

Short Term Time Off: The Current State of Play Winter 2006

Many people think of workplace flexibility as flexibility that is provided on a long term, regular basis – for example, flexibility provided through alternative work schedules, compressed workweeks, or part time positions. Under Workplace Flexibility 2010's conceptualization, however, workplace flexibility also includes the ability to address day-to-day life needs on a short term basis.

Short term needs for flexibility are numerous: to recover from an illness; take care of a sick child; attend a school conference, funeral or medical appointment; wait for a repair person; or appear in court. Some needs may be anticipated; others will arise unexpectedly.

While all workers need short term flexibility at some point, the need in today's workplace is compounded by the changing demographics of our nation's workforce. For example:

- In 1970, almost two-thirds of married couples, 18–64 years of age, had one spouse at home, available to handle many of the family's routine and emergency needs. By 2000, 60% of married couples had both spouses in the workforce.¹
 - Even among families with very young children (i.e., less than 6 years old), well over half of parents are both now working. By the time children reach the ages of 6–17, that number rises to two-thirds of all families.²
- Total work hours for dual-earner couples are increasing. In 1970, couples worked a combined average of 52.5 hours per week. Couples now work a combined average of 63.1 hours per week and almost 70% of them work more than 80 hours per week.³
- Workers are increasingly likely to be both working and providing care to a friend or family member. Currently, 59% of those caring for a relative or friend work and manage caregiving responsibilities at the same time.⁴ Of these working caregivers, 54% report having had to go into work late, leave early, or take time off during the day to provide care.⁵
- Expanding longevity, ongoing interest, and need are prompting more mature workers to stay in the workforce. By 2008, one out of every six workers will be over 55. By 2015, older workers will constitute 20% – or one out of every five – of the total workforce.⁶

Given these circumstances, Workplace Flexibility 2010 has coined the term "**Short Term Time Off**" (STO) to describe the short periods of time off – generally five days or less – that workers can be expected to need to address the daily exigencies of life.

Currently, STO is provided by a hodgepodge of legal mandates, employer-provided benefits, and informal permission by individual managers to take time off. Access to STO varies greatly between and within organizations depending on an organization's size and industry and a worker's occupation, employment status and socioeconomic status.

This memo provides an overview of the current state of play regarding STO – what is currently provided to workers, what workers say they need, and, to the extent they exist, applicable federal and state laws and regulations governing STO.

The Need for Short Term Time Off

As noted above, at some point in time every worker will likely need STO. Every worker, however, does not necessarily have access – legal, voluntary or informal – to such time off.

For example:

- An analysis of Bureau of Labor Statistics data from 1996-1998 finds that 59 million workers (49% of all American workers) do not have access to **designated** paid sick days.⁷
- According to a Families & Work Institute (FWI) nationally representative survey of workers, among employees who take paid vacations, 19% of their vacation time is spent meeting family responsibilities such as funerals, care for sick children, or because of their own personal illness.⁸
- According to a nationally representative survey of workers, 92% of American workers feel they do not have enough flexibility in their schedules to take care of family needs such as caring for a sick child or parent or attending school functions.⁹
- The National Daily Diaries Study found that 34% of working parents report that caring for their sick children has led to difficulties at work, 12% say it has led to lost pay, and 13% say it has led to the loss of a promotion or a job.¹⁰

Despite these statistics, there is increasing evidence that providing time off to workers can be good for business.

- According to a survey of U.S. human resource executives, providing "time off" to workers is one of the top four programs successful in curbing unscheduled absences.¹¹
- Evidence suggests the provision of a sick leave option positively and significantly affects firm profits.¹²
- 39% of employers report presenteeism, or going to work while ill, is a problem in their organization.¹³ At least one analysis estimates that productivity losses from workers reporting to work when ill account for nearly two and a half times as much productivity loss as staying home due to illness.¹⁴
- A recent analysis revealed that the greater the number of flexible work policies available (including such policies as paid time off for a sick child and flexible scheduling options), the greater an employee's loyalty to the employer, the fewer reported symptoms of stress, and the greater reductions in cost for employers due to reductions in days late for work (or left early), missed deadlines, and absenteeism.¹⁵
- Evidence suggests that being able to take paid time off during work hours to see a physician or dentist is correlated with workers using fewer sick days.¹⁶

As discussed in some detail below, the range of STO needs are currently being addressed through a range of legal and voluntary means for some employees, but not all.

Short Term Time Off for Sick Workers

According to an analysis of Bureau of Labor Statistics data from 1996–1998, 59 million workers (49% of all American workers) do not have access to *designated paid sick days*.¹⁷ Among full-time workers, 38 million (40%) lack access to paid sick days, while among part time workers, 21 million (84%) lack such access.¹⁸ Low-income workers are less likely to have access to paid sick days than higher-income workers.¹⁹

If these workers get sick and stay home from work, they will not necessarily be fired, but they will not be paid for that time off. Legally, however — assuming an employment-at-will setting — these workers *can presumably* be fired for staying home while sick (unless their illness rises to the level of a condition covered by the Family and Medical Leave Act).

