

HEALTHY FAMILIES ACT, H.R. 2460 AND S. 1152

Congresswoman Rosa DeLauro (D-CT) introduced the “Healthy Families Act,” which would mandate that businesses with more than 15 employees provide a minimum of one hour paid sick leave for every 30 hours worked up to a total of 56 hours of paid sick time in a calendar year. Health, Education, Labor and Pensions (HELP) Committee Chairman Edward Kennedy (D-MA) introduced companion legislation, S, 1152.

Workers can also use sick days to care for a sick family member, to obtain preventative or diagnostic treatment or to seek help if they are victims of domestic violence. Small employers with fewer than 15 employees are exempt from the Act and employers can require workers to provide documentation supporting any request for leave longer than three consecutive days.

Definition of employer: An employer is any “person” engaged in commerce or in any industry or activity affecting commerce who employs 15 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

Covered employees: Part time employees are included. If the normal workweek of such an employee is less than 40 hours, the employee shall earn paid sick time based upon that normal work week. For the purpose of counting employees for coverage, an employee is basically anybody on the payroll for any amount of time. This aspect of the definition has its roots in the Fair Labor Standards Act definition which is much broader than other employee definitions such as those found under equal opportunity laws. Employees will be eligible to earn paid sick time at commencement of employment.

Use of sick leave: An employee shall be entitled to use the earned paid sick time beginning the 60th calendar day following commencement of employment. After that 60th day, the employee may use the paid time as it is earned. An employer is permitted to loan paid sick time to an employee in advance of the earning of the time by the employee. Paid sick time earned shall carry over from one calendar year to the next; however an employer does not have to permit an employee to accrue more than 56 hours of paid sick time at a given time.

Liability: Lest we forget about the plight of our poor lawyers, the bill provides for a civil action to recover damages by employees, individuals or their representative for and on behalf of the employees or individuals; or the employees or individuals and others similarly situated.

PMAA Position: This is not the first time this bill has been introduced; however, in these economic times it is particularly difficult to understand the logic behind introduction.

PMAA agrees with the U.S. Chamber of Commerce opposition to this legislation arguing that a new federal intrusion in the workplace cannot be justified, particularly when employers are struggling to stay in business during this struggling economy.

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