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SB 201 - Sick Leave

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LABOR AND INDUSTRIAL RELATIONS

General Provisions: To Amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, Relating to General Provisions Relative to Labor and Industrial Relations, so as to Allow Employees to Use Sick Leave for the Care of Immediate Family Members; Provide for Definitions; Provide for Conditions to Take Leave; Provide for Applicability; Provide for Automatic Repeal; Provide for Related Matters; Repeal Conflicting Laws; And for Other Purposes

CODE SECTIONS:	O.C.G.A. § 34-1-10 (new)
BILL NUMBER:	SB 201
ACT NUMBER:	203
GEORGIA LAWS:	2017 Ga. Laws 524
SUMMARY:	The Act amends Georgia’s general provisions relating to labor and industrial relations by adding a new provision that requires qualifying employers to allow their employees to use sick leave to care for immediate family members.
EFFECTIVE DATE:	July 1, 2017

History

In 2006, Georgia passed a law preventing local county and city governments from creating their own mandatory sick leave laws.¹ Since 2006, nineteen other states have adopted similar laws.² However, many of these states went further than Georgia when expanding their sick leave policies, and adopted “statewide sick leave laws.”³ For example, Illinois and Minnesota passed laws that allow employees to use sick leave already provided by employers to care

1. Annemaria Duran, *Georgia Lawmakers Looks at a Mandatory Sick Leave Law*, SWIPECLOCK WORKFORCE MGMT. (Mar. 19, 2017), <http://www3.swipeclock.com/georgia-lawmakers-looks-at-a-mandatory-sick-leave-law/>.

2. *Id.*

3. *Id.*

for the employee's family members.⁴ Under these laws, caretakers, including working mothers, do not have to risk their jobs if they stay home from work to care for a sick child or parent. Georgia legislators worked on the issue of family sick leave for approximately six years before the Georgia General Assembly passed Senate Bill 201.⁵ However, attempts to promote this legislation before 2017 failed.⁶

In 2016, Senator Butch Miller (R-49th) recognized family sick leave legislation as “[s]omething that really needed to be looked into.”⁷ However, proponents faced wide-spread opposition from Republicans worried about increased business costs.⁸ To avoid conflict, Senator Miller went to the President of the Metro Atlanta Chamber to discuss the language of SB 201.⁹ Though Senator Miller never believed he would get the Metro Atlanta Chamber's support for the bill, he focused on neutrality working with the organization on the legislation.¹⁰ Senator Miller accepted the Metro Atlanta Chamber's suggested additions, which included the definitions of “employee,” “employer,” and “sick leave.”¹¹ Senator Miller believed his meeting with the Metro Atlanta Chamber was a success and resulted in a stronger bill.¹²

Proponents of SB 201, including Senator Miller, feel that the bill is vital for families, children, the elderly, and especially for single parents.¹³ Further, Senator Miller stated that SB 201 “would be good for business, and it would retain employees and reduce

4. Alyssa K. Peters, *Georgia's SB 201 will Require Sick Leave to be Used for "Family" Reasons*, CONSTANGY, BROOKS, SMITH & PROPHETE, LLP (May 25, 2017), <http://www.constangy.com/communications-727.html>.

5. Telephone Interview with Sen. Butch Miller (R-49th) at 2 min., 20 sec. (Apr. 25, 2017) (on file with Georgia State University Law Review) [hereinafter Miller Interview]; State of Georgia Final Composite Status Sheet, SB 201, Mar. 30, 2017.

6. Miller Interview, *supra* note 5, at 2 min., 30 sec. (“[T]here have been a number of legislators who have chaired it and [did not] get it across the finish line for whatever reason...[s]everal [reasons] have to do with the controversial nature of the bill. We are in a Republican super-majority, and the thinking is...less government and intrusion of government.”).

7. *Id.* at 3 min., 55 sec.

