

The Ohio Healthy Families Act

What does it say?



The basics:

- ***Employees can earn 7 days***

- Employers would be required to allow their full-time employees to earn 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 the employee, their parent, their spouse, or their 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 or diagnostic tests for chronic diseases like diabetes, cancer, and heart disease).

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.

The law does NOT require employers to allow employees to bank weeks of unused sick days over a period of years and then "cash them out" for money when they retire or change jobs.

- ***Requests for paid sick time***

- Requests for sick time should include the reason (e.g. "doctor's appointment" or "my child has the flu and can't go to school") and the expected duration (e.g. "an hour" or "two days").
- Employees should make reasonable efforts to not unduly disrupt operations.
- When possible, employees need to give their employer 7 days notice of sick time. If this is 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) if the sick time covers more than 3 consecutive days.

The more technical side of things:

- ***Effect on current policies***

- The proposed law encourages employers to offer more generous policies: the HFA 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 simple 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 sick day policies or terms more generous than the HFA.

- ***Posting requirements***

- Employers would simply be required to post a summary of the law in a conspicuous place, similar to requirements for posting anti-discrimination or workplace safety regulations.

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 state Director of Commerce if the Director wants to review the employer's records.