

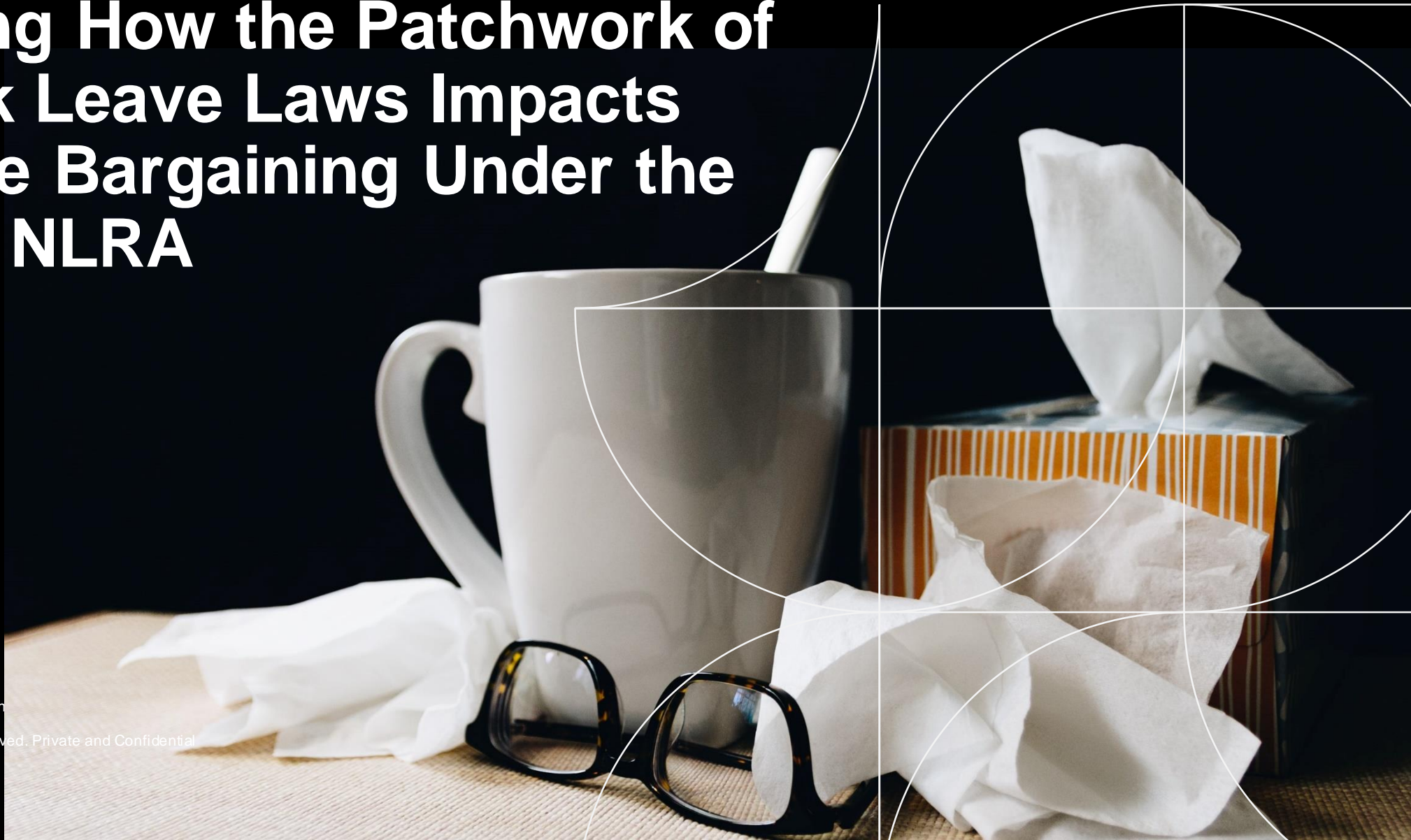
Unions and Leave Requirements: Examining How the Patchwork of Paid Sick Leave Laws Impacts Collective Bargaining Under the RLA and NLRA

November 30, 2022

Seyfarth Shaw LLP

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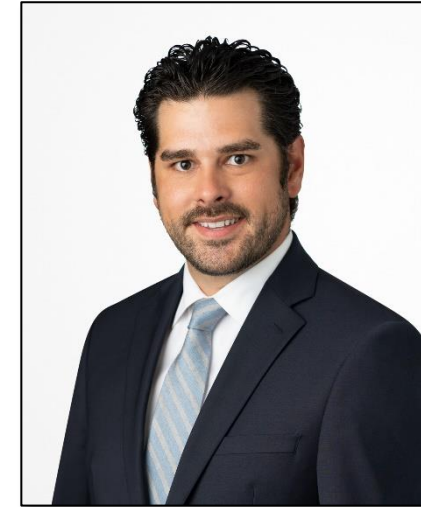
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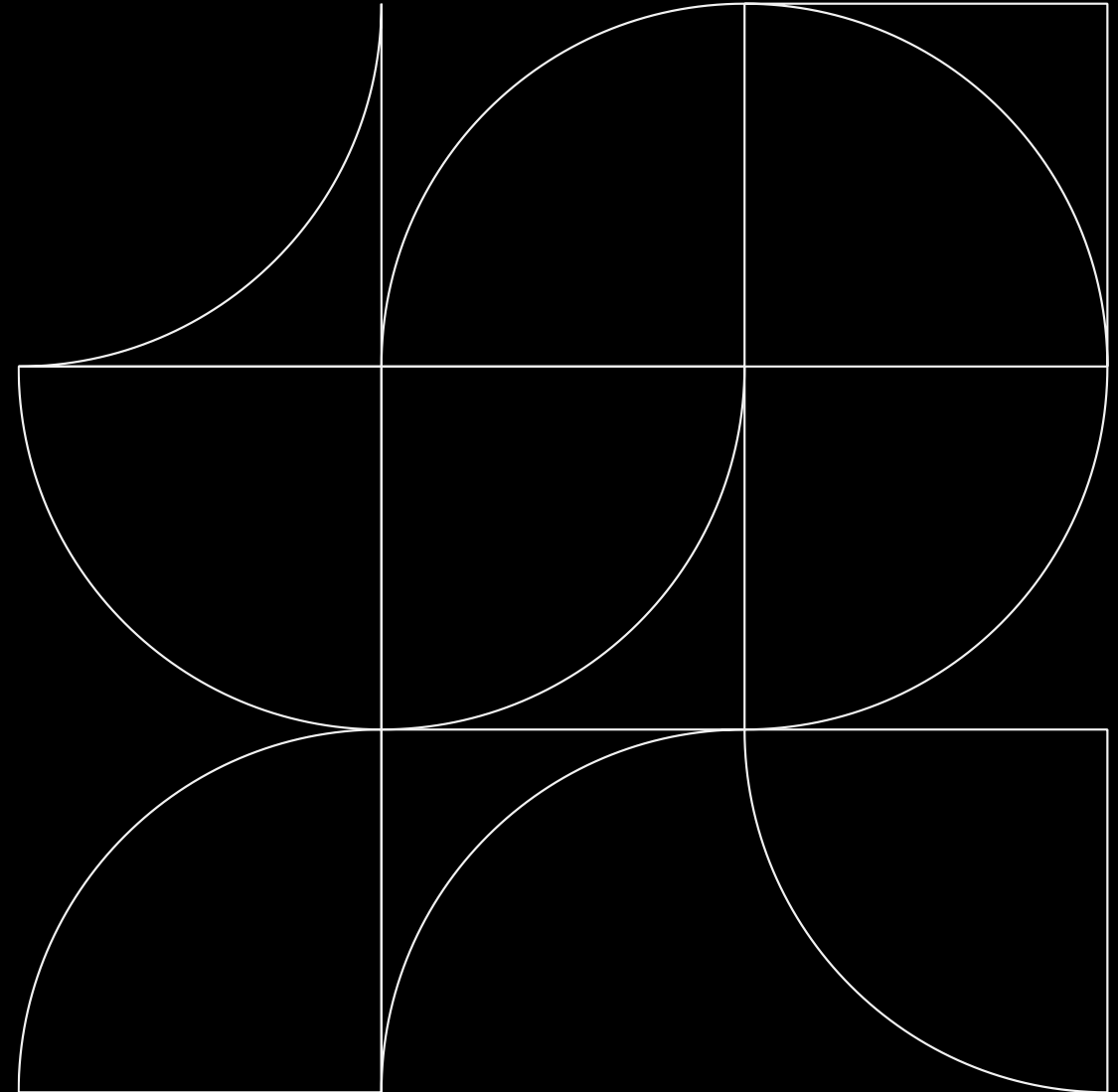