It is important to note that the analysis of the BLS data focuses solely on *designated paid sick days*. At least some of these workers who do not have access to designated paid “sick days” may have access to vacation or personal leave days that they can then use when they are sick.

Unfortunately, our review of the research (confirmed by a number of conversations with researchers) indicates that there is not good data on this particular point — that is, whether employees that do not have access to designated paid sick days do, nevertheless, have access to some other form of job-protected and/or paid time off to use when they are sick. What we do know from the BLS data is that private sector employees have more access to paid **vacation** days (90% of full time employees have access to paid vacation, while 43% of part time employees have access to paid vacation) than have access to designated paid **sick** days (63% of full time employees have access to designated sick days, while 19% of part time employees have access to designated sick days).²⁰ Interestingly, in the public sector, more employees have access to designated paid sick days (96% of full time employees, 43% of part time) than have access to paid vacation days (67% of full time, 19% of part time).²¹ Finally, according to a Families & Work Institute (FWI) nationally representative survey of workers, at least some employees report using their vacation time for sick day related purposes — specifically, among employees who take paid vacations, 19% of this time is spent meeting family responsibilities such as funerals, care for sick children, or care of their own personal illness.²²

No federal or state law currently exists that requires employers to provide designated paid sick days to workers in the private sector. While only 63% of full-time private sector employees have access to designated paid sick leave,²³ 100% of full-time federal employees²⁴ and 96% of full-time state and local employees have such access.²⁵ Full time federal employees are legally provided 13 designated paid sick days per year,²⁶ and state employees often receive similar amounts of designated paid sick time off (ranging, for example, from 10 sick days per year in Colorado to 18 sick days per year in Iowa and West Virginia).²⁷

Many private sector employers provide designated paid sick days to their employees. One study found that 57% of the companies surveyed provided designated paid sick days — on average, 11 days per year.²⁸ A higher percentage of large employers appear to offer such time off than do small employers.²⁹

However, even when designated paid sick days are available, there are often constraints on their use. For example, an analysis of Bureau of Labor Statistics data from 1996–1998 indicates that only 33% of workers

are permitted to use their designated sick days for routine medical appointments.³⁰ In other words, these designated sick days are restricted for use when the worker is presumably too sick to come to work.

Workplace Flexibility 2010 lawyers had conversations during the summer of 2005 with a number of businesses to gain an anecdotal sense of their various flexibility policies. For example, we talked to one large private company that offered unlimited sick days. More often, however, we found that companies provide designated paid sick days for a specific number of days per year. We also found that access to sick days sometimes depended on seniority and whether workers worked part time or full time.

Some employers told us they have implemented a team approach to work and to flexibility, whereby the team members decide when each member will work, cover for each other when workers are absent, and, as a team, ensure that the work gets done.³¹ One particularly innovative Fortune 100 company we spoke to implements a wholly results-oriented approach, focusing on the end-product rather than on the amount of time an employee works or the reasons an employee needs to be away from work. According to employers we spoke to using the team approach, employee absence for illness is often less of a problem for management and less of a disruption to the workplace under the team structure.

One federal legislative proposal exists that would require all employers – in the public and private sectors – to provide paid sick days to their workers. The Healthy Families Act of 2005 (S. 932, H.R. 1902) would require employers to provide at least 7 paid sick days per year (pro rated for employees who work less than 30 hours/week) and would allow workers to use such time off for absences resulting from physical or mental conditions or for time away from work to obtain a medical diagnosis or receive preventive care.³² In addition, the Josephine Butler United States Health Service Act (H.R. 3000, 109th Cong. (2005)) would amend the Fair Labor Standards Act (FLSA) to allow employees to accrue one hour of paid leave for every workweek the employee works that may be used when an employee is unable to work because the employee needs “necessary health care services” (defined broadly to include emergency, routine and preventive care). Finally, legislators in Massachusetts recently introduced a bill mirroring the text of the Healthy Families Act.³³

Short Term Time Off to Care for Sick Family Members

There is no federal law that requires private sector employers to provide paid time off to care for sick family members.

