



Summary of Leave Law Changes

Private Employer Sector

For the period covering: December 2013



sedgwick

Table of Contents

Federal	3
Family and Medical Insurance Leave Act of 2013 – Proposed	3
Hawaii	4
Same-Sex Marriage – Passed	4
Illinois.....	5
Same-Sex Marriage – Passed	5
Massachusetts.....	6
Domestic Violence Leave – Proposed	6
New York	7
Domestic Violence Leave – Proposed	7
South Carolina.....	8
Paid Sick Leave Act – Proposed	8
Wisconsin.....	9
Pregnancy Discrimination – Proposed	9

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

Family and Medical Insurance Leave Act of 2013 – Proposed

US S 1810. Proposed: December 12, 2013. Sponsor: Gillibrand.

If passed, the Family and Medical Insurance Leave Act of 2013 (The Family Act) would provide employees income during family or medical leave. The current Family and Medical Leave Act of 1993 (FMLA) provides unpaid, job-protected leave for serious health related events. In short, the Family Act would:

1. Provide workers with up to 12 weeks of partial income when they take time for their own serious health condition, including pregnancy and childbirth recovery; the serious health condition of a child, parent, spouse or domestic partner; the birth or adoption of a child; and/or for particular military caregiving and leave purposes.
2. Enable workers to earn 66 percent of their monthly wages, up to a capped amount.
3. Cover workers in all companies, no matter their size.
4. Be funded by small employee and employer payroll contributions of two-tenths of one percent each (two cents per \$10 in wages), or about \$1.50 per week for a typical worker.
5. Be administered through a new Office of Paid Family and Medical Leave within the Social Security Administration.

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

Hawaii

Same-Sex Marriage – Passed

SB 1. Effective: December 2, 2013. Representative: Galuteria.

Hawaii Governor Neil Abercrombie signed into law SB 1, the “Hawaii Marriage Equality Act,” which legalized marriage for same-sex couples in the State of Hawaii. This new law recognizes marriages between individuals of the same sex and extends to same-sex couples the same rights, benefits, protections, and responsibilities of marriage that opposite-sex couples receive.

The new law took effect on December 2, 2013.

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

Illinois

Same-Sex Marriage – Passed

HB 5170. Effective: June 1, 2014. Representative: Harris.

Illinois Governor Pat Quinn signed HB 5170, the Religious Freedom and Marriage Fairness Act. The legislation permits all couples in the state to receive the rights and protections of marriage.

All laws of the State applicable to marriage, whether they derive from statute, administrative or court rule, policy, common law, or any other source of civil or criminal law, shall apply equally to marriages of same-sex and different-sex couples and their children.

This law becomes effective on June 1, 2014.

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

Massachusetts

Domestic Violence Leave – Proposed

SB 1897. Proposed: October 24, 2013. Modified: December 13, 2013. Representative: No Representative.

If SB 1897 passed, the law protecting victims of domestic violence would be expanded. Employers would be required to permit an employee to take up to 15 days of leave from work in any 12 month period if:

1. the employee, or a family member of the employee, is a victim of abusive behavior;
2. the employee is using the leave from work to: seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from a court; appear in court or before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
3. the employee is not the perpetrator of the abusive behavior against such employee's family member.

The employer shall have sole discretion to determine whether any leave taken will be paid or unpaid. An employee seeking leave shall exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking leave, unless the employer waives this requirement. If an unscheduled absence occurs, an employer shall not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the last unauthorized absence in the instance of consecutive days of unauthorized absences, provides proper documentation as outlined by the leave.

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

New York

Domestic Violence Leave – Proposed

SB 5954. Proposed: October 24, 2013. Modified: December 11, 2013. Representative: Parker.

If passed, SB 5954 would provide entitlement to an unpaid leave of absence for victims of domestic violence. Employers would be required to permit employees who are a victim of domestic violence to take an unpaid leave of absence for twenty days from employment to address on-going domestic violence. In addition, the victim's position and benefits would be protected during that time.

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

South Carolina

Paid Sick Leave Act – Proposed

SB 906. Proposed: December 18, 2013. Representative: Kimpson.

If passed, SB 906 would enact the Earned Paid Sick Leave Act, to provide that employees shall accrue earned paid and earned unpaid sick leave. The law would outline the method of and limits of accrual and provide for the circumstances under which an employee may use earned paid or earned unpaid sick leave. In addition, the law would provide for certification of the reasons for which earned paid or earned unpaid sick leave is used.

An employer would be prohibited from hindering an employee's use of earned paid or earned unpaid sick leave. In addition an employer could not penalize a person for properly using earned paid or earned unpaid sick leave. If an employer already has a policy that exceeds the provisions of the paid sick leave act, the employer would not have to change those policies.

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

Wisconsin

Pregnancy Discrimination – Proposed

SB 401. Proposed: November 11, 2013. Representative: Harris.

Current law prohibits employment discrimination on the basis of sex, including discrimination against any woman on the basis of pregnancy or a related medical condition. Current law also prohibits employment discrimination on the basis of disability, including refusing to reasonably accommodate an employee's disability.

If passed, SB 401 would provide that employment discrimination on the basis of sex includes all of the following:

1. Refusing to reasonably accommodate any condition, including a medical condition of an employee that is related to pregnancy or childbirth, or to reasonably accommodate an employee's inability to adequately undertake the job-related responsibilities of a particular job because of pregnancy, childbirth, or a related condition that is known to the employer.
2. Requiring an employee to take family, medical, or any other type of leave as a reasonable accommodation of an employee's inability to adequately undertake the job-related responsibilities of a particular job because of pregnancy, childbirth, or a related condition that is known to the employer.

Specifically, the bill requires an employer to explore with an employee who requests a reasonable accommodation because of pregnancy, childbirth, or a related condition that is known to the employer, including lactation (reasonable accommodation), all possible means of providing the reasonable accommodation, including changing the employee's job responsibilities, changing the employee's work hours, relocating the employee's work area, providing mechanical or electronic aids to the employee, transferring the employee to a less strenuous or less hazardous job, or, subject to the prohibition against requiring an employee to take leave, providing family, medical, or any other type of leave to the employee.

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