

# Statutory Update



November 21, 2023

## In this Update:

<b>Paid Family and Medical Leave Updates</b>	<b>2</b>
Delaware Paid Leave (DE PL) – Regulations and Grandfathered Plans	2
Massachusetts Paid Family and Medical Leave (MA PFML) – Amendment	6
<b>Accrued Paid Leave Updates</b>	<b>7</b>
California Paid Sick Leave – Amendment	7
Connecticut Paid Sick Leave – Updated Guidance and Required Notice	9
Chicago, IL Paid Leave and Paid Sick and Safe Leave – <i>NEW</i>	9
Bloomington, MN Earned Sick and Safe Time – Amendment	17
St. Paul, MN Earned Sick and Safe Time – Amendment	23
<b>Other News</b>	<b>30</b>
California Leave for Reproductive Loss – <i>NEW</i>	30
<b>January 1 Reminders</b>	<b>30</b>
Connecticut Paid Leave (CT PL)	30
Colorado Family and Medical Leave Insurance (CO FAMILI)	31
Illinois Paid Leave for All Workers Act (PLAWA)	31
Minnesota Earned Sick and Safe Time (ESST)	31
New Hampshire Paid Family and Medical Leave (NH PFML)	31
Other Laws Becoming Effective or Amended Effective January 1	32
<b>2024 Paid Family and Medical Leave (PFML) Benefits and Rates</b>	<b>33</b>

## Paid Family and Medical Leave Updates

### Delaware Paid Leave (DE PL) – Regulations and Grandfathered Plans

Delaware's paid family and medical leave law, [Delaware Paid Leave \(DE PL\)](#), was passed last spring, with contributions toward the state ("public") program beginning [January 1, 2025](#) and benefits beginning [January 1, 2026](#).

The law was summarized in our [May 12, 2022 Update](#). The information below provides some refresher, plus clarifications provided by regulations adopted this summer. Also, while the majority of requirements don't begin for over a year from now, [there are two opportunities that employers may want to take advantage of, both with an expiration date of December 31, 2023](#) – see the [Grandfathered Benefits](#) and [Small Business Assistance](#) sections below.

#### Employers Required to Participate

- DE PL requirements apply to employers with [10 or more employees in the state](#), with additional breakdown on required offerings as follows:
  - Employers with [9 or fewer employees in the state](#) during the previous 12 months are [not required to participate](#).
  - Employers with [10 to 24 employees in the state](#) during the previous 12 months are required to provide [parental leave](#).
  - Employers with [25 or more employees in the state](#) during the previous 12 months are required to provide [medical leave, parental leave, family caregiving leave](#) and [qualifying exigency leave](#).
- The thresholds above are based on the number of employees who:
  - 1) Work at least [60%](#) of their work hours [physically in Delaware](#) each calendar quarter, and
  - 2) Meet or are expected to meet the following requirements prior to leave:
    - a) Have been employed for at least [12 months](#) by the employer with respect to whom leave is requested; and
    - b) Have been employed for at least [1,250 hours of service](#) with the employer during the previous 12-month period.
- Notes on employer size thresholds:
  - Employer [counts are per company](#) (*i.e., per FEIN*).
  - For public program contributions beginning January 1, 2025, the employer's threshold count will be based upon the number of employees an employer had [during the 12 months of 2024](#).
  - Employers may [opt in](#) to offer any line(s) of coverage not *required* according to their respective threshold, for a minimum of [3 years](#).
  - Individuals primarily reporting for work at a worksite outside of Delaware, and employees who are assigned to Delaware teams but telecommute, are not considered employees under DE PL unless the employer elects to classify them as such (*see next bullet*).
  - Employer headcounts/thresholds may be adjusted by [waivers](#) (*employees not expected to meet eligibility requirements above - not included in count\**) and [reclassifications](#) (*added to count\**), both of which must be agreed to by both the employer and the employee, and filed with the Division of Paid Leave.
    - \* *see pages 3-5 of [Regulations Q&A \(9/13/23\)](#)*
- Threshold changes:
  - If a [gain in headcount](#) at any point in the year causes an employer to rise above 9 employees (*for parental leave*) or 24 employees (*for all leaves*), the employer is required to offer the applicable leave benefits and set up respective contributions [within 30 days of the increase](#), for a minimum of [12 months](#).
  - For a [drop in headcount](#), in order to reduce benefit offerings and contributions, the employee counts must remain below the respective threshold for a [full 12 months](#).

- Headcount/thresholds will be monitored by the Division via quarterly reporting.

## Reasons for Leave, Maximum Entitlement and Contribution Rates

- “Lines of Coverage” – DE PL benefits are payable for the following reasons:
  - 1) **Parental leave:** Leave authorized which offers covered individuals time off in the event of the birth, adoption, or fostering of a child.
  - 2) **Medical leave:** Leave authorized which offers covered individuals time off in the event of a serious health condition (illness or accident) of the employee themselves.
  - 3) **Family Caregiving leave:** Leave authorized which offers covered individuals time off in the event of a serious health condition (illness or accident) of a child, spouse, or parent.
  - 4) **Qualifying Exigency leave:** Leave authorized which offers covered individuals time off for qualified issues that arise in connection with a military deployment.
- **Maximum Leave Entitlement:**
  - **Parental leave:** 12 weeks per year
  - **Medical, Family Caregiving, Qualifying Exigency:** 6 weeks combined in any 24-month period
  - **Combined Maximum:** 12 weeks per year
- **Contribution Rates**
  - For 2025 and 2026 the **Total Rate** will be **.8% of wages**, up to the **maximum earnings subject to Social Security taxation**. The total rate is broken down as follows:
    - Parental leave:** .32% of wages
    - Medical leave:** .4% of wages
    - Family Caregiving and Qualifying Exigency leave:** .08% of wages
  - **Employers must pay at least 50%** of the rate, and may elect to pay all or any portion of the employee’s share of the contribution for each leave type.

