



Summary of Leave Law Changes

Private Employer Sector

For the period covering: January 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.

Federal

Family and Medical Enhancement Act of 2014 – Proposed

US HR 3999. Proposed: January 5, 2014. Sponsor: Maloney.

If passed, HR 3999 would amend the 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. In addition it would clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes. An eligible employee would be entitled to leave to:

1. participate in or attend an activity that is sponsored by a school or community organization and relates to a program of the school or organization that is attended by a son or daughter or a grandchild of the employee; or
2. meet routine family medical care needs, including for medical and dental appointments of the employee or a son, daughter, spouse, or grandchild of the employee, or to attend to the care needs of elderly individuals who are related to the eligible employee, including visits to nursing homes and group homes.

Leave time would be limited to 4 hours of leave during any 30-day period and 24 hours of leave during any 12-month period.

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

State Marriage Defense Act of 2014 – Proposed

US HR 3829. Proposed: January 9, 2014. Sponsor: Weber.

The purpose of HR 3829, as stated, would be to amend the definition of marriage and spouse for Federal purposes and to ensure State regulation of marriage. If passed, HR 3829 would amend the federal definition of marriage and spouse under Section 7 of Title 1, United States Code, to read:

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, as applied with respect to individuals domiciled in a State or in any other territory or possession of the United States the term marriage shall not include any relationship which that State, territory, or possession does not recognize as a marriage, and the term spouse shall not include an individual who is a party to a relationship that is not recognized as a marriage by that State, territory, or possession.

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

California

Family Rights Act Amendment – Proposed

AB 1562. Proposed: January 30, 2014. Representative: Gomez.

If passed, AB 1562 would change some provisions of the Family Rights Act (CFRA). Specifically, the bill would authorize an employer to refuse to reinstate an employee returning from leave under specified circumstances and would designate an eligible employee as an entitled employee.

In addition, with respect to a public or private school employee, instead of requiring 1,250 hours of service with the employer during the previous 12-month period, would require service of at least 60% of a full-time equivalent position during the previous 12-month period. The bill would also exempt public and private school employees from the reinstatement exception.

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

Paid Sick Days – Proposed

AB 1522. Proposed: January 17, 2014. Representative: Gonzalez.

Existing law authorizes employers to provide their employees paid sick leave. If passed, AB 1522 would provide that an employee, who works in California for 7 or more days in a calendar year is entitled to paid sick days, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment.

Employers would be required to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days.

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

Illinois

Family Care Provider Act – Proposed

HB 4272. Proposed: January 23, 2014. Representative: Gabel.

If passed, HB 4272 would create the Illinois Family Care Provider Act. Similar to other state family medical leaves, an employee would be entitled to up to 12 weeks of unpaid family medical leave during any 12-month period for one or more of these purposes:

1. the birth or adoption of a grandchild in order for the employee to care for such grandchild;
2. because of the placement of a grandchild with the employee for adoption or foster care;
3. or in order for the employee to care for a grandchild if such grandchild has a serious health condition or the employee to care for a grandparent if such grandparent has a serious health condition.

The bill also provides for certification provisions and reinstatement rights.

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

Indiana

Emergency Services Leave – Proposed

HB 1111. Proposed: January 7, 2014. Representative: Macer.

If HB 1111 passed, the protections for community emergency response teams (CERT) performing CERT functions would be expanded. HB 1111 would prohibit a public or private employer from disciplining an employee who is a CERT member for being absent from or leaving work when the employee is performing CERT functions, and allows a civil action against an employer who disciplines an employee for this reason.

The bill would authorize a public or private employer to:

1. request proof that the employee was performing CERT functions when absent from work; and
2. require the employee to notify the employer of the expected absence before the employee's scheduled start time.

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

Kentucky

Crime Victims Leave – Proposed

HB 242. Proposed: January 23, 2014. Representative: Jenkins.

If HB 242 passed, employers would be prohibited from discharging or retaliating against an employee who is a crime victim when the employee takes leave to attend proceedings associated with the crime. Employees would be required to give employers reasonable notice to take leave when practicable. In addition, employers would need to provide guidelines for use of paid leave time.

Similar to other states, employers would be required to maintain confidentiality of records and communications regarding an employee crime victim and there would be a penalty for failing to maintain confidentiality.

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

Massachusetts

Paid Sick Time – Proposed

HB 3845. Proposed: January 13, 2014. Representative: Markey.