8. See Telephone Interview with Sen. Brandon Beach (R-21st) at 1 min., 30 sec. (Apr. 28, 2017) (on file with Georgia State University Law Review) [hereinafter Beach Interview].

9. See Miller Interview, *supra* note 5, at 4 min., 50 sec.

10. *Id.* at 5 min., 35 sec.

11. *Id.* at 6 min., 8 sec.

12. *Id.* at 6 min., 40 sec.

13. *Id.* at 2 min., 57 sec. Employees need the flexibility to take care of family members. *Id.*

retraining”¹⁴ However, the main purpose of SB 201 is to help the primary caregiver of Georgia families, especially women.¹⁵ SB 201 eases the concerns of caregivers with pre-existing sick leave by protecting them when they make the decision to take care of sick family members instead of going to work.¹⁶ Additionally, proponents hope the bill will provide employees flexibility when they have used all their vacation time or would like to save their vacation time for other purposes.¹⁷

Senator Miller and his supporters were not the only impetus behind the bill. Large state institutions in Georgia also recognized the need for family sick leave. In January 2017, Georgia’s State Personnel Board expanded the “sick leave” definition to include, “[i]llness, injury, or disability in the employee’s immediate family which requires the employee’s presence.”¹⁸ The language in SB 201 is very similar to the definition adopted by the Georgia’s State Personnel Board.¹⁹ Thus, SB 201 furthers Georgia’s trend towards family sick leave.²⁰

14. Video Recording of Senate Proceeding at 1 hr., 17 min., 28 sec. (Feb. 27, 2017) (remarks by Sen. Butch Miller (R-49th)), https://www.youtube.com/watch?v=OKCVFeRp_4c [hereinafter Senate Proceeding Video].

15. *Id.* at 1 hr., 19 min., 25 sec. (remarks by Senator Renee S. Unterman (R-45th)).

16. Senate Proceeding Video, *supra* note 14, at 1 hr., 20 min., 30 sec.

17. Jessica Szilagyi, *Family Sick Leave Legislation Passes Georgia Senate, Heads to House*, ALLONGEORGIA (Mar. 18, 2017), <http://bulloch.allongegorgia.com/family-sick-leave-legislation-passes-georgia-senate-heads-to-house/>.

18. GA. ST. PERS. BD., RULES OF THE STATE PERSONNEL BOARD, 478-1-.16(7)(C)(iv) (2017), <http://doas.ga.gov/assets/Human%20Resources%20Administration/State%20Personnel%20Board%20Rules/Rule%2016%20-%20DOAS%20Version%201.9.17%20-%20New%20Template.pdf>; Senate Proceeding Video, *supra* note 14, at 1 hr., 17 min., 16 sec. (remarks by Sen. Butch Miller (R-49th)); *State Personnel Board Rules*, GA. DEP’T ADMIN. SERVS., <http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/state-personnel-board-rules> (last visited July 8, 2017) [hereinafter *State Personnel Board Rules*].

The State Personnel Board is appointed by the Governor to provide policy direction for State personnel administration. The Rules of the State Personnel Board are those policies adopted by the Board and approved by the Governor to serve as a framework for legal compliance and effective talent management across the state. Board Rules generally apply to the Executive Branch of the State, except for the Board of Regents and State Authorities (unless an Authority is specifically covered by statute). Other organizations, such as local departments of Public Health and Community Service Boards[,] are covered as provided in law.

State Personnel Board Rules.

