



Summary of Leave Law Changes

Private Employer Sector

For the period covering: February 2013



sedgwick

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The Information contained within this document is intended to provide summary level information on proposed or enacted laws related to family and medical leave. It is not intended to provide guidance on the application of these legal requirements or as an update to your Company’s attendance and/or leave policies. We recommend you consult with Legal Counsel to determine what changes, if any, should be applied to Company Policy.

Federal

Family Medical Leave – Proposed Amendment

S226. Proposed: February 4, 2013; Representative Tester.

S226 is called the Parental Bereavement Act of 2013. This bill would amend the Family and Medical Leave Act of 1993 (FMLA) to provide leave because of the death of a son or daughter. Intermittent leave taken for this leave reason would only be provided by employer and employee agreement. If passed, a certification form would be developed. All other rights and responsibilities currently under FMLA would apply to this leave reason.

The proposed Parental Bereavement Act of 2013 can be reviewed by visiting [here](#).

California

Military Family Leave - Proposed

S.B.358. Introduced: February 20, 2013; Sponsor: Corbett.

S.B. 358 would add domestic partner of a qualified member of the Armed Forces or state militia within the definition of a qualified employee for purposes of obtaining unpaid leave under Military Family Leave.

Existing law requires an employer to give a qualified employee including the spouse of a qualified member of the Armed Forces or state militia, up to ten days of unpaid leave during a period of military conflict. If passed, this bill would add domestic partner as a qualified employee.

The bill can be reviewed by visiting [here](#).

Colorado

Family Medical Leave- Proposed

H.B.1222. Proposed: February 8, 2013; Representative Peniston.

H.B.1222 proposes to expand the group of family members for whom employees in Colorado may take FMLA leave when the family member has a serious health condition. The expanded group would include a person to whom the employee is related by blood, adoption, legal custody, marriage, or civil union or with whom the employee resides and is in a committed relationship.

As a result, an employee would be permitted to use FMLA leave for a child, regardless of the age or dependency of the child, as well as for a sibling, partner in a civil union, grandparent, grandchild, or in-law.

The bill can be reviewed by visiting [here](#).

Connecticut

Family Leave Insurance - Proposed

H.B.6553. Introduced: February 28, 2013; Sponsor: Labor and Public Employees Committee.

H.B. 6553 would establish a Task Force for Family Medical Leave Insurance. The task force would study the feasibility of establishing an insurance program to provide short-term benefits to workers who are unable to work due to (1) pregnancy or the birth of a child, (2) a non-work-related illness or injury, or (3) the need to care for a seriously ill child, spouse or parent.

The bill can be reviewed by visiting [here](#).

Paid Sick Leave Amendments - Proposed

S.B.1007. Introduced: February 28, 2013; Sponsor: Labor and Public Employees Committee.

S.B. 1007 would revise the paid sick leave statutes. The revisions would:

1. clarify that all manufacturers are exempt from the paid sick leave law;
2. allow employers to administer paid sick leave on the same annual basis as other benefits;
3. allow employers to determine their number of employees in the same manner as for the purposes of the state's Family and Medical Leave Act, and
4. allow employers to require documentation in the case of a pattern of abusive sick leave usage.

The bill can be reviewed by visiting [here](#).

Military Leave - Proposed

S.B. 835. Introduced: February 6, 2013; Sponsor: Veterans' Affairs Committee.

S.B. 835 would ensure that, in addition to any member of a reserve component of the armed forces of the United States and any member of the National Guard, any member of the armed forces of the state is permitted to take a leave of absence from work to attend ordered military duty such as drills and meetings without being subjected to adverse employment repercussions.

The bill can be reviewed by visiting [here](#).

Maryland

Family and Medical Leave - Proposed

H.B.1331. Introduced: February 12, 2013; Representative: A. Kelly.

H.B.1331 would provide a total of six workweeks of parental leave in a 12 month period for the birth or adoption of a child. The leave would be unpaid and an employee could substitute paid leave. If passed, the leave could be taken intermittently or by working a reduced workweek.

The bill can be viewed by visiting [here](#).

Massachusetts

Paid Family Leave - Proposed

H.B.79. Introduced: February 16, 2013; Representative Cabral.

H.B. 79 would establish a paid family leave. A covered employee could be eligible for up to twelve weeks' worth of benefits in any twelve month period. The weekly benefit would be equal to the amount of the benefit for which the individual would have been eligible at the start of the leave. An individual would not be eligible for benefits with respect to any day that he or she has received unemployment compensation benefits.

No two or more individuals are eligible for benefits with respect to the same family member at the same time. Employers could require covered employees to use up to two weeks' worth of vacation time prior to receiving benefits hereunder.

The bill can be viewed by visiting [here](#).

North Carolina

Family Medical Leave Insurance - Proposed

H.B. 100. Introduced: February 14, 2013; Representative Adams.

H.B. 100 would provide for healthy families and healthy workplaces by ensuring that all workers have paid sick days to address their own health needs and the health needs of their families.

Paid sick time would begin to accrue at the commencement of employment at the rate of one hour of pay for every 30 hours worked. Unless the employer and employee agree to designate otherwise, for periods of paid sick time that are less than a normal workday, the time shall be counted on an hourly basis or the smallest increment that the employer's payroll system uses to account for absences or use of leave.

For employees of small businesses, there would be a limit of 32 hours of accrued paid time in a calendar year. For employees of other employers, there would be a limit of 56 hours of accrued paid sick time in a calendar year. Accrued paid sick time for employees carries over from year to year.

Paid sick time shall be provided to an employee by an employer for any of the following reasons:

1. To care for the employee's immediate family member who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, preventative medical care, or a routine medical appointment, unless the care is covered under federal law.
2. To care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, preventative medical care, or a routine medical appointment, unless the care is covered under federal law.
3. To allow an employee to address the psychological, physical, or legal effects on himself or herself, or an immediate family member, of domestic violence, sexual assault, or stalking.

The bill can be viewed by visiting [here](#).

Oregon

Family and Medical Leave - Proposed

H.B.3026. Introduced: February 21, 2013. Representative Gorsek.

H.B.3026 would expand the definition of family members to include siblings for purposes of family leave.

The bill can be viewed by visiting [here](#).

Family and Medical Leave - Proposed

H.B. 2950. Introduced: February 25, 2013. Representative Keny-guyer.

H.B.2950 would allow eligible employees to take family leave to deal with the death of family member. The leave would be limited to two weeks. The time would be counted toward the total period of authorized family leave.

The bill can be viewed by visiting [here](#).

Vermont

Paid Family Leave Insurance - Proposed

H.B.208. Introduced: February 7, 2013; Representative Krowinski

H.B. 208 would provide for absence from work for health care and safety reasons. An employee would accrue paid leave time that can be used for:

1. The employee's own illness or injury;
2. To obtain a professional diagnostic, preventative, routine, or therapeutic health care;
3. To care for a sick or injured child, parent, parent-in-law, grandparent, spouse, domestic partner, stepchild, foster child, or ward of the employee who lives with the employee, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment;
4. To arrange for social or legal services or obtaining medical care or counseling for the employee or for the employee's child, parent, parent-in-law, grandparent, spouse, stepchild, foster child, or ward of the employee who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking.

If passed an employee would provide a certification no later than 30 days after requested by their employer.

The bill can be viewed by visiting [here](#).