

LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Private employer sector | March 2022

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Illinois

SB 3120 (Child Bereavement Leave Act)

Passed Senate; Passed House March 30, 2022

If enacted, effective Jan. 1, 2023

If enacted, this bill will amend the [Child Bereavement Leave Act](#), requiring certain employers to provide 10 days of unpaid leave for absences resulting from pregnancy loss, unsuccessful IVF treatment, failed adoption or surrogacy or a diagnosis that impacts pregnancy. Under the law, “employer” means any person employing 50 or more employees for each working day during each of 20 or more calendar weeks.

Employers may require reasonable documentation including a form completed by a healthcare practitioner who has treated the employee, their spouse or a surrogate for any covered event or documentation from the adoption or surrogacy organization certifying that they have experienced a covered event. An employer may not require that the employee identify which category of event to which the leave pertains.

Maryland

SB 275 (Family and Medical Leave Insurance Program)

Passed Senate; Passed House March 30, 2022

If enacted, effective June 1, 2022

Benefits to begin Jan. 1, 2025

If enacted, this bill will create the [Maryland Family and Medical Leave Insurance Program](#), providing covered employees with up to 12 weeks of paid leave. “Covered employee” means an employee who has worked at least 680 hours over the 12-month period immediately preceding the date the leave will begin.

Beginning Oct. 1, 2023, employers are required to contribute to the Maryland Family and Medical Leave Program Fund. The amount will be set annually, not to exceed 0.75% of an employee’s wages. Employers must contribute 25% of the total contribution rate and employees are responsible for the remaining 75%. Employers must properly deduct the employee’s contribution requirements.

Beginning Jan. 1, 2025, a covered employee may use this leave to care for a newborn or newly placed child; care for a family member with a serious health condition; attend to their own serious health condition; care for a family service member with a serious health condition resulting from military service; or attend to a qualifying emergency arising out of the deployment of a family member.

Employers may require employees to provide 30 days’ notice before commencing the leave. If the leave is not foreseeable, employees must provide notice as soon as practicable.

Employers must provide written notice to each employee of the rights and duties under this program. Notice must include the following:

- The right of an eligible employee to receive program benefits
- The procedures for filing a claim for benefits, an employee’s responsibilities with respect to notification and penalties for failure to comply
- The employee’s right to file a complaint for violations
- The employee’s job protection rights
- A description of the prohibited acts, penalties and complaint procedures

Oregon

Final Rule OAR 839-007-0020 (sick time)

Enacted March 21, 2022

Effective April 1, 2022

Informational only — Sedgwick does not administer

In July 2021, the Oregon Bureau of Labor and Industries issued an emergency rule, permitting an employee to use accrued paid sick time when a public official orders emergency evacuation or determines that air quality and heat index exposure jeopardize the health of an employee. This [final rule](#) makes permanent the increased protection for employees exposed to extreme heat, poor air quality and associated public health emergencies at work. The final rule also expands the current regulation to include as permissible uses of sick time:

- An emergency evacuation order of level 2 or level 3 issued by a public official with the authority to do so, if the affected area subject to the order includes either the location of the employer's place of business or the employee's home address; or
- A determination by a public official with the authority to do so that the air quality index or heat index are at a level where continued exposure to such levels would jeopardize the health of an employee.

However, if an employee is employed as a first responder, the employee cannot use sick leave for those reasons.

Oregon

SB 1515 (Family and Medical Leave Insurance program)

Enacted March 7, 2022

Effective Jan. 1, 2023

Oregon has amended its laws regarding the [Family and Medical Leave Insurance Program](#). Under the law, a benefit year is defined as the 12-month period as determined by the director of the employment department. This amendment revises the definition. Under the amended law, a benefit year means a period of 52 consecutive weeks beginning on the Sunday immediately before the date on which family, medical or safe leave commences. However, if that 52-week period would cause an overlap of any quarter of the base year of a previously filed valid claim, the benefit year period is increased to 53 consecutive weeks.

Contributions for this program are scheduled to begin Jan. 1, 2023, and workers will receive benefits starting Sept. 3, 2023.

Pennsylvania

Philadelphia Ordinance No. 220051 (COVID-19 related leave)

Enacted March 9, 2022

Effective March 9, 2022

Informational only — Sedgwick does not administer

Philadelphia adopted an ordinance requiring covered employers to provide paid COVID-19 leave through Dec. 31, 2023. The [new ordinance](#) is similar to the 2021 ordinance requiring employers to provide paid sick leave for reasons related to COVID-19. A few provisions, however, are slightly different, most notably the amount of leave employers must provide.

The ordinance applies to employers with 25 or more workers. To be eligible for COVID-19 leave, an employee must have worked for a covered employer for 90 or more days and work in Philadelphia, normally work in Philadelphia but currently telecommute from outside the city because of COVID-19, or work from multiple or mobile locations but spend 51% of the time working in Philadelphia.

Employers must provide the following amounts of paid COVID-19 leave:

- Employees who work 40 or more hours per week receive at least 40 hours, unless their employer provides a greater amount (in 2021, it was 80 hours)
- Employees who work fewer than 40 hours per week receive an amount equal to the amount of time they are scheduled to work or actually work on average in a seven-day period, whichever is greater

Employers must provide employees with a notice of rights that explains:

- Employees are entitled to leave
- The amount of leave and the terms of its use guaranteed under the law
- Retaliation against employees who request or use leave is prohibited and that each employee has the right to file a complaint or bring a civil action if leave required by the law is denied by the employer or the employee is retaliated against for requesting or taking leave.

Employers can satisfy their notice obligations by conspicuously displaying the required notice in the workplace. If an employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based platform, the required notice must be provided to employees via electronic communication or a conspicuous posting in the web-based platform. The notice must be in English and in any language that is the first

language spoken by at least 5% of the workforce. Additionally, employers must include the requisite notice of rights in any employee handbook. For two years, employers must keep records documenting hours worked, leave taken and payment made for leave taken.

Washington

SB 5649 (Paid Family and Medical Leave Act)

Enacted March 30, 2022

Effective June 9, 2022

Washington has amended its [Paid Family and Medical Leave law](#) to permit an additional reason that an employee may take family leave. Under the law, an eligible employee may take family leave to provide care for a family member's serious health condition, to bond with a newly born or placed child, or because of any qualifying exigency permitted under the federal Family and Medical Leave Act. This amendment permits an employee to take family leave during the seven calendar days following the death of the employee's child if it occurs either during the first 12 months after the child's birth or during the first 12 months after placement of the child with the employee. The same amount of leave is provided for the death of an employee's child where the employee would have qualified for medical leave under the law for the birth of the child.

The amended law requires that if an employee has been incapacitated due to pregnancy or prenatal care, the employee's paid leave benefits are considered medical leave for the first six weeks after the birth of the child. An employee can choose to use family leave during those six weeks instead. In these circumstances, the employee need not provide certification of a serious health condition.

The law does not require collective bargaining agreements that were in place on Oct. 19, 2017 to be reopened, renegotiated or incorporate the law's provisions. The amended law repeals this provision as of Dec. 31, 2023.

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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800.625.6588
Sedgwick@sedgwick.com
SEDGWICK.COM