

NAMWOLF

LABOR & EMPLOYMENT

PRACTICE AREA COMMITTEE

# 50-State Survey: Paid Sick Leave Laws

2019 NAMWOLF Annual Meeting

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# 50-State Survey: Paid Sick Leave Laws

STATE / RELEVANT LAW	PAID SICK LEAVE REQUIRED? / EFFECTIVE DATE	AFFECTED EMPLOYERS	ACCRUAL RATE / CAP	WAITING PERIOD	CARRYOVER RULES	PAYOUT RULES
<b>ALABAMA</b> AL Code § 16-1-18.1 (2016)	Private: No Public: Yes; (Eff. 2016)	Most state employers	Employees earn one sick leave day per month of employment.  No cap	None	No limits; earned sick leave days which have been accrued by an employee shall be transferrable from one employer to another.	No rules (except earned sick leave days can be transferred from one employer to another).
<b>ALASKA</b>	No					
<b>ARIZONA</b> Fair Wages and Health Families Act Ariz. Title 23, Ch. 2, Art. 8, §§ 23-363, 23-364; Title 23, Ch. 2, Art. 8.1	Yes (Eff. July 1, 2017)	All employers except: state or federal government employees; persons employed by a parent or a sibling; or persons performing babysitting services in employer's home on a casual basis.	Employees accrue one hour of paid sick time for every 30 hours worked. Employees whose place of business has 15 or more employees can accrue and use up to 40 hours per year. All others can accrue and use up to 24 hours per year.	Accrual begins immediately upon commencement of employment. However, employers may require employees to wait 90 days to use.	Employee with an employer with 15 or more employees may carry over to the following year a maximum of 40 hours of unused earned paid sick time. Employee of an employer with fewer than 15 employees may carry over to the following year a max of 24 hours of unused earned paid sick time. Alternatively, in lieu of carry over, an employer may pay an employee for unused earned paid sick time pursuant to A.R.S. § 23-372(D)(4).	Unused leave does not need to be paid out at the end of employment.
<b>ARKANSAS</b>	Private: No	Most state agencies, boards,	One day of sick leave accrues for each	None	120 days of sick leave may be carried over at the end	None

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AR Code §§ 21-4-206-208; § 21-4-501; § 21-4-505	Public: Yes; (Eff. Aug. 16, 2013)	commissions, bureaus, councils, state-supported institutions of higher education.	complete month of service. (Additional accruals for certain employees of the Dept. of the Military.)		of the calendar year. (180 days may be carried over for certain employees of the Department of the Military.)	
<b>CALIFORNIA</b>  Healthy Workplaces, Healthy Families Act of 2014 Cal. Lab. Code §§ 245-249 and 2810.5	Yes; (Eff. July 1, 2015)  Numerous individual cities have paid sick-leave laws, including: Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Francisco, Santa Monica	All employers	Employees earn one hour of paid sick leave for every 30 hours of work.  Employers can cap the amount of leave an employee <u>earns</u> each year to 48 hours/6 days; employers can cap the amount leave an employee <u>uses</u> to 24 hours/3 days per year.	Employees start earning paid sick leave at beginning of employment, but are not entitled to use the leave until the 90 <sup>th</sup> day.	Employees are entitled to carry forward unused paid sick time, but employers aren't required to allow use of more than 24 hours (or three days) of paid sick time per year. Carry forward is not required if the full amount of paid sick time (24 hours, or three days) is provided at the beginning of each year.	None
<b>COLORADO</b>  4 Colo. Code Regs. § 801-1:5	Private: No  Public: Yes; (Eff., as amended Feb. 14, 2017)	State employers	Permanent employees accrue 6.66 hours of paid sick leave per month during the first 5 years of service.	Leave is credited on the last day of the month in which it is earned and is available for use on the first day	Up to 80 hours of sick leave accrued over the 360-hours cap can be converted to annual leave each new fiscal year at a 5:1 ratio.	Employees are only eligible for a payout of sick leave upon initial eligibility for retirement.

