

The Ohio Healthy Families Act

What does it say?

The basics:

- ***7 days***
 - Employers would be required to allow their full-time employees to accrue at least 7 days of paid sick time per year. (and a pro-rated amount for part-time employees)
- ***Self, parent, spouse, or child***
 - Sick time can be used for yourself, your parent, your spouse, or your child. (this includes biological, adopted, step-, or in-law parents and children)
- ***Uses***
 - Sick time can be used for physical or mental illness, injury or medical condition
 - Sick time can be used for obtaining professional medical diagnosis or care
 - Sick time can be used for preventive medical care (like an annual physical)

Digging deeper:

- ***“employer” and “employee”***
 - The Act relies on the definition of “employer” and “employee” found in the Ohio Constitution’s minimum wage amendment but also includes as “employer”:
 - Those with 25 or more employees
 - The state and any political subdivision
- ***Accumulation and accrual***
 - Sick time begins to accumulate on day one of your job
 - An employer is not required to let you use it until 90 days have passed (employers may loan sick time to an employee in advance at the employer’s discretion)
 - Sick time can carry over, however: an employer is not required to allow an employee to accrue more than 7 days total per year.

This means that if Jane works for her company for a full year and never uses a sick day, she does not have to start over in year 2. Instead, she will start year 2 with 7 sick days but she won’t accrue any more until she uses some of her sick time.

- Sick time can be used in small increments. Whatever the smallest increment is that is used by an employer's payroll system to track hours or other leave is the smallest increment in which sick time may be used.

This means that if you have a doctor's appointment that will take you an hour, you don't have to use a full day of sick time. Instead, you can use only the time you need, depending on the payroll system your employer uses.

- **Requests for paid sick time**

- Requests for sick time must be granted if they are verbal or in writing.
- Requests for sick time should include the reason ("doctor's appointment" or "my child has the flu and can't go to school") and the expected duration ("an hour" or "two days")
- Employees should make reasonable efforts to not unduly disrupt operations if possible
- If possible, employees need to give their employer 7 days notice of sick time. If this not possible, you should request sick time as soon as you know you will need it.

This means that if you have scheduled your annual physical for two weeks from now, you should tell your employer as soon as you can but at least 7 days before your scheduled appointment. If you wake up with the flu tomorrow morning and can't go to work, you should tell your employer immediately.

- **Certification**

- An employer may ask an employee for certification from a licensed health care professional (i.e. a doctor's note) only if the sick time lasts for more than 3 consecutive days.
- When an employer does ask for a doctor's note, an employee has 30 days to provide it.

The more technical side of things:

- **Effect on current policies**

- The proposed law encourages employers to offer more generous policies: the law is a minimum requirement.
- If an employer has a policy in place that allows employees the equivalent of 7 paid sick days per year, no change is required
- An employer may not change or eliminate an existing more generous leave policy just to get into compliance with this law (when it passes).

- **Records**

- Employers would have to keep records on how many hours an employee worked and how many hours of sick time were taken.
- These records would have to be kept for 3 years.
- **Collective bargaining**
 - Nothing in this law would impede or diminish the rights of employees to collectively bargain to establish terms in excess of this law.
- **Posting requirements**
 - employers would be required to post a summary of the law in a conspicuous place
 - willful violations of the posting requirements carry a \$100 fine for each violation.

Final details:

- **Prohibited acts**
 - An employer may not discriminate against an employee for taking sick time
 - An employer may not use sick time as a negative in an employment action or in a no-fault attendance policy
 - An employer may not falsify records
 - An employer may not delay or refuse to admit the director of commerce if the director wants to review the employer's records.
- **Enforcement**
 - The Attorney General may investigate any employer
 - Any employee or the Attorney General may bring a civil action
 - If an employer violates the law, the following liabilities apply:
 - Damages:
 - Lost wages and benefits, OR
 - Actual monetary loss equal to up to 10 days of wages, AND
 - Interest, AND
 - Treble damages (multiply \$\$ damages by 3)
 - Reasonable attorney's fees
 - Appropriate equitable relief
 - For example: if an employee was fired because of taking sick leave, equitable relief could be reinstating that employee