

State Paid Sick Leave Laws

By: Lee Hansen, Chief Legislative Analyst

April 16, 2024 | 2024-R-0077

Issue

This report compares states' paid sick leave laws, particularly their provisions on covered employers, employees, and family members; leave accrual; and qualifying reasons for using the leave.

Summary

In 2011, [Connecticut](#) became the first state to enact a law generally requiring employers to give their employees paid sick leave. Since then, 17 other states have enacted similar laws, although many of them have varying provisions on which employers and employees are covered by the law, how quickly employees accrue the leave and how soon they may use it, the reasons why they may use the leave, and the family members for whom they may use it. The tables below show how the states with paid sick leave laws compare to each other for these variables. Among other things, they show that among these 18 states:

- Fourteen cover all, or nearly all, private-sector employers, and four only cover employers with a certain number of employees.
- Four differentiate between small employers who must provide unpaid sick leave, and larger employers who must provide paid sick leave.
- Ten require the leave to accrue at a rate of one hour for every 30 hours worked, and four require it to accrue at one hour for every 40 hours worked.
- Fourteen allow employers to impose a waiting period during which new employees accrue leave time but cannot use it until they have worked for the employer for a certain amount of time (most commonly, 90 days).

- Three allow employees to use the leave for any reason (i.e., as general paid time off), and nine allow it for certain school or business closures related to public health emergencies.
- Of the 15 that limit the leave to certain reasons, 14 allow employees to use the leave for their parents, siblings, grandparents, and grandchildren; seven of these also allow it for a broader range of “family members” (e.g., someone who the employee designates or has a family-like relationship with the employee).

Covered Employers and Employees

The states’ paid sick leave laws vary in which employers and employees they cover. Some, like Connecticut, Maine, Michigan, and Rhode Island, limit the law to employers of a certain size. Others, like Maryland, Massachusetts, New York, and Oregon require larger employers to provide paid sick leave and smaller employers to provide unpaid sick leave. Several states exclude coverage for certain types of employees, but Connecticut is unique in only covering specified occupational categories.

Table 1 below shows the employers and employees covered under the state sick leave laws. It does not include exemptions for workers who are typically exempted from state labor laws (e.g., independent contractors, federal government employees, certain occupations subject to specific federal labor laws (e.g., railroad workers)).

Table 1: Covered Employers and Employees

State	Covered Employers	Covered Employees
Arizona	All except the state and certain small businesses exempt from federal minimum wage requirements	All except those employed by a parent or sibling, or as a babysitter on a casual basis
California	All	All who work for an employer for at least 30 days in a year , except: <ul style="list-style-type: none"> • Those covered by a collective bargaining agreement (CBA) that expressly provides for paid sick days or a paid leave or paid time off policy and meets certain other criteria • Those in the construction industry covered by a CBA that expressly includes a certain amount of regular hourly pay and meets certain other criteria • Certain employees employed by an air carrier as a flight deck or cabin crew member • Certain retired public sector employees who return to work

Table 1 (continued)

State	Covered Employers	Covered Employees
Colorado	All	All
Connecticut	Employers with at least 50 employees, except: <ul style="list-style-type: none"> • Manufacturers • Nationally chartered tax-exempt organizations that provide recreation, child care, and education services (i.e., YMCAs) 	“Service workers” in 69 occupational categories (e.g., child care workers, food preparation workers, retail salespersons) who are (1) paid on an hourly basis, (2) not exempt from minimum wage and overtime requirements under the federal Fair Labor Standards Act (FLSA), and (3) not day or temporary workers
Illinois	All , except certain school or park districts	All , except certain employees of a college or university (i.e., students or short-term employees)
Maine	Employers covered by the state’s unemployment law that have more than 10 employees for more than 120 days per year	All, except employees covered by a CBA on January 1, 2021, who are exempt until it expires
Maryland	All <ul style="list-style-type: none"> • Employers with at least 15 employees must provide paid sick leave • Employers with less than 15 employees must provide unpaid sick leave 	All, except: <ul style="list-style-type: none"> • Certain real estate salespersons and brokers who are not covered by the state’s workers’ compensation law • Minors under age 18 before the start of the year • Certain agricultural workers • Certain temporary employment agency employees • Employees who regularly work less than 12 hours per week for an employer • Construction workers covered by a CBA that expressly waives the law’s requirements in clear and unambiguous terms • Certain employees in the health or human services industry who work on an on-call, as needed basis
Massachusetts	All, except municipalities are only covered if they accept the law by vote or appropriation <ul style="list-style-type: none"> • Employers with at least 11 employees must provide paid sick leave • Employers with less than 11 employees must provide unpaid sick leave 	All, except municipal employees are only covered if the municipality accepts the law by vote or appropriation

Table 1 (continued)