19. Senate Proceeding Video, *supra* note 14, at 1 hr., 17 min., 9 sec. (remarks by Sen. Butch Miller (R-49th)).

20. *See id.*

Additionally, SB 201 is a true reflection of the current transformation in the workforce.²¹ Today, immense pressure to meet financial obligations necessitates most family units have two working family members.²² Moreover, in many cases, extended families no longer live in the same community.²³ Additionally, there has been a dramatic rise in the number of children diagnosed with autism. According to the U.S. Centers for Disease Control and Prevention (CDC), one in sixty-eight American children are on the autism spectrum, “a ten-fold increase . . . over the last forty years.”²⁴ Moreover, aging generations are developing debilitating illnesses, such as dementia and Alzheimer’s disease.²⁵ CDC data shows that Alzheimer’s disease in the United States rose by 55% over the last fifteen years.²⁶ Family care needs are also on the rise due to these diseases, making legislation addressing family sick leave timely and critical.²⁷

Bill Tracking of SB 201

Consideration and Passage by the Senate

Sen. Butch Miller sponsored SB 201 in the Senate along with Renee Unterman (R-45th), David Shafer (R-48th), Ben Watson (R-1st), Chuck Hufstetler (R-52nd), and Judson Hill (R-32nd).²⁸ The Senate read the bill for the first time on February 17, 2017, and committed it to the Industry and Labor Committee.²⁹ On February 23,

21. *Id.* at 1 hr., 22 min., 45 sec. (remarks by Senator Nan Orrock (D-36th)).

22. *Id.* at 1 hr., 23 min., 12 sec.

23. *Id.* at 1 hr., 23 min., 27 sec.

24. *Frequently Asked Questions*, AUTISM SPEAKS INC., <https://www.autismspeaks.org/what-autism/faq> (last visited Aug. 5, 2017).

25. Senate Proceeding Video, *supra* note 14, at 1 hr., 23 min., 41 sec.

26. Meera Senthilingam, *Death Rate from Alzheimer’s Disease in the US has Risen by 55%, says CDC*, CNN (May 26, 2017, 10:59 AM), <http://www.cnn.com/2017/05/26/health/alzheimers-disease-deaths-us-increase/index.html>.

27. See Senate Proceeding Video, *supra* note 14, at 1 hr., 24 min., 10 sec. (remarks by Senator Nan Orrock (D-36th)).

28. Georgia General Assembly, SB 201, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20172018/SB/201>.

29. State of Georgia Final Composite Status Sheet, SB 201, May 11, 2017.

2017, the Industry and Labor Committee amended the bill in part and favorably reported the bill by substitute.³⁰

The Committee substitute included most of the introduced bill's text.³¹ The Committee tweaked several definitions and added a section regarding whether the Act creates a cause of action.³² The Committee defined the term employee with more specificity.³³ The Committee redefined the term sick leave as requiring the employee's time away from work be due "to his or her own incapacity, illness, or injury."³⁴ Additionally, "catastrophic leave, or similar types of benefits" may now qualify as sick leave.³⁵ Catastrophic injuries that qualify for leave include "amputations, severe paralysis, severe head injuries, severe burns, blindness, or of a nature and severity that prevents the employee from being able to perform his or her prior work and any work available in substantial numbers within the national economy."³⁶ Finally and most notably, the Committee added a new section saying, "[n]othing in this Code section shall be construed to create a new cause of action against an employer."³⁷ Therefore, if the employer does not adhere to SB 201, an employee may not seek any legal relief.

The Senate read the bill for the second time on February 24, 2017.³⁸ The Senate read the bill for a third time on February 27, 2017, and passed the Committee substitute of SB 201 by a vote of 41 to 10.³⁹

30. *Id.*

31. *Compare* SB 201, as introduced, 2017 Ga. Gen. Assemb., with SB 201 (SCS), 2017 Ga. Gen. Assemb.

32. *Compare* SB 201, as introduced, 2017 Ga. Gen. Assemb., with SB 201 (SCS), § 1, p. 2, ll. 32–33, 2017 Ga. Gen. Assemb.

33. SB 201 (SCS), § 1, p. 1, ll. 13–16, 2017 Ga. Gen. Assemb. (defining an employee as a person who "works for salary, wages, or other remuneration for an employer for at least 30 hours per week," and altering the term to only apply to business with "25 or more" employees instead of ten).

