



AMERICAN BENEFITS
COUNCIL

Benefits Briefing Webinar
State Paid Sick Leave
and Family Leave Mandates

Thursday, August 6, 2020
2 p.m. ET

Today's Speakers

Moderator:



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Senior Vice President,
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Guest Speakers:



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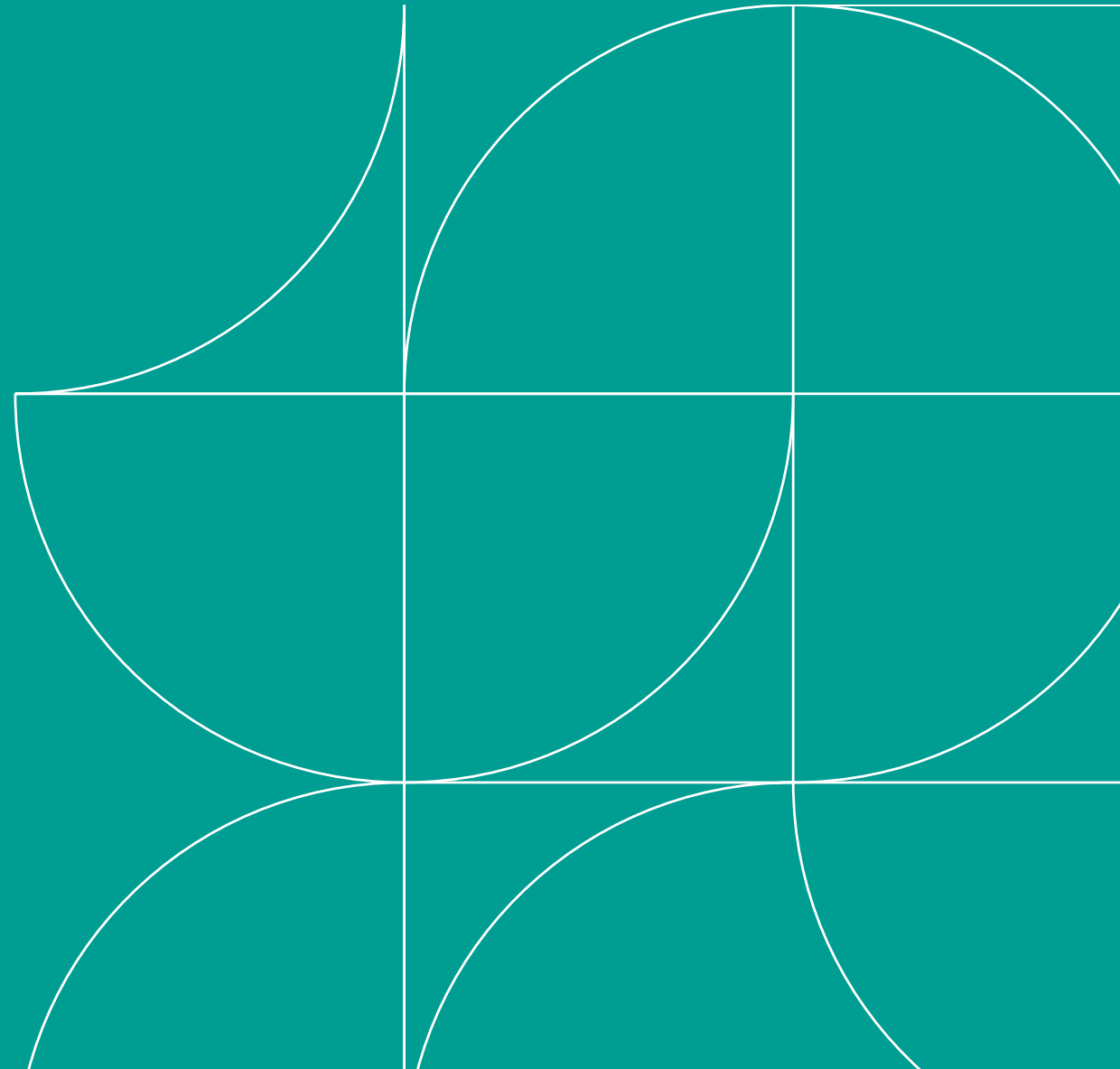


