalking, provided the leave is to allow the employee to obtain for the employee or a family member: medical or psychological attention; services from a victim's aid organization; relocation or steps to secure an existing home; or legal services, including participation in any investigation or civil or criminal proceeding

Missouri – Reasons for Use

1. An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventative medical care;
2. Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventative medical care;
3. Closure of the employee's place of business by order of a public official due to a public health emergency, or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease; or
4. Absence necessary due to domestic violence, sexual assault, or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member (for medical attention, services from a victim services organization, counseling, relocating/securing home, or obtaining legal services).

Nebraska – Reasons for Use

1. An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
2. Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventive medical care; or in the case of a child, to attend a meeting necessitated by the child's mental or physical illness, injury, or health condition, at a school or place where the child is receiving care; or
3. Closure of the employee's place of business by order of a public official due to a public health emergency; an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or an employee's need to self-isolate or care for the employee or a family member when it has been determined by the health authorities having jurisdiction or by a health care professional that the employee's or family member's presence in the community may jeopardize the health of others because of exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

Covered Family Members

Alaska

- Spouse/domestic partner;
- Another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
- Child, including a stepchild and an adoptive child, a foster child, legal ward, or person to whom an employee stands in loco parentis;
- Parent, including a foster parent, adoptive parent, legal guardian, or a person who stood in loco parentis when the employee was a minor child;
- Sibling, grandparent, aunt, or uncle;
- Parent or sibling of employee's spouse; or
- Any other individual related by blood or whose close association is the equivalent of a family relationship.

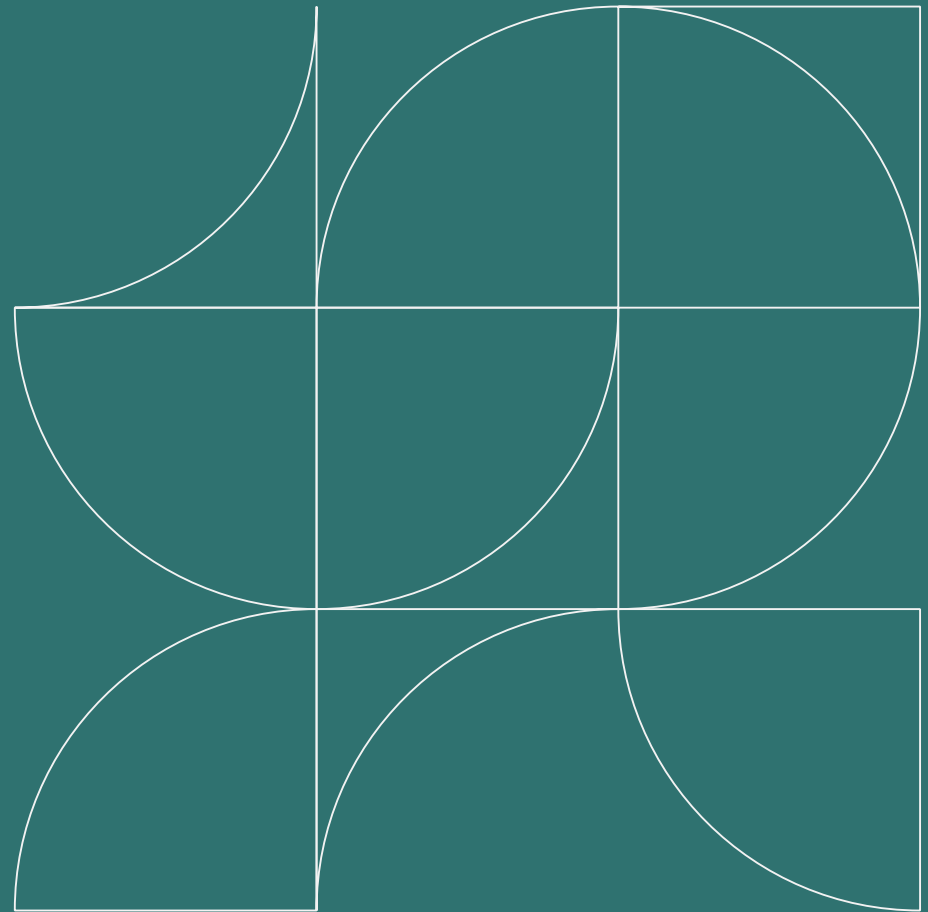
Missouri

- Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
- A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or an individual who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
- An individual to whom the employee is legally married under the laws of any state, or a domestic partner who is registered as such under the laws of any state or political subdivision, or an individual with whom the employee is in a continuing social relationship of a romantic or intimate nature;
- A grandparent, grandchild, or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
- A person for whom the employee is responsible for providing or arranging health or safety-related care, including but not limited to helping that individual obtain diagnostic, preventative, routine, or therapeutic health treatment or ensuring the person is safe following domestic violence, sexual assault, or stalking.