State	Covered Employers	Covered Employees
Michigan	Employers with at least 50 employees	All, except: <ul style="list-style-type: none"> • Employees who are exempt from overtime requirements under FLSA • Private-sector employees covered by a CBA • Certain air carrier employees employed as a flight deck or cabin crew member • Employees under a certain age who qualify for a training wage under state law • Certain temporary employment service employees • Employees employed by an employer for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer • Certain variable hour employees who cannot be reasonably expected to be employed at least 30 hours per week on average • Individuals who worked, on average, less than 25 hours per week during the previous calendar year
Minnesota	All	All who work at least 80 hours per year for their employer, except certain air carrier employees employed as a flight deck or cabin crew member
Nevada	All private-sector employers	All private-sector employees
New Jersey	All private-sector employers and any public-sector employers that do not otherwise have to provide paid sick leave by law	All, except: <ul style="list-style-type: none"> • Employees in the construction industry under a CBA • Per diem health care employees • Public-sector employees who otherwise receive sick leave by law
New Mexico	All private-sector employers	All private-sector employees
New York	All private-sector employers <ul style="list-style-type: none"> • Employers with four or fewer employees must provide up to 40 hours of unpaid sick leave annually (this must be paid sick leave if the employer has a net income over \$1 million in the previous tax year) • Employers with 5 to 99 employees must provide up to 40 hours of paid sick leave annually • Employers with at least 100 employees must provide up to 56 hours of paid sick leave annually 	All private-sector employees

Table 1 (continued)

State	Covered Employers	Covered Employees
Oregon	All <ul style="list-style-type: none"> • Employers with at least 10 employees must provide paid sick leave • Employers with less than 10 employees must provide unpaid sick leave 	All, except: <ul style="list-style-type: none"> • Employees who receive paid sick time under federal law • Participants in a work training program administered under a state or federal assistance program • Participants in a work-study program that gives students in secondary or post-secondary educational institutions employment opportunities for financial assistance or vocational training • Individuals employed by their parent, spouse, or child
Rhode Island	All employers with at least 18 employees	All
Vermont	All	All, except: <ul style="list-style-type: none"> • Those employed by an employer for 20 weeks or fewer in a 12-month period, and in a job scheduled to last 20 weeks or fewer • Certain state employees • Per diem or intermittent health care facility employees • Certain school employees (i.e., short-term substitute teachers) • Minors under age 18 • Sole proprietors or partner owners of certain unincorporated businesses or executive officers, managers, or members of certain corporations or LLCs • Per diem or intermittent employees
Washington	All employers covered by the state's wage law	All employees covered by the state's wage law, except certain construction workers covered by a CBA that has equivalent sick leave provisions and meets certain other requirements

Leave Accrual

All of the state paid sick leave laws set a minimum rate at which the covered employees must accrue their sick leave, typically one hour of leave for every 30 to 40 hours worked. The laws may also allow employers to (1) cap how much leave an employee can accrue or use each year or (2) impose a waiting period, up to a certain duration, during which a new employee accrues the leave but cannot use it (e.g., until they have worked for the employer for at least 90 days). Table 2 below shows the state sick leave laws' minimum accrual rates, minimum accrual and usage caps, and maximum waiting period provisions.

Table 2: Leave Accrual, Caps, and Waiting Periods

State	Minimum Accrual Rate	Minimum Annual Accrual and Usage Caps	Maximum Waiting Period for New Employees
Arizona	One hour for every 30 hours worked	<ul style="list-style-type: none"> For employers with less than 15 employees: employees cannot accrue or use more than 24 hours For employers with at least 15 employees: employees cannot accrue or use more than 40 hours 	90 days
California	One hour for every 30 hours worked	<ul style="list-style-type: none"> Accrual: none Usage: 40 hours or five days 	90 days
Colorado	One hour for every 30 hours worked	<ul style="list-style-type: none"> Accrual: 48 hours Usage: 48 hours 	None
Connecticut	One hour for every 40 hours worked	<ul style="list-style-type: none"> Accrual: 40 hours Usage: 40 hours 	680 work hours
Illinois	One hour for every 40 hours worked	<ul style="list-style-type: none"> Accrual: 40 hours Usage: 40 hours 	90 days
Maine	One hour for every 40 hours worked	<ul style="list-style-type: none"> Accrual: 40 hours Usage: none specified 	120 days
Maryland	One hour for every 30 hours worked	<ul style="list-style-type: none"> Accrual: 40 hours (64 hour total cap) Usage: 64 hours 	106 days
Massachusetts	One hour for every 30 hours worked	<ul style="list-style-type: none"> Accrual: 40 hours Usage: 40 hours 	90 days
Michigan	One hour for every 35 hours worked	<ul style="list-style-type: none"> Accrual: 40 hours Usage: 40 hours 	90 days
Minnesota	One hour for every 30 hours worked	<ul style="list-style-type: none"> Accrual: 48 hours per year (80 hour total cap) Usage: none specified 	None
Nevada	0.01923 hours for every hour worked (roughly one hour for every 52 hours worked)	<ul style="list-style-type: none"> Accrual: none specified Usage: 40 hours 	90 days
New Jersey	One hour for every 30 hours worked	<ul style="list-style-type: none"> Accrual: 40 hours Usage: 40 hours 	120 days
New Mexico	One hour for every 30 hours worked	<ul style="list-style-type: none"> Accrual: none specified Usage: 64 hours 	None
New York	One hour for every 30 hours worked	<ul style="list-style-type: none"> For employers with fewer than 100 employees: employees cannot accrue or use more than 40 hours For employers with at least 100 employees: employees cannot accrue or use more than 56 hours 	None specified
Oregon	One hour for every 30 hours worked	<ul style="list-style-type: none"> Accrual: 40 hours (80 hour total cap) Usage: 40 hours 	90 days

