



## **Ohio Mandated Paid Sick Leave Initiative**

During 2007 an activist coalition led by the Service Employees International Union (SEIU) circulated a petition to enact a law through the initiative petition process. In December of 2007 the coalition filed in excess of 120,683 valid signatures of registered voters with Ohio's Secretary of State. This triggered the proposed legislation being delivered to the Ohio Legislature at the start of their January 2008 session. Because the Legislature did not act on the legislation by May 8, 2008 the proponent coalition now is gathering an additional 120,683 valid signatures to put the initiated statute proposal on the November 4, 2008 General Election ballot.

### **Overview of the Initiative**

#### **Who must comply with the initiative, and what does it require?**

The proposed law would require employers with 25 or more employees in Ohio to provide 7 paid sick days to all employees working 30 hours or more per week, and a prorated amount of paid sick days to employees working less than 30 hours per week or less than 1,560 hours per year.

#### **Which states mandate paid sick leave?**

None. Passage of the initiative would make Ohio the only state in the country to require paid sick leave. With the serious economic climate Ohio currently faces, an additional mandate on employers would slow Ohio's recovery and discourage new companies from coming to Ohio and existing companies to expand. To date, the only jurisdiction to have enacted a mandated paid sick leave policy is the city of San Francisco.

#### **Do employers already provide comprehensive benefits to employees?**

Yes. According to a U.S. Department of Labor study of the cost of employee benefits in September 2007, 30.2% of payroll expenses are for employee benefits. Payments for time not worked, such as vacations, holidays, sick leave and other leave, represented 7% of payroll expenditures.

#### **How broad are the paid sick leave requirements under the proposed Ohio law?**

Employees would be able to receive paid sick leave for any absence resulting from a physical or mental illness, injury or medical condition of the employee or family member. An employer may only require that a request for leave be supported by a physician certification if the leave covers more than 3 consecutive work days. In addition, paid sick leave can be used in hourly increments or in the smallest increment used to track other forms of leave.

#### **What if an employer already provides paid leave?**

An employer that currently provides paid leave is not required to modify its policy if it offers an employee the option to take paid leave that is at least equivalent to the required sick leave. The problem is that there is no guidance in the proposal as to what leave policies would be deemed "equivalent".

#### **Do employers have the flexibility to change other types of leave to comply with this new mandate?**

An employer may not eliminate or reduce leave in existence on the date of enactment of the initiative, regardless of the type of such leave, in order to comply with the initiative. It is unclear whether reducing one type of leave while increasing paid sick days would be in compliance with the initiative.