

Section 3. Employer requirement to provide paid time off to employees. Use of leave. Employer compliance.

(A) Accrual of Paid Time Off

- (1) Employees shall accrue a minimum of one (1) hour of earned paid time off for every 32 hours worked, provided that employers may choose a higher accrual rate or to provide for accrual of all earned paid time off at the beginning of the year.
- (2) *The requirement to provide paid time off shall be enacted via three incremental increases per year, over three years, applying to all employers with the following number of employees: employers with two (2) to ten (10) employees, employers with eleven (11) to thirty-four (34) employees, and employers with more than thirty-five (35) employees.*
- (3) *Effective July 1, 2020, employees shall not accrue or use more than 28 hours of earned paid time off in a year, unless the employer's policy provides for a higher limit on use or accrual.*
- (4) *Effective July 1, 2021, employees working for employers with eleven or more employees shall not accrue or use more than 44 hours of earned paid time off in a year, unless the employer's policy provides for a higher limit on use or accrual.*
- (5) *Effective July 1, 2022, employees working for employers with 35 or more employees shall not accrue or use more than 56 hours of earned paid time off in a year, unless the employer's policy provides for a higher limit on use or accrual.*
- (6) Earned paid time off shall begin to accrue on the employee's 90th day of employment, or on the effective date of this ordinance if an employee is already employed for at least 90 days on that date, or whichever is later.
- (7) An employer may, but is not obligated to, loan earned paid time off to an employee in advance of accrual or eligibility by such employee.
- (8) Employees exempt from overtime requirements under federal and state law will be assumed to work no more than 40 hours in each work week for purposes of earned paid time off accrual, unless the employer selects a higher limit.
- (9) Carry-over of earned paid time off. Unused accrued earned paid time off shall be carried over to the following year, but employees shall not carry over more than the total annual amount available to accrue, unless the employer's policy provides otherwise.
- (10) If an employee is transferred but remains employed by the same employer, or if a successor employer replaces the original employer, or if an employee separates from employment but is rehired by the same employer within 12 months, the employer shall reinstate all previously accrued and unused earned paid time off to the employee, up to a maximum of 56 hours unless the employer chooses to provide more, or unless the employer previously chose to pay out the earned paid time off upon transfer or separation.
- (11) The Board of County Commissioners will review a report of paid time off every year after the effective date of the ordinance in order to assess its adequacy.