

## Overview of Paid Time Off Laws in the United States

Two U.S. states and one county have paid time off laws on the books. This document provides an overview of these laws.<sup>1</sup>

	<b>Maine<sup>2</sup></b>	<b>Nevada<sup>3</sup></b>	<b>Bernalillo County, NM<sup>4</sup></b>
Who is covered?	Workers employed in the State of Maine are covered, with some exceptions including seasonal employees, some agricultural workers, and certain commission-only or direct sales employees.	Workers employed in Nevada in the private sector are covered, except “temporary,” “seasonal,” and “on-call” employees. The law also does not apply to any employer who has any policy that provides paid time off at the same accrual rate as the Nevada law.  <i>Employers in their first 2 years of operation are exempt from the law.</i>	Workers employed within the unincorporated limits of the County for an employer with 2 or more employees who work at least 56 hours a year are covered, with some exceptions such as government employees, independent contractors or per diem employees, and certain employees exempted from the state minimum wage law, including some student workers. While other government employees are exempted, Bernalillo County employees are covered. To be covered, employees must work for an employer required to apply for a business registration with the County with certain physical premises and two or more employees in the unincorporated limits of the County.  <i>New employers whose principal office and place of business is in the unincorporated county are exempt from the law in their first year as a registered business with the County.</i>
Do workers have different rights based on the size of their employer?	Yes, workers who work for employers with 10 or fewer employees are not covered.	Yes, workers who work for employers with 49 or fewer employees are not covered.	Yes, workers who work for employers with fewer than 2 employees are not covered. Additionally, the amount of paid time off that a worker can earn per year differs depending on their employer’s size.
Rate at which workers earn paid time off?	1 hour of paid time off for every 40 hours worked.  <i>Employees can begin accruing earned time off on January 1, 2021.</i>	.01923 hours of paid time off for every hour worked (which translates roughly to one hour of paid time off for every 52 hours worked.)  <i>Employees can begin accruing earned time off as of January 1, 2020.</i>	1 hour of paid time off for every 32 hours worked.  <i>Employees can begin accruing earned time off on October 1, 2020.</i>
Amount of paid time off that can be earned or used per year?	Employers can limit accrual to 40 hours per year.	Employers can limit use to 40 hours per year.	Effective October 1, 2020, <sup>5</sup> all employers can limit accrual to 28 hours per year. Effective October 1, 2021, employers with 11 or more employees can limit accrual to 44 hours

	<b>Maine<sup>2</sup></b>	<b>Nevada<sup>3</sup></b>	<b>Bernalillo County, NM<sup>4</sup></b>
			per year. Effective October 1, 2022, employers with 35 or more employees can limit accrual to 56 hours per year.
When can covered workers use their earned paid time off?	Employers may require workers to be employed for 120 days before allowing use of earned paid time off.	Employers may require workers to be employed for 90 days before allowing use of earned paid time off. Employers may also require employees to use earned paid time off in minimum increments of 4 hours (or less).	Employers may require workers to be employed for 90 days before allowing use of earned paid time off. Employees can use accrued time off after working 56 hours in a year.
Does the law specifically protect time that needs to be taken on an emergency basis (e.g. for sudden illness)?	Yes	Not specifically addressed in the law.	Yes
Does unused time carry forward to the next year?	Not specifically addressed in the law.	Yes, up to 40 hours.	Yes, up to the amount of maximum required accrual for the year.
What notice and scheduling requirements must workers meet before taking earned paid time off?	Absent an emergency, illness or other sudden necessity for taking earned paid time off, an employee must give “reasonable notice” to their supervisor. Use of leave must be scheduled to prevent undue hardship on the employer as reasonably determined by the employer.	Employees must provide their employer notice of their use of paid time off “as soon as practicable,” but don’t have to provide their reason for use.	Employees must provide their employer notice of their use of paid time off “as soon as practicable,” but don’t have to provide their reason for use.
Are there waivers/exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)?	The law does not apply to any employee covered by a CBA during the period between January 1, 2021 and the expiration of the agreement.	The law does not apply to employees covered by a CBA providing earned paid time off to all scheduled employees at an accrual rate equal to or better than the law.	The law, which takes effect on October 1, 2020, will not take effect for workers covered by a valid CBA until the date of termination of any collective bargaining agreement.
Can cities in the state or county pass earned paid time off time laws that are	No	Not explicitly addressed in the law.	Not explicitly addressed in the law.

	<b>Maine<sup>2</sup></b>	<b>Nevada<sup>3</sup></b>	<b>Bernalillo County, NM<sup>4</sup></b>
broader than the state or county law?			
What is the means of enforcement of the law?	The State Labor Bureau enforces the law.	The State Labor Commissioner enforces the law and may refer matters to the local district attorney, the Deputy Labor Commissioner, or the state Attorney General for enforcement.	The County of Bernalillo
Is there a private right of action?	No	No	Upon exhausting the administrative process, or upon receipt of authorization to bring a civil action, a civil action may be filed in court.
Statutory citation	26 Me. Rev. Stat. Ann. § 637.	Nev. Rev. Stat. § 608.0197	Bernalillo County Ord. No. 2019-17.

<sup>1</sup> These laws passed in 2019. Rules and regulations providing additional guidance and clarification of the laws' provisions may be forthcoming. Employees in other states may have rights to paid time off under different laws such as state paid family (and medical) leave laws or state or local paid sick time laws. See [abetterbalance.org](http://abetterbalance.org) for more information.

<sup>2</sup> The law is only partially codified. See 2019 Me. Legis. Serv. Ch. 156 (S.P. 110) (L.D. 369).

<sup>3</sup> Nev. Rev. Stat. § 608.0197.

<sup>4</sup> Bernalillo County Ord. No. 2019-17. Available at <https://www.bernco.gov/uploads/files/Ordinance%202019-17.pdf>.

<sup>5</sup> Although Bernalillo County's law's effective date was July 1, 2020, the effective date was postponed pursuant to an executive order by the County Manager on June 11, 2020. For more information, see [https://www.bernco.gov/uploads/files/Planning/Employee%20Wellness%20Act%20Guidance\(2\).pdf](https://www.bernco.gov/uploads/files/Planning/Employee%20Wellness%20Act%20Guidance(2).pdf).