

GEORGIA'S NEW SICK LEAVE LAW APPEARS TO BE MORE BARK THAN BITE

Insights
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Many workers in Georgia who receive sick leave from their employers will soon be entitled to use such leave to care for family members, thanks to a new law signed into effect by Governor Nathan Deal last week. The new law does not require Georgia employers to provide sick leave, rather it allows employees to use already earned sick leave for the care of immediate family members. Accordingly, it is not expected to add significant burdens to employers in the state.

THE BASICS

The new law, slated to take effect on July 1, 2017, requires that employees be allowed to use up to five days of their sick leave per year to care for "immediate family members," including children, spouses, grandchildren, grandparents, parents, or dependents who appear on the employee's most recent tax return. The term "employee" refers to individuals who work at least 30 hours per week.

The law specifically states that employees are not permitted to take more sick leave than they already have earned. In other words, if they have not accrued and earned sufficient leave time, they cannot rely upon this new law to justify an additional block of leave. Moreover, employees are still required to follow the terms of the company sick leave policy, which means that they still need to comply with any applicable work rules regarding procedures for requesting time off work and similar obligations. Essentially, the new law merely means that an employer should not have a policy

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which states “sick time can only be used for the employee’s own illness and not to care for others.”

The law will not apply to all places of business in Georgia. Exempted from the new law are all companies with fewer than 25 employees or any company offering an employee stock ownership plan.

MORE SYMBOLIC THAN SUBSTANTIVE

Given that nothing in S.B. 201 forces employers to offer sick leave if they do not already do so, the law is not expected to have a tremendous impact on the state’s employers. It appears that employers may decide to alter their sick leave policies to reduce or eliminate the benefit without consequence if they believe this new law would be unduly burdensome on them. In fact, the law states that it shall not be construed to create a new cause of action against employers, so it is hard to see how any “violations” would be enforced in the first place.

The law is set to expire after three years (on July 1, 2020) unless the legislature determines that it should be extended.

For more information about this new law and how it might affect your workplace, contact any attorney in our [Atlanta](#) office at 404.231.1400, or your regular Fisher Phillips attorney.

This Legal Alert provides information about a specific new state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.