34. SB 201 (SCS), § 1, p. 1, ll. 20–23, 2017 Ga. Gen. Assemb.

35. SB 201 (SCS), § 1, p. 2, ll. 32–33, 2017 Ga. Gen. Assemb.

36. GEORGIA STATE BD. OF WORKERS' COMP., GEORGIA STATE BOARD OF WORKERS' COMPENSATION EMPLOYEE HANDBOOK 3 (2013), https://sbwc.georgia.gov/sites/sbwc.georgia.gov/files/related_files/site_page/employee_handbook.pdf.

37. SB 201 (SCS), § 1, p. 2, ll. 32–33, 2017 Ga. Gen. Assemb.

38. State of Georgia Final Composite Status Sheet, SB 201, Mar. 30, 2017.

39. *Id.*; Georgia Senate Voting Record, HB 201, #97 (Feb. 27, 2017).

Consideration and Passage by the House

Representative Brian Strickland (R-111th) sponsored the bill in the House.⁴⁰ The House first read SB 201 on February 28, 2017.⁴¹ SB 201 was assigned to the House Committee on Industry and Labor.⁴² On March 1, 2017, the bill was read a second time.⁴³ On March 14, 2017, the Industry and Labor Committee amended the bill in part and favorably reported the bill by substitute.⁴⁴

The House Committee's main change to the bill was the addition of a special exemption for stock ownership plans.⁴⁵ The Committee amended the bill to add a definition for "[e]mployee stock ownership plan[s]," adopting the same meaning as provided in Section 4975 of the Internal Revenue Code.⁴⁶ Additionally, the Committee's new section explicitly stated, "[t]his Code section shall not apply to any employer that offers to their employees an employee stock ownership plan."⁴⁷

The bill's third reading was on March 22, 2017.⁴⁸ Representatives Christian Coomer (R-14th) and Representative Strickland offered a floor amendment.⁴⁹ This amendment added a sunset provision to soften the bill and secure more support.⁵⁰ The House adopted the amendment and passed the Committee substitute, as amended, on March 22, 2017, by a vote of 114 to 51.⁵¹

The House transmitted the bill to the Senate on March 30, 2017.⁵² The Senate agreed to the House's version of the bill, as amended, on

40. Georgia General Assembly, SB 201, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20172018/SB/201>.

41. State of Georgia Final Composite Status Sheet, SB 201, Mar. 30, 2017.

42. *Id.*

43. *Id.*

44. *Id.*

45. Compare SB 201 (SCS), 2017 Ga. Gen. Assemb., with SB 201 (HCS), § 1, p. 1, ll. 15–16, 2017 Ga. Gen. Assemb.

46. SB 201 (HCS), § 1, p. 1, ll. 15–16, 2017 Ga. Gen. Assemb. (“[having] the same meaning as provided in Section 4975(e)(7) of the Internal Revenue Code, 26 U.S.C. Section 4975(e)(7)”).

47. *Id.* at § 1, p. 2, ll. 34–35.

48. State of Georgia Final Composite Status Sheet, SB 201, Mar. 30, 2017.

49. SB 201 (HFA), 2017 Ga. Gen. Assemb.

50. SB 201 (HFA), p. 1, ll. 1–7, 2017 Ga. Gen. Assemb. (“This Code section shall be repealed in its entirety on July 1, 2020, unless extended by an Act of the General Assembly.”); see Miller Interview, *supra* note 5, at 15 min.

