



Summary of Leave Law Changes

Private Employer Sector

For the period covering: December 2014



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

AB11 – Paid Sick Days for In-home Supportive Services-Proposed

Introduced, December 1, 2014

This bill would make in-home supportive services workers eligible for paid sick leave mandated under the Healthy Workplaces, Healthy Families Act of 2014, which takes effect on July 1, 2015.

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

California

AB67 – Double Pay on the Holiday Act of 2015-Proposed

Read first time, January 5, 2015

If passed, this bill would require an employer to pay at least 2 times the regular rate of pay to an employee working on December 25 or the fourth Thursday of November.

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

Massachusetts

S865 – Maternity Leave Act Amendment-**Passed**

Signed January 7, 2015

Under a new law, both male and female employees in Massachusetts are now entitled to eight weeks of parental leave related to the birth or adoption of a child. Under the former version of the Massachusetts Maternity Leave Act, only female employees were entitled to job-protected maternity leave. Now employers in that New England state, even those with less than 50 employees, must reinstate an eligible male or female employee to the same or a similar position if the employee returns to work from a protected parental leave within eight weeks. Additionally, if an employer agrees to provide an employee with more than eight weeks of parental leave, the employer is bound to that agreement. An employer may avoid that additional obligation if it clearly informs the employee in writing – both before the leave commences and again before the eight-week period expires – that taking more than eight weeks will result in a denial of reinstatement or the loss of other rights or benefits.

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

Missouri

HB175 – Family Education Leave-Proposed

Introduced, January 7, 2015

If passed, this bill would establish the Family Education Leave Act, requiring an employer to allow an employee who is a parent or legal guardian of a minor child to take up to eight hours of unpaid leave for each child in any academic year to attend academic activities for or with the child. The employer may limit the leave to increments of no more than three hours, and may require the employee to provide written verification of the activity. An employer may deny leave only if it would be disruptive or cause unusual difficulty in the business or would endanger the public safety or welfare. This bill would also make it unlawful for an employer to take any adverse action against an employee for taking the leave.

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

Missouri

SB130 – Domestic Violence Leave–Proposed

Introduced, January 7, 2015

If passed, this bill would create a right to unpaid leave for employees affected by domestic violence. Employees working for an employer that employs at least 50 employees would be entitled to two workweeks of unpaid leave during any 12-month period. An employee working for an employer that employs 15 to 49 employees would be entitled to one workweek of leave during any 12-month period. In no event would an employee be entitled to more unpaid leave than permitted under the FMLA. Employees taking this leave are entitled to be reinstated to the same or equivalent position.

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

New Jersey

A2354 – Earned Sick Leave-Proposed

In Committee, December 15, 2014

If passed, this bill would require each employer to provide earned, paid sick leave to each employee it employs in the State. Sick leave would accrue at the rate of one hour of earned sick leave for every 30 hours worked. If the employer has fewer than 10 employees in the State, the employer is not required to permit the employee to accrue at any one time, or carry forward from one year to the next, more than 40 hours of earned sick leave. If the employer has 10 or more employees, the employer is not required to permit the employee to accrue at any one time, or carry forward from one year to the next, more than 72 hours of earned sick leave. The leave accrues on the 90th day after the employee is hired, unless the employer agrees to an earlier date. The employer is required to pay the employee for earned sick leave at the same rate of pay with the same benefits as the employee normally earns, but not less than the State minimum wage.

Earned sick leave may be used: 1. For the employee's own illness; 2. To care for a family member with an illness; and 3. To obtain medical attention, counseling, relocation or legal or other services due to circumstances resulting from the employee or a family member being a victim of domestic violence.

This bill would prohibit retaliatory personnel actions against an employee for the use or requested use of earned sick leave or for filing of a complaint for an employer violation. The bill also contains record keeping and posting requirements, and provides penalties and other remedies for non-compliance.

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

New Jersey

A3407 – Partial Return to Work Program-Proposed

In Committee, December 15, 2014

If passed, this bill would establish a partial return to work program permitting the payment of temporary disability insurance (TDI) benefits on a reduced basis to temporarily disabled workers who are otherwise eligible for TDI benefits but only able to return to work on a reduced basis while recovering from disability.

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

New Jersey

A3949 – Paid Leave for Health Care Workers During Quarantine-Proposed

Introduced, December 4, 2014

If passed, this bill would provide healthcare workers and first responders paid leave during any period of time that they are placed in isolation or quarantine and are unable to work. Employers would be prohibited from taking any adverse employment action against a health care worker or first responder who is not actively working and performing all regular duties due to the isolation or quarantine. Employers will also be prohibited from requiring health care workers or first responders to use any sick, personal or other leave while away from work due to isolation or quarantine.