State and Local Paid Leave: Understanding Today's Patchwork

August 6, 2020

Seyfarth Shaw LLP

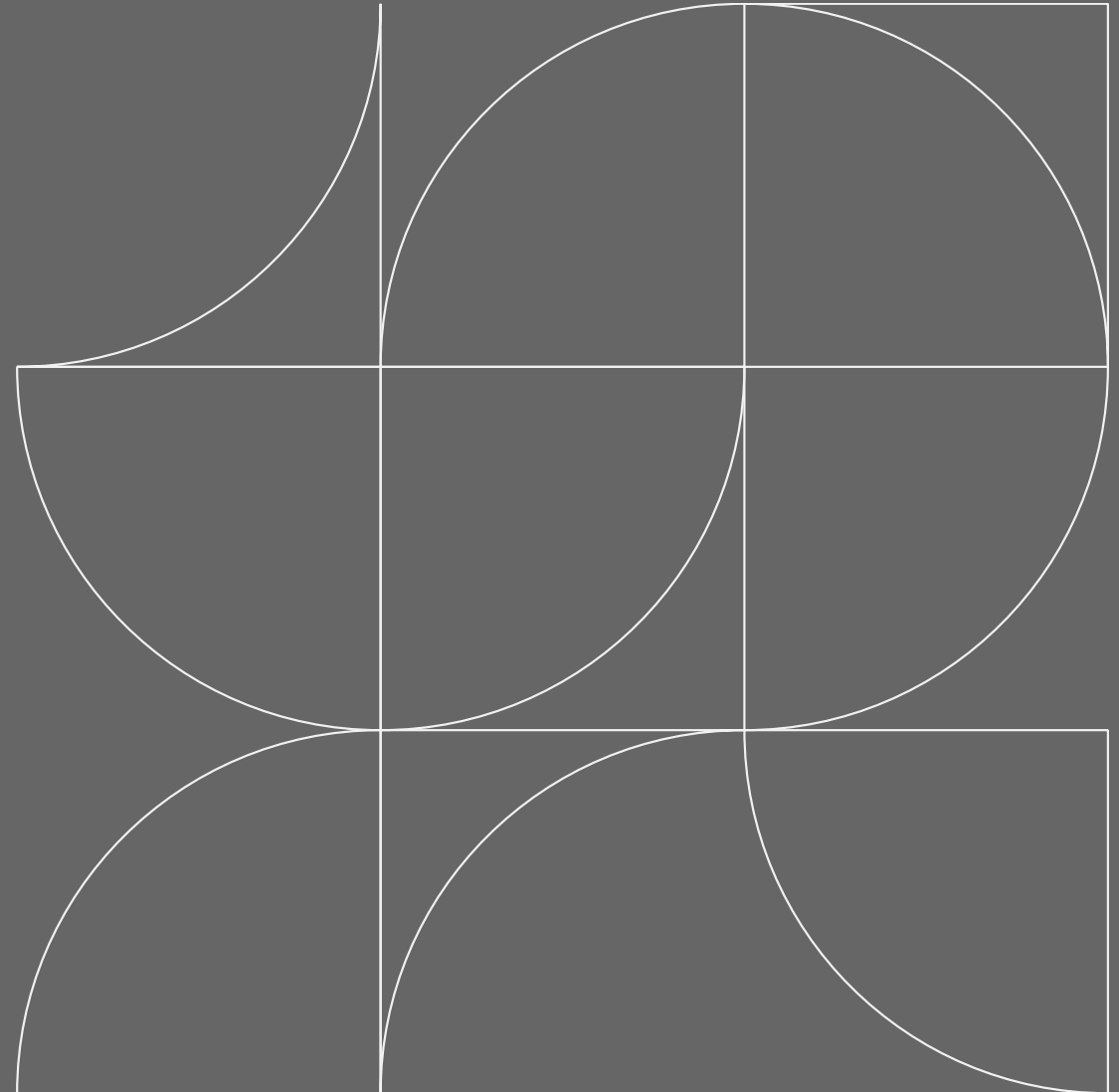
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Agenda