Nebraska

- A biological, adopted, or foster child, a stepchild, a legal ward, or a child to whom the employee stands in loco parentis (regardless of age);
- A biological, foster, step, or adoptive parent or a legal guardian of an employee or an employee's spouse;
- A person who stood in loco parentis to the employee or the employee's spouse when the employee or employee's spouse was a minor child;
- A person to whom the employee is legally married under the laws of any state;
- A grandparent, grandchild, or sibling, whether of a biological, foster, adoptive, or step relationship, of the employee or the employee's spouse; or
- Any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

New York Paid Prenatal Leave



NY State Prenatal Leave Act – Overview

- **Effective Date:** January 1, 2025
- **FAQs:** Yes! Released earlier this month by NYS
- **Regulations:** Not yet issued, but expected (although not before effective date)
- **Website:** Yes - <https://www.ny.gov/programs/new-york-state-paid-prenatal-leave>
- ***Paid Prenatal Leave is part of the NYS Paid Sick Leave law in NYLL Sec. 196-B***

NY State Prenatal Leave Act – Overview

- **Coverage:** Per NYS website, the NY Paid Prenatal Leave Law “requires all private-sector employers in New York State to provide their employees with paid prenatal leave.”
- **Eligibility:** Per NYS website, “all employees working in the private sector are covered . . . All full time and part time private sector employees, . . . are entitled.”
- **Amount of Paid Prenatal Leave:** NY ERs must provide EEs with **20 hours of paid prenatal leave during any 52-week calendar period**. There is no accrual.
- **Benefit Year:**
 - **Statute:** 20 hours of PPPL must be provided “during any fifty-two week calendar period.”
 - **FAQs:** “the first time the employee uses Paid Prenatal Leave begins the 52-week period for that employee. For example, the triggering date is the date that the leave is first recorded on an employee’s timesheet.”

NY State Prenatal Leave Act – Reasons for Use

- **Types of Leave Covered:** Leave taken for health care services received by an employee during their pregnancy or related to such pregnancy, including:
 - Physical examinations;
 - Medical procedures;
 - Monitoring and testing; and
 - Discussion with a health care provider related to the pregnancy.
 - Per FAQs: **Can be used for:** (a) fertility treatment or care appointments, including in vitro fertilization, and (b) end-of-pregnancy care appointments.
 - Per FAQs: **Cannot be used :** (a) for post-natal or postpartum purposes, and (b) by spouses, partners, or other support persons to attend prenatal appointments with an eligible employee.

