

New Georgia Sick Leave Law Requires Employers to Allow Employees to Use Sick Leave to Care for Family Members

By Honore N. Hishamunda

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The Georgia state legislature passed, and on May 8th Georgia Governor Nathan Deal signed, the Family Care Act. The act requires employers who already offer their employees paid sick leave, to use that paid sick leave to not only take care of themselves, but to also take care of immediate family members. Interestingly, the act specifically states that it does not create a new cause of action for employees. In addition, the act contains several other notable limitations.

First, the act **does not** require employers to offer paid sick leave. Instead, the act states that if an employer chooses to provide paid sick leave, than employees must be able to use that paid sick leave to take care of immediate family members.

Second, the act specifically provides that an employee must follow the terms of the employer's sick leave policy, even when using that leave to care for an immediate family member. This means that an employee must still, for example, comply with employer requirements for earning leave as well as scheduling an appropriate time to use that leave.

Third, the act allows employers to cap paid sick leave used to care for an immediate family member at five calendar days per year.

Fourth, the act does not apply to all Georgia employers. Instead, it only applies to employers with 25 or more employees.

Finally, unless extended by the state legislature, the act will automatically be repealed on July 1, 2020.

Key Take Aways Regarding the Georgia Family Care Act

- ONLY applies to employers with 25 or more employees;
- DOES NOT create a new cause of action for employees;
- DOES NOT require employers to adopt paid sick leave policies;
- DOES require employers who already maintain paid sick leave policies to allow employees to take at least five paid sick leave days to care for the employee's immediate family; and
- DOES require employees to comply with the terms of paid sick leave policies when doing so.

Do not hesitate to contact Burr should you have any questions or concerns about whether and how the new law affects your existing or proposed vacation, leave, or paid time off policies.

If you would like more information, please contact:

[Honore N. Hishamunda](#) in Atlanta at (404) 685-4314 or hhishamunda@burr.com or the Burr & Forman attorney with whom you regularly work.