



leave and disability regulatory compliance
Summary of leave legislation

Private employer sector
June 2017

Table of contents

Connecticut	1
Paid Family and Medical Leave	1
Pregnancy Accommodation	2
Florida	3
Civil Air Patrol Leave	3
Illinois	4
Volunteer Emergency Workers.....	4
Michigan.....	5
Family Education Leave Act	5
Nevada	6
Pregnant Workers’ Fairness Act	6
Leave for Victims of Domestic Violence	7
New Jersey	8
Protections for Veterans.....	8
Temporary Disability Insurance.....	8
Job Security for Organ and Bone Marrow Donors	8
Temporary Disability Leave (two bills)	9
Family, Temporary Disability and Safety Leave	10
Temporary Disability and Family Leave Insurance Reports.....	10
New York	11
Leave for Emergency Responders	11
Funding for Paid Family Leave	11
Pennsylvania.....	12
Paid Family Leave for Pregnancy and Adoption	12
Pregnant Workers Fairness Act	13
Washington	14
Healthy Outcomes for Pregnant Women and Infants.....	14
Paid Family and Medical Leave	15
Washington D.C.	16
Large Employer Paid-Leave Compensation Act	16
West Virginia	17
Civil Air Patrol Leave	17
Federal	18
Military Family Leave Act	18
Time Off to Vote Act.....	18

Connecticut

SB1 – Paid Family and Medical Leave

Failed to pass June 7, 2017

This [proposed bill](#), which was introduced in January, will not be passed in this year's legislative session and will be reconsidered next year. If passed, the act would create the Family and Medical Leave Compensation Program which would apply to all non-state employers with two or more employees. Covered employees would be offered up to 12 workweeks for family and medical leave compensation during any 12-month period for the following:

- Upon the birth of a son or daughter of the employee
- Upon the placement of a son or daughter with the employee for adoption or foster care
- In order to care for the spouse, sibling, son or daughter, grandparent, grandchild or parent of the employee, if such spouse, sibling, son or daughter, grandparent, grandchild or parent has a serious health condition
- Because of a serious health condition of the employee
- In order to serve as an organ or bone marrow donor
- Because of any qualifying exigency, as determined in regulations adopted by the United States Secretary of Labor, arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces

The bill seeks to establish the Family and Medical Leave Compensation Trust Fund, which would be funded by employee contributions, to cover compensation during a leave period.

Details of the program and trust fund have evolved throughout the current legislative session.

Connecticut

HB06668 – Pregnancy Accommodation

Passed June 6, 2017

Awaiting the Governor's signature

If signed by the Governor, this recently passed [legislation](#) will require employers to provide reasonable accommodations to pregnant employees. Reasonable accommodations could include, but would not be 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, break time or time off to recover from childbirth. Employers also would be required to provide appropriate facilities for expressing breast milk.

Employers will be 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 one hundred twenty (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.

Florida

S370 – Civil Air Patrol Leave

Passed May 3, 2017

Signed by the Governor June 9, 2017

This [new law](#) was signed by the Governor and will require employers with 15 or more employees to provide up to 15 days of unpaid Civil Air Patrol leave annually to employees who are active Civil Air Patrol members. Employers must allow such employees to return to work upon completion of the leave, and are not permitted to discharge, reprimand, or otherwise penalize an employee because of their leave of absence.

This law is effective July 1, 2017 and will be added to Sedgwick's standard leave offering.

Illinois

SB 1895 – Volunteer Emergency Workers

Passed on May 31, 2017

Awaiting the Governor's signature

If signed by the Governor, this [proposed bill](#) will amend the Emergency Medical Services (EMS) Systems Act to provide job protections to volunteer emergency medical services personnel and firefighters. Such employees may not be disciplined or terminated by their employer for responding to an emergency call or emergency text message during work hours.

Michigan

HB 4764 – Family Education Leave Act

Introduced June 14, 2017

If passed, this act will require all employers to allow employees who are parents or legal guardians of a minor child to take unpaid leave for the purpose of attending academic activities for or with the child. Such activities may include parent-teacher conferences, tutoring, or other events related to the education advancement of the child. Leave would not exceed eight hours per child per academic year. Employees would be required to provide their employer with notice of intent to use leave seven or more days in advance of the leave, or as soon as possible in the case of emergency, and would be required to schedule academic activities outside of regular work hours if possible. An employer would be able to deny use of requested leave only if granting the leave would disrupt or cause unusual difficulty in the employer's business or endanger the public safety or welfare.

