

Can employers require doctor’s notes for absences? What state law says

BY AARON MUDD
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As of December, 18 states and the District of Columbia have enacted laws requiring private employers to provide paid sick leave for their employees, according to the U.S. Department of Labor. Kentucky isn’t one of them.

In recent years, the COVID-19 pandemic brought the issue to the fore, with low-wage service workers who interact directly with the public left most exposed.

In Kentucky, as of 2020, it’s estimated 62% of private sector workers have access to paid sick leave at work, and rural workers in general are less likely to have access to it, according to the Kentucky Center for Economic Policy.

So what if you do need to take a day off work due to a sore throat or cold? Is your job at risk if you can’t

provide a doctor’s note? For help with answering these questions, we spoke with Kelly Mulloy Myers, a Cincinnati-based attorney who is licensed to practice law in Ohio and Kentucky. Myers is a specialist in labor and employment law, and was one of the first Ohio attorneys to be certified by the Ohio State Bar Association as such.

WHAT KENTUCKY WORKERS SHOULD KNOW ABOUT SICK LEAVE POLICIES

In Kentucky, at least in the private sector, employers have broad latitude to set their own sick leave policies, barring a few narrow exceptions, Myers explained.

“The law does not require a private employer to offer any sick leave or vacation time or PTO,” Myers said.

Many private-sector employers do choose to offer those benefits to compete for workers, but

there isn’t a legal requirement that they do, Myers said.

While there are a few exceptions to that general rule, they are limited ones.

At the federal level, qualifying employees may take up to 12 weeks of unpaid, job-protected leave per year under the Family and Medical Leave Act.

According to the Department of Labor, employees are eligible for FMLA if:

- They have worked for their employer for at least 12 months.
- They have worked at least 1,250 hours over the previous 12 months.
- They work at a location where the company employs 50 or more employees within 75 miles.

Employees can take 12 weeks of unpaid leave for any of the following reasons:

- The birth and care of a newborn child of an employee
- The employee has adopted a child or accepted a foster care placement
- Caring for an immediate family member, such as a spouse, child or parent, who has a serious health condition
- Medical leave that keeps the employee from working due to a serious health condition

WHAT ABOUT DISCRIMINATION?

The protections offered to workers under the federal Americans with Disabilities Act could also factor into the sick leave an employer offers, Myers said.

“To the extent that an illness may rise to the level of a disability, that can require accommodation under the law,” Myers said.

An employee diagnosed with cancer who needs

time off work to get treatment could be one example, according to Myers.

Additionally, if employers set a policy of requiring doctor’s notes for employee absences due to illness, the requirement must be applied “consistently over the workplace,” Myers said. Requiring women in the workplace to provide a doctor’s note for missing work — perhaps to take care of a sick child — but not male employees, could raise concerns about discrimination, for example.

Apart from those exceptions though, employers are free to request doctor’s notes from their employees if they are chronically absent from work, Myers confirmed.

CAN I BE FIRED FOR NOT PROVIDING A DOCTOR’S NOTE WHEN I MISS WORK IN KY?

As explained by Myers, the most important thing to understand about how private-sector, nonunion

employment works in Kentucky is that it is “at will.”

This doctrine gives the employer broad latitude to terminate an employee for almost any reason or no reason, barring the exceptions discussed above. Employees have the same freedom; at-will employment goes both ways.

Barring FMLA protections or workplace discrimination, it’s possible employees could face termination for not offering a doctor’s note if that’s the policy in their workplace.

Given the nature of at-will employment in Kentucky, and the fact that employers are largely free to set their own sick leave policies, it’s best to consult your workplace’s employee handbook or its human resources department for questions about sick leave.

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GOP budget bill would take from poor, give to rich, CBO says

BY PAUL M. KRAWZAK
CQ-Roll Call

WASHINGTON

The House-passed reconciliation bill would most benefit high earners and reduce financial resources available to the lowest-income households, the Congressional Budget Office said in a distributional analysis of the measure Thursday.

The nonpartisan agency

said it estimates that over the fiscal 2026 through 2034 period, after-tax income and federal benefits “would decrease for households toward the bottom of the income distribution, whereas resources would increase for households in the middle and top of the income distribution.”

The analysis follows up on an earlier assessment of the bill by the CBO after it was approved by the

House Budget Committee, but before it was modified by a manager’s amendment and passed by the House on May 22.

The impact on households is driven by the extension of the 2017 tax cuts and additional tax cuts in the bill; reductions in subsidies for health insurance under the 2010 health care law; cuts in federal spending on Medicaid and the Supplemental Nutrition Assistance

Program; increased spending on defense and border security; reductions to federal employee pensions; receipts from spectrum auctions and other changes.

The CBO said on average, household resources would increase over the nine-year period, mainly because of tax cuts that would result in people keeping more of their income.

Higher-income households would benefit the most by receiving a larger tax cut because they earn more money. The agency said the lowest 10% of earners would see a

\$1,600 or 3.9% reduction in their available income and benefits per year, adjusted for inflation, mainly due to cuts in Medicaid and SNAP.

The top 10% of earners would see a \$12,000 or 2.3% increase in their resources thanks to the bill’s tax cuts. “Those projected increases are mainly attributable to reductions in the taxes households in that decile owe,” the CBO said.

Households in the middle of the income distribution would see their resources increase as well, but not by as much — \$500 to \$1000, or less than 1% annually, the analysis said.

Rep. Brendan F. Boyle, D-Pa., ranking member on the House Budget Committee, said the results confirmed the “shameful” impacts of the GOP budget bill. He said in a statement that the analysis “shows this would be one of the largest transfers of wealth from working families to the ultra-rich in American history.”

GOP leaders didn’t comment initially.

Expressed in 2025 dollars, the CBO said the net impact of the bill during the nine-year period would be to increase financial resources available to households by \$2.2 trillion:


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