








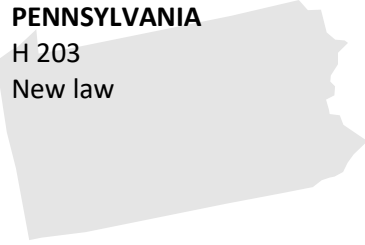
BASIC LEAVE AND PFML LAWS



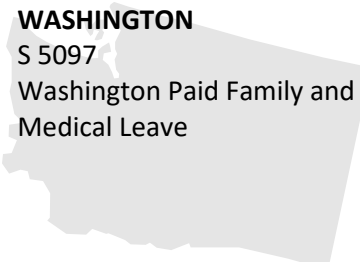
State Bill No. Affected Law	Change	Effective Date
 <p>CALIFORNIA S 1383 2020 California Family Rights Act Also Pregnancy Disability Leave</p>	<p>EXPANSION OF CFRA California enacted significant expansions of CFRA, including:</p> <ul style="list-style-type: none"> • Expanded coverage from employers with 50 or more employees to employers with 5 or more employees • Repealed the New Parent Leave Act (provided bonding leave for employees of employers with 20-49 employees) • Eliminated the 50 employees within 75 miles coverage requirement • Expanded covered relationships from child, parent, spouse, and domestic partner to include grandparent, grandchild, and sibling • Removed the age limit to care for a child; leave now available to care for a child under age 18 or an “adult dependent child” • Eliminated requirement for parents employed by same employer to share bonding leave • Added as a covered leave reason qualifying military exigencies • Eliminated the “key employee” exception <p>NEW CALIFORNIA FORMS for unpaid/job-protected leaves:</p> <ul style="list-style-type: none"> • Your Rights and Obligations as a Pregnant Employee (DFEH-E09P / January 2021) • Family Care & Medical Leave & Pregnancy Disability Leave (DFEH-100-21 / January 2021) 	<p>January 1, 2021</p>
 <p>CONNECTICUT S 1 2019 Connecticut Family and Medical Leave Act</p>	<p>SIGNIFICANT REVISIONS TO COORDINATE WITH CT PFML This is the CT job-protected but unpaid family and medical leave law. CT PFML does not carry job protection; rather, that is available from the CT FMLA. The two laws will not line up perfectly on all respects but they will be close as of January 1, 2022, when PFML benefits begin.</p> <ul style="list-style-type: none"> • Employee eligibility will change from 12 months of service and 100 hours worked in the 12 months prior to leave, to just 3 months of service, no hours worked requirement • Covered employers will change from those with 75 or more employees to just 1 employee • Leave entitlement will change from 16 workweeks in a 24-month period to 12 weeks in a 12-month period, with an additional 2 weeks for pregnancy-related incapacity. Care of an ill/injured service member remains at 26 weeks in 12-month period • Covered family members (for care during a serious health condition) increases from parent, child spouse to add grandparent, grandchild, sibling, and someone who is like a family member 	<p>January 1, 2022</p>

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CT PFML	<p>Nothing new, but here are some reminders:</p> <ul style="list-style-type: none"> Employers should be registered with Paid Leave Authority and taking employee contributions (as of January 1, 2021) January 1, 2022: Benefits begin Applications for private plan approval being accepted <p>Resources:</p> <ul style="list-style-type: none"> Connecticut Paid Leave website: CT Paid Leave Official Site Paid Leave Authority website: PFML Authority (ct.gov) Workplace Poster 	<p>Contributions: January 1, 2021</p> <p>Benefits: January 1, 2022</p> <p>See above for changes to CT FMLA also effective January 1, 2022</p>
DISTRICT OF COLUMBIA DC B 158, 185, 186 	<p>LIMITATION ON OFFSETS OF DC UPL AGAINST STD PAYMENTS</p> <ul style="list-style-type: none"> DC Universal Paid Leave provides 2 weeks of paid leave benefits for an employee’s own serious health condition No offsets: These bills prohibit insurers from reducing short-term disability benefits based on actual or estimated paid leave benefits Not applicable to self-insured employers Currently in effect from May 4 through August 24, 2021 Expected to become permanent 	
KENTUCKY H 210 Adoption Leave Law 	<p>EXPANSION OF KENTUCKY ADOPTION LEAVE</p> <ul style="list-style-type: none"> Prior law: Required employers to provide 6 weeks of unpaid bonding leave upon adoption of child under age 7 Expanded law: <ul style="list-style-type: none"> Requires employers to provide 6-week minimum adoption leave or the amount provided to birth parents by employer policy, if greater Increases age of adopted child for leave to under age 10 	June 28, 2021
MAINE HB 27 Maine Family Medical Leave Requirements 	<p>EXPANSION OF COVERED FAMILY MEMBERS</p> <ul style="list-style-type: none"> Before enactment, an employee could take leave to care for the following family members with a serious health condition: child or child of domestic partner, parent, spouse, domestic partner, sibling if mutually dependent Adds grandchild or the grandchild of a domestic partner as a covered family relationship 	September 28, 2021