If passed, this [proposed law](#) will take effect 90 days after enactment.

Nevada

SB 253 – Pregnant Workers’ Fairness Act

Passed May 27, 2017

Signed by the Governor June 2, 2017

This bill applies to employers with 15 or more employees and makes it unlawful, with certain limited exceptions, for such employers to refuse to provide reasonable accommodations, upon request, to female employees and applicants for employment for a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition, unless the accommodation would impose an undue hardship on the business of the employer. This [new law](#) requires that, if an employer grants leave with pay, leave without pay, or leave without loss of seniority to other employees for sickness or disability because of a medical condition, it is an unlawful employment practice to fail or refuse to extend the same benefits to any female employee for a condition relating to pregnancy, childbirth or a related medical circumstance. A pregnant employee must be allowed to use the leave before and after childbirth, miscarriage or other natural resolution of her pregnancy, if the leave is granted, accrued or allowed to accumulate as a part of her employment benefits.

Employers are required to provide written or electronic notice to employees informing them that they have the right to be free from discrimination and other unlawful employment practices. Employers are required to provide the notice to new employees upon commencement of employment; and within 10 days after an employee notifies the employee’s immediate supervisor that the employee is pregnant. Employers are required to post the notice in a conspicuous place in an area that is accessible to employees.

Notice requirements for existing employees become effective immediately. The act, for all other purposes, becomes effective October 1, 2017.

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 client’s accommodation cases.

Nevada

SB 361 – Leave for Victims of Domestic Violence

Passed June 5, 2017

Signed by the Governor June 8, 2017

This law requires an employer to provide certain hours of leave to an employee who is a victim of an act which constitutes domestic violence, or such an employee whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator. The law would entitle the employee to 160 hours of leave during a 12-month period following the date on which the act occurred and may be provided as paid or unpaid leave. This leave may be taken:

- For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence committed against the employee or a family or household member of the employee
- To obtain counseling or assistance related to an act which constitutes domestic violence committed against the employee or a family or household member of the employee
- To participate in any court proceedings related to an act which constitutes domestic violence committed against the employee or a family or household member of the employee
- To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence

The act applies to any employee who has been employed by the employer for at least 90 days. Employees shall give not less than 48 hours advance notice prior to the commencement of leave to their employer. If leave may also be taken pursuant to the Family and Medical Leave Act of 1993 (FMLA), this leave must be deducted from the amount of leave the employee is entitled to take pursuant to the FMLA.

The [law](#) will become effective January 1, 2018 and will be added to Sedgwick's standard leave offering.

New Jersey

S726 – Protections for Veterans

Passed June 22, 2017

Awaiting the Governor's signature

If signed by the Governor, this [proposed law](#) will extend full protection of the Law Against Discrimination to current and former members of the Armed Forces of the United States. The bill clarifies that military personnel are entitled to the same protections under the Law Against Discrimination as other protected classes, including protection against discrimination in employment.

The bill will take effect immediately upon signature by the Governor.

New Jersey

S3176/A4898 – Temporary Disability Insurance

Passed June 22, 2017

Awaiting the Governor's signature

If signed by the Governor, this [bill](#) would change 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 currently is defined as the most recent calendar year. If passed, this law would redefine the year to cover the most recent fiscal year.

New Jersey

S3332 – Job Security for Organ and Bone Marrow Donors

Introduced June 19, 2017

The current “Temporary Disability Benefits Law” provides temporary disability benefits to individuals who donate organs or bone marrow, however it does not provide an express guarantee of job security for an individual who is unable to work during a period of disability. If passed, this [bill](#) modifies existing law to provide that an individual who experiences a period of disability as a result of an organ or bone marrow donation will be entitled to be restored to the individual's position of employment upon the end of the period of disability, or to an equivalent position of like seniority, status, employment benefits, pay, and other terms and conditions of employment.

If passed, this law would become effective 120 days after enactment.

New Jersey

S3334 – Temporary Disability Leave

Introduced June 19, 2017

If passed, this [proposed law](#) would create a system whereby, when a covered employee applies for temporary disability benefits for disability resulting from pregnancy or childbirth, the plan administering the individual's benefits would automatically process an application for that individual for the paid family leave benefits program. The family leave benefits would begin immediately following the end of the temporary disability benefits. Employees would have the option to opt out of this benefit.

