



## Summary of Leave Law Changes

Private Employer Sector

For the period covering: October 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.**

## California

### Victim of Domestic Violence Leave— Proposed

*SB 400. Modified: October 15, 2013. Sponsor: Jackson*

If passed, SB 400 would amend the Victims of Domestic Violence, Sexual Assault and Stalking Leave related to employment laws. Existing law provides protections to victims of domestic violence or sexual assault and prohibits an employer from taking adverse employment action against an employee that is a victim.

This bill would extend the same protections to victims of stalking. The bill would also require the employer to provide reasonable accommodations for such a victim. The bill would create a private right of action for an aggrieved employee to seek enforcement of the victim status protection and reasonable accommodation provisions. Because a violation of the bill's requirements under certain circumstances would be a crime, the bill would impose a state-mandated local program.

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

## Maryland

### Emergency Services Leave – Passed

*SB 774. Effective: July 14, 2014. Representative: Mathias*

Effective July 14, 2014, the law protecting volunteer members of the Maryland Wing of the Civil Air Patrol is amended. Existing law provides volunteer members to take up to 15 days of unpaid leave per calendar year in order to respond to an emergency event. The law also protects such volunteers from discrimination or discharge because of such membership.

Starting in July, the law will provide that whenever the Commissioner of Labor and Industry determines that a violation of the law has occurred, the commissioner is to either try to resolve the issue informally by mediation or ask the attorney general to bring an action on behalf of the employee or job applicant. The attorney general may bring an action in the county where the violation allegedly occurred for injunctive relief, damages or other relief.

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

## New Jersey

### State Leaves Amendment – Proposed

*SB 2996. Proposed: September 30, 2013. Representative: Whelan*

If passed SB 2996 would amend the eligibility requirements for certain leave and benefit programs. This bill would help maintain eligibility for workers who may otherwise lose eligibility for certain leave and benefits due to loss of employment during a disaster or emergency for which a state of emergency is declared. The bill's provisions apply to eligibility determinations for leave under the New Jersey Family Leave Act (FLA), SAFE Act, and eligibility determinations for temporary disability insurance (TDI) benefits under the Temporary Disability Benefits Law, and family leave insurance (FLI) benefits.

Currently, a worker is not eligible for leave under the FLA or SAFE Act unless employed at least 1,000 hours during the preceding year. If SB 2996 passes, the law would be amended to make it easier for an employee to become eligible. Any time an employee is laid off or furloughed by an employer due to that employer curtailing operations because of a state of emergency, the time shall be regarded as time in which the person is employed for the purpose of determining eligibility for leave time. The maximum would be up to 90 days. In making the determination, the base hours per week during the layoff or furlough shall be deemed to be the same as the average number of hours worked per week during the rest of the 12-month period.

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

### New Jersey Same-Sex Marriage – Passed

New Jersey is now the 14<sup>th</sup> state to pass same-sex marriage rights. New Jersey Governor has withdrawn his administration's appeal of a lower court's ruling that the state must recognize marriages between people of the same sex. As a result, in New Jersey same-sex marriage is currently legal. The withdrawal followed the state Supreme Court's announcement last week that it would not delay a lower court's order that authorities begin recognizing same-sex marriages. Governor Christie's office explained that although the court had agreed to hear the case next year, arguments would be futile since the court had already made its views clear.

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

## Jersey City Paid Sick Time – Passed

*City Ordinance 13.097. Signed by Governor: September 26, 2013.*

The Mayor of Jersey City has approved an ordinance that requires employers with 10 or more employees to provide up to 40 hours of paid sick time to compensated employees. Under City Ordinance 13.097, employees will accrue one hour of paid sick time for every 30 hours worked.

Any employer with a paid leave policy, such as a paid time off policy that provides an amount of paid leave sufficient to meet the total annual accrual requirements of this Ordinance is not required to provide additional paid sick time.

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

## Newark Paid Sick Time – Proposed

*City Ordinance 13-2010. Proposed: October 15, 2013. Representative: Ramos*

Similar to Jersey City, Newark has proposed a City Ordinance that would require employers provide paid sick leave time under their employer policy. Under the proposed legislation, businesses with 10 or more employees or those who provide child care, food service or direct care — such as home health care services — are not required to provide more than 40 hours of paid sick time in a calendar year.

Businesses with less than 10 employees are not required to provide more than 24 hours of paid sick time in a calendar year, according to Ramos. Businesses are free to provide additional paid sick time.

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

## District of Columbia

### Earned Sick and Safe Leave Amended – Proposed

*DC Law 17-152. Representative: Barry*

The District of Columbia Council introduced legislation that would give restaurant workers and new employees access to earned sick days. Under current law, the law exempts restaurant wait staff and bartenders who work for a combination of wages and tips. In addition the current law requires employees accrue sick leave until they have been with their employer for at least one year.

The new law, proposed by Representative Barry with the support of nine other council members, would expand the 2008 Accrued Sick and Safe Leave Act (ASSLA). Under the ASSLA, workers can earn three to seven paid sick days per year, depending on the number of employees at the business.

If the law passes, employees would be eligible once they work 90 days. In addition, paid sick time would start to accrue at the start of employment and workers would then be entitled to it after three months of employment. Paid sick time can be carried over to the following calendar year; however, no employer is required to carry over more than 40 hours of paid sick time from one calendar year to the next.

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