



## Summary of Leave Law Changes

Private Employer Sector

For the period covering: January 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.**

## Federal

### FMLA: Department of Labor (DOL) Notices

#### **Final Rule to Implement Statutory Amendments to the Family and Medical Leave Act.**

The U.S. Department of Labor's Wage and Hour Division released on February 5, 2013, the final rule regulations implementing two important expansions of FMLA protections. The first expansion provides families of eligible veterans with the same job-protected FMLA leave currently available to families of military service members and it also enables more military families to take leave for activities that arise when a service member is deployed. The second expansion modifies existing rules so that airline personnel and flight crews are better able to make use of the FMLA's

The regulations will take effect March 8, 2013. We will release a client communication with further analysis within the next week.

#### **DOL Resources provided:**

Final Rule - [http://www.ofr.gov/OFRUpload/OFRData/2013-02383\\_PI.pdf](http://www.ofr.gov/OFRUpload/OFRData/2013-02383_PI.pdf)

Guides and Fact Sheets - <http://www.dol.gov/whd/fmla/2013rule/>

Comparison Chart - <http://www.dol.gov/whd/fmla/2013rule/comparison.htm>

#### **Department of Labor Releases 2012 FMLA Survey Report**

The Department of Labor released findings of a survey titled *Family and Medical Leave Act in 2012: Final Report* which shows that FMLA continues to make a positive impact on the lives of workers without imposing an undue burden upon employers. Based on the study, a majority of employers and employees find it relatively easy to comply with the law. The fact sheet with the survey statistics can be found by visiting:

[http://www.dol.gov/whd/fmla/survey/FMLA\\_Survey\\_factsheet.pdf](http://www.dol.gov/whd/fmla/survey/FMLA_Survey_factsheet.pdf)

#### **DOL Resources Provided:**

FMLA Survey page - <http://www.dol.gov/whd/fmla/survey/>

News release - <http://www.dol.gov/opa/media/press/whd/WHD20130175.htm>.

## Connecticut

### Repealing Paid Sick Leave- Proposed

*S.B. 456. Proposed: January 23, 2013; Representative Boucher.*

S.B. 456 proposes repealing the requirement that employers compensate their employees for sick leave. The bill was proposed in an effort to provide financial relief to business owners.

The bill can be reviewed by visiting: <http://www.cga.ct.gov/2013/TOB/S/2013SB-00456-R00-SB.htm>

## Hawaii

### State Family and Medical Leave Amendment - Proposed

*H.B. 169. Introduced: January 18, 2013.*

H.B. 169 would amend the state family leave law to allow an employee with a family member in the United States armed forces that is on active duty or notified of a call to active duty, to use state family leave for certain activities for which an employee may take military family leave under federal law.

The bill can be viewed by visiting:

[http://www.statescape.com/ssBillText/HI20132014/HI\\_20132014\\_HB\\_000169\\_Current\\_7611.htm](http://www.statescape.com/ssBillText/HI20132014/HI_20132014_HB_000169_Current_7611.htm)

### State Family and Medical Leave Amendment - Proposed

*H.B. 393. Introduced: January 19, 2013.*

H.B. 393 would amend the Family Medical Leave by adding the definition of "sibling" to the family leave law. Sibling would include a biological or adoptive brother or sister. In addition the bill proposes permitting an employee to use family leave to care for a sibling, grandchild, or a civil union partner.

The bill can be viewed by visiting:

[http://www.statescape.com/ssBillText/HI20132014/HI\\_20132014\\_SB\\_000393\\_Current\\_5506.htm](http://www.statescape.com/ssBillText/HI20132014/HI_20132014_SB_000393_Current_5506.htm)

## Hawaii

### State Family and Medical Leave Amendment - Proposed

*H.B.305. Introduced: January 19, 2013; Representative*

H.B. 305 would provide additional support to women and family caregivers by expanding the family leave law to apply to the provision of long-term care services to family members with a physical, sensory, cognitive or self-care disabilities. The definition of a “serious health condition” would mean a physical or mental condition, which includes a physical, sensory, cognitive or self-care disability. The bill was proposed after finding that long-term care services are critical to the well being of Hawaii’s aging population and finding that a majority of the family caregivers are women.

The bill can be viewed by visiting:

[http://www.statescape.com/SSBillText/HI20132014/HI\\_20132014\\_HB\\_000305\\_Current\\_1844.htm](http://www.statescape.com/SSBillText/HI20132014/HI_20132014_HB_000305_Current_1844.htm)

## Illinois

### Medical Leave - Proposed

*S.B. 1190. Introduced: January 31, 2013; Representative Hutchinson*

S.B. 1190 creates the Illinois Family Care Provider Act. The act would provide that an employer must provide up to 12 weeks of unpaid family medical leave to an employee 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; or
3. 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 can be viewed by visiting:

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=1190&GAID=12&DocTypeID=SB&LegId=71326&SessionID=85&GA=98>

## New Hampshire

### Paid Family Leave Insurance - Proposed

*H.B. 551. Introduced: January 28, 2013; Representative Albano*

H.B. 551 would create a commission to study the establishment of a paid family leave insurance program. The commission would be contingent on the availability of federal funds to be administered through the department of employment security and supported by a payroll deduction or other revenue source.

The bill can be viewed by visiting:

[http://legiscan.com/NH/text/HB551/id/709405/New\\_Hampshire-2013-HB551-Introduced.html](http://legiscan.com/NH/text/HB551/id/709405/New_Hampshire-2013-HB551-Introduced.html)

## Oregon

### Family Leave Addition: Bereavement Leave - Proposed

*H.B. 4124. Introduced: January 25, 2012; Senator Boquist.*

H.B. 4124 would allow eligible employees to take family leave to deal with the death of a family member. The period of leave would be limited to two or six weeks depending on medical verification. The leave taken would be counted against the total period of time currently authorized under family leave.

The bill can be reviewed by visiting:

<http://www.leg.state.or.us/12reg/measpdf/hb4100.dir/hb4124.intro.pdf>

## Washington

### Family Medical Leave Insurance - Proposed

*S.B. 5292. Introduced: January 25, 2013; Representative Keiser*

S.B. 5292 would amend the family medical leave to allow workers to care for family members with a serious health condition or to recover from their own serious health condition. The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of parent and child bonding, family care, children and family health, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need.

The bill would establish a program that:

1. Allows parents to bond with a newborn or newly placed child, and workers to care for family members with a serious health condition or to recover from their own serious health condition;
2. provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave;
3. reduces the impact on state income support programs by increasing an individual's ability to provide care giving services for ((a child)) family members while maintaining an employment relationship; and
4. establishes a wage replacement benefit to be coordinated with current existing state and federal family and medical leave laws.

The bill can be viewed by visiting:

<http://apps.leg.wa.gov/billinfo/summary.aspx?year=2013&bill=5292>