Employers with plans offering only temporary disability benefits or paid family leave benefits would be required to adopt procedures such that employees would only be required to submit one application for both temporary disability benefits and family leave benefits even if those benefits are not administered by the same plan.

Under this law, employees would receive up to four weeks of benefits before the expected delivery date of the child and up to six weeks of benefits after the delivery date. A longer period of disability before the expected delivery date or after the actual delivery date may be approved with a certification from a health care provider.

If passed, this law would become effective on the first day of the third month following enactment.

New Jersey

S3335 – Temporary Disability Leave

Introduced June 19, 2017

If passed, this [bill](#) will allow employees to submit temporary disability and family temporary disability leave claims up to 60 days prior to the commencement of a known leave, and requires benefits for such a claim to be paid upon commencement of the leave. Leave covered under this bill includes periods of family temporary disability leave for care of a child of the employee after adoption or childbirth, scheduled medical procedures, treatments, or appointments and scheduled ongoing care for a family member of the employee, and periods of temporary disability leave related to pregnancy or childbirth, scheduled medical procedures, treatments or appointments, and to schedule ongoing care for the employee.

Employers are currently not required to provide the necessary information to determine the individual's eligibility for TDI or FLI benefits until the ninth day following the commencement of leave. Under this proposed law, employers would be required to provide such notices within nine days of the employee providing notice of an anticipated leave, up to 60 days prior to the commencement of leave.

New Jersey

A4927 – Family, Temporary Disability and Safety Leave

Introduced June 6, 2017

Passed June 26, 2017

Awaiting the Governor’s signature

If signed by the Governor, this new law will revise the law concerning family leave, family temporary disability leave, and domestic or sexual violence safety leave.

Currently, family members for whom covered individuals may currently use family leave benefits include children, spouses, domestic partners, civil union partners, or parents of covered individuals. This bill will expand benefits to cover siblings, grandparents, grandchildren and parents-in-law.

The **bill** also proposes to expand the period in which an individual can receive benefits from six to 12 weeks and increase the value of the benefits received.

In addition, this bill also expands the definition of “parent” to include an employee who becomes a parent of a child pursuant to a gestational carrier agreement, and grants the same rights to unpaid and paid family leave as those laws currently provided to an employee who is a parent of a newborn child.

New Jersey

A4183/S2823 – Temporary Disability and Family Leave Insurance Reports

Crossed over on June 22, 2017

If passed, this **bill** would require the Commissioner of Labor and Workforce Development to provide additional data in annual reports for temporary disability and family leave insurance programs including gross wages, intermittent usage of family leave benefits, race, ethnicity or national origin, citizenship status, and educational attainment level of workers receiving such benefits. The report also would include the location of employers having workers who receive benefits.

New York

S06831 – Leave for Emergency Responders

Introduced June 28, 2017

If passed, this [proposed law](#) would prohibit employers from terminating employees who are absent from or late to work because of their service as a volunteer firefighter or volunteer ambulance service provider. Employers would be allowed to require employees to provide a statement from the head of the volunteer firefighters or ambulance service stating that the employee responded to an emergency and the time of such response.

If passed, the act will take effect immediately upon enactment.

New York

S01993/A08026 – Funding for Paid Family Leave

Senate passed June 20, 2017

Crossed over to House for consideration

If passed, this [proposed law](#) would prohibit use of employers' contributions to fund the administrative costs of the state's paid family leave program.

Pennsylvania

HB 1634 – Paid Family Leave for Pregnancy and Adoption Introduced June 28, 2017

This bill proposes to enact the Paid Family Leave Act, covering employers with four or more employees in the state. Under this act, eligible employees, as defined by the federal FMLA, would be provided a minimum of 12 weeks of paid leave to care for a child during the period extending from the beginning of a pregnancy to one year after the birth, adoption or placement of a child. The [proposed law](#) also provides protections included in the FMLA, such as protections from discrimination.

If passed, the law will become effective after 60 days.

Pennsylvania

HB 1583 – Pregnant Workers Fairness Act

Introduced June 20, 2017

If passed, this [proposed law](#) would apply to all employers within the State of Pennsylvania. The law would make it unlawful for any employer to refuse an employee's or prospective employee's request for reasonable accommodations for limitations related to pregnancy, childbirth or related medical conditions, unless the employer could demonstrate that the accommodation would impose an undue hardship on their operations.