51. Georgia House Voting Record, HB 201, #298 (Mar. 22, 2017).

52. State of Georgia Final Composite Status Sheet, SB 201, Mar. 30, 2017.

the same day, by a vote of 31 to 14.⁵³ The Senate sent the bill to Governor Nathan Deal (R) on April 7, 2017.⁵⁴ The Governor signed the bill into law on May 8, 2017, and the bill became effective on July 1, 2017.⁵⁵

The Act

The Act amends Chapter 1 of Title 34 relating to labor and industrial relations.⁵⁶ The overall purpose of the Act is to allow employees to use sick leave to care for immediate family members.⁵⁷

Section 1

Section 1 of the Act amends Chapter 1 of Title 34 of the Official Code of Georgia Annotated. First, the Act adds subsection (a) to define the terms in this Code section.⁵⁸ Subsection (a)(1) defines an employee as “an individual who works for salary, wages, or other remuneration for an employer for at least [thirty] hours per week.”⁵⁹ Therefore, employers do not need to accommodate part-time employees who work less than thirty hours per week. Subsection (a)(2) states that an employee stock ownership plan will retain “the same meaning as provided in Section 4975(e)(7) of the Internal Revenue Code, 26 U.S.C. Section 4975(e)(7).”⁶⁰ Subsection (a)(3) defines an employer as “any individual or entity that employs [twenty-five] or more employees [and] shall include the State of Georgia and its political subdivisions and instrumentalities.”⁶¹ Although critics of the Act are concerned it will burden small businesses,⁶² this subsection attempts to protect small business by

53. *Id.*; Georgia Senate Voting Record, SB 201, #369 (Mar. 30, 2017).

54. State of Georgia Final Composite Status Sheet, SB 201, Mar. 30, 2017.

55. O.C.G.A. § 1-3-4 (2017); Georgia General Assembly, SB 201, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20172018/SB/201>.

56. 2017 Ga. Laws 524, § 1, at 524.

57. *See* Miller Interview, *supra* note 5, at 2 min., 57 sec.; Duran, *supra* note 1; O.C.G.A. § 34-1-10(b) (Supp. 2017).

58. 2017 Ga. Laws 524, § 1, at 524–25.

59. O.C.G.A. § 34-1-10(a)(1) (Supp. 2017).

60. O.C.G.A. § 34-1-10(a)(2) (Supp. 2017).

61. O.C.G.A. § 34-1-10(a)(3) (Supp. 2017).

62. *See* Beach Interview, *supra* note 8, at 2 min.

ensuring the Act applies only to employers who have at least twenty-five or more employees. Subsection (a)(4) defines an immediate family member as “an employee’s child, spouse, grandchild, grandparent, or parent or any dependents as shown in the employee’s most recent tax return.”⁶³ Importantly, subsection (a)(5) of this Code section defines “sick leave” as “time away from work by an employee, due to his or her own incapacity, illness, or injury, for which the employee receives his or her regular salary, wages, or other remuneration.”⁶⁴ Notably, “[t]he term ‘sick leave’ shall not include paid short-term or long-term disability.”⁶⁵ This language is very similar to the definition adopted by the Georgia’s State Personnel Board Rules and thus is consistent with Georgia’s trend toward supporting family needs.⁶⁶

Second, the Act broadens sick leave by providing that “[a]n employer that provides sick leave shall allow an employee to use such sick leave for the care of an immediate family member.”⁶⁷ However, the Act does not require an employer to offer sick leave or require an employer to allow an employee to use more than five days of earned sick leave per calendar year for the care of an immediate family member.⁶⁸

The Act also adds subsection (c), which provides that employees “shall not be entitled to use sick leave under this Code section until that leave has been earned.”⁶⁹ Additionally, this section states, “[a]ny employee who uses such sick leave shall comply with the terms of the employer’s employee sick leave policy.”⁷⁰ This means employees still must comply with their employer’s policy concerning sick leave, regardless of the Act.⁷¹ Further, because subsection (d) provides that the Act creates no cause of action, employees cannot sue their employers for non-compliance with the Act.⁷² Moreover, subsection