Table 2 (continued)

<i>State</i>	<i>Minimum Accrual Rate</i>	<i>Minimum Annual Accrual and Usage Caps</i>	<i>Maximum Waiting Period for New Employees</i>
Rhode Island	One hour for every 35 hours worked	<ul style="list-style-type: none"> • Accrual: 40 hours • Usage: 40 hours 	90 days
Vermont	One hour for every 52 hours worked	<ul style="list-style-type: none"> • Accrual: 40 hours • Usage: 40 hours 	One year
Washington	One hour for every 40 hours worked	<ul style="list-style-type: none"> • Accrual: none specified • Usage: none specified 	90 days

Reasons for Using Leave

Most of the sick leave laws specify certain reasons for which an employee must be allowed to use the leave (but Illinois, Maine, and Nevada allow employees to use the leave for any reason). These all generally allow employees to use the leave for their own or their covered family member’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. Beyond these typical healthcare-related reasons, the laws also allow employees to use the leave for a variety of other reasons, such as certain reasons related domestic violence or sexual assault (e.g., counseling or court proceedings), business closures due to public health emergencies, and medical quarantines.

Table 3 below shows additional reasons that employees may generally use the leave in each state.

Table 3: Additional Reasons for Using Sick Leave

<i>State</i>	<i>Additional Qualifying Reasons for Using Leave</i>
Arizona	<ul style="list-style-type: none"> • For certain reasons related to domestic violence, sexual violence, abuse, or stalking • Closure of the employee’s place of business due to a public health emergency • Closure of the employee’s child’s school or place of care due to a public health emergency • Due to the quarantine of the employee or a family member
California	<ul style="list-style-type: none"> • For certain reasons related domestic violence, sexual assault, or stalking
Colorado	<ul style="list-style-type: none"> • For certain reasons related to domestic abuse, sexual assault, or harassment • Closure of the employee’s place of business due to a public health emergency • Closure of the employee’s child’s school or place of care due to a public health emergency
Connecticut	<ul style="list-style-type: none"> • For certain reasons related to family violence or sexual assault • Employee’s mental health wellness day
Illinois	<ul style="list-style-type: none"> • N/A (general paid leave law allows leave for any reason)
Maine	<ul style="list-style-type: none"> • N/A (general paid leave law allows leave for any reason)
Maryland	<ul style="list-style-type: none"> • For certain reasons related to domestic violence, sexual assault, or stalking • Maternity or paternity leave
Massachusetts	<ul style="list-style-type: none"> • For certain reasons related to domestic violence

Table 3 (continued)