- 01** Federal Paid Leave Proposals and DOL RFI
- 02** COVID-19 and State and Local Leave Laws
- 03** Paid Family Leave Highlights
- 04** Paid Sick Leave and PTO Highlights

Federal Paid Leave Proposals and DOL RFI



Federal Paid Leave Proposals

- **FAMILY Act** (S. 463/H.R. 1185)
- **New Parents Act** (S. 920/H.R. 1940)
- **Advancing Support for Working Families Act** (S. 2976/H.R. 5296)



U.S. Department of Labor's Women's Bureau RFI

- **July 15, 2020** – U.S. DOL Women's Bureau announces RFI re impact of paid family and medical leave (PFML) on employees and employers
- **September 14, 2020** – Public comment deadline
- **Focus of RFI** – (a) Effectiveness of current state and ER-provided PFML programs, (b) how access or lack of access to PFML programs has affected women and their families
- **Goal of RFI** – Help identify promising practices related to eligibility requirements, related costs, and administrative models of existing paid leave programs

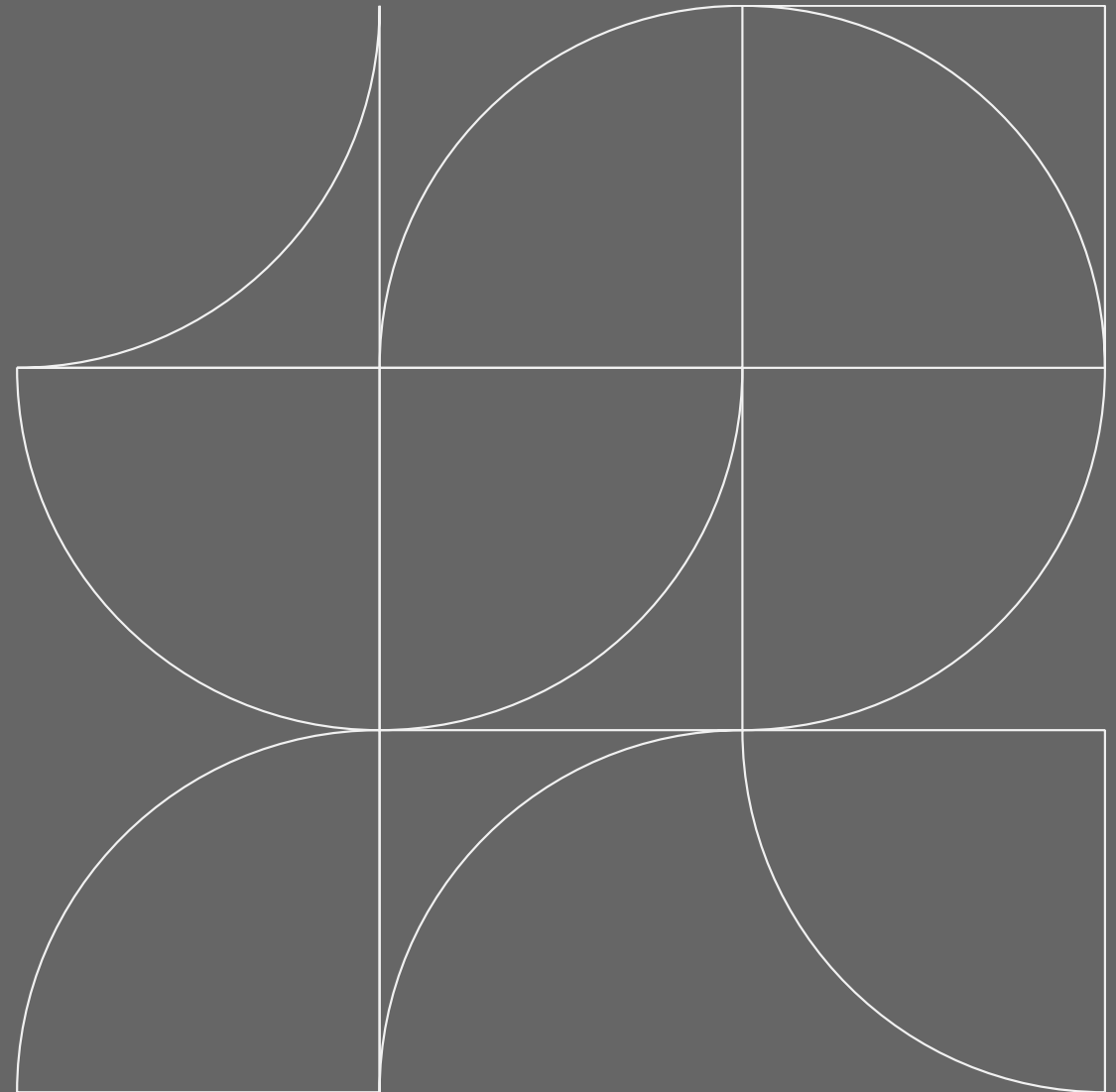


U.S. Department of Labor's Women's Bureau RFI

- Employer challenges regarding current state PFML programs
 - Patchwork of existing laws
 - Variations on many substantive topics, including, but **not** limited to, EE eligibility, ER coverage, qualifying absences and covered family members, intermittent leave, and coordination of benefits
- Effect of current state PFML programs and access or lack thereof to such programs on women and their families



COVID-19 and State and Local Leave Laws



COVID-19 State and Local Leave Overview



- **Types of State and Local Leave Laws Affected by COVID-19 Developments:**
 - Paid sick and safe time laws (at least 30 locations with developments)
 - Paid time off laws (i.e., NV guidance)
 - Paid family and medical leave laws (i.e., NY and NJ expansion)
 - State disability insurance laws (i.e., NY and NJ expansion)
 - Unpaid family and medical leave laws (i.e., Washington, D.C. and NJ expansion)

COVID-19 State and Local Leave Overview



Paid Sick Leave / PTO Laws and COVID-19 Developments: 3 Main Groups

- **Group 1:** Entirely new laws / executive orders
- **Group 2:** Amendments to existing laws or regulations
- **Group 3:** General non-binding guidance regarding applicability of an existing PSL law in light of COVID-19