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Nationwide Leave Law Overview



Overview of Select Leave Laws



- **Paid Sick Leave Law (PSL):** EEs earn a certain amount of paid leave based on hours worked for various reasons, including sickness or preventive care for themselves or family members
- **Paid and Unpaid Family Medical (PFL, PFML, FML):** Provide up to certain number of weeks of paid or unpaid leave for eligible EEs who take leave for covered reasons, including bonding with new child or to care for family member with a serious health condition.
- **Temporary Disability Benefits Law (TDI):** Provides partial wage replacement to EEs who are temporarily disabled and unable to work because of non-occupational illness or accident.
- **SAFE Time / Domestic Violence Victim Leave:** Provides certain number of days of paid or unpaid leave where EE or family member was a victim of domestic violence or sexually violent offense.
- **Bereavement Leave:** Time off for certain absences related to the death of a covered family member.
- **Workers' Compensation:** Allows EEs to receive no-fault compensation for accidents and/or illnesses that occur as a result of employment.
- **Unemployment:** Benefits payable to EEs who lose their jobs or who are working less than full time because of a lack of full-time work and who meet the eligibility requirements of the law

Mandatory Paid Sick Leave (PSL) and PTO Laws

Total Mandates

As of November 30, 2022: 63 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 the number is constantly changing due to COVID PSL 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)

17 States + DC

PSL:

- California
- DC
- Massachusetts
- Connecticut
- Oregon
- Vermont
- Arizona
- Washington
- Rhode Island
- Maryland
- New Jersey
- Michigan
- New York
- Colorado
- New Mexico
- Virginia

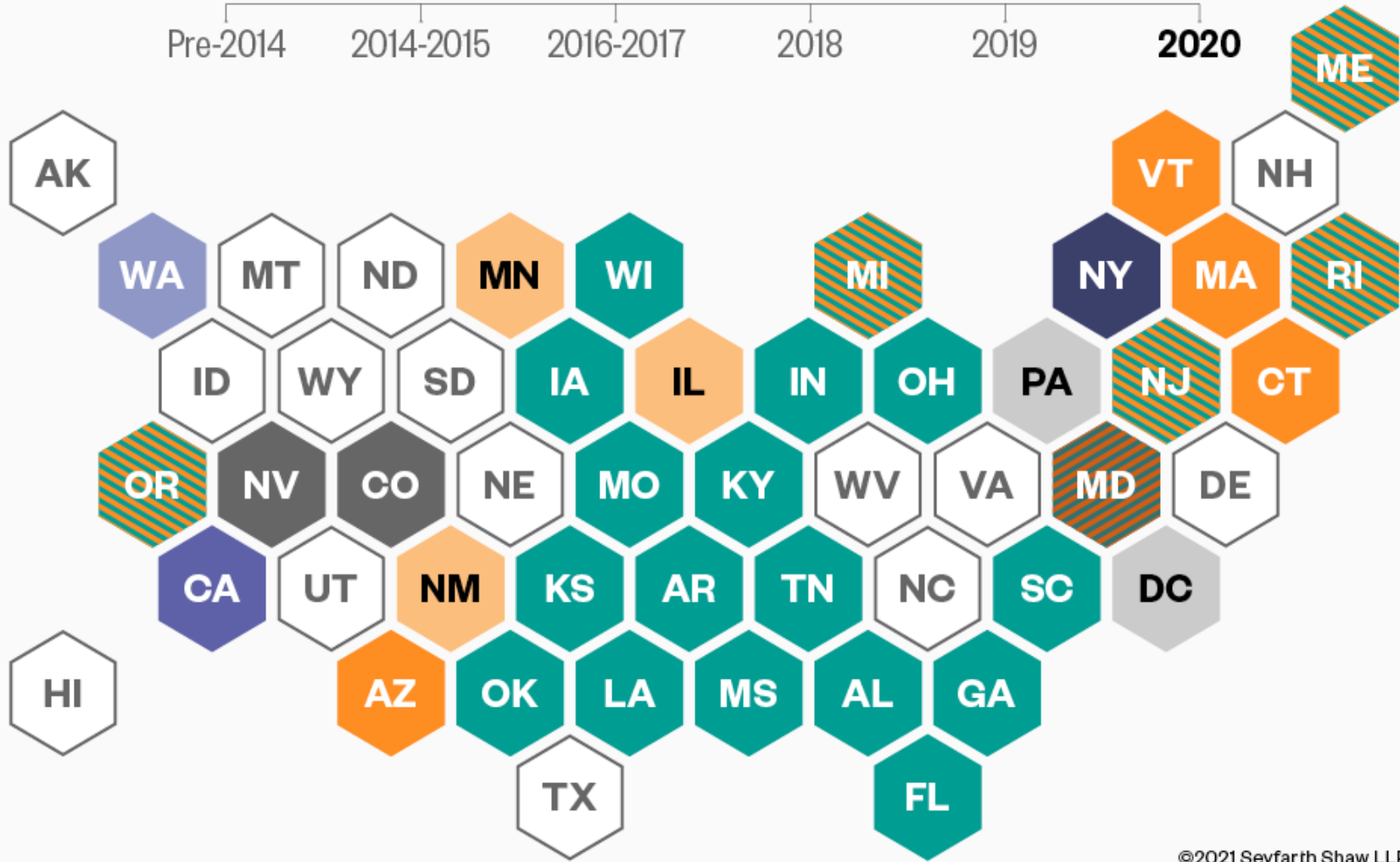
PTO:

- Maine
- Nevada

26 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) Los Angeles County, CA; (8) Oakland, CA; (9) Philadelphia, PA; (10) Tacoma, WA; (11) Emeryville, CA; (12) Montgomery County, MD; (13) Pittsburgh, PA; (14) Santa Monica, CA; (15) Minneapolis, MN; (16) San Diego, CA; (17) Chicago, IL; (18) Berkeley, CA; (19) Saint Paul, MN; (20) Cook County, IL; (21) Duluth, MN; (22) Westchester County, NY; (23) Bernalillo County, NM (PTO law); (24) Allegheny County, PA; (25) West Hollywood, CA (PTO law); (26) Bloomington, MN

