

Labor and Employment Alert: Georgia Enacts a Paid Sick Leave Law of Sorts

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Effective July 1, 2017, Georgia's employers will have to contend with a new paid sick leave law. But unlike other jurisdictions that impose paid sick leave mandates, Georgia's law only applies to employers who *already* offer paid sick leave benefits to their employees. In addition to public employers, the law applies only to private employers that employ more than 25 employees (except that employers offering stock ownership plans to their employees are excluded).

Under the new law, an employer who provides paid sick leave must allow an employee to use up to five days of that leave to care for an immediate family member. An "immediate family member" is defined as the employee's child, spouse, grandchild, grandparent, parent, or other dependents shown on the employee's tax return). "Sick leave" does not include short- or long-term disability. An employee must work at least 30 hours per week in order to be covered.

An employee is not entitled to use sick leave to care for an immediate family member until the employee has earned that leave pursuant to the employer's sick leave policy. Moreover, any sick leave use must comply with the employer's policy.

The law expressly states that employers are not required to offer sick leave and are not required to permit employees to use more than five days of sick leave per calendar year for the care of an immediate family member. The law also provides that it does not create a new cause of action against an employer, nor does the law contain any enforcement mechanism or penalties for noncompliance. Further, the law automatically repeals on July 1, 2020, unless the legislature extends it.

As a practical matter, Georgia employers who already permit paid sick to care to be used to care for family members will not need to change their policies. Employers should review their existing policies to ensure they comply with the new law, but no employer is required to provide paid sick leave. Contact your Vorys lawyer if you have questions about paid sick leave.