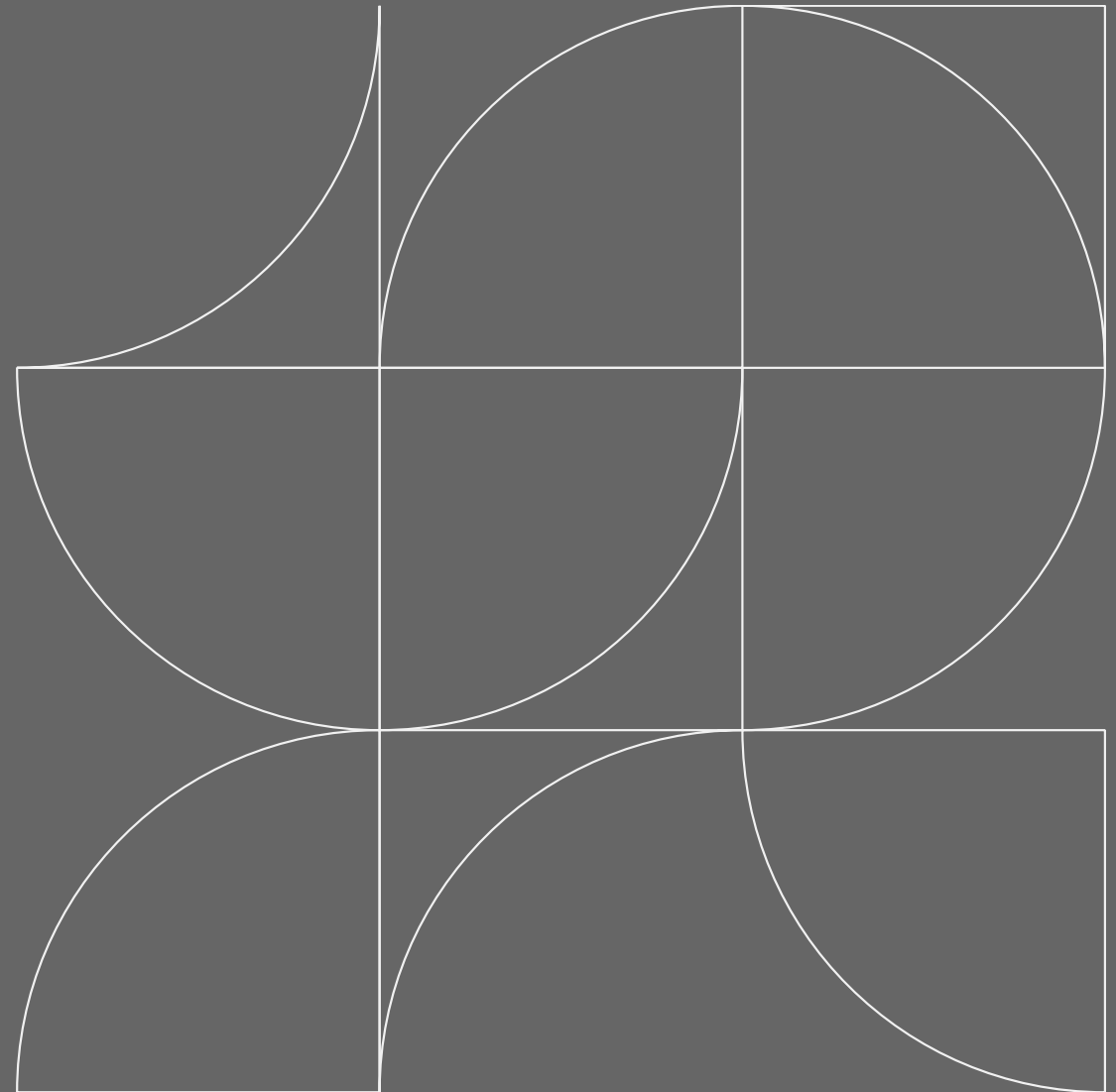
COVID-19 State and Local Leave Overview



Paid Sick Leave / PTO Laws and COVID-19 Developments: 31 locations

- (1) Arizona - State; (2) California - State; (3) California - Emeryville; (4) California - Long Beach; (5) California - Los Angeles City; (6) California - Los Angeles County; (7) California - Oakland; (8) California - Sacramento; (9) California - San Diego; (10) California - San Francisco; (11) California - San Jose; (12) California - San Mateo County; (13) California - Santa Rosa; (14) Colorado - State; (15) Illinois - Chicago; (16) Illinois - Cook County; (17) Maryland - State; (18) Massachusetts - State; (19) Michigan - State; (20) Minnesota - Duluth; (21) Minnesota - Minneapolis; (22) Minnesota - Saint Paul; (23) Nevada - State; (24) New Jersey - State; (25) New York - State; (26) New York - New York City; (27) Oregon - State; (28) Pennsylvania - Philadelphia; (29) Washington - State; (30) Washington - Seattle; (31) Washington, D.C.

Paid Family Leave Highlights



Paid Family Leave Laws Overview

- **Existing PFL Laws: 10 TOTAL LAWS**
 - **8 States + DC:**
 - CA, NJ, RI, NY, WA, MA, CT, OR, DC
 - **1 Municipality:**
 - San Francisco, CA



New Jersey Family Leave Insurance – Overview of Recent Amendments

- Doubled number of weeks FLI benefits are available on a *continuous* basis from 6 to 12 weeks **(Jul. 2020)**
- Increased amount of benefits available on an *intermittent* basis from 42 to 56 days **(Jul. 2020)**
- Increased monetary benefits available to employees **(Jul. 2020)**
- Expanded reasons for use and covered family members **(Feb. 2019 and Mar. 2020)**
 - **Note:** March 2020 updates were part of state's response to COVID-19

Connecticut Paid Family and Medical Leave

- **Enacted:** June 25, 2019
- **Premium Withholdings Begin:** January 1, 2021
- **PFML Benefits Begin:** January 1, 2022
- **Impact on CT Family and Medical Leave Act (CFMLA):** The CT PFML is an amendment to the CFMLA