Six states have laws that require private sector employers to allow employees to use their *existing* designated sick days to care for certain sick family members.³⁴ In other words, while employers in these states are not required to provide any sick days, they must – if they choose to provide sick days at all – allow their employees to use at least some of that time off not only when the employee is sick, but also in order to care for the employee’s sick family members.³⁵

Federal workers are permitted to use up to 13 of their paid sick days per year to care for family members with routine medical needs.³⁶ Forty-eight states have similar laws or regulations that apply to their state employees.³⁷

With regard to unpaid short time off, Massachusetts law guarantees – to both public and private sector workers – 24 hours of unpaid time off in any 12-month period to accompany a child or elderly relative to medical appointments.³⁸

Private sector policies regarding whether workers are allowed to use sick days to care for family members vary. An analysis of Bureau of Labor Statistics data from 1996–1998 indicate that 30% of non-federal workers are covered by a plan that provides paid time off to care for sick children.³⁹ More recently, a study based on Families & Work Institute data found that 54% of the wage and salaried workforce with children reported that they have no time off to care for sick children without losing pay, having to use vacation days, or fabricating an excuse.⁴⁰

Based on our conversations with various businesses, employers who provide employees paid time off to care for ill family members often require the employee to use vacation or personal days. Other companies, usually informally, simply “look the other way” when an employee takes time off for caregiving purposes. For example, at least one large company told us that it offers unlimited sick days to its employees, but the policy does not technically cover caring for an ill family member (though the employer believes it is often used for that purpose without penalty). Employers who use the team and results-oriented approaches described above also generally permit employees to take time off to care for sick family members, provided the work gets done.

There are various legislative proposals at the federal and state levels to guarantee STO to care for sick family members. The Healthy Families Act, described above, would allow all workers (in the public and private sectors) to use their 7 guaranteed sick days to care for a child, spouse, parent, or any other individual related by blood or affinity whose close association with the worker is the equivalent of a family relationship.⁴¹ Likewise, the Josephine Butler United States Health Service Act (also described above) would allow employees to accrue one hour of paid leave for every workweek the employee works. The accrued time off may be used when an employee is unable to work because the employee’s dependent needs necessary health care services. The Family Medical Leave Enhancement Act would amend the Family and Medical Leave Act (FMLA) to allow covered employees to take up to 4 hours in a thirty-day period, and up to 24 hours in a 12 month period, to use for parental involvement activities such as transportation of children or grandchildren for medical or dental appointments or assisting with the needs of elderly relatives, including visits to nursing homes and group homes.⁴² In 2005, at least three state legislatures considered bills to allow employees who have paid sick days to use this time off to care for a sick child or other sick family members.⁴³

Other Forms of Short Term Time Off

As noted above, workers need STO for many reasons other than their own illnesses or the illnesses of family members. Various federal and state laws address these diverse needs. Additionally, some employers provide numerous types of STO, while others provide none. The provision of STO for these diverse needs often depends on an organization’s size and industry, and on a worker’s occupation, employment status and income.

Federal law requires that federal workers be provided with various forms of STO. For example, federal

employees accrue annual (vacation) time off based on their full/part time status and years of service.⁴⁴ This time off may be used for various STO purposes, including volunteer activities and school-related activities.⁴⁵ Federal workers may also use sick leave for bereavement leave purposes,⁴⁶ and may receive up to seven days of paid time off to serve as a bone-marrow donor.⁴⁷ Federal workers are entitled to paid time off to serve as a juror, or as a witness in any proceeding where the government is a party.⁴⁸ Additional time off related to military service is also available to federal workers.⁴⁹

At the state level, numerous laws require the provision of STO for state employees, and in some cases, private sector employees as well. In some instances, the time off is paid; in others, the time off is unpaid.

Examples include state laws that provide:

- paid vacation days for state employees;⁵⁰
- paid time off for state employees for jury duty or to appear as a witness in certain judicial proceedings;⁵¹
- paid time off for state employees to compete in the Olympics;⁵²
- paid time off for state employees who participate in various forms of mentoring (e.g., volunteering in school or participating in the Big Brothers Big Sisters programs);⁵³
- paid time off for state employees for funeral and bereavement needs;⁵⁴
- time off for state and/or private sector employees who serve the public safety (e.g., volunteer firefighters, ambulance workers, Red Cross disaster relief workers, or civil air patrolmen);⁵⁵
- paid time off for public and/or private sector employees to donate bone marrow and/or blood;⁵⁶
- 24 hours of unpaid time off for a parent or close relative of a child to participate in any school-related activity;⁵⁷ and
- unpaid time off for crime victims to attend to criminal proceedings.⁵⁸