State Bill No. Affected Law	Change	Effective Date
MARYLAND HB 56 Affects company policies 	BEREAVEMENT LEAVE UNDER COMPANY POLICIES Requires employers with 15 or more employees to allow use of company-provided leave with pay for bereavement due to the death of an immediate family member <ul style="list-style-type: none"> • “Immediate family member” = child, parent, spouse • “Leave with pay” = pursuant to a collective bargaining agreement or employer policy <ul style="list-style-type: none"> ○ Includes paid sick leave, vacation, paid time off, and compensatory time ○ Does not include WC, unemployment, disability benefits, insured or self-insured benefits 	October 1, 2021
MISSOURI H 432 Protections for Victims of Domestic or Sexual Violence 	NEW LEAVE LAW FOR VICTIMS OF DOMESTIC OR SEXUAL VIOLENCE <ul style="list-style-type: none"> • Unpaid leave available if employee or a family member is the victim of domestic or sexual violence <ul style="list-style-type: none"> ○ Two weeks for employees of employers with 50 or more employees ○ One week for employees of employers with 20- 49 employees • Available if employee or a family member is the victim of domestic or sexual violence • Reasons include medical attention, counseling, victim’s services, legal protections, and measures for safety or economic security • Employee can take leave continuously, intermittently, or on a reduced schedule • Employers must provide reasonable safety accommodations for employee victims, including an adjustment to a job structure, workplace, or work requirement <ul style="list-style-type: none"> ○ Watch www.matrix-radar.com for a blog post with more details 	August 28, 2021

State Bill No. Affected Law	Change	Effective Date
NEW HAMPSHIRE HB 2 Granite State Paid Family Leave Plan	<p>A NEW MODEL OF PFL/PFML PROGRAM</p> <ul style="list-style-type: none"> • Private insurance carrier will provide claims insurance and administration <ul style="list-style-type: none"> ○ Must provide state employee coverage and a purchasing pool for non-state employees and employers • Covers state employees at state expense • Purchasing pool: <ul style="list-style-type: none"> ○ Voluntary opt-in for private employers with more than 50 employees and non-state government employers ○ Private and non-state government employees can opt in individually if employer does not provide a paid leave program equal to or better than state plan ○ Employer can pay none, some, or all of employee’s premium ○ Tax credit of 50% of premium paid by employer • 6 weeks of paid leave • Paid at 60% of wages (up to cap of SS taxable wages - \$142,800 in 2021) • State employees: family leave only: <ul style="list-style-type: none"> ○ Bonding, care of family member, military exigencies, care of injured service member • Non-state employees: Family leave <u>and</u> medical leave for own condition <ul style="list-style-type: none"> ○ Still limited to 6 weeks • Unknowns: Waiting period? Employee eligibility? Administrative and claims handling details? <p>For more details, read our prior blog post here.</p>	
OREGON H 2231 “Relating to reemployment rights for service members”	<p>EXPANSION OF SERVICEMEMBER REEMPLOYMENT RIGHTS</p> <p>Current Oregon law requires reemployment of employees following military duty of not more than 5 years if the employee applies for reemployment within 90 days of discharge or release from hospitalization lasting not more than a year.</p> <p>This law extends reemployment rights beyond Oregon’s 5-year limitation for certain types of military duty:</p> <ul style="list-style-type: none"> • Voluntary service overseas; and • Voluntary service within the United States during or in response to an emergency or disaster declared by local, state, or federal government 	September 26, 2021

