



leave and disability regulatory compliance

Summary of leave legislation

Private employer sector

January 2020

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District of Columbia

DC Code § 541.01 (DC Paid Family Leave Act)

Enacted April 7, 2017

Notification requirement effective February 1, 2020

Starting February 1, 2020, covered District of Columbia employers must notify employees about their right to paid leave under the [DC Paid Family Leave Act \(PFLA\)](#).

Employees can start applying for PFLA leave in July 2020. Before then, employers must notify employees of their right to potential benefits. On February 1, 2020, employers must post an [official notice](#) in all locations where covered employees work. If an employer has covered employees working remotely, it must send them copies of the notice so they can post it in their own workspaces.

Employers also are obligated to provide electronic or physical notice to employees at three other points:

- (1) to all employees at least once between February 1, 2020 and February 1, 2021, and at least once a year every following year
- (2) to all new employees hired after February 1, 2020 (notice must be provided at the time of hire)
- (3) to individual employees when notice is received of the employee's need for leave for an event that could qualify for PFLA benefits

New Jersey

AB 1449/SB3168 (New Jersey Temporary Disability Benefits Law)

Enacted January 21, 2020

Effective May 20, 2020

This [amendment](#) to the New Jersey Temporary Disability Benefits Law provides job security for an employee during a period of disability because of an organ or bone marrow donation by that employee. The amendment revises the definition of “compensable disability” under the statute to include a disability that is the result of the donation of any organ or bone marrow by a covered employee. The amendment also eliminates the one-week waiting period for the payment of temporary disability benefits relating to organ or bone marrow donation.

The amendment further provides reinstatement rights to an employee who is unable to work during a period of disability due to organ or bone marrow donation. After the period of disability ends, the employee is entitled to be restored to the same position the employee held prior to the disability leave or to an equivalent position of like seniority, status, employment benefits, pay and other terms and conditions of employment.

New Jersey

SB3594/AB5819 (Employment protections for members of the National Guard)

Enacted January 9, 2020

Effective January 9, 2020

New Jersey has [amended its laws](#) regarding employment protections for National Guard members. State law provides that once an employee is released from a period of military service, the individual is entitled to return to their former position or a position of like seniority, status and pay. These protections apply to employees who temporarily leave to participate in assemblies or annual training, or to attend service schools conducted by the U.S. Armed Forces. Similar protections apply to persons who become a member of the organized militia or armed forces reserve and who have been discharged or suspended by an employer because of that membership. The amended law clarifies that these rights extend to members of the Army and Air National Guard of New Jersey or any other state.

The New Jersey law permits employers to lay off employees for specified reasons and sets forth the procedure by which an employer may do so. The law prohibits employers from laying off any person on a military leave of absence for active service in time of war or an emergency. The amended law clarifies that these protections apply to members of the Army and Air National Guard of New Jersey or any other state.

New Jersey

NJAC 12:69 (New Jersey final rules regarding earned sick leave)

Adopted October 15, 2019

Effective January 6, 2020

On October 29, 2018, the New Jersey Paid Sick Leave Act (“the Act”) went into effect, which requires every employer to provide earned sick leave to each employee working for the employer in New Jersey. The Act requires that employers must provide paid sick leave to each employee in the amount of one hour of earned sick leave for every 30 hours worked.

The New Jersey Department of Labor and Workforce Department (“Department”) has adopted [final rules](#) that implement and expound upon the statutory provisions set forth in the Act. The final rules provide definitions and procedures for how employers are to provide earned sick leave to employees under the Act. The final rules also align with the FAQs previously released by the Department for the Act.

The final regulations and guidance cover many other specific topics, including the rate of pay for earned sick leave, applicability of the ESLL upon expiration of a collective bargaining agreement and the employer’s right to prohibit foreseeable sick leave on specific dates.

Puerto Rico

PS 853 (Bill of Rights of Working Women)

Enacted January 3, 2020

Effective January 3, 2020

Puerto Rico has enacted a [new law](#) entitled the Bill of Rights of Working Women to provide protections for and help eliminate discrimination against women in the workplace.

In addition to the protections established under the Constitution of Puerto Rico and all other applicable laws and regulations, the Bill of Rights outlines the specific rights for working women, including:

- Four weeks of maternity leave before delivery and four weeks after delivery, or up to one week of prenatal rest and seven weeks of postnatal rest. These leaves also apply when adopting a preschool-age minor
- Salary, hourly wages, daily wages or other forms of compensation must be paid when on maternity leave
- Job protection and entitlement to reinstatement is reserved while on maternity leave
- Protection against firing, suspension, discrimination or reduction in salary during pregnancy

Vermont

HB 107 (Family and medical leave insurance program)

Introduced January 29, 2019

Vetoed by the governor January 31, 2020

Failed legislative veto override February 5, 2020

This [proposed bill](#) creates a paid family and medical leave insurance program that will be funded by contributions from employees. The bill gives employers the option to pay for some or all of the contributions due from an employee's wages. The bill provides employees with up to 12 weeks of bonding leave, up to eight weeks of family care leave and up to six weeks of medical leave.

As an alternative to participating in this family and medical leave insurance program, an employer may — upon approval by the Commissioner of Financial Regulation — comply with the requirements of this subchapter through the use of an alternative insurance plan or benefit plan that provides to all of its employees benefits for bonding and family care leave that are equivalent to or more generous than these benefits.

This legislation was vetoed on January 31, 2020. The legislature was unable to override the governor's veto.

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.