ENDNOTES

- ¹ Jacobs J.A. & Gerson, K. (2004). *The time divide: work, family, and gender inequality*. Cambridge, MA: Harvard University Press, p. 43. (Nationally representative of non-institutionalized population 16 and over; data is based on authors' analysis of Current Population Survey (CPS) data. The CPS is a monthly survey of about 60,000 households conducted by the Bureau of the Census that serves as the primary source of information on the labor force characteristics of the U.S. population).
- ² U.S. Department of Labor (2005). *Employment characteristics of families summary*. Washington, D.C.: Bureau of Labor Statistics. Retrieved September 2005, from <http://www.bls.gov/news.release/famee.nr0.htm> (Nationally representative of non-institutionalized population 16 and over; data is derived from the CPS).
- ³ Jacobs, J.A. & Gerson, K. (2004), p. 44.
- ⁴ National Alliance for Caregiving and AARP (2004). *Caregiving in the U.S.* Bethesda, MD: Author, p. 12. Retrieved December 2005, from <http://www.caregiving.org/04finalreport.pdf>. (Based on nationally representative survey that identified 'caregivers' as those who are: a) 18 years or older, b) living in the U.S., and c) providing one or more Activities of Daily Living (ADL) or Instrumental Activities of Daily Living (IADL) for someone 18 years of age or older).
- ⁵ Id. at p. 13.
- ⁶ U.S. Census Bureau, *Population Division, Population Projections Branch* (2000). *National population projections, summary files: Projections of the total resident population by 5-year age groups and sex with special age categories, middle series, 2001-2005, 2006-2010, 2016-2020, and 2025-2045*. Washington, D.C.: Author. Retrieved June 2005, from <http://www.census.gov/population/www/projections/natsum-T3.html>. (Nationally representative).
- ⁷ Lovell, V. (2004). *No time to be sick: Why everyone suffers when workers don't have paid sick leave*. Washington, D.C.: Institute for Women's Policy Research, p. 6. Retrieved September 2004, from <http://www.iwpr.org/pdf/B242.pdf>. (Nationally representative of non-federal employees; based on author's analysis of BLS data acquired through the National Compensation Surveys from 1996-1998). Please note: this analysis focuses just on "designated paid sick days" and may not cover access to other days off that are not officially designated as "sick leave."
- ⁸ Galinsky, E., Bond, J.T., Kim, S.S., Backon, L., Brownfield, E., & Sakai, K. (2005). *Over work in America: When the way we work becomes too much*. New York: Families and Work Institute, p. 36. (Nationally representative of U.S. adults aged 18 and older who are employed full or part time; based on survey of 1,003 adults and stratified to U.S. Census Bureau data).
- ⁹ University of Connecticut and Rutgers University, Center for Survey Research and Analysis and John J. Heldrich Center for Workforce Development (1999). *Work and family: How employers and workers can strike the balance*. Storrs, Connecticut & New Brunswick, New Jersey: Author, p. 2. (Nationally representative of adult workforce; based on survey of 1,000 members of workforce stratified according to U.S. Bureau of Census data).
- ¹⁰ Heymann, J. (2000). *The widening gap: Why America's working families are in jeopardy and what can be done about it*. New York, New York: Basic Books, p. 65. (Based on a nationally representative survey of 1,031 Americans designed to determine whether they had to cut back on their normal activities in the preceding twenty-four hours to help family members meet their needs. From this, 870 working Americans were identified to participate in an eight consecutive day daily telephone survey to report their experiences).
- ¹¹ CCH Incorporated (2004). *Unscheduled employee absenteeism rises to five-year high*. Riverwoods, Illinois: Author. Retrieved August 2005, from <http://www.cch.com/Press/news/2004/20041007h.asp>. (Cohort survey weighted to reflect industry distribution as represented in the Society for Human Resource Management; based on random sample of 305 human resource executives from randomly polled organizations with an estimated total of more than one million employees).
- ¹² Meyer, C.S., Mukerjee, S., Sestero, A. (2001). Work-family benefits: Which ones maximize profits. *Journal of Managerial Issues*, 13(1), 28-45. (Cohort study; sample is derived from *Working Mother* magazine's 100 Best Companies for Working Mothers).
- ¹³ CCH Incorporated (2004).

