

# CLIENT BULLETIN

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## Georgia's SB 201 will require sick leave to be used for "family" reasons

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One hot topic right now in the employment world is family and medical leave laws. There has been a push in the federal arena as well as many states to establish or improve family leave and sick leave requirements for the private sector work force. Arizona, California, Connecticut, Massachusetts, Oregon, Vermont, and Washington all have statewide paid sick leave laws. Illinois, Maryland, and Minnesota allow sick leave already provided by employers to be used for employees' family members.

Georgia has never required private employers to provide sick leave to employees or dictated the way sick leave must be used – until now, with **SB 201**. However, the Georgia law comes with a number of significant limitations. Most importantly, the law appears to provide no means of enforcement against an employer who violates the law.

### SB 201 Overview

Generally, SB 201 – whose sponsors were all Republican legislators – requires certain employers to allow employees to use sick leave to care for immediate family members (defined as an employee's child, spouse, grandchild, grandparent, parent, or any dependents as shown on the employee's most recent tax return). The law will take effect on July 1.

The law applies to employers (1) with 25 or more employees, (2) who do not provide an "employee stock ownership plan," and (3) who already offer or have paid sick leave policies.

Employees must work at least 30 hours a week to be eligible for leave under SB 201. The law does not apply to short-term disability or long-term disability benefits. The maximum sick leave that employers must allow employees to use for immediate family members is five days per calendar year.

The law specifically provides that "nothing in this code section shall be construed to create a new cause of action against an employer." In other words, not only does it appear that employees do not have the right to file lawsuits against employers who violate the law, but there is also no apparent provision for administrative enforcement.



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## Practicalities

So what does SB 201 really mean for employers with operations in Georgia? Nothing, if they do not provide paid sick leave at all. However, if employers have separate paid leave banks (as opposed to “PTO”), then a minimum of five days per calendar year of the “sick leave” bank must be extended to include paid leave for the care of immediate family members. If employers have a general “PTO” policy, then the reason for leave generally doesn’t come into play anyway.

Despite the fact that the law provides no apparent means for enforcement, we do recommend that employers who are covered by the law attempt to comply with it. It is not entirely clear that administrative enforcement will be impossible, or that the plaintiffs’ bar will not find some creative way around the express lack of a private right of action.

Employers with operations in Georgia who are covered by SB 201 should review their employee handbooks and leave policies, and provide instruction and training – particularly to Human Resources employees with responsibility for payroll and benefits, and to supervisors – on the new law.

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