63. O.C.G.A. § 34-1-10(a)(4) (Supp. 2017).

64. O.C.G.A. § 34-1-10(a)(5) (Supp. 2017).

65. *Id.*

66. Senate Proceeding Video, *supra* note 14, at 1 hr., 17 min., 9 sec. (remarks by Sen. Butch Miller (R-49th)).

67. O.C.G.A. § 34-1-10(b) (Supp. 2017).

68. *Id.*

69. O.C.G.A. § 34-1-10(c) (Supp. 2017).

70. *Id.*

71. *See id.*

72. O.C.G.A. § 34-1-10(d) (Supp. 2017).

(e) states that this Code section does not apply to “any employer that offers to their employees an employee stock ownership plan.”⁷³ Finally, the Act adds a sunset provision that states it will be “repealed in its entirety on July 1, 2020, unless extended by an Act of the General Assembly.” Thus, this Act must be voted on again in three years.⁷⁴

Analysis

The Expansion of Georgia Employees’ Sick Leave

Senator Miller introduced the Act to support working families and the community at large.⁷⁵ The Act attempts to achieve this goal by specifying that employees can use sick leave for an immediate family member, as defined, or any person who is a dependent listed on the employee’s tax return.⁷⁶ Thus, the Act limits which individuals employees may use their sick leave to care for. Although the Act does not mandate employers offer sick leave, if employers elect to provide it, the Act outlines certain sick leave allowances.⁷⁷ Therefore, employers could simply avoid the Act by choosing not to offer sick leave. Additionally, to qualify, the employee must work a minimum of thirty hours per week, and the employer must have twenty-five or more employees.⁷⁸ Thus, employers could avoid the Act by simply cutting part-time employees’ hours. Therefore, the Act may incentivize behaviors counterproductive to the Act’s goal of protecting employees.

Prior to the Act, Illinois and Minnesota passed laws that allow employees to use their already-existing sick leave to care for family members.⁷⁹ Unlike Georgia Act, which covers the care of an employee’s dependents, the Illinois law allows employees to use personal sick leave benefits for absences “due to an illness, injury, or

73. O.C.G.A. § 34-1-10(e) (Supp. 2017).

74. *Id.*

75. Senate Proceeding Video, *supra* note 14, at 1 hr., 17 min., 16 sec. (remarks by Sen. Butch Miller (R-49th)).

76. O.C.G.A. § 34-1-10(a)(4) (Supp. 2017).

77. *Id.*

78. O.C.G.A. § 34-1-10(a)(1), (3) (Supp. 2017); Szilagyi, *supra* note 17.

79. Peters, *supra* note 4.

medical appointment of the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent."⁸⁰ Like the Georgia Act, the Illinois law does not require employers without sick leave benefits to provide family sick leave.⁸¹ Thus, overall, the Georgia Act is consistent with other states' sick leave legislation.

The Act also advances family policy concerns. When discussing the Act, Representative Brian Strickland (R-111th) stated, "I think what we're doing is stating the policy of the state is to welcome companies that will give flexibility to their workers."⁸² The Act allows Georgia employees with existing sick leave, especially family caretakers, can focus on the medical needs of their dependents without fear of losing their jobs. By contrast, some Republicans fear advancing this policy hinders Georgia businesses.⁸³ Senator Beach explained that he is not against denying someone sick leave, but "[i]f you're not sick and you don't need it, it is just an added cost to businesses that'll be passed on to the consumer."⁸⁴ Representative Strickland appears confident, however, that the Act will not materially burden employers.⁸⁵

Evaluating the Strength of SB 201

SB 201 directly impacts Georgia employers and their employees. First, the Act specifically states that "nothing in this code section shall be construed to create a new cause of action against an employer."⁸⁶ Therefore, employees cannot sue their employers for violating the Act.⁸⁷ Those opposing the bill found some comfort in

80. 820 ILL. COMP. STAT. ANN. 191/10 (West 2017).

81. *Id.*; Norma Manjarrez & Kelsey Schmidt, *Illinois Employees Hit the Sick Leave Trifecta: Important Changes to Take Effect in 2017*, OGLETREE DEAKINS (October 20, 2016), <http://ogletree.com/shared-content/content/blog/2016/october/illinois-employees-hit-the-sick-leave-trifecta-important-changes-to-take-effect-in-2017>.