If passed, HB 3845 would require an employer provide a minimum of 1 hour of earned sick time for every 30 hours worked by an employee. Employees would begin accruing earned sick time commencing with the date of hire of the employee or the date this law becomes effective, whichever is later, but employees shall not be entitled to use accrued earned sick time until the 90th calendar day following commencement of their employment. On and after this 90 day period, employees may use earned sick time as it accrues.

All employees employed by an employer of eleven or more employees would be entitled to earn and use up to 40 hours of earned paid sick time from that employer in a calendar year. In determining the number of employees who are employed by an employer for compensation, all employees performing work for compensation on a full-time, part-time or temporary basis would be counted.

Earned sick time would be provided by an employer for an employee to:

1. care for the employee's child, spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or
2. care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or
3. attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse; or
4. address the psychological, physical or legal effects of domestic violence.

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

Missouri

Domestic Violence Leave – Proposed

SB 712. Proposed: January 14, 2014. Representative: Walsh.

If passed, SB 712 would create a right to unpaid leave for employees that are affected by domestic violence. Any person employed by a public employer or private employer with at least 15 employees are entitled to unpaid leave if the person, or a family or household member, is a victim of domestic violence.

Domestic violence is defined as assault, battery, coercion, harassment, sexual assault, unlawful imprisonment, and stalking. Such individuals are entitled to 2 weeks of leave per year if their employer employs at least 50 employees and 1 week per year if their employer employs at least 15 but not more than 49 employees. Employees are required to give 48 hours' notice of the intent to take such leave and may be required to provide certification to the employer that such leave is necessary.

Permissible reasons for taking leave include seeking medical attention, recovering from injury, obtaining victim services, obtaining counseling, participating in safety planning, and seeking legal assistance. On return from leave, employees are to be restored to the same or equivalent employment position and shall not lose accrued benefits. Employers are required to maintain health coverage for the employee while on leave but the premium may be recovered if the employee does not return to work.

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

Nebraska

Paid Family Medical Leave Act – Proposed

LB 755. Proposed: January 16, 2014. Representative: Dubas.

If passed, SB 755 would create a Paid Family Medical Leave Act. Paid family medical leave means paid leave taken by an employee from work to (a) participate in providing care for a family member made necessary by a serious health condition of the family member or (b) be with a child during the first twelve months after the child's birth, if the employee is a biological parent of the child or the first twelve months after a placement for adoption.

An employee would be able to take up to 6 consecutive work weeks or up to 42 days on an intermittent basis of paid family medical leave per year if eligible for such leave under the Paid Family Medical Leave Act.

Wages paid during such leave shall be the average wage of the employee over the last calendar quarter, or portion thereof, while employed by his or her current employer. Leave time would run concurrently with any other applicable leaves.

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

New Jersey

Family School Function Leave – Proposed

AB 1992. Proposed: January 16, 2014. Representative: Watson Coleman.

If passed, AB 1992 would authorize 8 hours of leave for parents and guardians from work for school-related events of children. Employees would be able to request up to 8 hours of leave time during any 12-Month period for a parent or guardian of a child enrolled in a public school to attend any conference, meeting, function or other event requested or required by the school administration or any responsible teacher or professional staff member.

Both parents and guardians are entitled to the leave, whether or not they work for the same employer. The principal of the child's school is required to provide prior notice of the need for the leave and subsequent certification of the employee's attendance. The employee is required to provide the prior written notice to the employer as early as possible. The employee may take the leave on a reduced leave schedule. This bill does not limit, restrict or reduce an employee's right to leave under New Jersey's Family Leave Act, the federal Family and Medical Leave Act or under any collective bargaining agreement or other employer policy.

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

Family Leave Act Amendment – Proposed

AB 430. Proposed: January 18, 2014. Representative: Jimenez.

If passed, AB 430 would provide for school and medical family leave. This bill would amend the "Family Leave Act," to provide up to 48 hours of leave time during any 12-month period for an employee covered under that act so that the employee may:

1. attend or participate in school functions or activities of a child of the employee, including theatrical productions, sporting events, classroom observations, parent-Teacher conferences or other meetings concerning the education of the child; or
2. accompany the child to routine medical or dental appointments, including checkups or vaccinations.

The bill would give employees the option of taking the leave in increments as short as 2 hours.

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

Family Leave Act Amendment – Proposed

SB 188. Proposed: January 15, 2014. Representative: Whelan.