State Bill No. Affected Law	Change	Effective Date
H 2474 Oregon Family Leave Act	<p>ELIGIBILITY EXPANSION DURING PHE:</p> <p>Current OFLA employee eligibility requires:</p> <ul style="list-style-type: none"> • 180 days of employment and worked an average of 25 hours per week for all leave reasons except bonding • 180 days of employment (no hours requirement) for bonding <p>New Public Health Emergency (PHE) expansion:</p> <ul style="list-style-type: none"> • Reduces eligibility during a declared PHE for all leave reasons to: <ul style="list-style-type: none"> ○ 30 days of employment AND ○ Worked an average of 25 hours per week in the 30 days prior to leave • Makes OFLA leave available to a separated employee who <ul style="list-style-type: none"> ○ Was eligible for OFLA under the usual eligibility rules at the time of separation or at the time the employee is affected by a temporary cessation of employment AND ○ Rejoins the employer within 180 days of separation <p>EXPANSION OF SICK CHILD LEAVE</p> <ul style="list-style-type: none"> • OFLA sick child leave is currently available to care for a child of the employee who is suffering from an illness, injury or condition that is not a serious health condition but that requires home care. • Upon the effective date of the act, sick child leave will also be available to care for a child who requires home care due to the closure of the child’s school or child care provider as a result of a public health emergency. 	January 1, 2022
PENNSYLVANIA H 203 New law 	<p>LIVING DONOR PROTECTION ACT</p> <ul style="list-style-type: none"> • Provides leave for preparation and recovery related to organ or tissue donation • Employee must be eligible for FMLA • Covers donation by or for the employee or the employee's spouse, child, or parent (i.e., employee's own or family member’s SHC) • Does not increase amount of time available under FMLA • U.S. DOL already recognizes organ donation as a serious health condition under the FMLA – see Opinion Letter FMLA2018-2-A 	June 28, 2021

State Bill No. Affected Law	Change	Effective Date
RHODE ISLAND S 688 Temporary Disability Insurance Benefits 	EXPANSION OF PAID FAMILY LEAVE <ul style="list-style-type: none"> • Current temporary caregiver insurance (TCI – paid family leave) = 4 weeks per benefit year • 01/01/2022: TCI increases to 5 weeks per benefit year • 01/01/2023: TCI increases to 6 weeks per benefit year • State-run program; no private plans allowed 	January 1, 2022 and January 1, 2023
VIRGINIA S 567 	DISABILITY BENEFITS FOLLOWING CHILDBIRTH <ul style="list-style-type: none"> • Affects insured STD policies that cover disability arising out of childbirth • Any policy delivered or issued in Virginia on or after 07/01/2021 must provide a pay benefit for at least 12 weeks immediately following childbirth 	July 1, 2021
WASHINGTON S 5097 Washington Paid Family and Medical Leave 	EXPANSION OF COVERED FAMILY MEMBERS UNDER WA PFML <ul style="list-style-type: none"> • Before enactment, an employee could take leave to care for the following family members with a serious health condition: child, grandchild, grandparent, parent, sibling, or spouse • The following has now been added as a covered “family member”: any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual. 	July 25, 2021
H 1073 Washington PFML	EXPANDS EMPLOYEE ELIGIBILITY FOR WA PFML AND ESTABLISHES GRANTS General WA PFML eligibility = 820 hours worked during the Qualifying Period <ul style="list-style-type: none"> • Amendment affects claims with a start date January 1, 2021, through March 31, 2022 • New eligibility: <ul style="list-style-type: none"> ○ 820 hours during the 1st through 4th quarters of 2019; or ○ 820 hours during the 2nd through 4th quarters of 2019 and 1st quarter of 2020 Employee Pandemic Leave Assistance: <ul style="list-style-type: none"> • benefits are paid through special state fund • Available to employees under state and voluntary plans • Claims can be filed starting 08/01/2021 – prior benefits will be paid retroactively Employer Pandemic Leave Assistance Grants: <ul style="list-style-type: none"> • Available to employers with 150 or fewer employees • Up to \$3000 to assist with costs of replacing workers on leave due to Pandemic assistance grant 	