

HB 3419 -- EMPLOYEE COMPENSATION

SPONSOR: Fogle

Beginning January 1, 2027, the minimum wage is required to be increased or decreased January 1st each year based on the cost of living. This bill reinstates the provisions of law establishing a system of earned paid sick time and creates new provisions for bereavement leave.

The bill provides that all applicable employees will accrue a minimum of one hour of earned paid sick time for every 30 hours worked. Employees of an employer with 15 or more employees can use up to 56 hours of time in any given year but employees of an employer with fewer than 15 employees can only use 40 hours of time in any given year. Accrual begins January 1, 2027, or upon the commencement of employment, whichever is later. Employees may use earned paid sick time following 90 days of continuous employment, unless an employer's written policy allows the use of such leave prior to 90 days. The amount of sick time to be carried over, paid out, or transferred if employed by the same employer are specified in the bill.

The bill outlines the reasons for which an employee may use earned paid sick time:

(1) An employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; an employee's need for preventative medical care;

(2) Care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; care of a family member who needs preventative medical care;

(3) Closure of the employee's place of business by order of a public official due to a public health emergency, or an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency, or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease,

whether or not the employee or family member has actually contracted the communicable disease; or

(4) Absence necessary due to domestic violence, sexual assault, or stalking, provided the leave is allowed for the employee or an employee's family member to procure one or more of the services described in the bill.

Earned paid sick time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means, or by any other means acceptable to the employer. When possible, the request shall include the expected duration of the absence. Employees shall provide notice of the need for using earned paid sick time when the use is foreseeable.

Furthermore, the bill allows certain private employees to earn paid bereavement time in the same manner as earned paid sick time is accrued. Earned paid bereavement time can be used within 90 days of the death of a family member, as defined under current law, or in connection with an event resulting in reproductive loss. Earned paid bereavement time shall begin to accrue at the commencement of employment or January 1, 2027, whichever is later. All provisions applicable to the accrual and use of earned paid sick time are applicable to the accrual and use of earned paid bereavement time under this bill.

Employers may request, but not require, employees to search for or find a replacement worker to cover hours during which the employee is using earned paid sick time. Additionally, an employer may require reasonable documentation, as described in the bill, for time used on three or more consecutive work days.

Any employer who willfully violates or fails to comply with any of the provisions and requirements of this bill shall be guilty of a class C misdemeanor. Each day of violation or failure to comply and each employee affected shall constitute a separate offense.

Furthermore, any individual who claims to have been aggrieved by a failure of an employer to comply with any portion of this bill, including but not limited to the failure to provide earned paid sick time or to allow employees to use such time, or who claims to have suffered a retaliatory personnel action prohibited by this bill, shall have a right of action and may commence a civil action in the appropriate court of jurisdiction within three years of the accrual of the cause of action, to obtain appropriate relief with respect to such unlawful violation. Such

action may be brought without first filing an administrative complaint. If the court finds a violation has occurred, the court may grant as relief, as it deems appropriate and to the extent permitted by law, any permanent or temporary injunction, the full amount of any unpaid earned sick time plus any actual damages suffered as the result of the employer's violation of this bill, an additional amount equal to twice any unpaid earned sick time as liquidated damages, costs, and reasonable attorney's fees as may be allowed by the court, and other legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, reinstatement to employment, and back pay.

This bill is similar to SB 989 (2026).