Any employer violating this provision would be subject to a civil penalty up to \$5,000 for the first violation and \$10,000 for each subsequent violation.

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

New Jersey

A3958 – Employee Job Protection During a Declared State of Emergency-Proposed

In Committee, December 11, 2014

If passed, this bill would prohibit employers from taking any adverse employment action against an employee where the employee is unable to actively work and perform all regular duties at the employer’s place of business due to a declared state of emergency covering the areas where the employee lives or works, and where emergency management officials have advised individuals in those areas to evacuate or to not travel.

The bill does not require an employer to pay any employee who is not actively working, and requires the employee to make every possible effort to notify the employer of the absence and return to work as soon as possible, but not later than the first shift or regularly scheduled work hours after the declaration of state of emergency is rescinded, or after an emergency management official has deemed the situation to be safe, whichever occurs first. Employers would be prohibited from requiring an employee to use accrued sick, personal, or other leave, paid or unpaid, for an absence from work due to a state of emergency.

An employer violating this provision would be subject to a civil penalty up to \$5,000 for the first violation and \$10,000 for each subsequent violation.

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

New Jersey

A4031 – Paid Leave to Attend NJEA Convention-Proposed

Referred to Assembly Education Committee, December 18, 2014.

If passed, this bill would repeal the section of law that requires a board of education to annually grant up to two days with full pay for a teaching staff member, secretary or office clerk to attend the New Jersey Education Association (NJEA) convention, and would clarify that the granting of paid leave or any reimbursement to an employee of a school district or charter school to attend a conference, workshop, convention, or other professional development program is not mandatory and is subject to collective bargaining negotiations. For an employee not represented by a collective bargaining unit, paid leave or reimbursement would be subject to the terms of the employment contract.

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

New Jersey

S1770 – Return to Work Program-Proposed

Passed Both Houses, December 18, 2014

If passed, this bill would establish a partial return to work program permitting payment of temporary disability insurance (TDI) benefits on a reduced basis to temporarily disabled workers who are otherwise eligible for TDI benefits, but only able to return to work on a reduced basis while recovering from disability. Such partial benefits would be available only after a worker has been completely unable to work due to disability and receiving full TDI benefits for at least seven days. The purpose of the bill is to allow workers to transition back to work by initially working on a part time basis, and to provide cost savings to the TDI fund by reducing TDI benefit costs during these transitions.

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

New Jersey

S2689 – Discharge of Law Enforcement Officers Injured in Line of Duty-Proposed

Introduced, December 22, 2014

Under this proposed law, a law enforcement officer who has filed an application for retirement, and who has been determined to be physically incapacitated by an injury sustained in the performance of his or her duties, cannot be discharged from employment if the officer has sick leave or workers compensation time available, or the law enforcement agency has the ability to assign the officer to light duty pending retirement. Pending retirement, the officer's health insurance must be maintained at the same level that coverage was provided prior to the injury.

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

South Carolina

S0172 – Earned Paid Sick Leave Act-Proposed

Referred to Committee on Labor, Commerce and Industry, December 3, 2014

If passed, this bill would grant all employees (except seasonal employees and individuals engaged in agricultural labor) paid sick leave, to be accrued at the rate of one hour for every 40 hours worked. Accrual of paid sick leave would begin with the date of hire. Leave could be used for the employee's own illness or routine medical appointments, to care for the employee's child or spouse who is suffering an illness, to attend the routine medical appointments of the employee's child or spouse, for matters related to a public health emergency or for an employee to address the psychological or physical effects of criminal domestic violence. Accrual of paid sick leave may be capped at 56 hours per calendar year for employers with more than ten employees, and at 40 hours per calendar year for employers with six to ten employees. Employers with fewer than six employees must provide a minimum of forty hours of unpaid sick leave per calendar year.

Employees would be allowed to rollover one calendar year's accrued and unused paid and unpaid sick leave. Employers would not be required to pay out accrued and unused sick leave upon the employee's separation from the employer.

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

Texas

HB532 – Leave to Participate in Child’s Activities-Proposed

Introduced, December 17, 2014

If this law is passed, an employer with more than 25 employees in the state would be required to permit a nonexempt employee unpaid time off to participate in the academic, extracurricular and developmental activities of the employee’s child. An employee working at least 30 hours a week would be entitled to up to 8 hours of time off at one time, but not more than 20 total hours in any one-year period. An employee working fewer than 30 hours a week would be entitled to up to eight hours off at a time, but not more than 15 total hours in any one-year period. In no event would an employee be permitted to take this leave more than two times in a one-month period. Employees needing this leave must provide the employer with reasonable advance written notice. Employees may substitute accrued vacation time, personal leave time, or compensatory leave time.

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