



President Obama Drafts Executive Order Requiring Paid Sick Leave for Government Contractors

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On August 5, 2015, President Obama drafted an executive order that would require all employers that contract with the federal government to provide paid sick leave to individuals who are sick, seeking medical attention, or caring for a sick family member.

Employers should take note that paid sick leave initiatives have gained considerable traction over the last year at both the federal and state level. In January, President Obama urged Congress to pass legislation that would allow workers to receive paid sick leave. The number of state and local jurisdictions with paid sick day laws now, or soon to be, in place has also risen to twenty-four, with eleven of those laws being enacted or effected in 2015 alone.

The growing legislative response to unpaid sick leave highlights the severity of the issue nationwide. In the private sector alone, an estimated forty-four million people are without paid sick leave. Service and lower-income workers represent the smallest percentage of employees that have paid sick leave, with only twenty-two percent of the lowest earners in the U.S. receiving the benefit.

The President's drafted order would apply to a broad range of situations and circumstances. For example, the draft order would affect both federal contractors and their subcontractors and would require those employers to provide 56 hours a year (approximately seven days a year) of paid sick leave to employees. Notably, the draft order not only covers leave for an individual's own illness, but also for any caretaking the individual provides to a child, parent, spouse, domestic partner "or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship." Additionally, the draft order explicitly includes absences related to domestic or sexual violence, including time spent seeking and obtaining counseling, relocating with the assistance of victim services, and preparing for criminal and civil proceedings. In accordance with the draft order, federal contractors and subcontractors would also be allowed to accrue unused leave from year to year.

The Labor Secretary is expected to issue detailed information on the draft order regulations by September 30, 2016. If approved, the order is expected to have broad implications for hundreds of thousands of federal contractors and subcontractors and has potential to create a trickle effect towards nationwide recognition of paid sick leave across all labor markets.

If you or your institution has any questions or concerns regarding employment related issues, please contact James G. Ryan at jryan@cullenanddykman.com or at 516-357-3750.

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