The Spread of Sick/Personal Leave & Anti-Local Leave Laws

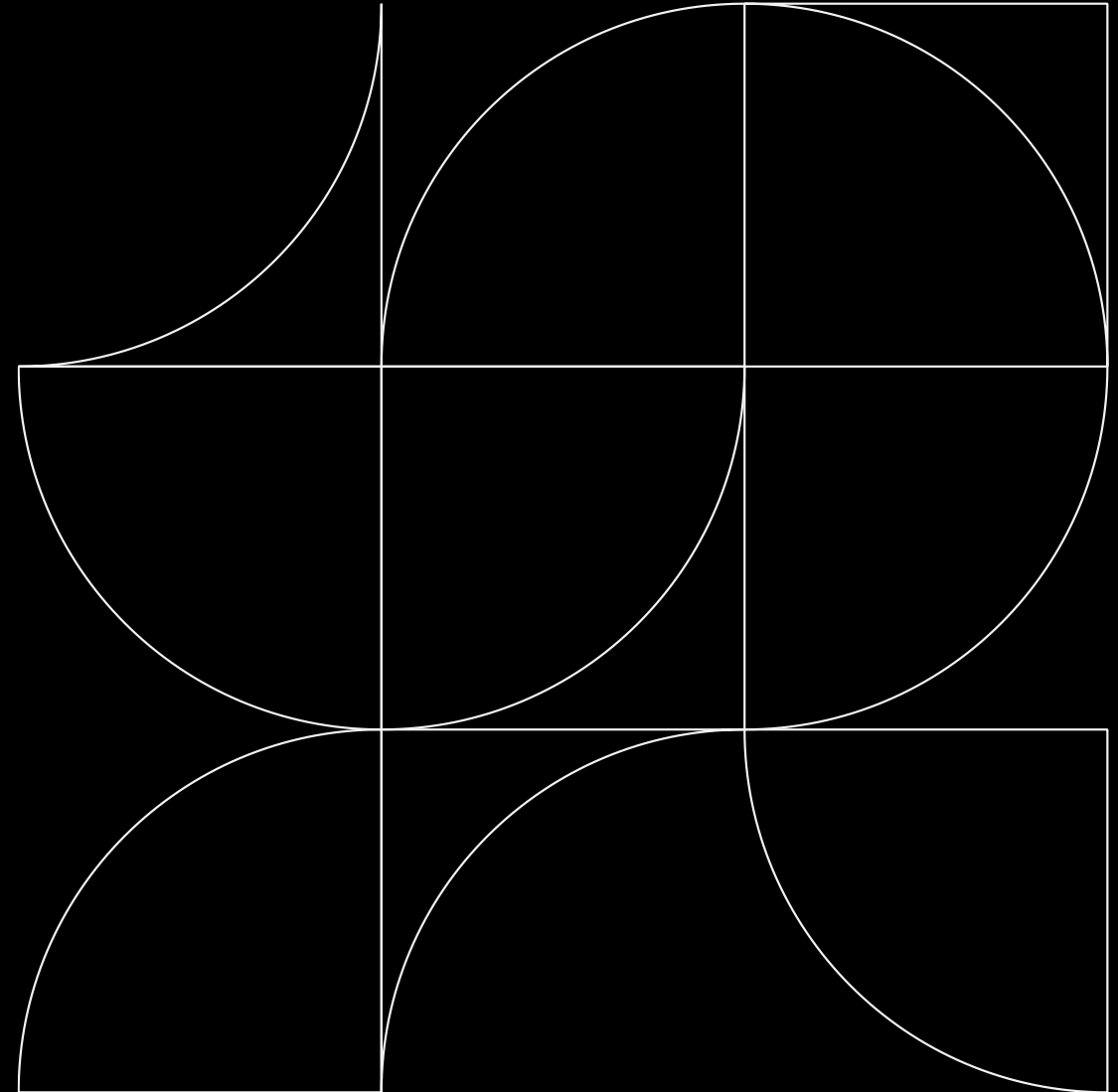


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<https://www.seyfarth.com/news-insights/2020-census-the-whereabouts-of-paid-sick-and-personal-leave-laws-and-state-gatekeepers.html>

Paid Sick Leave Law Treatment of CBAs



Polling Question



If your organization has unionized employees, how does the CBA currently account for state and local PSL laws?

- 1. Provides required benefits**
- 2. Jurisdiction-specific carve outs, MOUs, side letter**
- 3. Waiver**
- 4. Depends on the jurisdiction**
- 5. IDK...what's a paid sick leave law?**

Three Major Categories of CBA Treatment

1. **No waiver, no exemption permitted.** Parties must come into compliance with the law
2. Waiver or exemption is permitted **IF** **specific conditions** are satisfied
3. Union employees **excluded** from the law

Focusing on Category 1: No Waivers, No Exemptions*

- These are the state and local PSL laws where **no waiver or exemption is permitted:**

– States

- Colorado
- Connecticut
- Maine (paid personal time law)
- Maryland
- Massachusetts
- Michigan
- Nevada (PTO law)
- New Mexico
- Rhode Island
- Vermont
- Washington

– Federal: Executive Order 13706 (post 1/1/2020)

– Localities

- Los Angeles CA
- San Diego, CA
- Montgomery County, MD
- Bloomington, MN
- Minneapolis, MN
- St. Paul, MN
- Seattle, WA

*Some of these jurisdictions exempt construction industry workers

Focusing on Category 2: Waivers

- **There are different kinds of waivers, including:**
 - **Full waiver**
 - E.g. NJ
 - **Industry specific waivers**
 - E.g. Several jurisdictions, including (but not limited to) **CA, MD, and Chicago**, exempt certain construction employees covered by a CBA, but often requiring waivers in the CBA. **New York City** exempts grocery employees (with express waiver).
 - **Timing-based waiver**
 - E.g. the law does not apply to earlier CBAs, but will apply to future CBAs.
 - Waivers or exemptions are permitted so long as both parties agreed in **clear and unambiguous terms**
 - Waiver or exemptions permitted where the **CBA guarantees certain levels of paid leave benefits** (i.e., “comparable” or “equivalent” benefits) (e.g., **NY, NM, DC**)
 - Exemptions based on **satisfying conditions in CBA** (e.g., **CA, OR**)

Focusing on Jurisdiction with “Clear and Unambiguous” Waivers

- These are the laws that require a “clear and unambiguous” waiver:

- States

- Arizona
- California (Construction)
- Colorado (“expressly waived”)
- Maryland (Construction)
- Washington (Construction)

- Localities

- Berkeley, CA
- Emeryville, CA
- Long Beach, CA
- Los Angeles, CA (hotel employer PSL only)

- Oakland, CA
- San Francisco, CA (general PSL = “expressly waived” and possible that only applies to accrual of PSL; PHEL = “clear and unambiguous”)
- Santa Monica, CA
- West Hollywood, CA (PTO law)
- Chicago, IL
- Cook County, IL
- New York City, NY (“expressly waived” + “comparable” benefits)
- Seattle, WA (limited waiver, only allowed for agreements ratified or expiring by 12/31/2018)
- SeaTac, WA
- Tacoma WA
- Washington, D.C. (Construction)

