



leave and disability regulatory compliance
Summary of leave legislation

Private employer sector
July 2017

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Connecticut

HB06668 – Pregnancy Accommodation

Passed June 6, 2017

Signed by the Governor July 6, 2017

Effective October 1, 2017, this [new law](#) requires employers to provide reasonable accommodations to pregnant employees. Reasonable accommodations could include, but are not limited to, allowing pregnant employees to sit while working, granting more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth or break time. Employers also are required to provide appropriate facilities for expressing breast milk.

Employers are required to provide written notice of employees' right to be free from discrimination in relation to pregnancy, childbirth and related conditions, including the right to a reasonable accommodation, to new employees at the commencement of employment, to existing employees within 120 days after the effective date of this law; and to any employee who notifies the employer of her pregnancy within ten days of such notification. Employers will be deemed to be in compliance with the notice provision of this proposed law by displaying a poster in a conspicuous place at the employer's place of business that contains the information required by this section in both English and Spanish.

Sedgwick will add a pregnancy accommodation leave to our standard offering to account for any reasonable period of leave due to pregnancy that is certified by a healthcare provider. In addition, our accommodation process will be updated to include all other applicable aspects of this law where we are managing a customer's accommodation cases.

Connecticut

SB00917 – Protections for Armed Forces

Signed by the Governor July 5, 2017

Effective October 1, 2017, this bill modifies existing law by extending prohibitions against discrimination to also include “status as a veteran.” The [new law](#) also requires employers of workers who serve in the armed forces of the state, or any reserve component of the armed forces of the United States or the National Guard of any other state to grant leave for purposes of such service.

Sedgwick’s standard leave offering will be updated to reflect the changes to this law.

Hawaii

HB213 – Family Leave

Signed by the Governor July 11, 2017

This [new law](#) amends existing statutes by expanding the allowed four weeks of family leave to include leave for care of a sibling. A portion of the bill allowing employees to take leave in the event of a family member's death was removed before passage. Although previous versions of this bill have had effective dates in 2050 and 2059, the new law took effect immediately.

Sedgwick's leave offering has been updated to include leave to care for a sibling under Hawaii's revised family leave law.

Massachusetts

H3680 – Massachusetts Pregnant Workers Fairness Act Signed by the Governor July 27, 2017

This [new law](#) establishes the Massachusetts Pregnant Workers Fairness Act, which provides protections to employees who are pregnant or have any condition related to pregnancy including lactation or the need to express breast milk. Effective April 1, 2018, employers with 6 or more employees will be required to provide reasonable accommodation for an employee's pregnancy or related condition unless the employer is able to demonstrate that the accommodation would impose an undue hardship on the employer's business.

Employers will be required to provide existing employees with written notice of their rights on or before January 1, 2018. New employees must be notified at the commencement of employment. In addition, employees who notify their employer of a pregnancy or related condition should be notified of their rights within 10 days of the notification.

Sedgwick will add a pregnancy accommodation leave to our standard offering to account for any reasonable period of leave due to pregnancy that is certified by a healthcare provider. In addition, our accommodation process will be updated to include all other applicable aspects of this law where we are managing a customer's accommodation cases.

Massachusetts

H2172/S1048 – Paid Family and Medical Leave

In committee July 2017

These two bills ([H2172](#) and [S1048](#)) are currently under review in the Joint Committee on Labor and Workforce Development. The bills seek to make employees eligible for job-protected paid leave while recovering from a serious illness or injury, or to care for a new child or a seriously ill or injured family member. Paid leave would be a percentage of the employee's average weekly wages, with a maximum of \$650 or \$1000, and would last up to 12 or 16 weeks for the care of another, or up to 26 weeks for the employee's own care. Benefits would be funded by employer premium contributions, 50% of which could be collected from employee wages.

New Jersey

S3176/A4898 – Temporary Disability Insurance

Passed June 22, 2017

Signed by the Governor July 21, 2017

This [new law](#) changes the defined year that is used to calculate employee taxes related to temporary disability insurance (TDI) and family leave insurance (FLI). The year for purposes of calculating these taxes was previously defined as the most recent calendar year. This new law redefines the year to cover the most recent fiscal year.

New York

Paid Family Leave

Revised regulations adopted July 18, 2017

As reported earlier this year, the State's Workers' Compensation Board has implemented Paid Family Leave regulations to provide guidance to employers, insurance carriers and employees regarding their rights and responsibilities in connection with Paid Family Leave coverage, requesting leave, and the use of leave benefits. After receiving public comment on draft regulations, the board finalized and adopted final regulations, which became effective July 18, 2017. Employers will be required to provide leave benefits starting January 1, 2018, but may begin taking employee contributions as of July 1, 2017.