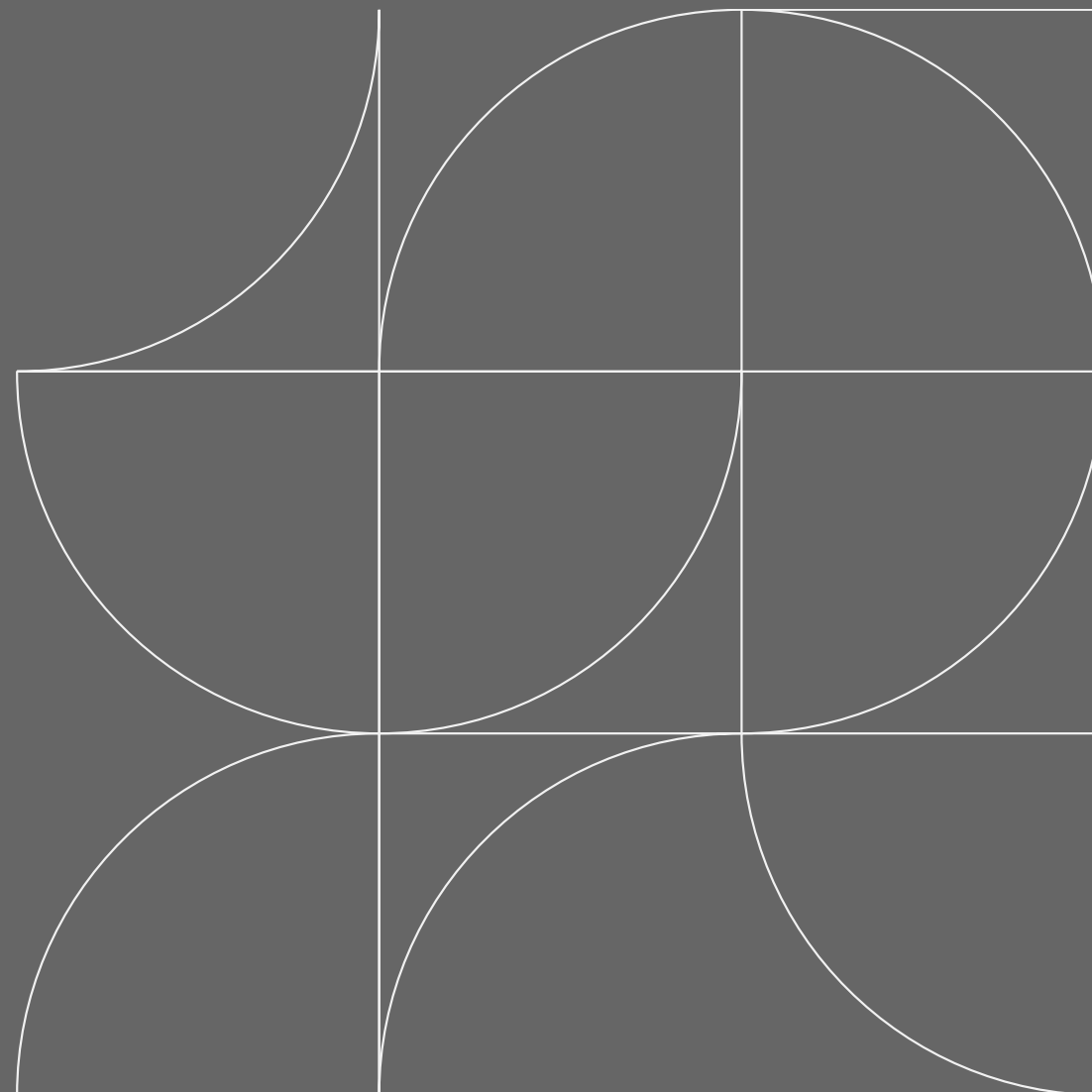
Oregon Paid Family and Medical Leave

- **Enacted:** August 9, 2019
- **Premium Withholdings Begin:** January 1, 2022
- **Notice of Employee Rights:** January 1, 2022
- **PFML Benefits Begin:** January 1, 2023
- **Rulemaking:** Expected on or before September 1, 2021

