Benefits Briefing Webinar
State Paid Sick Leave and Family Leave Mandates
Thursday, August 6, 2020
2 p.m. ET
Today’s Speakers

Moderator:
Ilyse Schuman
Senior Vice President, Health Policy
American Benefits Council

Guest Speakers:
Tracy M. Billows
Partner
Seyfarth Shaw LLP

Joshua D. Seidman
Associate
Seyfarth Shaw LLP
State and Local Paid Leave: Understanding Today’s Patchwork

August 6, 2020
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
ABC Expanded Paid Leave Atlas

Interactive Paid Leave Atlas

The Council’s new and improved paid leave atlas now includes information on state and local family leave mandates and COVID-19 leave laws.

Paid Sick Leave and Paid Time Off
Paid Family Leave, Paid Sick Leave and Paid Time Off
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)
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
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

<table>
<thead>
<tr>
<th>State</th>
<th>Jan. 2020</th>
<th>Aug. 2020</th>
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<tbody>
<tr>
<td>VT</td>
<td>Both branches of state legislature passed a PFL bill in Jan. 2020</td>
<td>Vetoed by governor; House failed to override veto by 1 vote - Feb. 2020</td>
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<td>CO</td>
<td>Task force completed analysis and submitted recommendations to state legislature and governor in Jan. 2020.</td>
<td>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.</td>
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<td>VA</td>
<td>PFL bill introduced in state Senate in Jan. 2020; Democratic control of legislature and governorship.</td>
<td>Not sufficiently considered before close of 2020 legislative session.</td>
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<td>NH</td>
<td>PFL bill passed by state House of Representatives – late-2019; Introduced in state Senate Jan. 2020</td>
<td>PFL bill passed by state Senate; Vetoed by state Governor in July 2020</td>
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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)
Feel free to contact us

Tracy M. Billows
tbillows@Seyfarth.com

Joshua D. Seidman
jseidman@Seyfarth.com

Questions?
Thank You!