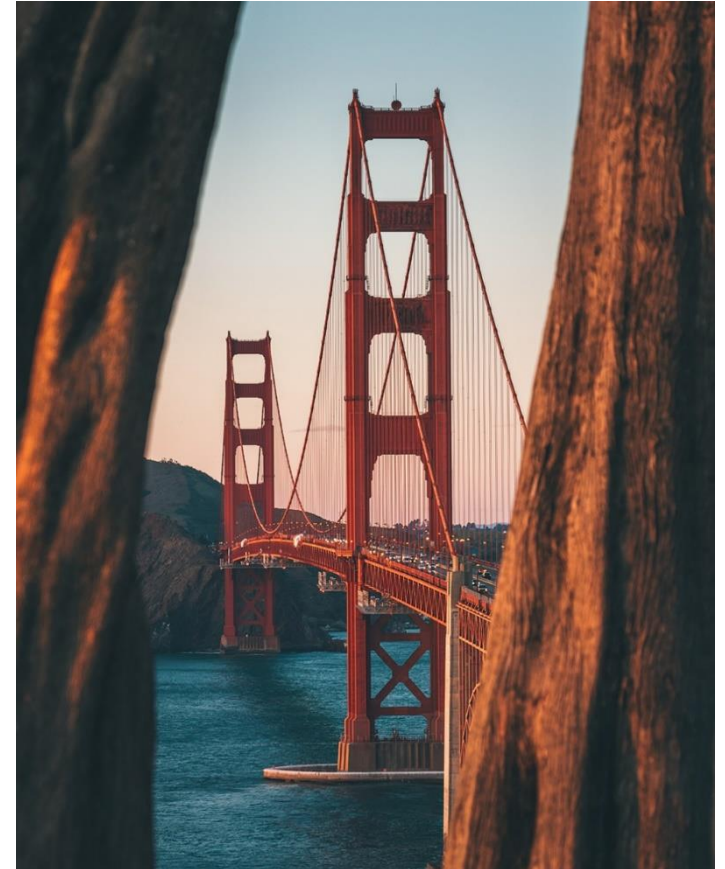
Focusing on the Difference in Sufficiency Language

- Certain PSL laws will waive requirements IF the CBA meets a stated definition of sufficiency:
 - **New York State / New York City**
 - Express waiver + Reference to law (NYS) + **comparable** benefits
 - **Colorado**
 - Does not apply if employees are covered by a CBA with **equivalent or more generous** paid sick leave for the employees covered by the collective bargaining agreement + express waiver
 - **New Mexico**
 - No additional PSL required **IF** CBA provides sufficient accrual and use of paid time off that may be used for the **same purposes** and under the **same terms and conditions**.
 - **Duluth, MN**
 - Employers and represented workers can develop alternative means of **meeting the policy goals** underlying the paid leave requirements established by this ordinance.
 - Exempts employers with **substantially equivalent** paid-leave policies



Focusing on Burdensome Regulations: California or Oregon

- **California PSL law:** Permits CBA exemption for union employees IF the CBA:
 - (a) expressly provides for the wages, hours of work, and working conditions of employees, and
 - (b) expressly provides for (i) paid sick days or a paid leave or paid time off policy that permits the use of sick days for those employees, (ii) final and binding arbitration of disputes concerning the application of its paid sick days provisions, (iii) premium wage rates for all overtime hours worked, and (iv) regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.
- **Oregon PSL law:** Act does not apply to an EE (a) Whose terms and conditions of employment are covered by a CBA; (b) Who is employed through a hiring hall or similar referral system operated by the labor organization or a third party; and (c) Whose employment-related benefits are provided by a joint multi-employer-employee trust or benefit plan.



Focusing on Timeliness Waivers

- **These jurisdictions include timeliness waivers with the following critical dates:**

- **Federal:** Executive Order 13706 – timeliness + “conditions”

- **States**

- **Arizona:** No provisions of the law shall apply to EEs covered by a CBA in effect on 1/1/2017 until the CBA expires
- **Connecticut:** Agreements negotiated after 1/1/2012
- **Maine (paid personal time law):** Law not apply to EE covered by CBA during period between 1/1/2021 and expiration of CBA.
- **Maryland:** Law applies to CBAs entered into after 6/1/2017
- **Michigan:** If CBA in effect on 3/29/2019, then law not apply until stated expiration date in CBA
- **New Jersey:** If CBA in effect on 10/29/2018, then law not apply until stated expiration date in CBA
- **New York:** Law most likely not apply to CBA in effect on 9/30/2020 until expiration of CBA
- **Vermont:** Nothing preempts or overrides the terms of a CBA that was in effect before 1/1/2017

- **Localities**

- **Chicago, IL / Cook County, IL:** Not apply to CBAs entered into on or before 6/30/2017
- **Duluth, MN:** CBAs enacted after 1/1/2020 shall include a substantially equivalent paid-leave policy
- **Bernalillo County, NM (PTO law):** Law applies on or after 7/1/2020 or upon termination of any CBA in existence on that date.
- **New York City, NY:** Law not apply to EEs covered by CBA that was in effect on 4/1/2014 (or in effect before the effective date of subsequent amendments to the Law) until CBA expires.
- **Seattle, WA:** Effective on the later of: **(a)** 1/1/2019 or **(b)** the expiration of a CBA in existence on 12/31/2018

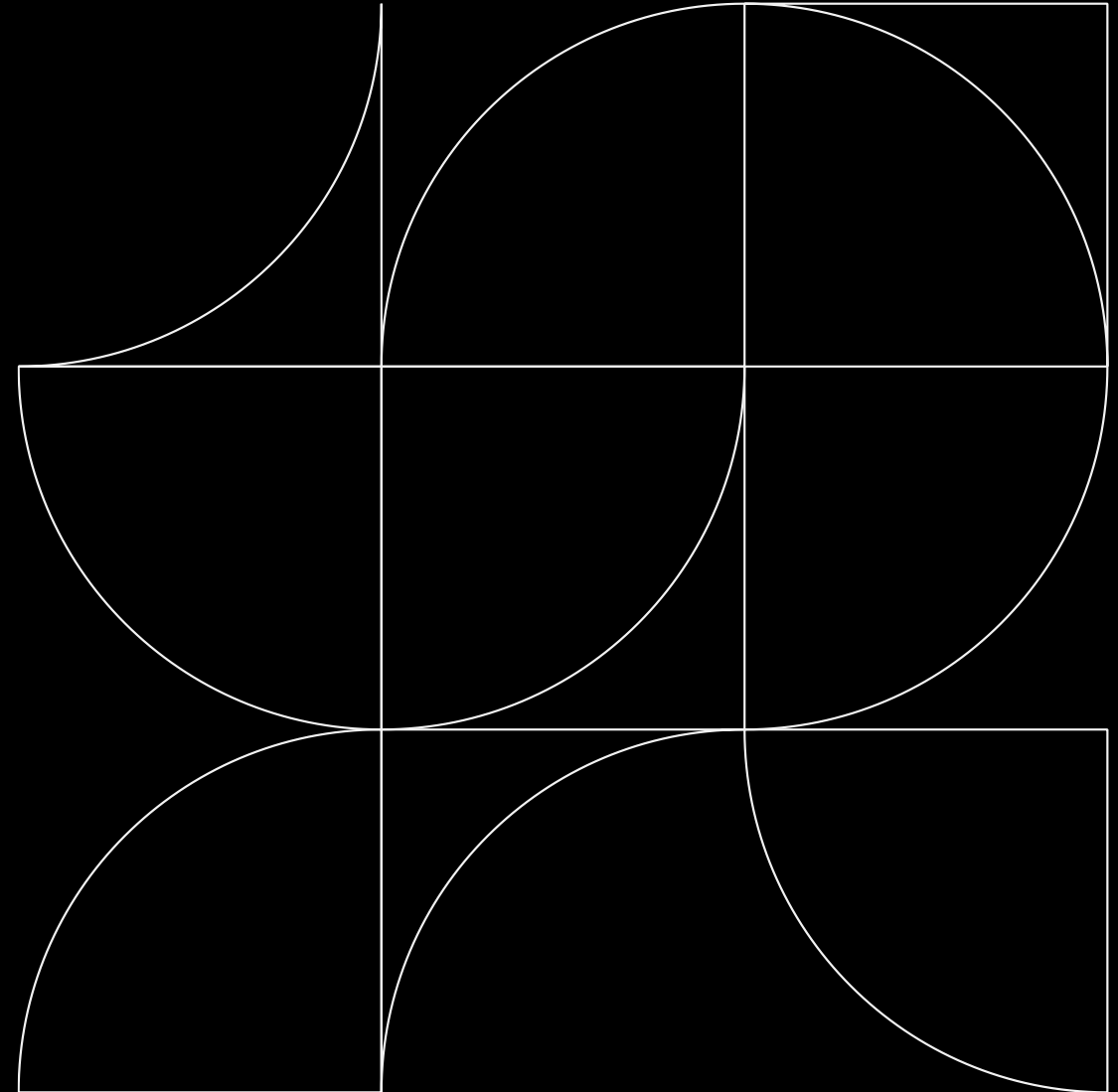
Focusing on Category 3: Union Employees Not Covered

