

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Private employer sector | July 2022

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District of Columbia

B 714 (Universal Paid Leave Act)

Enacted July 25, 2022

Effective following approval by the mayor, a 30-day period of Congressional review and publication in the DC Register

The District of Columbia has enacted the Fiscal Year 2023 Budget Support Act of 2022. Of interest to employers, the law makes permanent the emergency measures recently passed that [amend the Universal Paid Leave Act](#). The changes affect the available amount of leave and the waiting period for benefits. After an event that qualifies for leave under the Universal Paid Leave Act, an employee must wait one week before benefits are paid, though the waiting period was waived for claims filed after Oct. 1, 2021. This amendment removes the waiting period requirement for all claims filed after July 25, 2022. The amendment also increases the amount of paid leave to 12 weeks of parental leave, 12 weeks of family leave and 12 weeks of medical leave as of Oct. 1, 2022.

District of Columbia

B 845 (Universal Paid Leave Act)

Enacted July 13, 2022

Effective July 13, 2022

The District of Columbia has amended its [Universal Paid Leave Act](#), which provides paid leave benefits to employees taking time off for family and medical reasons. This emergency measure removes the waiting period requirement for all claims filed after July 25, 2022. The amendment also increases the amount of paid leave to 12 weeks of parental leave, 12 weeks of family leave and 12 weeks of medical leave as of Oct. 1, 2022.

District of Columbia

B 914 (Universal Paid Leave Act)

Enacted July 27, 2022

Effective July 27, 2022

The District of Columbia has amended the Universal Paid Leave Act by an emergency measure. After an event that qualifies for leave under the Universal Paid Leave Act, an employee must wait one week before benefits are paid, though the waiting period was waived for claims filed after Oct. 1, 2021. [This amendment](#) removes the waiting period requirement for all claims filed after July 25, 2022.

Michigan

HB 5244 (COVID-19 Employment Rights Act)

Enacted July 11, 2022

Effective July 11, 2022

Informational only — Sedgwick does not administer

Michigan has passed an amendment to its [COVID-19 Employment Rights Act of 2020](#), setting an end date for the Act's provisions. Under the 2020 Act, employers are prohibited from disciplining, discriminating against or discharging employees who miss work due to quarantine or isolation after exposure to COVID-19. The Act also prohibits taking adverse action against employees who report health violations related to COVID-19. In addition, businesses and individuals who comply with federal, state and local regulations related to COVID-19 were granted legal immunity from tort claims arising from exposure or potential exposure to the virus.

The amendment limits the Act's protections to claims that arose between March 1, 2020, and July 1, 2022. Further, the COVID-19 Employment Rights Act will be repealed effective July 1, 2023.

Oregon

Final Rule OAR 471-070 (Paid Family and Medical Leave Insurance Program)

Enacted July 22, 2022

Effective July 22, 2022

Oregon has enacted rules to implement its [Family and Medical Leave Insurance Program](#). Under the program, payroll contributions begin Jan. 1, 2023, and employees may begin using leave benefits Sept. 3, 2023. The rules clarify that in any one benefit year, claimants can receive up to 12 weeks of benefits for any combination of family, medical or safe leave, plus an additional two weeks of benefits for limitations related to pregnancy, childbirth or a related medical condition. Additionally, the rules state that the maximum amount of leave an individual can receive for caring and bonding with a child during its first year of life is 12 weeks, whether or not a new benefit year begins during the first year of the child's life.

Under the law, an employer may require an employee to give written notice at least 30 days before commencing a period of leave and may also require the employee to include in the notice an explanation of the need for the leave. The new rules state that employers may require the written notice to include: the employee's first and last name; the type of leave; an explanation of the need for leave; and the anticipated timing and duration of leave. An employee is only required to provide this notice once, regardless of whether the leave is intermittent or continuous. Employees may provide the notice via handwritten or typed documents, email or text messages, as long as the method of delivery follows the employer's policies.

Employers that require written notice must make the requirement known in its policies and procedures, a copy of which must be given to new employees upon hire, and each time that the policy or procedure changes. Additionally, the employer must include in its policies and procedures a description of the penalties that the state may impose on an employee for not following the employer's notice procedures. An employer must provide the notice in the language that the employer typically uses to communicate with the employee.

Sedgwick is actively following the ongoing rulemaking process for Oregon's Paid Family and Medical Leave Insurance Program. The rulemaking is expected to be concluded by October at this time. Sedgwick continues to prepare to offer this program for employers who choose equivalent plans or who have their employees apply with the state for payment of benefits.

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.

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