NY State Prenatal Leave Act – Coordination of Benefits

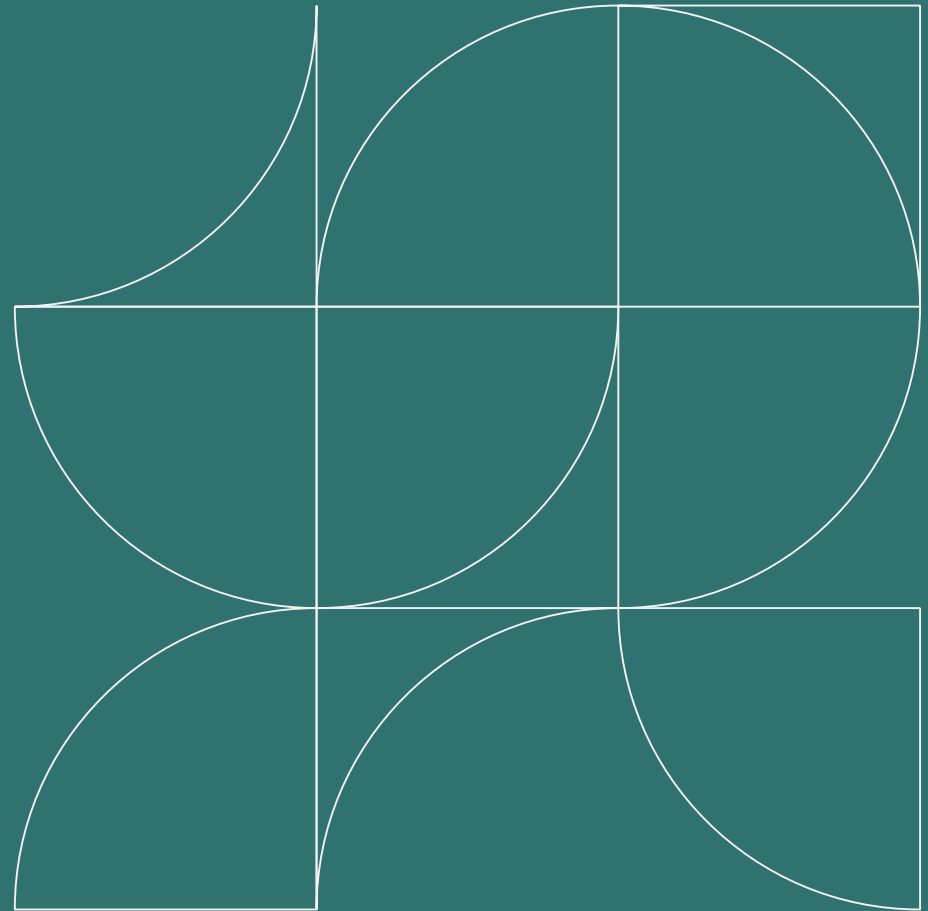
- **Interplay With Other Leave:**

- **Statute:** 20 hours are “in addition to” the paid sick leave provided under NYLL 196-b.
- **FAQs:** 20 hours of PPPL are in addition to existing leave policies and that PPPL “provides a separate benefit from other leave policies and laws. Employees are entitled to 20 hours of Paid Prenatal Leave in addition to any other available leave options.”
- **Employer cannot require an employee to:** (a) Choose one leave type over another or (b) exhaust one type of leave before using Paid Prenatal Leave.

NY State Prenatal Leave Act – Additional Details

- **Carryover at Year-End:** No required
- **Increment of Use:** Employees are permitted to take prenatal leave in hourly increments
- **Documentation:** Per FAQs:
 - **Q:** Are employees required to submit medical records or documents to their employer?
 - **A:** No, and employers cannot ask employees to disclose confidential information about their health condition(s) as a condition of requesting to use Paid Prenatal Leave.
- **Rate of Pay:** Paid at the employee's regular rate of pay, or the applicable minimum wage, whichever is greater
- **Payout at Separation:** Not required
- **Paystub Balance Notification:** Not required
- **Retaliation is Prohibited**
- **Written Policy:** *Most Likely Required*

Paid Sick Leave and PTO Law Outlook





Paid Sick Leave and PTO Outlook – 2024 and On

Laws scheduled to go into effect or that recently became effective:

- Nebraska (New PSL Law 10/1/2025)
- Alaska (New PSL Law 7/1/2025)
- Missouri (New PSL Law 5/1/2025)
- Michigan (Changes to PSL Law 2/21/2025)
- Connecticut (PSL Amendments – 1/1/2025)
- California (PSL Amendments – 1/1/2025)
- New York (Paid Prenatal Leave – 1/1/2025)
- Massachusetts PSL Amendments (11/21/2024)
- Chicago, IL (PTO / PSL Law – 12/31/2023, but really 7/1/2024)
- Minnesota (General PSL Amendments – 5/25/2024 and 1/1/2025)

Next locations likely to adopt:

- **Federal:** Potential for nationwide PSL mandate. Key 2023 legislation – The Healthy Families Act (S.1664).
- **State:** **(1)** Delaware; **(2)** Virginia (for all private ERs); **(3)** Hawaii; **(4)** Pennsylvania; **(5) Every state???**
- **Municipal:** **(1)** New York City, NY (PTO law?); **(2)** CA localities with prior COVID-19 PSL laws that may seek to adopt general non-COVID PSL laws.