- At least one PSL law does not apply to employees who are covered by a CBA
 - Ex) Philadelphia, PA
- Similarly, while technically under Category 2, PSL laws that permit employers to avoid the law's substantive requirements by including a clear and unambiguous or express waiver in the CBA present a low bar for employers to utilize in reducing their PSL obligations for union employees.

Attendance Policies

- Important in the PSL compliance context
- Many PSL laws expressly prohibit attendance policies from counting covered PSL absences as occurrences, “points,” etc. that could result in discipline under such a policy.
- All but one or two PSL laws include broad anti-retaliation / anti-interference protections
- Attendance policies must account for these conditions, as well as other applicable PSL law criteria, e.g. EE notice to ER, documentation, etc., both on face of policy and in practice

Impact and Analysis of Paid Sick Leave Laws on NLRA Compliance, CBAs & Labor Relations



Paid Sick Leave Laws and NLRA Compliance

- Most collective bargaining agreements provide for paid sick leave in some manner
- **Mandatory vs. Permissive subject of bargaining**
 - Mandatory subjects of bargaining are subjects that "vitaly affect" the union-represented employees' wages, hours and working conditions
 - wages and salaries
 - pension plans
 - rules of conduct
 - sick days and paid time off
- **Requires notice and an opportunity to bargain**
 - Generally, must be incorporated into collective bargaining agreement
- Requires responding to information requests (when made) related to mechanisms, procedure and benefit allotment of employer provided benefits

Issues Complicating Paid Sick Leave Laws

- Many CBAs provide employees with leave time that exceeds the amount called for in paid sick leave statutes
- **That said:**
 - Administration of a CBA's procedures and mechanisms governing sick leave may date back years and may **not** comply with the specific procedures and mechanisms as provided in the sick leave law
 - Some CBAs have a points-based attendance system. How does that system, particularly the docking of points, compare to what's permitted under the law?
- How do the bargaining parties bring the sick leave provision into compliance without impacting the balance of the CBA?
- Will the company give the improvement expecting nothing in return?
- How does this impact your relationship with the Union? Employee relations?
- How does any potential change impact the perception of the Union?

Common Conflicts Between Paid Sick Leave Laws and CBA

- **Reasons For Use:** Earned leave uses under sick leave laws are often broader than under a CBA
 - Not just sick leave for the employee, but time to care for a family member
 - Other types of leave – i.e. safe time – that employer may not have previously contemplated as acceptable grounds for leave
- **EE Notice to ER:** Require less or no advance notice of absence
- **Accrual Rate + Accrual and Usage Waiting Period:** Set earning and usage requirements (e.g., 1 hour for every 30 hours of work usable beginning after 90 days of employment) that may not match the negotiated CBA
- **Attendance:** Use of point systems that assign any points for sick days prohibited as retaliatory
- **Rate of Pay:** Required rates of pay for sick leave
- **Documentation:** Limit circumstances under which employer may require medical documentation (e.g., unlawful to require documentation for sick leave absences of three or fewer days)
- **Notice and Posting:** Require distribution and posting of rights under the state law

Interplay with CBAs – Initial Analysis to Undertake

1. Does my unionized workforce work in a jurisdiction that has a paid sick leave law?
2. Are there certain exceptions to the law that apply?
 - Industry exceptions? CBA exceptions?
3. Does the sick leave law have a different effective date for employers and unions who have a CBA that covers employees covered by the paid sick leave law?
 - Does it apply mid-term of the CBA?
 - Can the parties wait for the CBA to expire prior to addressing?
4. Can I waive the law in my CBA?
5. If I can waive the law, what does that mean?
 - How do I correctly waive the law?
 - What do I need to provide in order to waive the law?
6. If I cannot waive the law, what does that mean?
 - Get in compliance

Interplay with CBAs – New York

New York State Paid Leave Law

- **Coverage** - All private-sector employees in New York State are covered, regardless of industry, occupation, part-time status, and overtime exempt status
- **Effective date impact** - Law became effective on September 30, 2020 and CBAs in effect prior to that date did not have to comply until expiration of current CBA in effect
- **Compliance** - Leave policy must meet or exceed the accrual, carryover, and use requirements
- **Is waiver permitted** – Yes
 - Must provide “comparable benefits”
 - Must specifically acknowledge the provisions of Section 196-b of the Labor Law.
 - DOL recommends that the “comparable benefits for the employees” be explicitly identified and labeled as such in the agreement to avoid confusion or misunderstanding
 - DOL provides that multiple leave benefits which meet the use requirements of this law may be combined to satisfy the “comparable benefit” requirement
- **Who can file a complaint** – Union or employee

Interplay with CBAs – New York

New York City Paid and Sick Leave Law

- **Coverage** – Private, non-profit, and household employers that employ workers in New York City. Exclusions include:
 - Employees in construction or grocery industries
 - Government employees
 - Certain professional employees
- **Effective date impact** – CBAs in effect prior to the effective date of the law or effective date of any amendment to the law did not have to comply until expiration of the CBA.
- **Compliance** - Leave policy must meet or exceed the requirements of the Act
- **Is waiver permitted** – Yes
 - Must provide “comparable benefits”
 - CBA must expressly waive the law’s provisions
 - FAQs provide comparable benefits includes paid time off.
- **Who can file a complaint** – Union or employee

Interplay with CBAs– New Jersey

New Jersey Earned Sick Leave law

- **Coverage** – All private sector employers with employees in New Jersey. Exclusions include:
 - An employee performing service in the construction industry covered by a CBA
 - Per diem health care employee
 - Public employee who is provided with sick leave with full pay pursuant to any other law, rule, or regulation of this State.
- **Effective date impact** - Law became effective on October 29, 2018 and CBAs in effect prior to that date did not have to comply until expiration of current CBA in effect
- **Is waiver permitted** – Yes
 - May waive benefits during CBA negotiations. The DOL’s commentary confirms that “an employee or employee's representative may agree to accept rights or benefits relative to earned sick leave that are less favorable to employees than those required by the ESLL and may, in fact, waive all rights and benefits set forth in the ESLL, including the right to earned sick leave altogether.”
- **Who can file a complaint** – Union or employee

Litigation of Sick Leave Laws for Non-rail and Air Employers

- For those employers and employees covered by the National Labor Relations Act, there have not been many published reports of complaints or related litigation brought by a Union or employee alleging non-compliance with the relevant sick leave law.
 - Why is that the case?
 - Is this a low-risk area?
 - Is this a problem area in waiting?
- Is a future uptick in DOL complaints and litigation possible? Likely?

