



Summary of Leave Law Changes

Private Employer Sector

For the period covering: July 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

Flexibility for Working Families Act – Proposed

US S 1248. Introduced: July 10, 2013. Representative: Casey.

S 1248, if passed, would permit employees to request, and ensure employers consider requests for, flexible work terms and conditions, and for other purposes.

In response to the needs of the modern workforce some employers have instituted flexible work arrangements. Usually these are voluntary arrangements between employees and employers that alter the time or place at which work is conducted, or the amount of work that is conducted. The purpose is to allow employees to more easily meet the needs of both work and family life. This bill would ensure employers consider requests for flexible work arrangements.

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

New Jersey

Domestic Violence Leave – Passed

S 2177. Effective October 1, 2013. Representative: Madden.

On July 17, Governor Chris Christie signed into law the New Jersey Security and Financial Empowerment Act (SAFE Act), which provides victims of domestic violence and their family members the right to take 20 days of unpaid leave within the year following an incident of domestic violence or a sexually violent offense. The SAFE Act takes effect on October 1, 2013.

The SAFE Act covers the vast majority of employers in New Jersey, including all private and public entities with 25 or more employees. Employees will be eligible for leave pursuant to the Act if they have worked for their current employer for at least 12 months and at least 1,000 hours in the 12-month period preceding the leave.

The SAFE Act provides leave to eligible employees who (1) are a victim of domestic violence or a sexually violent offense or (2) have a family member—defined as a parent, child, spouse, domestic partner, or civil union spouse of the employee—who is a victim of domestic violence or a sexually violent offense. Leave under the SAFE Act may be taken for any of the following reasons:

1. To seek medical attention or recover from physical or psychological injuries resulting from a domestic violence or a sexually violent offense,
2. To obtain services from a victim services organization,
3. To obtain psychological counseling,
4. To participate in safety planning, relocating, or other actions to increase the safety of the employee or to ensure economic security,
5. To seek legal assistance to ensure health and safety or to participate in civil or criminal proceedings related to or derived from a domestic violence or a sexually violent offense,
6. To attend, participate in, or prepare for a civil or criminal court proceeding.

The SAFE Act requires employees provide advance written notice of the leave whenever the need for leave is foreseeable. Employers may require documentation of the need for leave.

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

Oregon

Family and Medical Leave – Passed

HB 2950. Effective: January 1, 2014. Representative: Keny-Guyer.

The state has enacted a law expanding the Oregon Family Leave (OFLA) to include bereavement allowing eligible employees to take family leave to deal with the death of a family member. The period of leave is limited to two weeks, and this leave must be counted toward the total period of authorized family leave under OFLA.

The law incorporates the existing definition of “family member,” meaning that an employee may take the leave for the death of a spouse, same sex domestic partner, parent, parents-in-law (including the parents of same-sex domestic partners), grandparent, grandchild, child, stepchild, or child of the employee’s same sex domestic partner.

The eligible employee must provide notice of the leave, but unlike other kinds of OFLA leave, the employer may not reduce the 2-week leave entitlement for failure to timely provide notice. The leave must be completed within 60 days of the date on which the employee receives notice of the death.

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

Rhode Island

Paid Family Leave – Passed

SB 231. Signed by Governor: July 11, 2013. Representative: Goldin

Rhode Island has passed an act relating to temporary disability insurance which would establish a temporary caregiver insurance program to provide benefits to workers who take time off for a seriously ill child, spouse, parent, and domestic partner or to bond with a new child.

The program allows workers to collect a portion of their regular paycheck for up to four weeks if they're caring for a new child or ailing parent, parent-in-law, grandparent, domestic partner or spouse. It is scheduled to begin on Jan. 1.

Qualifying workers will receive two-thirds of their weekly wages for up to four weeks and an employer can run the temporary caregiver leave time concurrent with FMLA and Rhode Island Family Leave. The four weeks is job protected.

The program will be funded by employee contributions. For an employee making \$40,000 a year, it will only cost forty-six cents a week. It will be folded into the state's existing program for temporary disability insurance, which pays a portion of an employee's salary when they are unable to work due to illness or injury. Like that program, the benefit will be funded by a paycheck deduction and administered by the Department of Labor and Training.

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

Massachusetts

Paid Sick Leave- Proposed

SB 900. Modified: July 3, 2013. Representative: Khan

The purpose of SB 900 is to establish earned paid sick time for certain employees rendering personal care. If passed, earned sick time would be provided for:

- (1) the care for the employee's child, spouse, parent, or parent of spouse who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care, or who is suffering from a condition covered under the federal act; or
- (2) the care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care, or that is a condition covered under the federal act; or
- (3) an employee to attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse; or
- (4) an employee to address the psychological, physical or legal effects of domestic violence as defined in subsection (g 1/2) of section 1 of chapter 151A.

Earned sick time would accrue at the rate of 1 hour for every 30 hours worked, commencing with the date of hire.

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

Oregon

Domestic Violence Leave Expansion – Passed

H.B.2903. Effective January 1, 2014.

Starting January 1, 2014, part-time and new employees will now be covered under the Oregon domestic violence victims' law. Oregon law protects victims of domestic and sexual violence from discrimination in the workplace and gives them the right to take reasonable time off to get court or law enforcement protection or take other safety measures.

The law previously did not apply to those who worked 25 or fewer hours a week or had not been employed at least 180 days prior to the leave sought but HB 2903 abolishes that requirement.

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

Washington

Paid Family Leave – Delay Passed

HB 2044. Signed: July 3, 2013. Representative: Hunter

The State of Washington has enacted a law delaying the implementation of the family leave insurance program until funding and payment of benefits are authorized in law.

The October 1, 2015, implementation date for family leave insurance benefits is removed. Family leave insurance benefits will become payable when the Legislature has specifically appropriated funding and enacted an implementation date.

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