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			Maximum accrual of 360 hours.	of the next month.		
<b>CONNECTICUT</b>  Paid Sick Leave Law, Conn. Gen. Stat. § 31-57s	Yes; (Eff. Jan. 1, 2012)	Employers with 50 or more full- time and/or part-time employees working in the state.  Applies only to “service workers” as defined in the statute. (Several exclusions apply.)	Employees earn one hour of paid sick leave for every 40 hours of work, up to a maximum of 40 hours per benefit year.	Employees who did not work at least 10 hours per week in the most recent complete calendar quarter are not permitted to use accrued paid sick leave.	Employees may carry over up to 40 accrued, unused hours to the next year.  Employers may offer the service worker the option of a pay out in lieu of carry over.  Employees may not use more than 40 hours per year.	None
<b>DELAWARE</b>	No					
<b>DISTRICT OF COLUMBIA</b> <sup>i</sup>  Accrued Sick and Safe Leave Act of 2008 (ASSLA); Earned Sick and Safe Leave Amendment Act of 2013 D.C. Code §§ 32-531.01 to 531.16	Yes; (Eff. as amended Feb. 2014)	All employers	Accrual rate and caps depend on employer size: (a) 100+ employees – 1 hour every 37 hours (up to 7 days per year); (b) 25-99 employees – 1 hour for every 43 hours (up to 5 days per year);	Accrual begins at start of employment  Employees can begin taking sick leave after working for an employer for 90 days.	Employers must allow employees to carry over their accrued sick time from year to year.	No payout required upon separation of employment; employers providing paid sick time via a general PTO policy must pay out all of an employee’s accrued, unused PTO upon separation of employment.

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			(c) 1-24 employees – 1 hour every 87 hours (up to 3 days per year).			
<b>FLORIDA</b>  FL Stat. § 1012.61	Private: No  Public: Yes (Eff. July 1, 2012)	Public school districts	Full-time instructional staff: 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which may not be used before it is earned and credited to the member.  Each other employee: 4 days of sick leave as of the end of the first month of employment of each contract year and	For all employees except full-time instructional staff, sick leave is not credited until the end of the first month of the contract year.	The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.	None



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			<p>shall thereafter be credited for 1 day of sick leave for each month of employment.</p> <p>All employees are capped at no more than 1 day of sick leave times the number of months of employment during the year of employment.</p>			
<p><b>GEORGIA</b></p> <p>§ 20-2-850 (2018)</p>	<p>Private: No</p> <p>Public: Yes (Eff. July 1, 2006)</p>	Public school systems.	Computed on the basis of 1 ¼ working days for each completed contract month, up to a maximum of 45 days	Must complete 1 contract month before sick leave begins to accrue.	All unused sick leave shall be accumulated from one contract year to the next	None
<b>HAWAII</b>	No					
<b>IDAHO</b>	No					
<b>ILLINOIS</b>	<p>No<sup>ii</sup></p> <p>Chicago and Cook County</p>					

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	have local paid sick leave ordinances.					
<b>INDIANA</b>	No					
<b>IOWA</b> IAC Rule 11-63.3	Private: No Public: Yes (Eff. July 1, 2006)	State employers	Accrual rates vary based on department and accrued sick leave balances. There is no cap.	None	None	None
<b>KANSAS</b> Kan. Admin. Regs. 1-9-5	Private: No Public: Yes (Eff., as amended June 7, 2002)	State employers	Non-exempt employees who work over 7 hours per pay period accrue 0.4 hours of paid sick leave for each 8 hours of work per pay period. Exempt employees accrue 3.7 hours of paid sick leave per pay period.	Sick leave earned by an employee during a pay period shall be available for use on the first day of the following pay period.	None	Payout upon retirement based on a schedule related to years of service.
<b>KENTUCKY</b> 101 KAR 2:102 101 KAR 3:102	Private: No Public: Yes (Eff., as amended July 6, 2005)	Public employers	Scaled based on length of service (1-2 days per month) for full-time employees	Monthly credit for prior month's service	Scaled based on months of service	None