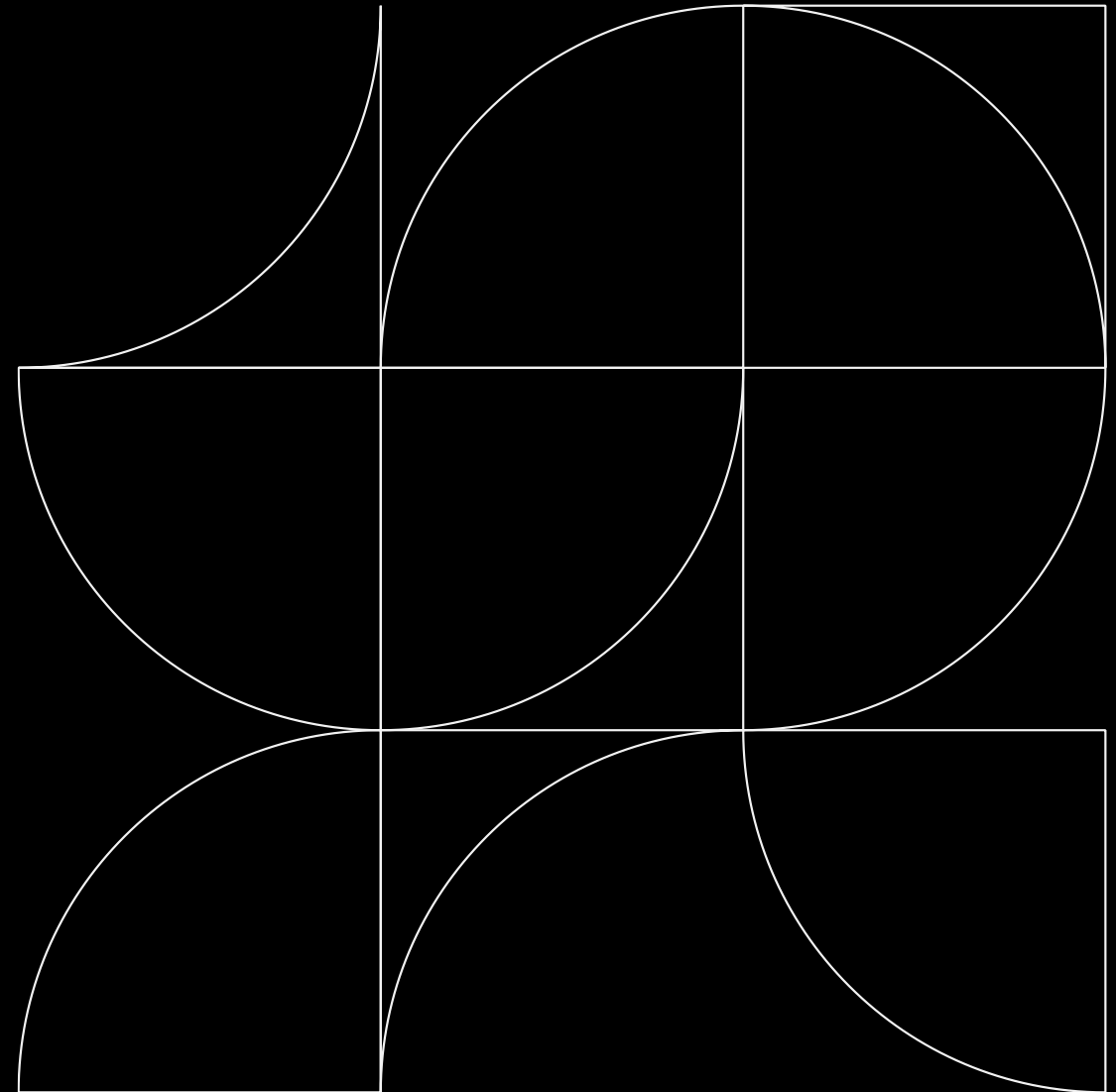
Impact on Your Business

- These laws make it harder to run your business (1) in the manner you are accustomed to running it and (2) how you would prefer to run it
- How can we balance the need to become compliant with the law with the need to run your business in the most effective and efficient way possible?
- Those who meet only a handful of the sick leave requirements (for instance the allotment of time), but not the procedures and mechanisms related to how to use that time, risk a potential claim of non-compliance
 - Impact on employee relations
 - Impact on labor relations

Best Practices

- **Develop a plan** to timely enact required changes or to address waiver were permitted
- **Engage the union** to secure buy-in
- **Reach agreement** both sides can accept - will there be any other changes to the CBA
- **Train** your supervisors and HR reps in proper administration
- **Communicate** sick and safe leave policies:
 - Should be in a single document
 - Explain how the employer calculates sick leave
 - Explain how employees can use sick leave
 - Explain accrual and carryover procedures
 - If the law allows an employer to provide other types of paid leave, such as paid time off, vacation time, personal days, or days of rest, to meet the law's requirements, state so in the policy
 - Administer uniformly

Paid Sick Leave Considerations for the Air and Rail Industry



Issues Complicating Paid Sick Leave for Air

- Pilots and flight attendants spend the bulk of their time working in federally or internationally regulated airspace, and not in any one state.
- When on the ground, flight crew do not spend the majority of their time at their “base” or “domicile” (the airport where flight crew begin and end their work assignments).
- Not traditional daily schedules – they work “trip pairings” – a series of flights that begin and end at the same base or domicile. Typically involves multiple cities and states before returning to the base where they began. If out sick for one leg, can’t “resume” that trip.
- Crewmember schedules also change frequently; can independently trade, add, or drop trips after they receive their monthly schedule.
- Short-notice or no-notice sick leave and sick leave abuse are problematic because of FAA crew requirements. Can have a ripple effect.

Issues Complicating Paid Sick Leave for Air

- CBAs provide flight crew to leave that exceeds paid sick leave statutes.
- Points based reliability standards are standard in the industry. Minimal points for leave with adequate notice maximum points for a no-show.
- Points are **one factor** in the administrative of discipline policies.
- Carriers can seek medical certification in some instances.

State and Local Paid Sick Legislation Impacting Air & Rail

- **Common Conflicts Between State Laws and CBA:**

- Earned leave must be able to be used for a broader variety of reasons
- Require **less** advance notice of absence
- Set earning and usage requirements (e.g., 1 hour for every 30 hours of work usable beginning after 90 days of employment) that may not match the negotiated CBA
- Use of point systems that assign any points for sick days prohibited as **retaliatory**
- Required rates of pay for sick leave
- Limit circumstances under which employer may require medical documentation (e.g., unlawful to require documentation for sick leave absences of three or fewer days)
- Require **distribution** and **posting** of rights under the state law.

