

Paid Sick Leave		
	Current Law (Public Act 369 of 2018)	What Would be Required if the Court of Claims Decision is Left to Stand ("Time to Care" Ballot Language)
WHAT TYPES OF BUSINESSES NEED TO COMPLY AND WHAT EMPLOYEES ARE ENTITLED TO THE BENEFIT	<ul style="list-style-type: none"> • Current law only applies to businesses who employ 50 or more individuals. • All employees must be counted in determining whether an employer meets the 50-employee threshold. • The law has 12 specific employee exemptions, including: employees exempt from FLSA overtime requirements, private sector employees covered by a collective bargaining agreement, temporary workers, employees who work in other states, independent contractors, certain seasonal and part-time employees, variable hour employees, flight deck, cabin crew and railroad workers. 	<ul style="list-style-type: none"> • The Act applies to "any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, government entity or other entity that employs one or more individuals." • There are no exemptions for employers with existing paid leave policies or small employers. • All employers will need to adjust their policies, as leave is available to any "individual engaged in service to an employer in the business of the employer" (e.g., part-time and seasonal employees, exempt employees, temporary workers and even possibly independent contractors). • The "act provides minimum requirements...and shall not be construed to preempt, limit or otherwise affect the applicability of...a collective bargaining agreement, that provides for greater accrual or use of time off."
ACCRUAL AND CARRY-OVER	<ul style="list-style-type: none"> • The law specifies employees would accrue one hour of paid sick leave for every 35 	<ul style="list-style-type: none"> • Employees accrue one hour of paid sick leave for every 30 hours worked under the Act. All employees would be

	<p>hours <i>worked</i>, up to 40 hours per benefit year.</p> <ul style="list-style-type: none"> • An employer is not required to allow an eligible employee to use more than 40 hours of paid sick leave in a single benefit year or to carry over more than 40 hours of time from one benefit year to another. • Employers may provide all 40 hours at the start of a benefit year to avoid carry-over. • The law creates a rebuttable presumption that an employer is in compliance with the law if the employer provides the requisite hours annually, specifying that the time provided can include paid vacation days, personal days and paid time off. 	<p>entitled to use 72 hours in a year.</p> <ul style="list-style-type: none"> • Employees working for employers with fewer than 10 employees (very small businesses) would be entitled to use 40 hours of paid leave, 32 hours of unpaid leave. • Although the employer could limit use to 72 hours per year, all time must be carried over from year to year (no cap). • The Act provides the employer is in compliance “if the employer provides any paid leave, that may be used for the same purposes and under the same conditions provided in this act and that is accrued in total at a rate equal to or greater than the rate described....”
<p>USE AND PAYMENT OF TIME</p>	<ul style="list-style-type: none"> • The law specifies time may be used in one-hour increments unless the employer has a different increment policy, and that policy is in writing in an employee handbook. • The law also requires the employer to pay at a pay rate equal to the greater of either the normal hourly wage, the base wage or the applicable minimum wage rate. • An employer is not required to include overtime pay, holiday pay, bonuses, 	<ul style="list-style-type: none"> • Leave time can be used in the smallest increment that the employer’s payroll system uses to account for absences (e.g., 6-minute increments). • The Act specifies “[f]or any employee whose hourly wage varies depending on the work performed, the ‘normal hourly wage’ means the average hourly wage of the employee in the pay period immediately prior to the pay period in which the employee used paid earned sick time.”

	commissions, supplemental pay, piece-rate pay or gratuities in the calculation.	NOTE: It remains unclear as to how time must be paid to commissioned, piece-meal, tipped and other employees with varying wages.
NOTIFICATION AND DOCUMENTATION	<ul style="list-style-type: none"> The law allows the employer to require the employee to comply with the employer's usual and customary notification, procedural and documentation requirements. 	<ul style="list-style-type: none"> The Act requires seven days' notice for use or, if not possible, "as soon as practicable." This will provide employees 72 hours of no-notice leave time. An employer can only require documentation after three consecutive days of leave. Documentation that sick time is necessary will be limited to a generic statement by a health care professional – nothing more. <p>NOTE: Employers are responsible for any payment of the employee's out-of-pocket costs associated with providing documentation.</p>
LITIGATION, FINES AND FEES	<ul style="list-style-type: none"> The law creates an administrative process for employees to lodge complaints. The Department of Licensing and Regulatory Affairs (LARA) must issue a determination upon conclusion of an investigation and inform the employer of its appeals rights. LARA may assess payment of medical leave and back-pay. The law also ensures employees are aware of their rights and able to seek relief if they've been affected by a violation. 	<ul style="list-style-type: none"> The Act assumes the employee's side for unfavorable personnel actions, putting employers in a position of having to defend their decisions in court. The Act creates a private right of action for workers and two rebuttable presumptions against employers. Remedies available to employees include reinstatement, attorney fees and all back pay and benefits (doubled as liquidated damages).

Minimum Wage		
	Current Law (Public Act 368 of 2018)	What Would be Required if the Court of Claims Decision is Left to Stand ("One Fair Wage" Ballot Language)
Minimum Wage Rate	<ul style="list-style-type: none"> • 2022: \$9.87 • 2023: \$10.10 • 2024: \$10.33 • 2025: \$10.56 • 2026: \$10.80 • 2027: \$11.04 • 2028: \$11.29 • 2029: \$11.54 • 2030: \$11.79 • 2031: \$12.05 <p><i>*The annual increase is paused if the previous year's annualized unemployment rate is greater or equal to 8.5%.</i></p>	<ul style="list-style-type: none"> • 2022: \$12.00 • 2023+: Rate adjusted annually based on urban CPI (no cap)
Tipped Minimum Wage Rate	<ul style="list-style-type: none"> • 38% of full minimum wage <p>NOTE: If tips plus the tipped minimum hourly wage rate do not equal or exceed the minimum hourly wage, the employer pays any shortfall to the employee.</p>	<ul style="list-style-type: none"> • 2022: 80% of the full minimum wage • 2023: 90% • 2024+: 100%