- ¹⁴ Stewart, W.F., Ricci, J.A., Chee, E., & Morganstein, D. (2003, December). Lost productive work time costs from health conditions in the United States: Results from the American Productivity Audit. *Journal of Occupational and Environmental Medicine*, 45(12), p. 1243. (National survey of the U.S. workforce; based on survey of 28,902 workers 18-65 who responded to the CPS that they had worked for either pay or profit in the preceding week).
- ¹⁵ Halpern, D.F. (2005, April). How time-flexible work policies can reduce stress, improve health, and save money. *Stress and Health*, 21(3), 157-168. Retrieved June 2005, from <http://berger.claremontmckenna.edu/Publications/Papers/StressHealth.pdf>. (Nationally representative; based on author's analysis of National Study of the Changing Workforce data).
- ¹⁶ Davis, K., Collins, S.R., Doty, M.M., Ho, A., & Holmgren, A.L. (2005, August). *Health and productivity among U.S. workers*. New York, New York: The Commonwealth Fund, p. 4, p. 7. (Nationally representative; based on survey of 4,052 adults ages 19 and older living in Continental U.S.).
- ¹⁷ Lovell, V. (2004), p. 6.
- ¹⁸ Lovell, V. (2004), p. 7.
- ¹⁹ For example, workers in the bottom 25% of the wage bracket are three times less likely as workers in the top 25% of the wage bracket to have paid sick days. Likewise, only 14% of employees in the accommodation and food service industries have paid sick days, and less than 30% of operators, assemblers, or inspectors have paid sick days. Close to 90% of workers in utilities, educational services and government have paid sick days. See, Lovell, V. (2004), p. 13, p. 8.
- ²⁰ Though the data here is presented as the percentage of employees with access to these benefits, these numbers are based on a survey of private establishments and their estimates of the percentage of employees in their organization that are covered. U.S. Department of Labor (2001). *National compensation survey: Employee benefits in private industry in the United States, 1999*. Washington, D.C.: Bureau of Labor Statistics, p. 5, p. 6. (Nationally representative of private industry workers; BLS data acquired through National Compensation Surveys).
- ²¹ Though the data here is presented as the percentage of employees with access to these benefits, these numbers are based on a survey of state and local governments and their estimates of the percentage of employees in their organization that are covered. U.S. Department of Labor (2000). *Employee benefits in state and local governments, 1998*. Washington, D.C.: Bureau of Labor Statistics, p. 4, p. 117. (Nationally representative of state and local government employees; BLS data acquired through National Compensation Surveys).
- ²² Galinsky, E., Bond, J.T., Kim, S.S., Backon, L., Brownfield, E., & Sakai, K. (2005), p.36.
- ²³ Though the data here is presented as the percentage of employees with access to these benefits, these numbers are based on a survey of private establishments and their estimates of the percentage of employees in their organization that are covered. U.S. Department of Labor (2001). *National compensation survey: Employee benefits in private industry in the United States, 1999*. Washington, D.C.: Bureau of Labor Statistics, p. 5. (Nationally representative of private industry workers; BLS data acquired through National Compensation Surveys).
- ²⁴ U.S. Office of Personnel Management. Fact Sheet: Sick Leave. Washington, D.C.: Author. Retrieved June 2004, from <http://www.opm.gov/oca/leave/html/SICKLV.HTM>
- ²⁵ Though the data here is presented as the percentage of employees with access to these benefits, these numbers are based on a survey of state and local governments and their estimates of the percentage of employees in their organization that are covered. U.S. Department of Labor (2000). *Employee benefits in state and local governments, 1998*. Washington, D.C.: Bureau of Labor Statistics, p. 4, p. 117. (Nationally representative of state and local government employees; BLS data acquired through National Compensation Surveys)
- ²⁶ 5 C.F.R. § 630.401.
- ²⁷ C.R.S. § 24-50-104(7), Iowa Code § 70A.1; W. Va. CSR § 143-1-14.4. For a comprehensive review of state sick day policies for public sector employees, see National Partnership for Women and Families (2004). *Get well soon: Americans can't afford to be sick*. Washington, D.C.: Author. Retrieved September 2004, from <http://www.nationalpartnership.org/portals/p3/library/PaidLeave/SickDays/GetWellSoon.pdf>.