If passed, SB 188 would amend eligibility for certain leave and benefit programs. This bill would 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 Family Leave Act (FLA), and under the New Jersey Security and Financial Empowerment Act (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, and is not eligible for TDI or FLI benefits unless establishing at least 20 "base weeks" (with pay each week at least 20 times the minimum wage), or earning a total of 1,000 times the minimum wage, during the preceding year. The bill provides that, in the case of an individual who is laid off or furloughed by an employer curtailing operations because of a state of emergency declared after October 22, 2012, any time in which the individual is separated from employment (up to a maximum of 90 calendar days for the FLA or the SAFE Act, and up to 13 weeks under the TDI or FLI laws) is regarded as time in which the individual is employed for the purpose of determining whether the individual is eligible for leave under the FLA or the SAFE Act, or benefits under the TDI or FLI laws.

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

Earned Sick Leave – Proposed

SB 785. Proposed: January 15, 2014. Representative: Weinberg.

If passed, SB 785 would require each employer to provide earned sick leave to each employee it employs in the State. The employee accrues one hour of earned sick leave for every 30 hours worked. 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 less than 10 employees in the State, or more than 72 hours of earned sick leave if the employer has 10 or more employees. Unless the employee accrued earned sick leave with the employer before January 1, 2014, the leave accrues beginning on that date or 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, except that the pay rate may not be less than the State minimum wage. Earned sick leave may be used for:

1. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
2. Time needed for the employee to care for a family member during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or preventive medical care for the family member; or
3. Absence needed due to circumstances resulting from the employee or a family member being a victim of domestic violence, if the leave is to obtain medical attention, counseling, relocation, legal or other services.

The bill prohibits 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 sets requirements for record keeping and for notifying workers of their rights under the bill. It provides for penalties and other remedies for non-compliance with the requirements of the bill, based on the penalties and remedies for non-compliance with the "New Jersey State Wage and Hour Law".

The bill specifies that it is intended to set minimum standards for earned sick leave, but not to prevent any employer policies, collective bargaining agreements or other laws or ordinances which set higher standards.

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

Vermont

Paid Family Leave – Proposed

HB 652. Proposed: January 21, 2014. Representative: Krowinski.

If passed, HB 652 would establish a system giving qualified employees up to 6 weeks of paid leave for various family reasons. The paid family leave would be employee funded. “Family leave” means a leave of absence from employment by an employee who works for an employer for one of the following reasons:

1. the serious illness of the employee;
2. the serious illness of the employee’s child, stepchild, ward who lives with the employee, foster child, parent, spouse, or parent of the employee’s spouse;
3. the birth of the employee’s child; or
4. the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption.

During any 12-month period, an employee shall be entitled to take paid family leave for a total period not to exceed 6 weeks. After benefits begin, the 6-week leave may be used intermittently or consecutively by the hour, day, or week during the year.

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

Virginia

Victim of Domestic Violence, Victim of Crime Leave – Proposed

HB 833. Proposed: January 24, 2014. Representative: Keam.

If passed, HB 833 would require private employers to allow an employee safe days, with pay, if the employee or a family member is a victim of domestic violence, sexual assault, or stalking or is a family member of a victim of domestic violence, sexual assault, or stalking.

Employers would be required to provide employees with 32 hours per year of safe day time if the employee has less than 120 months of employment with the employer, and 40 hours per year of safe day time if the employee has 120 or more months of employment with the employer. Safe leave is leave from work that is used to allow the employee to obtain for the employee or the employee's family member, as applicable,

1. medical attention needed to recover from physical or psychological injury or disability caused by domestic violence or sexual assault;
2. psychological or other counseling;
3. relocation due to the domestic violence, sexual assault, or stalking; or legal services.

Employers would be prohibited from discharging or discriminating against an employee because the employee exercises the right to safe days.

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

Washington

Sick and Safe Leave – Proposed

HB 1313. Proposed: January 23, 2014. Representative: Jinkins.

If passed, HB 5594 would provide minimum requirements for sick and safe leave. Provisions include when an employee could use the leave, verification of the leave, documentation and discrimination. In short, an employee would be able to use sick leave for the following reasons:

1. an absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or the employee's need for preventive medical care; or
2. to allow the employee to provide care for a child, grandparent, parent, parent-in-law, or spouse with a mental or physical illness, injury, or health condition; care for a child, grandparent, parent, parent-in-law, or spouse who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a child, grandparent, parent, parent-in-law, or spouse who needs preventive medical care.

An employee may use safe leave for the following reasons:

1. when the employee's place of business has been closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material; or
2. to accommodate the employee's need to care for a child whose school or place of care has been closed by order of a public official to limit exposure to an infectious agent, biological toxin, or hazardous material.

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