CLE: NEW PROCESS

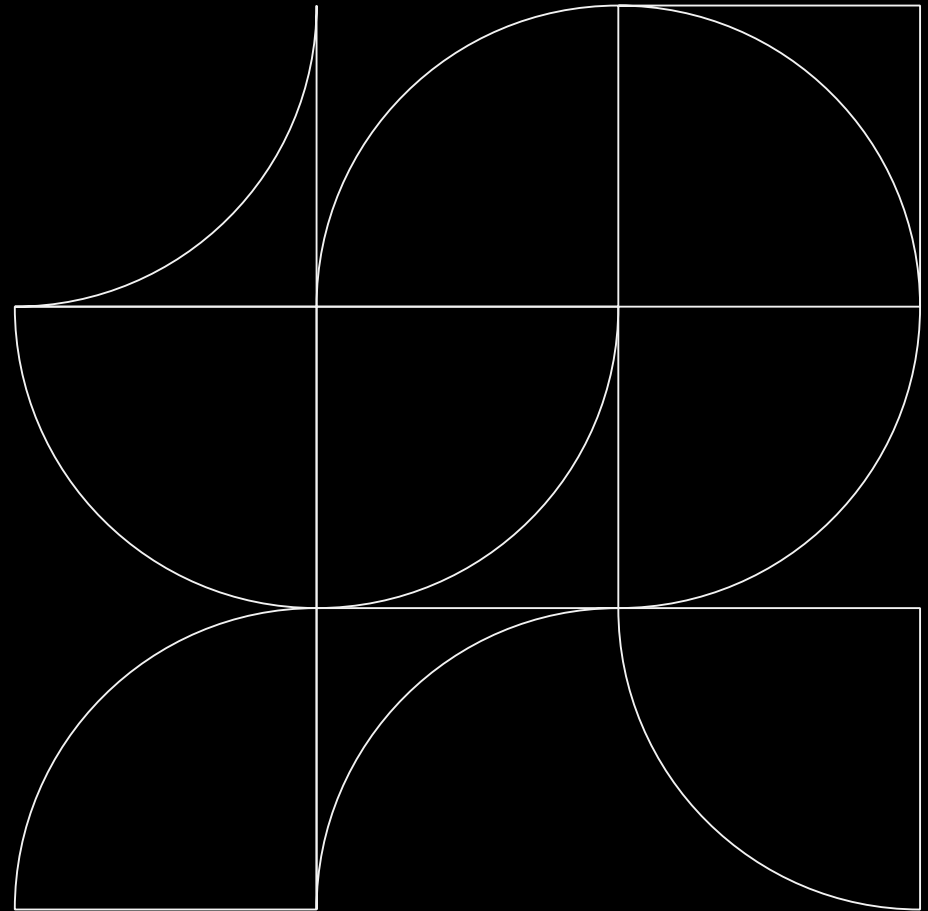
Please scan the QR code and complete the digital attendance verification form to receive CLE credit for this program.

You will need:

1. **Title:** Guidance on State and Local Paid Sick Leave and Paid Time Off Laws – Part 15: 2024 Paid Sick Leave in 2025: Legislative Updates and State-Specific Strategies
2. **Date Viewed:** 12/18/2024
3. **Attendance Verification Code:** SS_____

State-specific CLE credit information can be found in the form.

Seyfarth Paid Leave Resources



Seyfarth Paid Leave Resources



If you have questions about or would like assistance with the country's **Paid Sick Leave “Patchwork”** here are some ways Seyfarth can help:

(A) Premium PSL Survey: Seyfarth maintains a *comprehensive PSL survey* breaking down the specific requirements of *each* existing state and local PSL law.

For more information contact: paidleave@seyfarth.com

(B) Paid Leave Mailing List: Seyfarth regularly publishes Legal Updates and Blog Posts on PSL and other paid leave law developments.

You can sign up here:

<https://connect.seyfarth.com/9/7/landing-pages/subscription.asp>

Seyfarth Paid Leave Resources



(C) Webinar Series - Guidance on PSL: This webinar series is a great tool for you!

