

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Private employer sector | August 2024

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California

AB 2123 (paid family leave amendment)

Passed Assembly; Passed Senate; To Governor Sept. 3, 2024

If enacted, effective Jan. 1, 2025

The California legislature has passed an amendment to the California Unemployment Insurance Code relating to paid family leave. If enacted, the [proposed amendment](#) would continue to authorize an employer to require an employee to take up to two weeks of earned but unused vacation leave before the employee's initial receipt of family temporary disability insurance benefits. However, the proposed amendment would remove this authorization for any period of disability that begins on or after Jan. 1, 2025.

California

AB 2499 (crime victim and family member of crime victim leave amendments)

Passed Assembly; Passed Senate Aug. 27, 2024

If enacted, effective Jan. 1, 2025

If enacted, this [proposed amendment](#) would revise and recast existing jury, court and crime victim time-off provisions for employees as unlawful employment practices within the California Fair Employment and Housing Act and, thus, within the enforcement authority of the Civil Rights Department (CRD). In addition, the proposed amendment would expand the time-off provisions to permit the employee to take leave to assist and care for a family member who is a victim of a qualifying act of violence.

The proposed amendment would revise existing definitions. Instead of crime, the amendment uses the term “qualifying act of violence,” which includes domestic violence; sexual assault; stalking; or any act, conduct or pattern of conduct that causes injury or death, uses or threatens the use of force to cause injury or death; or any use of a dangerous weapon against an individual. The definition does not require anyone to be arrested for, prosecuted for or convicted of committing any actual crime.

“Victim” would be defined as an individual against whom a qualifying act of violence is committed or, for purposes of taking time off to appear in court, a person against whom any crime has been committed. “Family member” would be defined as a child, parent, grandparent, grandchild, sibling, spouse or domestic partner, as those terms are defined in Section 12945.2 of the California Government Code. The term includes a designated person, which would be any individual related by blood or whose association with the employee is the equivalent of a family relationship.

The proposed amendment would add paid sick leave to the available categories of time off that an employee may use. However, the proposed amendment would not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed or is in addition to the unpaid leave time permitted by the 12 weeks provided under the federal Family and Medical Leave Act (FMLA). An employer would be able to limit the leave taken to (1) 12 weeks total leave; (2) five days to relocate or secure a new residence, housing, school or childcare due to a qualifying act of violence against the employee or a family member where the employee’s family member is a victim who is not deceased as a result of a crime or the employee is not a victim; or (3) 10 days for all other specified reasons if the employee’s family member is a victim who is not deceased as a result of crime and the employee is not a victim. Any leave taken would run concurrently with FMLA leave and leave under the California Family Rights Act if the employee would have been eligible for that leave.

Under the proposed amendment, an employer would be required to inform each employee of their rights in writing (1) to new employees upon hire; (2) all employees annually; (3) upon request; and (4) any time an employee informs an employer that the employee or the employee's family member is a victim. By July 1, 2025, the CRD would be required to develop a form to comply with the specified notice requirements, entitled "Survivors of Violence and Family Members of Victims Right to Leave and Accommodations."

California

SB 1105 (paid sick leave amendment)

Passed Senate; Passed Assembly Aug. 30, 2024

If enacted, effective Jan. 1, 2025

Informational only — Sedgwick does not administer.

If enacted, this [proposed amendment](#) would incorporate the paid sick leave changes proposed by California AB 2499, as discussed above. These changes would only be operative if both this proposed amendment and the amendments of AB 2499 are enacted, with AB 2499 enacted first.

District of Columbia

7 DCMR Sections 726, 727, 728 (final rule regarding leave for voting time)

Enacted May 2, 2024

Effective May 10, 2024

Informational only — Sedgwick does not administer.

The District of Columbia Board of Elections has adopted rules implementing the district's law providing time off to vote during work hours. Under the law, an employer must provide an employee at least two hours of paid time off to vote, in person, in any election in which the employee is eligible to vote. The employer cannot deduct these two hours from an employee's salary, wages or accrued leave.

The law requires an employer to post a notice that describes employees' rights under the law. The [new rules](#) require employers to post the notice at least 60 days before all elections, including special elections. The notice must be conspicuous and accessible. If that is not possible, or for employees who work remotely, employers must provide notice in another way. Employees must sign an acknowledgment that they received the notice.

Under the law, an employer may require that the employee request time off within a reasonable time before the time off will occur. The new rules clarify that a request is made within a reasonable time if the request is made in the same way as required by the employer's existing leave policy or at least seven days before the requested time off if there is no employee leave policy.

An employee may file a complaint with the board of elections within 14 days after an alleged violation of the law. Employers may be liable for a civil fine of up to \$2,000 for violations.

Minnesota

HB 5216 (jury duty leave amendments)

Enacted May 24, 2024

Effective Jul. 1, 2024

Informational only — Sedgwick does not administer.

Under Minnesota law, an employer cannot discharge, threaten or coerce an employee because the employee receives a jury summons, responds to a jury summons, attends court for prospective jury service or serves as a juror. This [amendment](#) enhances these protections by requiring an employer to release an employee from the employee's regular work schedule, including any shift work, to permit the employee to attend court for jury service. In addition, the employer cannot require an employee to work an alternative shift on any day the employee is required to report to the courthouse for jury service. However, an employee may voluntarily request to work an alternative work schedule on any day they are required as a juror to report to the courthouse for jury service if the employer does not encourage, prompt or ask for the employee to make the request.

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 the company policy.

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