State	Additional Qualifying Reasons for Using Leave
Michigan	<ul style="list-style-type: none"> • For certain reasons related to domestic violence or sexual assault • Closure of the employee's place of business due to a public health emergency • Closure of the employee's child's school or place of care due to a public health emergency • Due to the quarantine of the employee or a family member
Minnesota	<ul style="list-style-type: none"> • For certain reasons related to domestic violence, sexual assault, or stalking • Closure of the employee's place of business due to weather or other public health emergency • Closure of the employee's family member's school or place of care due to weather or other public health emergency • Due to the quarantine of the employee or a family member
Nevada	<ul style="list-style-type: none"> • N/A (general paid leave law allows leave for any reason)
New Jersey	<ul style="list-style-type: none"> • For certain reasons related to domestic or sexual violence • Closure of the employee's place of business due to an epidemic or other public emergency • Closure of the employee's family member's school or place of care due to an epidemic or other public emergency • Due to the quarantine of the employee or a family member • To attend an employee's child's school-related conference, meeting, function, or other event, or a meeting on the child's care for his or her health conditions or disability
New Mexico	<ul style="list-style-type: none"> • For certain reasons related to domestic abuse, sexual assault, or stalking • To attend meetings about the employee's child's health or disability at the child's school or place of care
New York	<ul style="list-style-type: none"> • For certain reasons related to domestic violence, a family offense, a sexual offense, stalking, or human trafficking
Oregon	<ul style="list-style-type: none"> • Closure of the employee's place of business due to a public health emergency • Closure of the employee's child's school or place of care due to a public health emergency • Due to the quarantine of the employee or a family member • For other reasons allowed under the state's family leave law (e.g., to care for an infant, newly adopted child or newly placed foster child; to deal with the death of a family member)
Rhode Island	<ul style="list-style-type: none"> • For certain reasons related to domestic violence, sexual assault, or stalking • Closure of the employee's place of business due to a public health emergency • Closure of the employee's child's school or place of care due to a public health emergency • Due to the quarantine of the employee or a family member
Vermont	<ul style="list-style-type: none"> • For certain reasons related to domestic violence, sexual assault, or stalking • Closure of the employee's family member's school or place of care due to public health or safety reasons
Washington	<ul style="list-style-type: none"> • For certain reasons related to domestic violence • Closure of the employee's place of business due to a health-related reason • Closure of the employee's child's school or place of care due to a health-related reason

Covered Family Members

As mentioned above, the sick leave laws typically allow an employee to use the leave for a family member's health condition or other issue. However, the range of family members covered under the laws varies by state. Some, like Connecticut, limit the covered family members to the employee's child and spouse. Others, like Arizona, include a broader range of family members (e.g.,

parents, siblings, and grandparents) and anyone related by blood or affinity whose close association with the employee is the equivalent of a family relationship. Table 4 below shows the family members for whom an employee may use the leave in each state (they typically include these relationships through adoption, foster care, guardianships, step-relations, and similar extensions).

Table 4: Covered Family Members

State	Covered Family Members
Arizona	<ul style="list-style-type: none"> • Children, spouse, domestic partner • Parents, parents-in-law • Grandparents, grandchildren, siblings (including in-laws) • Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship
California	<ul style="list-style-type: none"> • Children, spouse, domestic partner • Parents, parents-in-law • Grandparents, grandchildren, siblings • A person designated by the employee when the employee requests paid sick days (an employer may limit an employee to one designated person per year)
Colorado	<ul style="list-style-type: none"> • Immediate family member (i.e., anyone related by blood, marriage, civil union, or adoption) • A child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor • A person for whom the employee is responsible for providing or arranging health- or safety-related care
Connecticut	<ul style="list-style-type: none"> • Children, spouse
Illinois	N/A (employee may use the leave for any reason of the employee's choosing)
Maine	N/A (no limitations specified)
Maryland	<ul style="list-style-type: none"> • Children, spouse • Parents, parents-in-law • Grandparents, grandchildren, siblings
Massachusetts	<ul style="list-style-type: none"> • Children, spouse • Parents, parents-in-law
Michigan	<ul style="list-style-type: none"> • Children, spouse • Parents, parents-in-law • Grandparents, grandchildren, siblings
Minnesota	<ul style="list-style-type: none"> • Children, spouse, domestic partner • Parents, parents-in-law • Grandparents, grandchildren, siblings (including in-laws) • Aunts, uncles, nieces, nephews (including in-laws) • Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship • One individual annually designated by the employee
Nevada	N/A (employee may use the leave for any reason of the employee's choosing)

Table 4 (continued)

State	Covered Family Members
New Jersey	<ul style="list-style-type: none"> • Children, spouse, domestic partner, civil union partner • Parents, parents-in-law • Grandparents, grandchildren, siblings (including in-laws) • Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship
New Mexico	<ul style="list-style-type: none"> • Children, spouse, domestic partner • Parents, parents-in-law • Grandparents, grandchildren, siblings (including in-laws) • Any other individual whose close association with the employee or the employee's spouse or domestic partner is the equivalent of a family relationship
New York	<ul style="list-style-type: none"> • Children, spouse, domestic partner • Parents, parents-in-law • Grandparents, grandchildren, siblings
Oregon	<ul style="list-style-type: none"> • Children, spouse • Parents, parents-in-law • Grandparents, grandchildren
Rhode Island	<ul style="list-style-type: none"> • Children, spouse, domestic partner • Parents, parents-in-law • Grandparents, grandchildren, siblings • Care recipient (someone for whom the employee is responsible for providing or arranging health- or safety-related care) • Member of the employee's household
Vermont	<ul style="list-style-type: none"> • Children, spouse • Parents, parents-in-law • Grandparents, grandchildren, siblings
Washington	<ul style="list-style-type: none"> • Children, spouse, domestic partner • Parents, parents-in-law • Grandparents, grandchildren, siblings

LH:co