

## Workers of Federal Contractors to Get Paid Sick Leave under Obama Executive Order

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A new executive order signed by President Barack Obama on September 7, 2015, requires federal contractors and subcontractors to give their workers the ability to earn up to seven days (56 hours) of paid sick leave each year. Workers will earn an hour of paid leave for every 30 hours of work and can use this leave to care for themselves or family members. Workers can carry over unused leave from year to year and unused leave will be reinstated for employees rehired by a covered contractor within 12 months after a job separation. Payment for unused leave upon job separation is not required under the executive order.

The Secretary of Labor must issue regulations to implement the executive order by September 30, 2016. The executive order will go into effect on January 1, 2017.

Paid sick leave earned may be used by an employee for an absence resulting from:

- Illness, injury, or medical condition;
- Obtaining diagnosis, care, or preventive care from a health care provider;
- Caring for a child, a parent, a spouse, a domestic partner, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship who has need for diagnosis, care, or preventive care, or is otherwise in need of care; and
- Domestic violence, sexual assault, or stalking.

The worker must give at least seven days' prior notice of the need to take leave if the need for leave is foreseeable, or as soon as practicable if the need is not foreseeable. If the worker takes more than three consecutive workdays of leave, certifications supporting the need for leave must be provided within 30 days from the first day of leave.

The executive order states that it does not supersede other federal, state, or local laws or collective bargaining agreements that provide greater benefits. A federal contractor's existing policy can satisfy the executive order if it provides a sufficient amount of leave to meet the executive order's requirements and leave can be taken for the same reasons and under the same conditions as the executive order.

Pursuant to the executive order, federal contractors and subcontractors will be required to update their purchase order and contract language (once again) referencing this new policy. This requirement will apply to new contracts entered after the January 1, 2017, effective date.

Jackson Lewis attorneys are available to answer inquiries regarding this and other workplace developments.

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