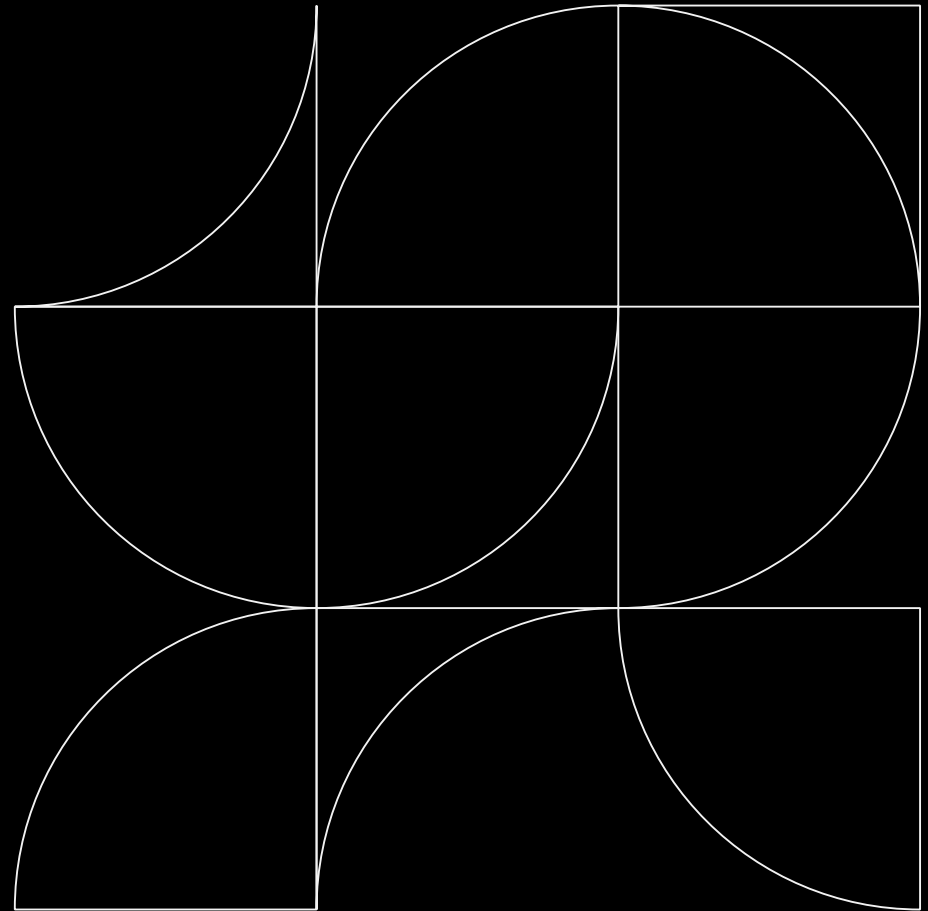
- Part 1 – NY State and Local PSL at the end of 2020
- Part 2 – CO, ME and NY PSL updates
- Part 3 – COVID-19 Supplemental PSL mandates
- Part 4 – Prospects for Federal Paid Leave
- Part 5 – Practical tips on navigating the PSL “patchwork”
- Part 6 – NY COVID and General PSL in 2022
- Part 7 – Two Years of COVID-19 Paid Leave Laws, Plus Recent Developments
- Part 8 – NM and West Hollywood, CA
- Part 9 – PSL Law Impact on CBAs Under RLA and NLRA
- Part 10 – What’s New with Paid Sick Leave in 2023
- Part 11 – 10 Year of PSL
- Part 12 – CA, IL, Chicago, and MN 2023 Year-End Activity
- Part 13 – IL and MN Updates
- Part 14 – Updates from Coast to Coast
- Part 15 – Today!

Note: We have a separate Webinar Series on Paid Family Leave guidance.

(D) “Take It or Leave It” Podcast: In late 2021, Seyfarth launched a podcast focused exclusively on workplace leaves, absence management, and accommodations. Episodes streaming on Spotify, SoundCloud, and Apple Podcasts, and available on Seyfarth’s website.

More info at: <https://www.seyfarth.com/trends/take-it-or-leave-it-podcast.html>

Questions?



thank
you

For more information, please contact:

Josh Seidman

email: jseidman@seyfarth.com

Jean Wilson

email: jwilson@seyfarth.com

Cathy Feldman

email: cfeldman@seyfarth.com

Renate Walker

email: rewalker@seyfarth.com