- ²⁸ Society for Human Resource Management (SHRM) (2004). *2004 Benefits survey report*. Virginia: Author, p. 43. (Cohort study based on a survey of human resource representatives from 459 member organizations from both the public and private, for-profit and not-for-profit sectors) .
- ²⁹ When broken down by size of company, 49% of small employers (0-99 employees) and 70% of large employers (100 employees and over) surveyed provided designated paid sick days. *Id.* at p. 46.
- ³⁰ Lovell, V. (2004), p. 10.
- ³¹ See, e.g., Maggie Jackson, "Team Based Flexible Work Programs are Pushing into the Mainstream," *Boston Globe*, November 6, 2005.
- ³² S. 932, 109th Cong. § 1 (2005) (Introduced by Senator Edward Kennedy on April 27, 2005); H.R. 1902, 109th Cong. § 1 (2005) (Introduced by Rep. Rosa DeLauro on April 27, 2005).
- ³³ Paid Sick Days Act, Mass. H.B. 3788 (2005), Mass. S.B. 1130 (2005).
- ³⁴ See Cal. Lab. Code § 233 (2004); Conn. Gen. Stat. §31-51pp (2004); Haw. Rev. Stat. § 398-4 (2004); Me. Rev. Stat. Ann. tit 26, § 636 (2005); Minn. Stat. §181.9413 (2005); and Wash. Rev. Code §49.12.270 (2005).
- ³⁵ See, e.g., Cal. Labor Code §233.
- ³⁶ 5 U.S.C. §6307(e); 5 C.F.R. §630.401. Federal agencies are also encouraged to allow federal workers to use up to 24 hours of unpaid leave in order to accompany their children or elderly relatives to routine medical or dental appointments. See Presidential Memorandum for the Heads of Executive Departments and Agencies: Expanded Family and Medical Leave Policies, Apr. 11, 1997, *available at* <http://www.opm.gov/oqa/leave/HTML/fampres.htm> (last visited Nov. 10, 2005). Federal workers may use up to 12 weeks of combined annual and sick leave to care for a family member with a serious health condition. 5 C.F.R. § 630.401.
- ³⁷ "Forty eight states, the District of Columbia, and the federal government allow state employees to use their sick leave to care for family members. Louisiana is the only state that neither provides paid sick nor personal leave to care for sick family members. In Virginia employees hired prior to 1999 can use their sick leave for this purpose. Virginia employees hired since 1999 can only use their personal leave – and not their sick leave – to care for sick family members." See, National Partnership for Women and Families (2004), p. 7.
- ³⁸ Mass. Gen. Laws Ann. 149 § 52D.
- ³⁹ Lovell, V. (2004), p. 8.
- ⁴⁰ Galinsky, E., Bond, J.T., & Hill, E.J. (2004). *Workplace flexibility: What is it? Who has it? Who wants it? Does it make a difference?* New York: Families and Work Institute, p. 16. (Nationally representative of workers; based on the National Study of the Changing Workforce survey of 2,810 wage and salaried employees).
- ⁴¹ S. 932, 109th Cong. § 1 (2005); H.R. 1902, 109th Cong. § 1 (2005).
- ⁴² H.R. 476, 109th Cong. § 1 (2005) (Introduced by Rep. Carolyn Maloney on Feb. 1, 2005). It would also expand FMLA coverage to include employees who work for employers with between 25 and 50 employees. *Id.*
- ⁴³ In New York, A.B. 2673 (2005) passed the New York Assembly on May 31, 2005. The bill allows employees to utilize accrued and available **sick days** to provide care to immediate family members, household members or domestic partners. In Oregon, H.B. 3054 (2005) was introduced on March 11, 2005. It was assigned to the House Committee on Business, Labor, and Consumer Affairs where no further action was taken. Maine also considered and passed a law that allows employees to use paid sick days to care for a sick child or certain other family members. 2005 Me. Laws 455.
- ⁴⁴ 5 U.S.C. § 6303. Accrual of paid annual leave is based on seniority. Federal employees with less than three years of service receive approximately 13 days of paid annual leave per year, employees with between 3 to 15 years of service receive approximately 20 days of paid annual leave, and employees with 15 or more years of service receive approximately 26 days.

