

New datasets track employer-provided worker protections, show opportunities for states

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Two new datasets published to LawAtlas.org today offer a comprehensive look at state laws that address [earned sick leave](#) and [Ban the Box](#). The datasets provide a snapshot of how these employment-focused laws differ between states, and highlight opportunities for states to expand these evidence-based regulations.

"States have a critical role to play in promoting the [health](#) and well-being of their residents. These data provide a clear picture that opportunities exist nationwide for states to foster equitable economies in which job seekers are evaluated on their merits and workers have access to paid leave benefits to care for themselves and loved ones," said Adam Lustig, MS, Manager and Co-Principal Investigator of the [Promoting Health and Cost Control in States initiative](#) at Trust for America's Health.

The datasets were created using policy surveillance—a high-quality scientific method for developing legal data—by the Center for Public Health Law Research at Temple University's Beasley School of Law in collaboration with TFAH, and with support from the Robert Wood Johnson Foundation.

"We have seen a growing body of evidence supporting the fact that earned [sick leave](#) laws and Ban the Box laws are important legal approaches to ensuring equity in hiring in the United States," said Lindsay K. Cloud, JD, Director of the Center's Policy Surveillance Program. "These datasets are an invaluable resource as we continue to seek to better understand the impact of employer-provided protections and fair chance hiring practices on health, and particularly on the social determinants of health amid the COVID-19 pandemic."

Earned Sick Leave Laws

As of January 1, 2021, 15 states and the District of Columbia have an earned sick leave law that requires employers of varying sizes to provide paid time away to address medical needs for themselves or their families as a benefit to their employees. Across states, eligibility requirements, employer size, how and when an employee may use their time, and rate of leave accrual of the laws vary:

- All 16 jurisdictions allow earned sick leave to be used to care for a family member.
- Geographically, earned sick leave policies are almost exclusively in place in the northeast and on the west coast, with Colorado, Arizona, and Michigan being exceptions.
- Of the 16 jurisdictions that have earned sick leave laws, just six require employers of all sizes to provide this benefit.
- Only two states, New York and Colorado, allow employees to use earned leave immediately upon accrual.
- Eight states provide the most generous accrual of earned sick leave, enabling workers to earn one hour of sick leave for every 30 hours worked. By contrast, DC provides an accrual rate of 1 hour for every 87 hours worked for employers with 24 or less employees.
- Washington is the only state that does not specify a limit on the amount of earned sick leave that can be accrued within one year.

Ban the Box Laws

As of January 1, 2021, 36 states and the District of Columbia have a Ban the Box law that prevents an [employer](#) from asking about a potential employee's criminal history until after fairly considering the applicant's relevant qualifications. These laws vary

greatly in who they apply to, and their enforcement mechanisms:

- Thirty-six jurisdictions have Ban the Box laws that regulate public employers. However, significant gaps remain as only three of these jurisdictions' ban the box policies apply to government contractors.
- Only 15 of the 37 jurisdictions with Ban the Box laws regulate private employers, leaving a significant portion of the workforce lacking access to this important fair hiring practice.
- The most common positions exempt from Ban the Box laws regulating private employers include: working with children, working with vulnerable adults, law enforcement, and positions where a criminal history check is required by law.

Access the datasets on [LawAtlas.org](https://www.lawatlas.org).

Trust for America's Health is a nonprofit, nonpartisan organization that promotes optimal health for every person and community and makes the prevention of illness and injury a national priority. Learn more at www.tfah.org

The Center for Public Health Law Research at the Temple University Beasley School of Law supports the widespread adoption of scientific tools and methods for mapping and evaluating the impact of law on health. Learn more at [phlr.org](https://www.phlr.org).

More information: Promoting Health and Cost Control in States Initiative: State Policy Project. Center for Public Health Law Research Policy Surveillance Program. [lawatlas.org/page/promoting-he ... state-policy-project](https://www.lawatlas.org/page/promoting-health-state-policy-project)

Provided by Temple University Center for Public Health Law Research

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