

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 475

BY BUSINESS COMMITTEE

AN ACT

RELATING TO EMPLOYMENT CONTRACTS; AMENDING CHAPTER 9, TITLE 44, IDAHO CODE,  
BY THE ADDITION OF A NEW SECTION 44-906, IDAHO CODE, TO SPECIFY CERTAIN  
REQUIREMENTS REGARDING USE OF EARNED PAID SICK LEAVE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 9, Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 44-906, Idaho Code, and to read as follows:

44-906. USE OF EARNED PAID SICK LEAVE. (1) It shall be unlawful for an employer that offers paid sick leave to its employees to:

(a) Count earned paid sick leave taken in accordance with the employer's written sick leave policy as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action; or

(b) Restrict an employee from using earned sick leave for:  
(i) The employee's own mental or physical illness, injury, health condition, or need for medical diagnosis; or  
(ii) To restrict such employee from using earned sick leave to care for an immediate family member with such needs. For purposes of this section, "immediate family member" means spouse, child, or parent.

(2) An employer that requires notice of the need to use earned paid sick leave where the need is not foreseeable shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice shall not deny earned paid sick leave to the employee based on noncompliance with such policy.

(3) Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued earned paid sick leave that has not been used.

(4) Nothing in this section shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick leave to an employee than required in this section. Nothing in this section shall be construed as diminishing the rights of public employees regarding paid sick leave or use of paid sick leave.

(5) All or any portion of the earned paid sick leave requirements of this section shall not apply to employees covered by a valid collective bargaining agreement to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.