



Georgia Enacts New Laws Relating to Paid Sick Leave and Pay for Schedule Changes

IN SHORT

The Situation: A pair of employment-related laws—one employee-friendly, the other more sympathetic to the interests of employers—were recently signed into law by Georgia Governor Nathan Deal.

The Results: Act 203 requires that employees granted paid sick leave be permitted to use up to five days to care for immediate family members, while Act 221 prevents local laws mandating that employers compensate employees affected by "on call" scheduling policies.

Looking Ahead: Both laws come into force on July 1, 2017.

On May 8, 2017, Georgia Governor Nathan Deal signed two employment-related laws, both of which become effective on July 1, 2017. First, he signed the employee-friendly Act 203 (S.B. 201). Under the new law, if an employer chooses to provide paid sick leave benefits, employees must be permitted to use up to five days of that sick leave to care for immediate family members. Second, Governor Deal signed the decidedly employer-friendly Act 221 (H.B. 243), which aims to protect "on call" scheduling practices by employers. Act 221 preempts any local laws requiring employers to compensate employees for changes to their schedules. The Georgia General Assembly passed both bills on March 30, 2017.

Sick Leave

Under Act 203, if an employer chooses to provide paid sick leave to employees, that employer "shall allow an employee to use such sick leave for the care of an immediate family member; provided, however, that nothing in this section shall be construed to require an employer to offer sick leave or to require an employer to allow an employee to use more than five days of earned sick leave per calendar year for the care of an immediate family member." The law defines "immediate family member" as "an employee's child, spouse, grandchild, grandparent, or parent or any dependents as shown in the employee's most recent tax return." Importantly, the new law *does not* require employers to offer paid sick leave to employees; rather, it applies only if an employer elects to offer paid sick leave to employees.



Importantly, the new law (Act 203) does not require employers to offer paid sick leave to employees; rather, it applies only if an employer elects to offer paid sick leave to employees.



Act 203 includes an important limitation. The law applies only to employers with more than 25 employees, and only to employees who work at least 30 hours a week. Thus, part-time employees who work less than 30 hours a week are not entitled to the protections of the new law.

Employers operating in Georgia that offer paid sick leave should review and amend policies to comply with this new law prior to the July 1, 2017, effective date.

On Call Scheduling

Georgia law preempts local governments from adopting higher minimum wage requirements or requiring additional overtime pay above and beyond federal law requirements. Act 221 adds that local governments may not require employers to provide employees "additional pay based on schedule changes."

This law is seen as a significant endorsement of "on call" scheduling, a popular practice of employers in the retail industry, by which employees are notified shortly before scheduled work time whether they must report for work. This allows employers to match staffing to customer needs and promotes efficiency for employers. The new Georgia law stands in stark contrast to the many jurisdictions, such as San Francisco and Seattle, that require employers to compensate employees when their shifts are changed or cancelled without sufficient notice. This law further burnishes Georgia's reputation as an employer- and business-friendly state.

TWO KEY TAKEAWAYS

1. The provisions in Act 203 pertain to employers who provide paid sick leave to their workers and who have more than 25 employees. Only employees who work at least 30 hours a week are eligible.
2. Act 221 dictates that local governments cannot require employers to provide employees "additional pay based on schedule changes." The action reinforces Georgia's reputation as a business-friendly state.

CONTACTS



Craig S. Friedman
Atlanta



Deborah A. Sudbury
Atlanta



Elaine R. Walsh
Atlanta

Allison Averbuch, an associate in the Atlanta Office, assisted in the preparation of this Alert.

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