

Management Alert



Georgia is Not Immune to Sick Leave Laws

By Kathleen Kubis Jugo and Bob Stevens

Seyfarth Synopsis: Georgia has a new sick leave law that requires employers to allow the use of available earned sick leave for the care of an employee's immediate family members.

On May 8, 2017, Governor Nathan Deal signed the latest in a long line of state sick leave laws. Unlike other states in the country with paid sick leave mandates,¹ this Georgia law **does not** create an obligation to provide sick days. Georgia employers can therefore breathe a sigh of relief. Instead, the Act is what is generally referred to as a “kin care law,” meaning it requires employers that **already** provide their workers with paid sick leave to allow a certain amount of the sick leave to be used to care for immediate family members.² This new law will take effect on July 1, 2017.

Here is an overview of the Georgia Act's key provisions:

- Employers that already provide sick leave must allow employees to use **up to 5 days** of earned sick leave per calendar year for the care of immediate family members.
- Sick leave includes time away from work by an employee, due to his or her own incapacity, illness, or injury, and for which the employee receives regular compensation.
 - For purposes of this Act, sick leave does not include paid short-term or long-term disability.
- Employees are not entitled to use sick leave to care for immediate family members pursuant to this Act until that leave has been earned, and they must comply with the terms of the employer's sick leave policy.
- Immediate family members include an employee's: child, spouse, grandchild, grandparent, parent, or any dependents (as reflected on the employee's most recent tax return).
- The Act excludes small businesses (those with **fewer than 25 employees**) and employers that offer stock ownership plans to their employees, but it applies to the State of Georgia and its political subdivisions and instrumentalities.
- It only applies to employees who work **at least 30 hours** per week.
- It does not create a new cause of action against an employer.

This Act does not impact businesses that do not offer sick leave, because there is still no mandate in Georgia requiring companies to offer sick days to their employees. But, employers that do provide sick leave to their employees should take steps to ensure compliance, including: (1) reviewing and, as needed, revising existing sick leave policies, and (2) training supervisory and managerial employees and Human Resources professionals on the Act's requirements.

¹ To date, seven states—Connecticut, California, Massachusetts, Oregon, Vermont, Arizona, and Washington—have passed paid sick leave laws mandating that employers provide their employees with a certain amount of paid sick leave. The [Arizona law](#) goes into effect on July 1, 2017, and the Washington law goes into effect on January 1, 2018. The other five laws are already in effect.

² Similar laws exist in a number of states, including Illinois (the law became effective on January 1, 2017), California, Washington, and Maryland.

With the sick leave landscape continuing to expand and grow in complexity, companies should reach out to their Seyfarth contact for solutions and recommendations on addressing compliance with this law and sick leave requirements generally. To stay up-to-date on Paid Sick Leave developments, [click here](#) to sign up for Seyfarth's Paid Sick Leave mailing list.

If you would like further information, please contact your Seyfarth attorney, [Kathleen Kubis Jugo](#) at kjugo@seyfarth.com, or [Bob Stevens](#) at bstevens@seyfarth.com.

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