- ⁴⁵ While there is no specific statute or regulation requiring time off for volunteer or school-related activities for federal workers, OPM has issued guidance advising agencies regarding how to provide such time off using existing policies: "Employees seeking to participate in volunteer activities during basic working hours may be granted annual leave, leave without pay, compensatory time off, or, in very limited and unique circumstances, excused absence..." Memorandum from Janice R. Lachance, Director, Office of Personnel Management, to the heads of executive departments and agencies (Apr. 23, 1998) (available at <http://www.opm.gov/oca/compmemo/1998/CPM98-V2.asp>). This guidance stemmed from a Presidential Memorandum from President Clinton directing that "[e]ach department and agency should review its work scheduling practices and make maximum use of existing flexibilities to allow Federal employees to plan and take time off to perform community service as the public business permits." Memorandum from William Clinton, President of the United States, to the heads of executive departments and agencies (Apr. 22, 1998) (available at <http://www.opm.gov/oca/compmemo/1998/CPM98-V1.asp>). These policies have continued under the Bush administration: "Agencies are encouraged to make appropriate use of these flexibilities to permit employees to engage in volunteer activities, while giving due consideration to the effect of the employees' absence or change in duty schedule on work operations and productivity." Memorandum from Kay Coles James, Director, Office of Personnel Management, to the heads of executive departments and agencies, CPM 2002-04 (Apr. 23, 2002) (available at <http://www.opm.gov/oca/compmemo/1998/CPM98-V2.asp>).
- ⁴⁶ 5 U.S.C. § 6307.
- ⁴⁷ 5 U.S.C. § 6327.
- ⁴⁸ See 5 U.S.C. §§ 5515, 5537, 6322.
- ⁴⁹ For example, federal employees receive no loss in pay for active-duty military service, inactive-duty training, or reserve service for 15-44 days per year, depending on the type of federal employee and type of military service. 5 U.S.C. § 6323. Veterans may also receive up to four hours of paid time off to act as a pallbearer or a member of an honor guard for another veteran whose remains are returned from abroad. 5 U.S.C. § 6321. Additionally, if an immediate relative of a federal employee dies during military service in a combat zone, then the employee is entitled to up to three days of paid time off. 5 U.S.C. § 6326
- ⁵⁰ See, e.g., Ala. Admin. Code r. 670-X-13-.02; Alaska Stat. § 39.20.200; Ariz. Admin. Code § R2-5-403; Ark. Code § 21-4-204; Cal. Code Regs. tit. 2, § 599.752.1; Colo. Code Regs. § 801-5-10; Fla. Admin. Code r. 60L-34.0041; Ga. Comp. R. & Regs. r. 478-1-.18.201; Idaho Code § 67-5334; Iowa Admin. Code r. 11-63.2(8A); Mass. Human Res. Div. R. 2.01; Mo. Code Regs. tit. 1, § 20-5.020; Mont. Admin. R. 2.21.222; Nev. Admin. Code ch. 284, § 538; N.D. Admin. Code § 4-07-12-04; S.C. Code Regs. § 19-709.02; Tenn. Comp. R. & Regs. R. 1120-6-.11; Utah Admin. Code 477-7-3; W. Va. Code St. R. § 143-1-14.3; Wis. Admin. Code § 18.02.
- ⁵¹ See, e.g., Cal. Code Regs. tit. 2, § 599.672 (if any jury fee is remitted to the state, no deductions are made to the salary of a state employee for time spent on jury duty); D.C. Code. § 1-612.03 (provides paid time off to District of Columbia employees for jury duty and for appearing as a witness on behalf of any party where a unit of government is a party); Fla. Admin. Code r. 60L-34.0071 (provides paid time off for jury duty and if the state employee is subpoenaed as an unpaid witness in a hearing that does not involve personal litigation); Ga. Comp. R. & Regs. r. 478-1-.18.601 (provides paid time off for a state employee's service as a juror or witness in a judicial proceeding); Ill. Adm. Code tit. 2, § 600.686(a)(8) and Ill. Adm. Code tit. 80, § 500.320(q) (paid leave for a state employee serving as a juror or subpoenaed to appear before a court, conditioned that the employee return any jury fees to the state); Ind. Admin. Code tit. 31, r. 1-9-7(C) and Ind. Admin. Code tit. 31, r. 2-11-8(C) (an employee who serves as a juror or as a witness in a matter that involves the state is entitled to the portion of her salary which, with any compensation for her court service, equals her salary); Kan. Admin. Regs. § 1-9-8 (state employees who serve as jurors or who are subpoenaed by a court or certain administrative agencies receive paid time off for their service); Mass. Human Res. Div. R. 7.00 (provides state employees with paid time off for jury duty or appearing as a witness on behalf of a unit of government); Nev. Admin. Code 284.582 (paid time off for state employees who serve as jurors or are witnesses in certain judicial proceedings); N.J. Admin. Code tit. 4A, § 6-1.19 (state employees receive leave with pay for jury duty); Ohio Admin. Code §123:1-34-03 (provides paid time off for jury duty or if the state employee is subpoenaed in a judicial or other type of legally authorized proceeding); S.C. Code Regs. 19-712.01(F)(1) (provides paid time off for jury duty or appearing as a witness in an official capacity); Utah Admin. Code R477-7-8 (provides paid time off for jury duty or if the state employee is subpoenaed in an official capacity).

⁵² See, e.g., Conn. Gen. Stat. § 5-248 (state employees who are members of the Olympic team receive 90-days of paid, job-protected time off); 29 Del. Code § 5113 (state employees can receive a reasonable amount of paid leave for Olympic competition, travel, and training); Fla. Stat. § 110.118 (provides state employees who are members of the United States World, Pan American, or Olympic Team with up to 30 days of paid time off); La. R.S. 42:432 (provides state employees who are members of the United States Pan American or Olympic Team with up to 90 days of paid time off); Mass. Gen. Laws 30 § 9G (state employees can receive up to 60 days of paid leave for Olympic competition and training); Minn. Stat. § 15.62 (provides state employees who are members of the United States World, Pan American, or Olympic Team with up to 30 days of paid time off); N.J. Stat. § 11A:6-11 (provides state employees who are members of the United States Pan American or Olympic Team with up to 90 days of paid time off); NY Civ. Serv. Law § 151 (provides state employees who are members of the United States World, Pan American, or Olympic Team with up to 90 days of paid time off); N.C. Gen. Stat. § 126-8.1 (provides state employees who are members of the Pan American or Olympic Team with up to 30 days of paid time off); Ohio Rev. Code § 9.46 (state employees can receive a "reasonable" amount of paid leave for Olympic competition, travel, and training); Or. Rev. Stat. § 243.330 (provides state employees who are members of the United States World, Pan American, or Olympic Team with up to 90 days of paid time off); Va. Code § 2.2-124 (provides state employees who are members of the United States Pan American or Olympic Team with up to 90 days of paid time off).