State and Local Paid Sick Legislation Impacting Air & Rail

- Air and rail have **challenged** the application of the patchwork of sick leave laws as they have emerged.
- **Massachusetts Earned Sick Time Law**, Mass. Gen. L. ch. 149 § 148C, and regulations promulgated by Defendant thereunder, 940 CMR 33.00. *Legal challenge currently pending.*
- **New York City's Earned Sick Time Law.** Department of Consumer and Worker Protection enforcement has resulted in *settlements with employers; in one instance court found preempted by ADA.*
- **Washington Paid Sick Leave Law**
 - Ninth Circuit upheld district court ruling that *paid sick leave law was not preempted.* Concluded: "a state or local law is preempted [by the ADA] only when it **'binds'** an airline to a particular price, route, or service." Washington's paid sick leave law does not specifically "regulate the airline-customer relationship."
 - The U.S. Supreme Court *denied cert* in *Air Transport Association of America, Inc., dba Airlines for America, v. The Washington Department of Labor & Industries, et al.* Therefore, the U.S. Court of Appeals for the 9th Circuit ruling stands, which requires Alaska Airlines to comply with the Washington Paid Sick Leave Law (Wash. Rev. Code § 49.46.210 [2021]).
- **Illinois** state lawmakers extended sick leave protections to airline workers, who had previously been exempted from the law. The change in October 2021 followed aviation unions advocating for the fix. The Illinois law allows workers to use sick leave to care for family members.

State and Local Paid Sick Legislation Impacting Air & Rail

- As recently as in the last couple of weeks, the Train and engine service members of the transportation division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART-TD) **rejected** a deal that had been proposed by the National Mediation Board. That unit, which includes conductors, brakemen and other workers, joins three other unions in rejecting a deal brokered via a board appointed by U.S. President Joe Biden.
- Labor unions have criticized the railroads' sick leave and attendance policies and the lack of paid sick days for short-term illness. There are **no** paid sick days under the tentative deal. Unions asked for 15 paid sick days and the railroads settled on one personal day.
- Beginning on Dec. 9, SMART-TD would be allowed to go on strike or the rail carriers would be permitted to **lock out** workers, unless Congress intervenes. Three other unions that rejected the deal have already agreed to extend a strike deadline until early December. Other unions would honor the picket lines.

State and Local Paid Sick Legislation Impacting Air & Rail

- Trend is to uphold application to air and rail, **regardless** of content of negotiated collective bargaining agreement.
- Right/need for paid sick leave boosted by concerns over COVID-19, i.e., stopping spread, stopping crew from infecting public during pandemic.

Primary Grounds of Challenge

- **Dormant Commerce Clause** limits the power of states to enact legislation that affects interstate commerce when a national, uniform policy is required.
- Uniformity in regulation of air carriers is a national necessity, and only **regulation** by a single governmental authority can ensure efficient airline operations.
- Congress and federal government agencies regulate nearly every facet of the air transportation industry, and this federal regulation is “intensive and exclusive.” *Northwest Airlines v. Minnesota*, 322 U.S. 292, 303 (1944).
- Court analyzes whether complying with the PSL would impose a “**substantial** burden on interstate commerce,” and if so, whether the burden on interstate commerce would be “clearly excessive in relation to the putative local benefits.”

Primary Grounds of Challenge

- **The Fourteenth Amendment's Due Process Clause** does not permit a state to enact a law that applies extraterritorially, i.e., to work performed **outside** the state enacting the law.
- Courts have held in cases challenging paid sick leave laws that an airline can simply comply with the strictest rule.
- **Counter** is that this in effect allows states to regulate beyond their borders.

Primary Grounds of Challenge

- **The Federal Airline Deregulation Act (“ADA”)**
- The ADA expressly preempts any state law “related to a price, route, or service of an air carrier.” See 49 U.S.C. § 41713(b).
- In a legal challenge to the Washington Paid Sick Leave Law, the Ninth Circuit held in 2021 that the ADA **preempts** neutral state laws only where those laws “*bind*” an airline to a “*particular*” price, route or service.
- Petitioned the Supreme Court for review, arguing that the Ninth Circuit’s ruling conflicted with Supreme Court precedent in *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 386, 390 (1992). In *Morales*, the Supreme Court held that state laws are preempted if they have a “**significant impact**” on carrier prices, routes, or services, even if that impact “is only indirect.”
- Successful in arguing preempted by ADA in *Delta Air Lines, Inc. v. Department of Consumer Affairs, City of New York et al* (Sept. 2021).

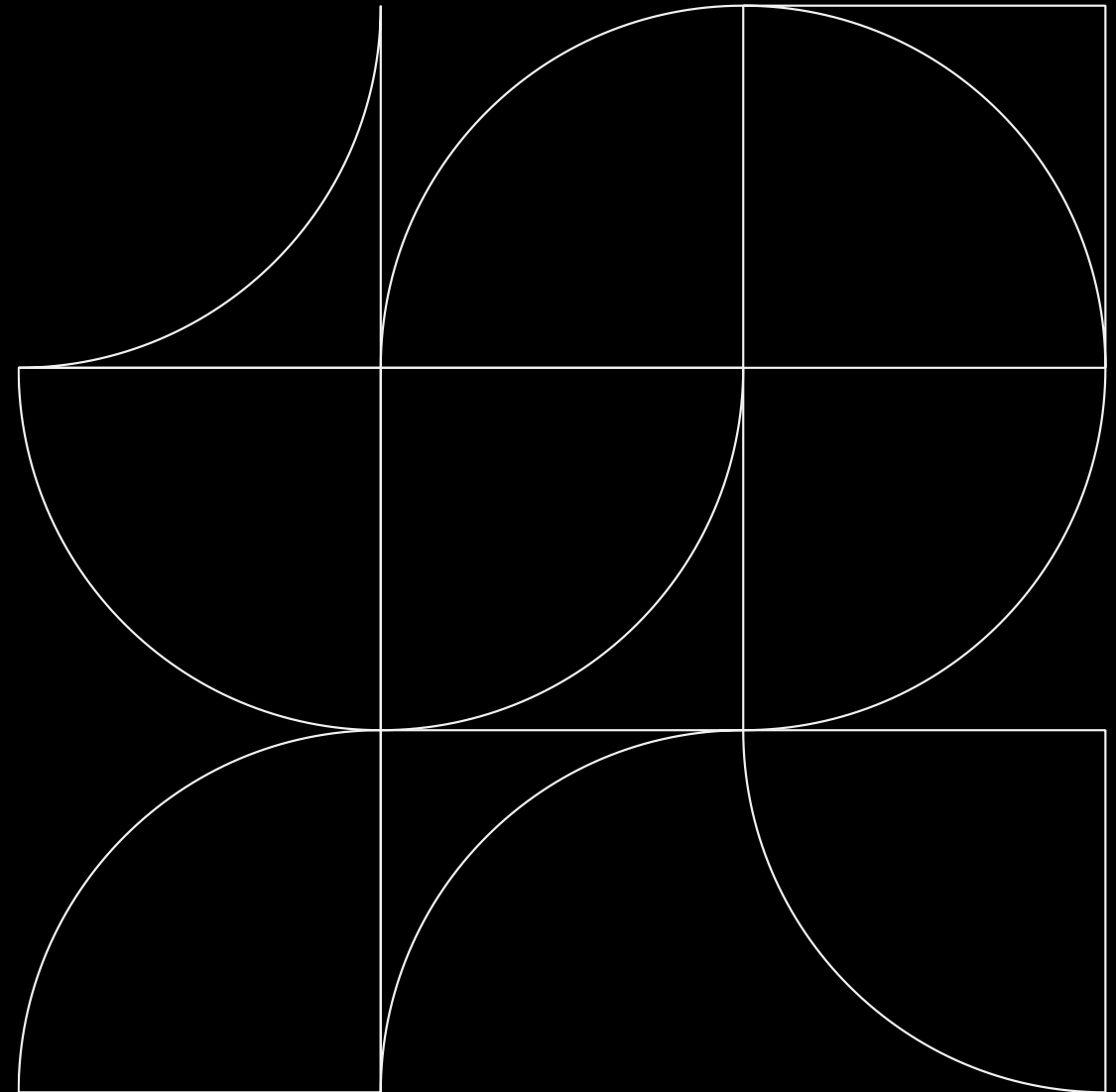
Primary Grounds of Challenge

- **The Federal Airline Deregulation Act (“ADA”), continued...**
- Opinion holding preempted by ADA reasoned:
 - As a matter of law, the act must be preempted because the act threatens to subject [the airline] to a **patchwork** of state laws that will undermine its ability to compete in a deregulated marketplace, the purpose for which the ADA was enacted to achieve."
 - This mishmash of regulations, at best, would impose "an **additional** administrative burden on an airline . . . , ensuring compliance with the different rules," and at, worst, force airlines to "create new, separate networks to isolate flight attendants from jurisdictions with conflicting laws."
 - "Such an outcome would certainly **undermine** the congressional goals of efficiency and competition that underlie the ADA."