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<b>LOUISIANA</b>  Executive Order EWE 92-58	Private: No  Public: Yes (Eff. Aug. 14, 1992)  City of New Orleans adopted the Living Wage Ordinance (the local paid sick leave law), Eff. Jan. 1, 2016	State employers	Accrued on a schedule based on years of service.  No limit to sick leave accumulations.	Sick leave is creditable at the end of each calendar month or each regular pay period.	No limitations	None
<b>MAINE</b>  An Act Authorizing Earned Employee Leave 26 MRSA § 42-B  <i>Coming Soon</i>	Yes, <i>Coming Soon</i>  (Eff. Jan. 1, 2021)	Employers with more than 10 employees, except seasonal businesses and those that hire workers for less than 120 days. (Does not apply to employees governed by a	Employees earn one hour of paid leave <i>for any reason</i> for every 40 hours of work.  Maximum accrual limit of 40 hours per year.	Accrual begins at start of employment.  Employees can begin taking sick leave after working for an employer for 120 days during a one-year period.	None	None

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		CBA from 1/2021 until it expires)				
<b>MARYLAND</b> <sup>iii</sup>  Maryland Healthy Working Families Act (MHWFA), Md. Code Ann. Lab. & Empl. § 3-1301 et seq.	Yes (Eff. Feb. 11, 2018)  Montgomery County has a paid sick leave ordinance.	Employers with 15 or more full-time, part-time, seasonal or temporary employees within the state.  Certain types of employees are exempt from accruing paid sick leave (incl. employees working fewer than 12 hours per week and those under age 18).	Employees earn 1 hour of sick and safe leave for every 30 hours worked, up to a maximum of 40 hours per “benefit year,” as defined by the employer.	Employees must be employed at least 106 days before they may begin to use their accrued paid sick leave.	Up to 40 hours of unused accrued leave may be carried over to the next benefit year.  An employee may bank a maximum of 64 hours of leave at any time.  No carryover is required for employees who are: frontloaded leave; or employed by nonprofit entities or governmental units in accordance with a grant that is not longer than 1 year and that is not subject to renewal.	Employers are not required to pay out unused, accrued sick leave upon termination, but if the employee is rehired within 37 weeks, the employer must reinstate the unused leave.
<b>MASSACHUSETTS</b> <sup>iv</sup>  MA Earned Sick Time Law M.G.L. c. 149 § 148C (940 CMR 33.00)	Yes (Eff. July 1, 2015)	All employers (exceptions for most public employers)	Employees earn 1 hour of sick time for every 30 hours of work (can be paid in monthly or yearly lump sum equal to no less than 1 hour	Accrual starts on first day of actual work.  Employees can begin taking sick leave on 90th calendar day	If earned via accrual or monthly lump sum, employers must allow employees to carry over at least 40 hours of earned unused sick time.	None

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			<p>for every 30 hours worked).</p> <p>Earned sick time is paid for employees of employers with 11 or more employees (10 or fewer employees = unpaid).</p> <p>Employee must be allowed to accrue 40 hours per benefit year if works sufficient hours.</p>	after starting work.	<p>If earned via yearly lump sum (40 hours at beginning of each benefit year), employer can prohibit carryover.</p> <p>Employers may choose to pay out workers up to 40 hours of unused sick time at the end of the year. If an employer pays out a worker for 16 hours or more of unused sick time, they must provide 16 hours of unpaid sick time up front in the new year; if they pay out less than 16 hours, they shall provide an equivalent amount of unpaid sick time up front in the new year.</p>	
<p><b>MICHIGAN</b></p> <p>Paid Medical Leave Act (PMLA) MCL 408.961, et.seq.</p>	Yes (Eff. Mar. 29, 2019)	Employers with 50 or more employees, with some exceptions including:	<p>Employees earn 1 hour of leave for every 35 hours of work.</p> <p>Employers can set a maximum accrual</p>	Paid leave begins to accrue at start of employment, but employers may require an employee to	<p>Employees can carry over 40 hours of leave from year to year.</p> <p>Employers who give employees a lump sum of 40 hours at the beginning</p>	None

