

# Overview of Paid Sick Time Laws in the United States

Updated on October 13, 2020

Please note that these paid sick time materials do not represent an exhaustive overview of the state, county, and city paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in these materials may apply to a worker's specific circumstances or category of employment.

 <p>For more information visit A Better Balance (<a href="http://abetterbalance.org">abetterbalance.org</a>)</p>	<p>Austin, TX</p>
<p>Who is covered? Note: City/county paid sick time laws cannot cover state government workers, and city, county, and state paid sick time laws cannot cover federal government workers.</p>	<p>*Important note: This law is not currently in effect due to a pending court challenge.*</p> <p>Private sector workers who have worked within the City of Austin for at least 80 hours in a calendar year are covered. Workers employed by the City of Austin are also effectively covered, per a separate resolution passed by the City Council. Independent contractors and unpaid interns are exempted.</p>
<p>Can sick time be used to care for loved ones?</p>	<p>Yes: children; spouses; parents; and any other individuals related by blood or whose close association with the employee is the equivalent of a family relationship.</p>
<p>How is "child" defined?</p>	<p>Undefined.</p>
<p>Can sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)?</p>	<p>Yes, when the worker or the worker's family member is the victim.</p>
<p>Can sick time be used under the law to bond with a new child and/or deal with a family member's death? Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.</p>	<p>No.</p>
<p>Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency?</p>	<p>No.</p>
<p>Rate at which workers earn paid sick time?</p>	<p>1 hour for every 30 hours worked.</p>
<p>Do workers have different sick time-related rights based on the size of their employer? If so, based on what employer-size threshold(s)?</p>	<p>Yes, workers' rights differ based on whether an employer has: 5 or fewer workers; 6-15 workers; or more than 15 workers, as described below.</p>

 <p>For more information visit A Better Balance (<a href="http://abetterbalance.org">abetterbalance.org</a>)</p>	Austin, TX
<p>Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.)</p>	<p>Workers who work for employers with more than 15 employees can earn up to 64 hours of paid sick time per year. Workers who work for employers with fewer than 15 employees can earn up to 48 hours of paid sick time per year. The ordinance is effective for employers with 5 or more workers on October 1, 2018, but for smaller employers the effective date is October 1, 2020.) Note that the law has been temporarily stayed pending litigation.</p>
<p>When do workers begin to earn paid sick time?</p>	<p>For workers who work for employers with more than 5 employees, at the commencement of employment or October 1, 2018, whichever is later. For workers who work for employers with 5 or fewer employees, at the commencement of employment or October 1, 2020, whichever is later. New employees can be required to wait 60 days before using sick time, if the employer establishes that the employee's term of employment is at least one year.</p>
<p>Does unused sick time carry forward to the subsequent year?</p>	<p>Workers can carry over to the following year unused earned sick time up to the applicable yearly cap based on the size of their employer. Carry forward is not required if the employer makes at least the yearly cap of earned sick time available at the beginning of the year.</p>
<p>Private Right of Action to go to Court?</p>	No.
<p>Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?</p>	<p>A CBA may modify the yearly cap as long as the modification is explicitly stated in the CBA.</p>
<p>What Agency or Official Enforces the Law?</p>	City of Austin Equal Employment Opportunity/Fair Housing Office
<p>For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are broader than the state law?</p>	N/A
<p>Statutory Citation(s)</p>	Austin Code § 4-19-1 et seq.
<p>Additional Notes</p>	<p>On February 16, 2018, the City Council in Austin, Texas voted to pass a paid sick time ordinance covering private sector employees. On March 1, 2018, the City Council passed a resolution to effectively expand the ordinance to cover all City employees as well. Note: the law has been temporarily stayed pending litigation. For more information about Austin's sick time law, see <a href="http://www.austintexas.gov/EarnedSickTime">http://www.austintexas.gov/EarnedSickTime</a>. *Important note: This law is not currently in effect due to a pending court challenge.*</p>