

Insights: Alerts

New Georgia Law Allows Employees to Use Sick Leave for Care of Family Members

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On May 8, 2017, Georgia Governor Nathan Deal signed into law a new statute requiring certain employers to allow their employees to use up to five days of their available paid sick leave to care for immediate family members. This new law will take effect on July 1, 2017.

The New Sick Leave Law

The newly signed legislation requires employers providing paid sick leave benefits (other than short-term and long-term disability benefits) to allow eligible employees to use up to five days of those sick leave benefits for the care of an immediate family member. Specifically, the law states that “[a]n employer that provides sick leave shall allow an employee to use such sick leave for the care of an immediate family member; provided, however that nothing in this Code section shall be construed . . . to require an employer to allow an employee to use more than five days of earned sick leave per calendar year for the care of an immediate family member.” However, the statute does not entitle an employee to use sick leave until that leave has been earned, and any usage of such sick leave must comply with the terms of the employer’s sick leave policy.

The new law applies only to employers with 25 or more employees, but employers that offer an employee stock ownership plan to employees are excluded from coverage. Employees eligible under the statute to use sick leave for the care of an immediate family member are those who work for salary, wages, or other remuneration for at least 30 hours per week. The law defines “immediate family member” as “an employee’s child, spouse, grandchild, grandparent, or parent or any dependents as shown in the employee’s most recent tax return.”

The new law does not contain any enforcement or penalty provisions and states that it shall not be construed to create a new cause of action against an employer.

Practical Implications

This new law impacts only Georgia employers with 25 or more employees that *already* provide paid sick leave to their employees or that elect to provide paid sick leave in the future. Indeed, the law specifically states that it shall not be construed to require an employer to offer paid sick leave to its employees. Covered Georgia employers that offer paid time off that can be used for any purpose will not have to make changes to their paid time off policies as a result of the new statute because their employees can already use all of their available paid time off to care for an immediate family member. Covered employers with policies providing paid time away from work that may be used only for health-related reasons (other than short-term and long-term disability

policies) should review those policies to ensure that they comply with the new Georgia law. Policies that allow employees to use paid sick time only for their own illnesses or injuries will have to be revised in accordance with the new law. If an employer does not provide paid sick leave, no action is required.

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