



# Pawternity Leave: Are Employers Barking Up the Wrong Tree With Pet-Based Leave?

Insights

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We've all heard of pregnancy leave, sick leave, bereavement leave, and adoption leave. But what about leave for the care of our four-legged friends? Cheekily referred to as "pawternity" leave, this refers to paid time off that some employers provide employees to transition to pet-owning responsibilities, to care for a sick pet, to grieve over a deceased animal, or even to participate in a pet adoption.

While pawternity leave might have some wondering if employee benefits have gone too far, many employers are embracing the newest trend in employee leave. And this trend may have more legs than initially thought: four to be exact.

## Who Let The Dogs Out? Employees Love Their Pets

Over 80 million families in the United States have some type of pet, and 54 million U.S. households are home to a dog. Who, exactly are bringing home these furry companions? You guessed it. 35 percent of pet owners in the United States are millennials. Coincidentally, millennials alone make up 35 percent of the labor force and also happen to be the principal pet-owning generation. And many of these first-time or longtime pet owners either view their pets as children, part of the family, or a test-run for raising children.

One of the most compelling reasons employers have found in implementing pet-based leave is employee retention. 83 percent of employees claimed they felt more loyalty to companies that had pet-friendly policies; meanwhile, 88 percent of employees and 91 percent of HR decision-makers deemed allowing pets at work as a strong way to boost morale. But just how strong is the trade-off for potentially happier employees?

With an increasing number of pet-owning employees in the workforce, and rising numbers of employees acquiring one at some point in their career, you must become increasingly savvy to the particular needs and schedules of your employees. You should consider whether pet-friendly policies, including some form of pawternity leave, might be a beneficial perk.

## Teaching An Old Dog New Tricks: Different Types Of Pawternity Leave

Small advances were made towards pawternity leave as early as June 2015 in Emeryville, California when the city passed a paid sick-leave ordinance that allotted paid sick leave for an employee to provide care for a guide or service dog. But the trend has grown significantly beyond service

animals: companies such as Mars Petcare, Mparticle, and Brew Dog now allow for anywhere from 10 hours' paid leave for a new pet to one to two weeks' paid leave for rescuing a dog or for getting a pet in general.

The specific types of leave associated with a pet run the entire spectrum. Some employers allow for initial leave when one adopts or buys a pet, *a la* baby bonding leave. The rationale is that, like a newborn, the puppy or other creature requires TLC and training that one can't provide while working a desk job. Another type is bereavement leave for when one's pet dies, which Kimpton Hotel & Restaurants and several California software companies have embraced, reasoning that employees may feel as though this is a loss in the family.

The possibilities for pawternity leave are endless; some companies may even decide to provide leave for an owner whose pet is expecting (for the maternity care), while others have provided additional perks like pet insurance and time off for veterinary appointments.

### **When The Bite Is Worse Than The Bark: More Trouble Than It's Worth?**

While giving employees time to spend with their pets may lead to a happier workforce, pawternity leave—and an increased tolerance for pets in the workplace—could lead to liability issues, particularly if one person's dog or pet bites or harms another employee. For instance, a 1999 Connecticut case considered whether an employer was strictly liable for an employee's injury after she sustained a dog bite at work from the company president's own dog (Lavoy v. Rosenthal).

And of course, even if no one is bit, other issues may arise when implementing pawternity leave. How, exactly, does one implement such leave, and can it go too far? Is there a pecking order as to which pets merit leave and which don't? In other words, is Fido the dog more of a handful to train and get used to than Feathers the cockatiel?

Even if some may view pawternity leave as a trend reserved for startup office environments and other casual workspaces, the reality is that many employees may attempt to carve out leave for any milestone in the pet's life. You should be prepared to handle these types of requests or roll out policies implementing pawternity leave, particularly where retention, office morale, and recruiting new talent can surprisingly hinge on perks like this.

### **Every Dog Has Its Day: Implementing The Best Policy For Your Needs**

The best starting point is to consider your company's needs. It may be beneficial to take a survey of your employees to determine if pet-based leave is something they would appreciate. The next key step is to prepare a clear and coherent written policy that sets forth ground rules, whether for pawternity leave or for policies that allow employees to bring their pets to work. Smaller companies may be able to accommodate "bring-your-pet-to-work-everyday" policies depending on the size of the dog, documentation of a relevant insurance policy, proof that the pets are vaccinated and will not cause allergies, and a requisite signed waiver.

If you choose to implement some type of leave, consider how many paid days you would like to offer employees and for what—new pet ownership, bereavement, your pet’s medical issues, or otherwise. After, it may be helpful to check in with employees and take a survey to measure how truly happy employees are.

Alternatively, if you are not comfortable implementing a full-blown pawternity leave, it may be beneficial to remind employees that their existing leave benefits are in place for the care and keeping of their pets, and that they can use vacation time or paid time off for any reason.

### **Dog-gone Conclusion**

While some might dismiss pawternity leave as frivolous, many employers are embracing the benefits of a workforce where employees’ pets are a high priority. But you should not proceed blindly without considering all of the workplace law implications. The decision to implement pawternity leave should be made on a case-by-case basis, with the advice of your Fisher Phillips counsel.

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