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		U.S. Government employees; exempt employees; non-public employees covered by a CBA; and employees scheduled to work 25 weeks or fewer in preceding calendar year.	limit at 40 hours per year.	wait to use the paid leave until 90 days after the start of employment.	of the calendar year do not have to let employees carry over unused time.	
<b>MINNESOTA</b>	No  Duluth, Minneapolis, and St. Paul have paid sick leave ordinances					
<b>MISSISSIPPI</b>	No <sup>v</sup>					
<b>MISSOURI</b>  1 CSR 20-5.020	Private: No  Public: Yes (Eff.	All state agencies.	Full-time state employees receive paid sick leave at the rate of 10 hours per month of work, with	Sick leave begins to accrue after the first month of work	None	None

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	Aug. 30, 2019)		no limit on accumulation.  For part-time employees, sick leave is accrued on a pro rata schedule			
<b>MONTANA</b>	No					
<b>NEBRASKA</b>	No					
<b>NEVADA</b>  Senate Bill No. 312  <i>Coming Soon</i>	Yes, <i>Coming Soon</i> * (Eff. Jan. 2020)  * Leave is not limited to sick leave, but may be used for any reason	Employers with 50 or more employees	Employees are entitled to earn at least 0.01923 hours of leave for every hour of work. The law does not expressly allow employers to cap the amount of paid leave an employee may <i>accrue</i> but does allow them to cap an employee's <i>use</i> of paid leave at 40 hours in a year.	Employees are eligible to use paid sick leave beginning on the 90th day of employment.	Employers that elect an accrual system may limit the amount of accrued leave that may be carried over from year to year to a maximum of 40 hours per benefit year.	Employers may, but are not required to, pay an employee for any unused paid leave upon separation from employment. If the employee is rehired within 90 days after separation, any previously unused paid leave must be reinstated, provided the separation was not the result of a voluntary resignation.
<b>NEW HAMPSHIRE</b>	No					

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<b>NEW JERSEY</b> Earned Sick Leave Law, N.J.S.A. § 34:11D-1 et seq.	Yes (Eff. Oct. 29, 2018)	All employers (exclusions for some public employers, per diem healthcare employees, and construction industry workers covered by a CBA)	Employees can earn up to 40 hours of paid sick leave per benefit year at a rate of 1 hour for every 30 hours of work. An employer may limit an employee's use of leave in any benefit year to 40 hours.	Employees are eligible to use earned sick leave beginning on the 120th calendar day after 10/29/18, or after the employee's first day of employment, whichever is later.	An employer may permit employees to carry over up to 40 hours to the next benefit year or may offer employees with a payout for accrued unused sick leave (of up to 40 hours). An employee has up to 10 calendar days to decide to accept a payout or carry over the accrued time.	None
<b>NEW MEXICO</b>	No					
<b>NEW YORK</b> <sup>vi</sup>	No  New York City and Westchester County have their own ordinances.					
<b>NORTH CAROLINA</b>  25 NCAC 01E.0300 et seq.	Private: No  Public: Yes (Eff., as	Public employers	Full-time employees earn 8 hours per month; part-time	None	Indefinitely cumulative	Unused sick leave is not paid when an employee separates, but may it may be transferred



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	amended, Mar. 1, 1989)		employees earn prorated amounts			when an employee transfers between state agencies.
<b>NORTH DAKOTA</b>  N.D. Cent. Code Ann. § 54-06-14	Private: No  Public: Yes	Public employers	Employees earn 1 to 1.5 days per month of sick leave, based on tenure of employment.	None	None	Employers must pay employees with at least 10 years of continuous state employment a lump sum equal to 1/10 of the pay attributable to unused accrued sick leave.
<b>OHIO</b>	No					
<b>OKLAHOMA</b>  Okla. Admin. Code 260:25-15-12	Private: No  Public: Yes (Eff. Sept. 12, 2014)	Agencies in any branch of state government.	Accrued on a schedule based on years of service.  No limit to sick leave accumulations.	Sick leave earned during one pay period shall not be available for use until the beginning of the following pay period.	None	Employees shall not be compensated for accumulated sick leave when they separate from state service.
<b>OREGON</b>  Senate Bill No. 454	Yes (Eff. Jan. 1, 2016)	Employers with 10 or more employees	Employees accrue 1 hour of paid sick leave for every 30 hours worked.	Although employees start accruing paid sick leave immediately,	Employees can carryover 40 hours of unused paid sick leave from year to year.	Unused sick leave does not need to be paid out upon termination, but rehires within 180 days are to be reinstated with

