



Summary of Leave Law Changes

Private Employer Sector

For the period covering: June 2014



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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

FMLA Proposed Amendments – Proposed

The Department of Labor announced on June 20, 2014, a proposed rule that would allow an employee to take FMLA leave to care for a same-sex spouse, regardless of whether the employee lives in a state that recognizes their marital status. The Department is proposing to move from a “state of residence” rule to a rule based on where the marriage was entered into (sometimes referred to as “place of celebration”).

The proposed definition of spouse expressly references the inclusion of same-sex marriages in addition to common law marriages, and will encompass same-sex marriages entered into abroad that could have been entered into in at least one State. The Department proposes to define spouse as follows:

- Spouse, as defined in the statute, means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State.
- This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a State that recognizes such marriages or, (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

The proposed rule would mean that eligible employees, regardless of where they live, would be able to take FMLA leave to care for their same-sex spouse with a serious health condition, take qualifying exigency leave due to their same sex spouse’s covered military service and take military caregiver leave for their same-sex spouse

Interested parties are invited to submit written comments on the proposed rule at www.regulations.gov. Comments must be received on or before August 11, 2014. Only comments received during the comment period identified in the Federal Register published version of the Notice of Proposed Rulemaking will be considered part of the rulemaking record.

The DOL’s notification can be viewed [here](#).

The DOL’s notice of proposed rulemaking can be viewed [here](#).

The factsheet can be viewed [here](#).

Connecticut

Paid Sick Leave Amendments – Passed

Informational Only – Sedgwick does not currently administer

Connecticut Governor Dannel Malloy has approved bill H. 5269, intended to create parity between paid sick leave benefits and other leave benefits offered by employers. Effective January 1, 2015, the new law changes the method for determining whether a nonmanufacturing business is exempt from providing paid sick leave as required under Connecticut law.

Currently, nonmanufacturing businesses are required to provide paid sick leave if they employ 50 or more individuals in Connecticut during any quarter in the previous year. Businesses must determine whether they exceed this threshold by January 1 each year, based on the quarterly reports they submit to the labor commissioner.

Under H. 5269, nonmanufacturing businesses will be required to determine if they meet the annual 50-employee threshold based on the number of employees on their payrolls for the week containing October 1.

The new law also bars nonmanufacturing businesses from taking certain actions to avoid providing paid sick leave, including firing, dismissing, or transferring an employee from one job site to another in an effort to fall below the 50-employee threshold. Current paid sick leave rights granted to other service workers in specified occupational categories are also now extended to radiologic technologists.

The timeframe for accruing paid sick leave is also modified by H. 5269. Under current law, employees accrue one hour of sick leave for every 40 hours worked per calendar year. The new law provides that employees accrue one hour of paid sick leave for every 40 hours worked during whatever 365-day year the business uses to calculate employee benefits. This change permits employers to start the benefit year on any date, rather than only on January 1.

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

Hawaii

Organ Donation – Proposed

SB1233. Modified: July 4, 2014. Representative: Wakai.

If passed, the bill would require certain private employers to allow employees to take leaves of absence for organ, bone marrow, or peripheral blood stem cell donation. Unused sick leave, vacation, or paid time off, or unpaid time off, may be used for these leaves of absence. In addition the leave would require employers to restore an employee returning from leave to the same or equivalent position.

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

New Mexico

School Activity Leave – Passed

Executive Order 2014-007. Signed: May 14, 2014.

New Mexico Governor Susana Martinez has signed an executive order providing that state employees with school-aged children must be given up to eight hours of administrative leave to attend parent-teacher conferences.

Executive Order 2014-007 allows **state agency employees** with school-aged children to take up to a total of eight hours of administrative leave to attend parent-teacher conferences (up to four hours for each of the fall and spring semesters, depending upon the number of children the parent has). Guidelines for how this leave will be applied for and administered will be written by the State Personnel Office (SPO). With well over 200,000 New Mexico families providing a home to school-aged children, Governor Martinez also encouraged local governments, universities, other public bodies, and private businesses to adopt a similar approach to make it easier for parents to be involved in their child's education.

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

New York

Family Sick Leave – Proposed

SB 7752. Created: June 4, 2014. Representative: Avella

If passed, SB 7752 would amend the labor law to allow employees to use accrued and available sick leave to provide care to immediate family, household members or domestic partners.

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