⁵³ See, e.g., Conn. Gen. Stat. § 5-248j (permanent state employees receive one additional week of vacation time for each year they participate in the Big Brothers/Big Sisters program); Fla. Admin. Code r. 60L-34.0071 (state employees can receive up to one hour per week of administrative paid time off to participate in the Governor's Mentoring Initiative); Mass. Gen. Laws 29 § 31E (state employees are entitled to one day of paid time off each month to volunteer in a public school); Mo. Code Regs. tit. 1, § 20-5.020(8)(B)(4) (state employees may receive an unspecified amount of paid leave for volunteering in a formal tutoring or mentoring program).

⁵⁴ See, e.g., Ariz. Admin. Code R2-5-410 (state employees may receive up to three paid days off due to the death or funeral of certain family members); 4 Colo. Code Regs. § 801-5-17 (state employees may take up to five paid days off upon the death of a family member, the specific amount of time is determined based upon the relationship to the deceased and distance needed to travel); Md. Regs. Code tit. 11, § 02.03.07(B)(5) (state allows three of five allocated sick days to be used for bereavement purposes); Fla. Admin. Code r. 60L-34.0071 (state employees can receive up to two days of administrative paid time off on the death of a family member); Mass. Human, Res. Div. R. 8.01 (state employees are entitled to four days of paid time off within 30 days of the death of a family member); Mo. Code Regs. tit. 1, § 20-5.020(8)(B)(3) (state employees may receive up to five days of paid leave upon the death of a family member); Ohio Admin. Code § 123:1-32-05(A)(4) (state employees may receive up to three paid days off upon the death of certain family members); Tenn. Comp. R. & Regs. R. 1120-6-.13 (state employees may receive up to three paid days off upon the death of certain family members).

⁵⁵ See, e.g., Conn. Gen. Stat. § 5-249 (provides unspecified paid time off for volunteer firefighters, volunteer members of an ambulance service, active members of a canine search and rescue, as well as up to 15 days of paid time off for American Red Cross disaster service volunteers); Fla. Stat. § 110.120 (provides up to 15 days of paid time off for American Red Cross disaster service volunteers); Ga. Comp. R. & Regs. r. 478-1-18.905 (provides up to 15 days of paid time off for American Red Cross disaster service volunteers); Iowa Admin. Code r. 11-63.14(8A) (provides up to 15 days of paid time off for American Red Cross disaster service volunteers); Kan. Admin. Regs. § 1-9-24 (provides up to 15 days of paid time off for American Red Cross disaster service volunteers); Minn. Stat. § 181.946 (provides unpaid time off for public and private employees for time spent in the civil air patrol; only covers private employers with at least 20 employees and only applies if such time off would not unduly disrupt the employer's operations); Mont. Admin. R. 2.21.306 (provides unspecified paid time off for American Red Cross disaster service volunteers).

- ⁵⁶ See, e.g., Minn. Stat. §181.945 (provides public employees and private employees of employers with over 20 employees with up to 40 hours of paid time off to donate bone marrow); N.Y. Lab. Law § 202-a (provides public employees and private employees of employers with over 20 employees with up to 24 hours of unpaid, job-protected time off to donate bone marrow); see also, e.g., 4 Colo. Code Regs. § 801-5-21 (state employees may receive up to two days of paid administrative leave for organ, tissue, or bone donation); Ill. Admin. Code tit. 80, §§ 332.3, 332.4 (provides state employees with up to 30 days of paid leave for bone marrow and organ donation as well as one hour of paid leave every 56 days for blood donations); Md. Regs. Code tit. 17, § 04.11.25 (provides state employees with up to 7 paid days of leave for bone marrow donations and up to 30 days of paid leave for organ donations); Mass. Human Res. Div. R. 8.06 (provides state employees with up to 5 days of paid time off for organ or bone marrow donations); Mo. Code Regs. tit. 1, § 20-5.020(8)(B)(5) (provides state employees with up to 5 paid days of leave for bone marrow donations and up to 30 days of paid leave for organ donations); N.Y. Lab. Law § 202-b (state employees are entitled to 7 days of paid, job-protected time off for bone marrow donations and up to 30 days of paid, job-protected, time off for organ donations); 19 S.C. Code Regs. 712.01(D) (state employees are allowed an unspecified amount of paid leave to donate blood at an agency arranged donation drive).
- ⁵⁷ See, e.g., D.C. Code §§ 32-1201 – 1206; Mass. Gen. Laws 149 § 52D; see also, e.g., 2 Colo. Code Regs. § 599.912 (state employees may use “no less than 20” hours of accumulated leave for school related activities including plays, graduations, field trips, organized sports events, recitals, Scouts, 4-H, Junior Achievement, and Grange); Haw. Stat. § 78-31 (state employees may receive up to two hours of paid leave to attend parent-teacher conferences); Ill. Admin. Code tit. 2, § 600.686(a)(13) (state employees may use up to 8 hours of unpaid leave for school visitation purposes).
- ⁵⁸ See, e.g., Ore. Stat. §§ 659A.190 – 659A.198.