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			The maximum hours an employee can accrue per year is 40 hours.	they must wait until the 91st calendar day to start using accrued time.	Employers can cap an employee's total accrued balance at 80 hours.	prior sick leave accruals intact (if they worked at least 90 days).
<b>PENNSYLVANIA</b>	No  Philadelphia and Pittsburgh have their own ordinances.					
<b>RHODE ISLAND</b>  Healthy and Safe Families and Workplaces Act (HSFWA) R.I. Gen. Laws § 28-57-1 et seq.	Yes (Eff. July 1, 2018)	Employers with 18 or more employees in the state (some employees ineligible)	1 hour for every 35 hours worked (incl. hours paid while employee is on paid leave).  In 2019, workers in businesses with 18 or more workers can earn up to 32 hours of paid sick leave; workers in businesses with fewer than 18 workers only earn up	Most employees are eligible to use paid sick and safe leave beginning on the 91st day of employment or the day after the employer's established waiting period, whichever is sooner.	Unless an employer pays an employee for unused time at the end of the year <u>and</u> frontloads time at the beginning of the subsequent year, unused accrued paid sick and safe leave carries over to the next year.  An employer that frontloads at least 32 hours in 2019 and 40 hours each year thereafter is not required	Unused sick leave does not need to be paid out at termination; however, if the employee is rehired within 135 days, the employee is entitled to all previously accrued sick leave.

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			<p>to 32 hours of unpaid job-protected sick leave.</p> <p>After 2019, workers in businesses with 18 or more workers can earn up to 40 hours of paid sick time; workers in businesses with fewer than 18 workers earn up to 40 hours of unpaid, job-protected sick time.</p>	<p>*Temporary employees are required to wait until the 180th calendar day, and seasonal employees are required to wait until the 150th day, after employment begins.</p> <p>Leave usage is limited to 32 hours in 2019 and 40 hours each year after.</p>	to allow carryover or pay out any unused time.	
<p><b>SOUTH CAROLINA</b></p> <p>State Human Resources Reg. § 19-710</p>	<p>Private: No</p> <p>Public: Yes (Eff. Sept. 1, 2016)</p>	Public employers	<p>Full-time employees earn 1.25 days per month or 15 workdays per year; part-time employees earn prorated amounts.</p> <p>Employees can accrue up to 195 workdays.</p>	None	Employees can carryover 180 workdays	<p>Separated employees forfeit all earned sick leave, but employees who transfer within agencies can transfer their leave. An employee who is reinstated within 1 year can have the leave restored.</p>

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<b>SOUTH DAKOTA</b>  S.D. Codified Laws § 3-6C-7	Private: No  Public: Yes (Eff. 2012)	Public employers	Employees can accrue up to 112 hours of sick leave per year of employment. There is no cap.	None	None	None
<b>TENNESSEE</b>  Tenn. Code Ann. § 8-50-802	Private: No  Public: Yes (Eff., as amended, July, 1, 2018)	Public employers	Full-time employees (1,600 hours per year) earn 1 day (8 hours) per month, at discretion of agency or department head	12 months to enroll in optional Sick Leave Bank	None	None
<b>TEXAS</b>  Tex. Gov't Code §§ 661.201-.207	Private: No <sup>vii</sup>  Public: Yes (Eff. Sept. 1, 2013)  Austin, San Antonio, and Dallas have local ordinances. (Litigation is pending regarding all three ordinances,	State employers	Full-time employees accrue 8 hours of paid sick leave for each month of statement employment. Part-time employees accrue paid sick leave on a proportionate basis.  No limit to sick leave accumulations.	None	None	None