Compliance Issues Continue

- Need to determine how each state will apply each of its employment laws.
- If two states claim the same crew member at the same time, multi-factor choice of law test.
- Leads to a patchwork of trying to determine which law applies when, whether all laws can be complied with (as they may change over time), and whether they are irreconcilable.
- Compliance is not precise.
- Penalties, especially in CA, in CA are cost prohibitive.
- The laws are technicalities that ignore industry pay practices and disregard CBA terms.
- Industry is going to need to eventually grapple with undoing pay practices and CBAs unless there is relief.

Outlook and Resources





Paid Sick Leave and PTO Outlook – 2023 and On

Laws scheduled to go into effect:

- Bloomington, MN (General PSL – 7/1/2023)
- New York City, NY (General PSL Rules – Amendments likely early 2023)
- Michigan (General PSL Amendments – Effective 2/19/2023)*
- Unclear whether a number of COVID-19 PSL Mandates (nationwide overview section) will be extended further into 2022 or 2023

Next locations likely to adopt:

- **Federal:** Potential for nationwide PSL mandate. Key 2021 legislation – The Healthy Families Act (H.R. 1784/S.840)
- **State:** **(1)** Illinois; **(2)** Minnesota; **(3)** Delaware; **(4)** Virginia (for all private ERs); **(5)** New Jersey (Amendments + State of Emergency PSL); **(6)** California (Amendments)
- **Municipal:** CA localities with existing or prior COVID-19 PSL laws that may seek to adopt general non-COVID PSL laws

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) 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**](mailto: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**](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 – Navigating Two Years of COVID-19 Paid Leave Mandates, Plus Recent Developments
- Part 8 – NM PSL and West Hollywood PTO
- Part 9 – TODAY!

Note: We also have a separate Webinar Series focused 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>

Seyfarth Traditional Labor Resources



If you have questions about or would like assistance with Traditional Labor questions or issues related to organized labor, Seyfarth attorneys can help:

(A) Traditional Labor Management Relations: Seyfarth has a dedicated practice group focused on organized labor matters and issues, able to guide you through any .

For more information, please visit us:

<https://www.seyfarth.com/services/practices/litigation/labor-management-relations.html>

(B) Employer Labor Relations Blog: Seyfarth regularly publishes blog posts on Labor Relations issues and developments. You can read more **here**:

<https://www.employerlaborrelations.com/>

Seyfarth Air & Rail Team



If you have questions that pertain specifically to airlines and railroads, or adjacent service industries, Seyfarth attorneys can help:

Seyfarth has a dedicated [Air & Rail](#) specialty team with the insight, experience, and savvy to turn the particularities of airline and railroad statutory schemes into strategic victories and business gains.

For more information, please contact:

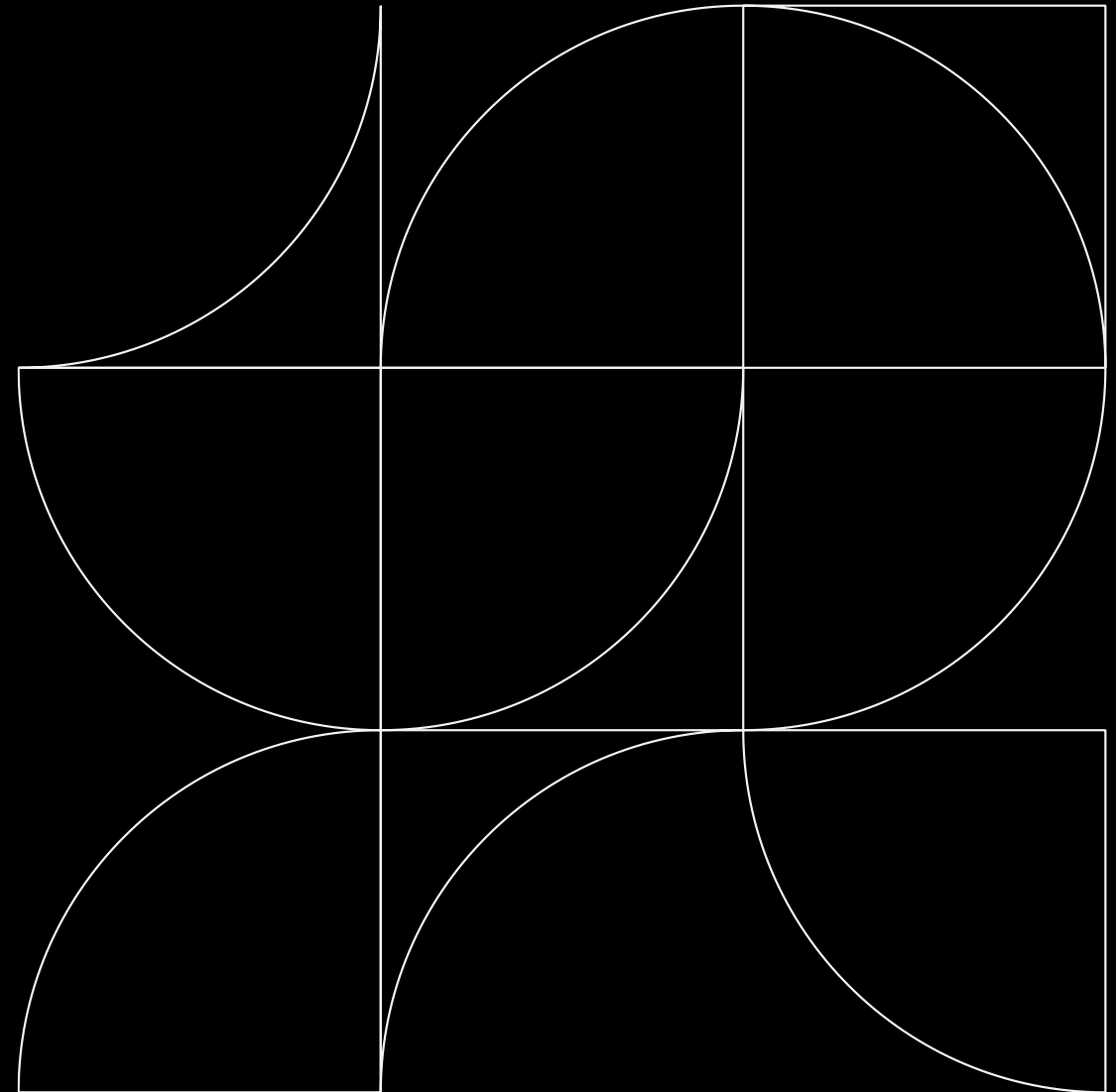


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QUESTIONS?



THANK YOU!

