

The Ohio Healthy Families Act

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Sick Leave Proposal:

The Ohio Healthy Families Act would require employers of twenty five or more employees to provide each employee with seven paid sick leave days annually for employees working thirty or more hours a week. For employees who work less than thirty hours per week the employer must provide a formulated fraction according to the corresponding amount of paid sick leave days annually. (There is no minimum number of hours an employee must work before becoming eligible for paid sick leave.)

Use of Sick Leave:

Under the current language, employees would be able to use paid sick leave for any absence pertaining to a physical or mental illness, injury or medical condition of the employee or an employee's family member. Paid sick leave may also be used for time missed for doctor's visits for the employee or the employee's family member. If an employee is absent for three consecutive days, that employee must provide a note from their doctor.

Accumulating Sick Leave:

After the ninety day waiting period from the time of employment, the employee may use their sick leave. However an employer may loan sick leave to an employee during the ninety day waiting period. The sick leave can carry over from year to year. However, the language is not clear on whether an employer is required to offer more than seven days sick leave a year.

Tracking Sick Leave:

The sick leave can be used on an hourly basis or in the smallest increment used to track the employee's time. With the new requirements there could be a significant increase in the administrative cost for tracking and recording sick leave time. As previously stated, employers are to retain records documenting time worked and paid sick leave taken by employees. These records must be retained for a period of three years. The employer is to allow the Director of Commerce access to those records to make certain the employer is complying with the Act.

Advance Notice of Absence:

The language requires employees to make "reasonable efforts" to schedule leave in a manner that does not "unduly disrupt the operations of the employer." This notice can be provided through oral or written communication.

Sick Leave vs. Paid Time off Policy:

Employers with an equivalent sick leave policy will not need to make any modifications. However the language is unclear on whether employers with an equivalent “paid time off” policy will be required to provide an additional seven sick leave days.

Additional Ambiguous Areas within the Act:

- The language is unclear on how long an employer must employ twenty five or more employees to become subject to the sick leave requirement. Therefore we assume this requirement would take effect as soon as the employer has twenty five employees.
- The language is unclear on whether the sick leave is administered on a calendar year, fiscal year or the employee’s anniversary year.
- The language is unclear on whether compensation is required for unused sick leave.
- The language is unclear on whether an employer, currently providing six or less paid sick days, will then be required to add an additional seven paid sick days or a corresponding number that accumulates to seven days.

Current Status of the Sick Leave Initiative:

As of August 2008 proponents for the Sick Leave Act submitted 240,000 signatures to the Secretary of State’s Office. The 120,683 signatures needed have been approved; therefore the initiative will be on the November ballot. Gov. Strickland and Lt. Gov. Lee Fisher issued a joint statement opposing the measure after the administration was unable to forge a compromise between business owners and the main proponent of the initiative, the Service Employees International Union.