82. Adhiti Bandlamudi, *Georgia Senate Passes Family Sick Leave Legislation*, WABE 90.1 (Mar. 17, 2017), <http://news.wabe.org/post/georgia-senate-passes-family-sick-leave-legislation>.

83. *See* Beach Interview, *supra* note 8, at 2 min., 30 sec.

84. *Id.* at 1 min., 30 sec.

85. Bandlamudi, *supra* note 82. In this interview, Rep. Strickland states, "We're also not going as far as to dictate how you run your business, so I think it's more of a policy statement than anything." *Id.*

86. O.C.G.A. § 34-1-10(d) (Supp. 2017); Peters, *supra* note 4.

87. O.C.G.A. § 34-1-10(d) (Supp. 2017).

this provision.⁸⁸ Although employees themselves may not have the power to sue, the Labor Commissioner has the power to “superintend the enforcement of all labor laws in the state . . . the enforcement of which is not otherwise provided for.”⁸⁹ Therefore, the effectiveness of the Act will ultimately lie in the discretion of the Labor Commissioner.

Second, if an employer does not offer paid sick leave to their employees, SB 201 does not affect the employer at all.⁹⁰ The Act does not mandate businesses offer sick leave.⁹¹ Accordingly, the scope of the Act is not as far-reaching as many proponents would prefer.⁹² As a result, many workers will remain uncovered, especially workers in small businesses.⁹³

Additionally, the Act includes a sunset provision, which will result in an automatic repeal in 2020.⁹⁴ To avoid automatic repeal, the General Assembly would need to affirmatively pass an amendment to the Act before July 1, 2020, changing or removing the sunset provision.⁹⁵ Accordingly, legislators who favor the Act will need to convince other representatives of its positive economic effects.⁹⁶

Currently, many representatives believe that the Act will actually harm businesses.⁹⁷ These representatives fear the Act will increase the cost of doing business, raise the prices for consumers, and disproportionately impact small businesses.⁹⁸ Additionally,

88. See Beach Interview, *supra* note 8, at 2 min., 30 sec.

89. O.C.G.A. § 34-2-6(2) (Supp. 2017).

90. O.C.G.A. § 34-1-10(b) (Supp. 2017) (limiting the scope to “an employer that *provides sick leave*” (emphasis added)).

91. *Id.* (“[N]othing in this Code section shall be construed to require an employer to offer sick leave.”).

92. *Id.*; Peters, *supra* note 4.

93. Duran, *supra* note 1.

94. O.C.G.A. § 34-1-10(f) (Supp. 2017).

95. *Id.*; see Miller Interview, *supra* note 5, at 15 min.

96. See Miller Interview, *supra* note 5, at 15 min. (“[What] we’ll do in three years is maybe gather some data—is [the Act] being abused [or] is it being helpful?”)

97. E-mail from Tom Krause, Chief of Staff, Senate Majority Leader Bill Cowsert, to Molly Steinhaus (Apr. 18, 2017, 1:33 PM EST) (on file with Georgia State University Law Review).

In some cases, when an employee is out sick, a temporary employee must be hired. This is often the case where, say, a small business has a receptionist out sick or a law firm has a paralegal out sick. Someone must answer the phones or perform the necessary duties . . . [the Act is] an additional burden on business owners.

Id.

98. *Id.*

opponents believe individual business owners and the general labor market, instead of the state, should influence how employers compensate their employees.⁹⁹ However, the effects of the Act will likely not be as far-reaching as some critics fear since the Act does not mandate businesses offer sick leave and does not provide employees with a cause of action for employer non-compliance.¹⁰⁰ Notably, because of the sunset provision this Act will only be effective for the next three years. Thus, the legislators must take action to extend the Act and decide whether its policies are worth fighting for.

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99. *Id.*

100. O.C.G.A. § 34-1-10(b), (d) (Supp. 2017).