Paid Family Leave Laws – Jan. 2020 Forecast Updates

| State | Jan. 2020 | Aug. 2020 |
|-------|---|---|
| VT | Both branches of state legislature passed a PFL bill in Jan. 2020 | Vetoed by governor; House failed to override veto by 1 vote - Feb. 2020 |
| CO | Task force completed analysis and submitted recommendations to state legislature and governor in Jan. 2020. | Two bill sponsors dropped out due to compromises on scope of coverage - Feb. 2020; COVID-19 prevented additional work on bill; Focus on ballot initiative for Nov. 2020 election. |
| VA | PFL bill introduced in state Senate in Jan. 2020; Democratic control of legislature and governorship. | Not sufficiently considered before close of 2020 legislative session. |
| NH | PFL bill passed by state House of Representatives – late-2019; Introduced in state Senate Jan. 2020 | PFL bill passed by state Senate; Vetoed by state Governor in July 2020 |

Paid Sick Leave and PTO Highlights



Mandatory Paid Sick Leave (PSL) and PTO Laws

Existing PSL and PTO Laws:

57 Total Laws

Federal

- Executive Order 13706 – PSL for many EEs of certain federal contractors
- Families First Coronavirus Response Act – Emergency PSL for EEs of certain sized ERs

15 States + DC

- PSL: CA, DC, MA, CT, OR, VT, AZ, WA, RI, MD, NJ, MI, NY, CO
- PTO: ME, NV

29 Municipalities

- **(1)** San Francisco, CA; **(2)** Seattle, WA; **(3)** Long Beach, CA; **(4)** SeaTac, WA; **(5)** New York City, NY; **(6)** Los Angeles, CA; **(7)** Oakland, CA; **(8)** Philadelphia, PA; **(9)** Tacoma, WA; **(10)** Emeryville, CA; **(11)** Montgomery County, MD; **(12)** Pittsburgh, PA; **(13)** Santa Monica, CA; **(14)** Minneapolis, MN; **(15)** San Diego, CA; **(16)** Chicago, IL; **(17)** Berkeley, CA; **(18)** Saint Paul, MN; **(19)** Cook County, IL; **(20)** Austin, TX; **(21)** Duluth, MN; **(22)** San Antonio, TX; **(23)** Dallas, TX; **(24)** Westchester County, NY (2 laws – sick time law and safe time law); **(25)** Bernalillo County, NM (PTO law); **(26)** San Jose, CA; **(27)** Sacramento, CA; **(28)** San Mateo County, CA; **(29)** Santa Rosa, CA

Paid Sick Leave and PTO Outlook – 2020 and on

Laws Scheduled to go Into Effect:

- New York (9/30/2020)
- Bernalillo County, NV (PTO Law – 10/1/2020)
- Maine (PTO Law – 1/1/2021)
- Colorado (General PSL + Supplemental Public Health Emergency PSL – 1/1/2021)

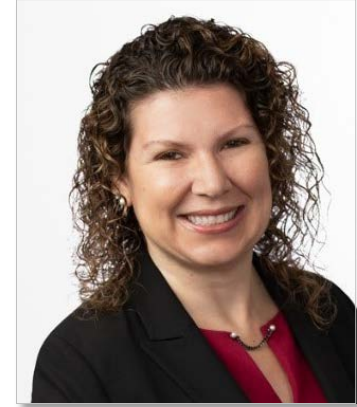
Next Locations Likely to Adopt:

- **State:** (1) Illinois; (2) Hawaii; (3) Virginia; (4) Massachusetts (COVID PSL); (5) New Jersey (Amendments + State of Emergency PSL)
- **Municipal:** (1) New York City, NY (PTO Proposal); (2) Albuquerque, NM (PTO Proposal)

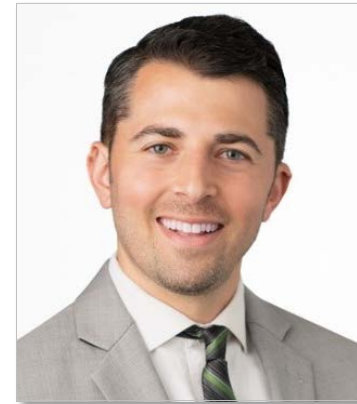
Questions?

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Thank You!

