

LEAVE AND DISABILITY REGULATORY COMPLIANCE

# Summary of legislative and regulatory changes

*Private employer sector | January 2022*

## TABLE OF CONTENTS

District of Columbia .....	3
B 610 (COVID-19-related leave).....	3
New Jersey .....	4
Final Rule NJAC 13:14 (family leave) .....	4
United States .....	5
DOL Final Rule (FMLA penalties) .....	5



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# District of Columbia

## *B 610 (COVID-19-related leave)*

Passed Council Jan. 18, 2022

If enacted, effective immediately

Informational only — Sedgwick does not administer

If enacted, this D.C. emergency measure will extend the [COVID-19 Vaccination Emergency Amendment Act](#). On Nov. 18, 2021, D.C. amended its leave of absence laws to provide for paid time off for COVID-19 vaccinations as well as unpaid time off to accommodate employees and their family members affected by COVID-19. This law is set to expire Feb. 16, 2022. If enacted, this new amendment will extend the law for 90 days after its enactment.

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# New Jersey

## *Final Rule NJAC 13:14 (family leave)*

Enacted Sept. 14, 2021

Effective Oct. 18, 2021

New Jersey has enacted [rules](#) related to its Family Leave Act, which provides leave for employees in various circumstances. The rules were enacted to match with the 2019 updates to the law and no substantive changes are found in the new rules. Of note, the rules were updated to include that an employee may take leave if a healthcare provider or health authority recommends that a family member that the employee must care for quarantine in connection with a communicable disease. The rules make it clear that the definition of a family member includes any individual related by blood or marriage to the employee.

The law permits employees to take leave on a reduced work schedule under certain circumstances. The rules clarify that this reduced schedule leave may be taken in increments of hours, days or weeks. Employees must make a reasonable effort to schedule the leave so that it does not unduly disrupt the employer's operations, and if possible should provide a regular schedule of the hours, days or weeks during which the leave will be taken.

The rules also clarify the amount of notice an employee must provide, as follows:

- At least 15 days' notice for intermittent or reduced schedule leave related to a newborn, child placement or for a family member's serious health condition.
- As soon as practicable for intermittent or reduced schedule leave to care for a family member in connection with a communicable disease.
- At least 30 days' notice for consecutive leave related to a newborn or child placement.
- In a reasonable and practicable manner for consecutive leave to care for a family member with a serious health condition or to care for a family member related to a communicable disease.
- As much notice as possible in exigent circumstances.

If an employee has requested intermittent or reduced schedule leave to provide care for a family member in connection with a communicable disease, an employer may require the employee to work remotely during the leave.

As these changes were not substantive compared to the 2019 updates, Sedgwick is already in compliance with the new rules adopted by New Jersey.

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# United States

## *DOL Final Rule (FMLA penalties)*

Enacted Jan. 14, 2022

Effective Jan. 15, 2022

The U.S. Department of Labor (“Department”) has adopted a [final rule](#) to adjust for inflation the civil monetary penalties assessed or enforced by the Department. The Inflation Adjustment Act requires the Department to annually adjust its civil money penalty levels for inflation no later than Jan. 15 of each year.

Of note, the rule specifies that every employer covered by the FMLA is required to post and keep posted on its premises, in conspicuous places, a notice explaining FMLA provisions and providing information concerning the procedures for filing complaints of violations. An employer that willfully violates the posting requirement may be assessed a civil money penalty not to exceed \$178 for each separate offense. The amended rule provides that the penalty should not exceed \$189.

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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