



## Summary of Leave Law Changes

Private Employer Sector

For the period covering: September 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

### Domestic Partnership Benefits and Obligations Act of 2013 – Proposed

*US HR 3135. Proposed: September 19, 2013. Sponsor: Pocan.*

If passed, the Domestic Partnership Benefits and Obligations Act of 2013 would give same-sex domestic partners of federal employees the same benefits as legally married same-sex spouses. These benefits would include participation in applicable retirement programs, life and health insurance benefits, and family and medical leave.

In regards to leave management, provisions specific to the Family Medical Leave Act (FMLA) would be amended to include children of domestic partners and add domestic partner to the definition of spouse. If passed, the effective date would be six months from the passage of the Act.

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

## California

### Disaster and Emergency Services Leave – Passed

*AB 11. Effective: January 1, 2014. Representative: Logue*

Effective January 1, 2014, the law allowing employees to take a leave of absence for emergency services is amended. Existing law requires an employer, employing 50 or more employees, to allow an employee who is a volunteer firefighter to take temporary leaves of absence for the purpose of engaging in fire or law enforcement training. The total leave time is up to 14 days per calendar year.

The amendment will require employers to additionally allow an employee who performs emergency duty as a volunteer firefighter, reserve peace officer, or as emergency rescue personnel, to take the leave of absence described above for the purpose of engaging in fire, law enforcement or emergency rescue training.

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

## Delaware

### Emergency Services Leave – Passed

*HB 21. Effective: September 6, 2013. Representative: Atkins.*

This law establishes the Volunteer Emergency Responders Job Protection Act. The Act prohibits an employer from terminating or taking any other disciplinary action against an employee who is a volunteer emergency responder if such employee, when acting as a voluntary emergency responder, is absent from his or her place of employment for a Governor-declared State of Emergency lasting up to 7 days or a President-declared National Emergency lasting up to 14 days. The Act further prohibits an employer from terminating or taking any other disciplinary action against an employee who misses work due to injury sustained when acting as a volunteer emergency responder.

At the employer's request, an employee who is a volunteer emergency responder that misses work due to responding to an emergency or having sustained injury from responding to an emergency is required to provide proof of such emergency response or injury to the employer.

An employee who is terminated or who is the victim of any other disciplinary action taken in violation of this Act shall be reinstated to his or her former position. An action to enforce this Act may be brought by the employee within one year of the alleged violation.

This law became effective on September 6, 2013.

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

## New Jersey

### Victims of Domestic Violence Leave – Passed –*Update and Reminder*

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

As a reminder, the New Jersey Security and Financial Empowerment Act (SAFE Act) took effect on October 1, 2013. This law 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.

In addition, the NJ Department of Labor and Workforce Development also released a poster which must be conspicuously displayed at the workplace. The poster can be viewed by visiting the NJ LWD and [here](#).

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