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	and Austin's is stayed.)					
<b>UTAH</b>	No					
<b>VERMONT</b>  Vermont Earned Sick Time Law. 21 V.S.A. § 481 et seq.	Yes (Eff. Jan. 1, 2017)	All employers doing business or operating in Vermont. A new employer is not subject to the law until one year after hiring its first employee.  Certain employees are excluded from coverage under this law.	Employees accrue 1 hour of paid sick leave per 52 hours worked.  After 12/31/18, accrual may be limited to a maximum of 40 hours per 12-month period.	Employers are permitted to require a one-year waiting period before new hires may use accrued sick time.	Unless employer frontloads, unused accrued time must be carried over to the next annual period or paid out at the end of the annual period.	None
<b>VIRGINIA</b>  Virginia Sickness and Disability Program Va. Code Ann. § 51.1-1100, et seq.	Private: No  Public: Yes (Eff. Jan. 1, 1999)	Public employers	Scaled based on length of service. Full-time employees earn 64-80 hours per year. Part-time employees earn 32-40 hours per year	None	Unused sick leave shall not be carried forward beyond the calendar year	Unused sick leave does not need to be paid out at termination.

# 50-State Survey: Paid Sick Leave Laws

STATE / RELEVANT LAW	PAID SICK LEAVE REQUIRED? / EFFECTIVE DATE	AFFECTED EMPLOYERS	ACCRAUAL RATE / CAP	WAITING PERIOD	CARRYOVER RULES	PAYOUT RULES
<b>WASHINGTON</b> Initiative 1433	Yes (Eff. Jan. 1, 2018)  Seattle and Tacoma have their own ordinances.	All employers	Employees accrue 1 hour of paid sick leave per 40 hours worked.  Employers cannot set an accrual cap.	Employees cannot use paid sick leave until the 90th calendar day after starting work.	Employees can carryover up to 40 hours of paid sick leave from one year to the next.	None
<b>WEST VIRGINIA</b> WV Admin. Code Sec. 143-1-14.4	Private: No  Public: Yes (Eff. July 1, 2012)	All state agencies	For part time employees, computed in proportion to normal hours worked and/or hours of paid sick and/or annual leave during the pay period.  For full-time employees, computed on the basis of hours equal to 1.5 days per month.  There is unlimited accumulation of sick leave.	Sick leave is accrued at the end of each pay period or on the last workday for separating employees.	Carry-forward rate depends on length of service.	None
<b>WISCONSIN</b>	No					

# 50-State Survey: Paid Sick Leave Laws

STATE / RELEVANT LAW	PAID SICK LEAVE REQUIRED? / EFFECTIVE DATE	AFFECTED EMPLOYERS	ACCRUAL RATE / CAP	WAITING PERIOD	CARRYOVER RULES	PAYOUT RULES
<b>WYOMING</b>	No					

<sup>i</sup> The District of Columbia also has a Paid Family and Medical Leave Law, which went into effect July 1, 2019.

<sup>ii</sup> However, the Illinois Employee Sick Leave Act requires employers that already provide paid sick leave to employees to allow those employees to use that leave to care for certain relatives.

<sup>iii</sup> The Maryland Healthy Working Families Act (MHWFA) preempted local county paid sick leave laws enacted after 1/1/17. Contact local counsel for information on Montgomery County's paid sick leave law which was not preempted by the MHWFA.

<sup>iv</sup> Massachusetts also has a Paid Family and Medical Leave Law, which goes into effect October 1, 2019.

<sup>v</sup> However, public employees in Mississippi do accrue paid personal leave.

<sup>vi</sup> New York has a Paid Family and Medical Leave Law.

<sup>vii</sup> However, Section 21.0595 of the Texas Labor Code does require employers to ensure that foster children are treated the same as other children under any leave policies the employer adopts.