It also would be unlawful for an employer to deny employment opportunities to an employee or prospective employee if the denial is based on the employee's need for an accommodation related to pregnancy, childbirth or related medical conditions. Additionally, employers would be unable to require employees to accept an accommodation that changes the terms, privileges or conditions of their employment, such as reductions in pay or hours or changes in shifts or location, unless requested or agreed to by the employee or prospective employee. Employers also could not require an employee to take leave if other reasonable accommodations could be provided to address the employee's limitations related to pregnancy, childbirth or related medical conditions that would enable the employee to continue working.

The proposed legislation suggests that reasonable accommodations might include, but are not limited to, providing a chair, assistance with heavy lifting, access to drinking water or uncompensated break time. Accommodations also might include temporary job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations and other similar accommodations.

Washington

SB5835 – Healthy Outcomes for Pregnant Women and Infants Signed by the Governor May 16, 2017

This [new law](#) provides protections for pregnant employees including the requirement that employers with 15 or more employees must make reasonable accommodations for employees with health conditions resulting from pregnancy. The law prohibits employers from requiring such employees to take leave if another reasonable accommodation can be provided.

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 client's accommodation cases.

The act will take effect on January 1, 2018.

Washington

SB5975 – Paid Family and Medical Leave

Passed June 30, 2017

Signed by the Governor July 5, 2017

This [new law](#) requires all Washington employers to provide paid family and medical leave to their employees. The program will be funded through premiums of 0.4% of an employee's wage, of which employers pay 37.5%, and employees pay 62.5%. Employers with fewer than 50 employees are not required to pay the employer portion of the premiums. Employers may opt out of the program for a fee if they provide an approved plan of comparable value. Employers with fewer than 150 employees may be eligible to receive grant funding during a leave period.

Leave benefits are paid at a rate up to 90% of the employee's average weekly wage and include the following amounts of time off:

- 12 weeks of family or medical leave
- 14 weeks of medical leave if the leave is taken for a serious pregnancy-related health condition
- 16 weeks of combined family and medical leave
- 18 weeks of combined family and medical leave if the leave is taken for a serious pregnancy-related health condition

This paid leave may be taken for serious health conditions of the employee or a member of the employee's family, the birth, adoption, or foster placement of a child, or a qualifying exigency.

Employers will be required to post a state-prepared notice in a conspicuous place on the workplace premises, informing employees of their rights under this law.

Payroll deduction funding will begin January 1, 2019, with benefits becoming available the following year beginning January 1, 2020.

Sedgwick will be analyzing this new law over the coming months and will provide further updates.

Washington D.C.

B22-0302 – Large Employer Paid-Leave Compensation Act Introduced May 30, 2017

This **bill** proposes to require employers with 25 or more employees to provide paid-leave compensation to employees, unless doing so would cause an undue hardship on the employer. If passed, employees who have worked for at least 6 continuous months for an employer could take a minimum of 6 weeks of paid family leave and 8 weeks of paid parental leave

The bill also proposes to amend the Accrued Sick and Safe Leave Act to increase the length of benefits and expand the definition of families to include foster children, stepchildren and grandchildren.

The Universal Paid Leave Act of 2015, effective April 7, 2017, would be repealed under this act.

West Virginia

SB280 – Civil Air Patrol Leave

Signed by Governor May 23, 2017

This [new law](#) provides job protections and leave benefits to employees who are members of the Civil Air Patrol. Under this law, employers with 15 or more employees are required to provide up to 10 days of Civil Air Patrol Leave for training purposes and up to 30 days of leave for responding to emergency missions. Upon return from leave, such employees must be reinstated to the position held prior to the leave, or to a position with equivalent seniority status, benefits, pay and conditions of employment.

The new law became effective July 1, 2017 and will be added to Sedgwick's overall leave offering.

Federal

HR2837 – Military Family Leave Act Introduced June 8, 2017

If passed, this [proposed bill](#) will allow employees with a family member in the Armed forces who received notification of a call or order to active duty in support of a contingency operation, or who are deployed in connection with a contingency operation, two workweeks of leave per year for each family member who is called or deployed. The leave could be taken intermittently or on a reduced leave schedule and may consist of paid or unpaid leave.

Federal

HR3038 – Time Off to Vote Act Introduced June 23, 2017

If passed, this [bill](#) will provide employees who work for an employer with 25 or more employees with two hours of paid leave in order to vote in federal elections. Employers could designate the two-hour period during which the employee may take leave; however the leave may not take place during any lunch or other break period.

The proposed law would become effective upon the first federal election following the enactment of this act.

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.