The Board added language to existing sections of the regulations intended to clarify definitions and applicability, a section has been added that provides the following:

- Defines qualifying events necessary to take paid family leave, including leave to care for a child after birth or placement for adoption or foster care within the first 12 months after the birth or placement, leave of qualifying exigency by family member in the armed forces, or to care for a family member with a serious health condition.
- Employees who work 20 hours or more become eligible after 26 consecutive weeks of work, and whereas employees who work fewer than 20 hours become eligible on the 175th day of work. The regulations also set rate of pay and maximum accrual and annual use limits.
- Defines notice requirements for taking leave. In the case of foreseeable leave, employees are required to give their employer 30 days' notice. If notice is not practicable, the employee must notify the employer as soon as practicable.
- Describes notice of claim and certification requirements for a paid family leave claim including requiring medical certifications for leave to care for a family member with a serious medical condition, active duty orders for leave relating to military exigency, and birth certificate or appropriate documentation relating to leave for bonding with a birth, adoptive or foster child.
- Provides information on filing and processing paid family leave claims for insured and uninsured employees.
- Outlines employer's obligations under paid family leave.
- Requires job-protection for employee returning from leave.

The state has published a [website](#) to assist users in navigating the new laws. Employers are strongly encouraged to review the [regulations](#) immediately and prepare required notices, and update any handbooks and/or policies as needed.

Oregon

SB 299 – Sick Leave Accrual Limit

Signed by the Governor July 4, 2017

Informational only – Sedgwick does not administer

This [new law](#) allows employers with at least 10 workers in the state to limit the amount of paid sick time that employees may accrue. The law allows employers with fewer than 10 employees to limit the accrual of unpaid sick time to 40 hours per year. Employers may also adopt a policy that limits employees so that they may accrue no more than 80 total hours of sick time and may also limit employees from using more than 40 hours of sick time in a year. The law became effective July 1, 2017 and will apply to hours worked and sick time accrued or used on or after January 1, 2018.

Washington

SB 5983 – Paid Family and Medical Leave Opt Out Introduced July 20, 2017

This [bill](#) proposes to provide eligible employees with the option to opt out of family and medical leave benefits. Employees who elect to opt out would not be liable for the payment of any premiums assessed, and employers would not be liable for payment of premiums for such employees. Employees would be required to opt out by December 31st of each year, or within 30 days of being hired by a new employer.

Wisconsin

AB 286 – Family and Medical Leave

Introduced May 1, 2017

This **bill** proposes to amend existing family and medical leave laws to permit covered employees to take such leave for the care of a grandparent, grandchild, or sibling or for the active duty of a family member. Additionally, under the current law, employers with at least 50 employees are required to allow employees to take family or medical leave. This new law proposes to lower the threshold to employers with at least 25 employees.

In addition to the above modifications, this bill also seeks to create a family and medical leave insurance program, which would provide covered individuals who are on family or medical leave with up to 12 weeks of family or medical leave insurance benefits. The law would apply to any employee who has worked for an employer for at least 680 hours in the prior calendar year, or a self-employed individual who has elected coverage under the program. Covered family leave would be available for the birth or adoptive placement of a new child; to care for a child, spouse, domestic partner, parent, grandparent, grandchild or sibling who has a serious health condition; or because of any qualifying exigency arising out of the fact that the family member is on active duty or has been notified of an impending call or order to covered active duty. Covered medical leave would include the employee's own serious health condition that renders the employee unable to perform his or her employment duties, leave from self-employment when a covered individual has a serious health condition that makes the individual unable to perform the duties of his or her self-employment, or leave from availability for employment when a covered individual has a serious health condition that makes the individual unable to perform the duties of any suitable employment.

Benefits would be paid as a percentage of the individual's average weekly earnings, varying from 66% to 95%, depending on the amount earned in relation to the state annual median wage, as follows:

- Less than 30% of state wage = 95% individual's average weekly earnings
- 30% – 49% of state wage = 90% individual's average weekly earnings
- 50% – 79% of state wage = 85% individual's average weekly earnings
- 80% and above of state wage = 66% individual's average weekly earnings

The maximum number of weeks for which family or medical leave insurance benefits would be payable is 12 weeks and leave could be taken continuously, intermittently, or on a reduced leave schedule. Intermittent leave or a reduced leave schedule may not last for more than 24 consecutive weeks unless the leave is shown to be medically necessary.

This bill would create a family and medical trust fund, which would be funded through employee wage contributions.

Federal

HR 3595 – Amendment to Internal Revenue Code of 1986 Introduced July 28, 2017

This bill proposes to amend the Internal Revenue Code of 1986 to provide a credit to employers that provide paid family and medical leave.

At the time of this publication, the text of the proposed bill has not been made public by congress. Once posted, the proposed law can be viewed [here](#).

Federal

HR 3631 – Amendment to Family and Medical Leave Act of 1993 and Title 5 Introduced July 28, 2017

This bill proposes to amend the existing Family and Medical Leave Act of 1993 and Title 5 of the United States Code to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities. No other additional information is currently available.

At the time of this publication, the text of the proposed bill has not been made public by congress. Once posted, the proposed law can be viewed [here](#).

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.