## Private Plans, Grandfathered Benefits and Small Business Assistance

- The law allows for “formal” **private plans**, insured or self-insured.
  - Employers may apply for a private plan for **one or more line of coverage** (*listed above*) and provide the remaining coverage using the state program. Contributions toward the public program will not be required for line(s) included in the private plan.
  - **Applications for private plans** to be effective in time for employers to avoid public program contributions beginning January 1, 2025 will be accepted **between September 1, 2024 and December 1, 2024**. Future application (and renewal) periods will be annual, from October 1 through December 1, for an effective date the following January 1.
  - Self-insured plans will be required to maintain a headcount of **100 employees** at all times, unless the employer can demonstrate during application that it has the administrative capacity to self-insure.
  - Quarterly wage and hour **reporting** beginning January 1, 2025 will still be required.
- **Grandfathered Benefits:** The law text also included the provision that “**private benefits**” in effect when the law was enacted may be eligible for **exemption** from the public program for a specified period; the regulations named this exemption “**grandfathering**”.
  - Grandfathering is not required, and may be applied for for one or more lines of coverage (*parental, medical, and/or family caregiving; qualifying exigency is grouped with family caregiving*); only that line of coverage that is comparable will be grandfathered.
    - For any line of coverage *not* grandfathered, the employer must either participate in the public program beginning with contributions on January 1, 2025, or offer benefits through an approved private plan.
  - Grandfathering may be available for **any written benefit** that is:

- a [private insurance contract](#) plan, including captives;
  - a [self-insured plan](#); or
  - an [“Employee Handbook” policy](#) if the benefit design meets requirements.
- To qualify, benefits must:
    - be in writing;
    - have been in effect on (and since) [May 10, 2022](#); and
    - be [“comparable”](#) to DE PL benefits.
      - “Comparable” plans must offer benefits that are within 10% of DE PL benefits for (1) benefit percentage, (2) maximum benefit, and (3) benefit duration. In addition, they must be available to all employees who would be considered eligible for the public program, and may not cost the employee more than the applicable rate for the public program.
      - Benefits approved as “comparable” by the Division will be [exempted from the public program for a period of five years](#) from the date contributions begin (i.e., [through December 31, 2029](#)).

*Note: Quarterly wage and hour reporting beginning January 1, 2025 will still be required.*

To illustrate:

	Delaware Paid Leave Grandfathered Benefits	
	Public Program	Minimum for “Comparable”
<b>Effective Date</b>	N/A	In effect on 5/10/22
<b>Employee Eligibility</b>	<ul style="list-style-type: none"> <li>• 60% of hours worked in Delaware</li> <li>• Employed at least 12 months prior to leave, and worked at least 1,250 hours during those 12 months.</li> </ul>	Employed at least 12 months prior to leave, and worked at least 1,250 hours during those 12 months.
<b>Benefit Percentage</b> <i>(all lines)</i>	80% of employee’s wages	72% of employee’s wages
<b>Maximum Benefit</b> <i>(all lines)</i>	\$900/week <i>(2026-2027)</i>	\$810/week
<b>Benefit Duration:</b>		
<b>Parental Leave</b>	12 weeks	10.5 weeks (54 days) <sup>1</sup>
<b>Medical, Family, QE</b>	6 weeks	5.4 weeks (27 days) <sup>2, 3</sup>
<b>Cost</b>	No more than <b>50%</b> of:  Parental: .32% of wages (.16%) Medical: .4% of wages (.2%) Family/QE: .08% of wages (.04%)	Cannot exceed state rate for EE contribution.

<sup>1</sup> In addition, an employer’s existing parental leave plan must (1) provide coverage for birth, adoption, and fostering of a child; and (2) offer these benefits regardless of the parent’s sex or gender or marital status.

If a small employer (one with 10 to 24 employees in the state) elects to temporarily reduce the length of Parental Leave as part of the Grandfathering/PLD application process (see *Small Business Assistance* below), the length of leave cannot be less than 6 weeks (30 days).

<sup>2</sup> For administrative purposes, Family Caregiving Leave and Qualified Exigency Leave are grouped together and must be taken as one offering.

3 *The regulations include the following caveat: Due to the number of STD plans in force in the State of Delaware prior to the enactment of the Act and the number of which may be successfully grandfathered by employers, there is a significant potential for them to adversely impact the solvency of the Fund. The Division will undertake an analysis of the impact of STD plan grandfathering on the future solvency of the Fund based upon the actual experience of the medical leave line of coverage in each of the initial years of the program. If the grandfathered STD plans are determined to be a threat to the solvency of the Fund, the grandfathered status will be terminated earlier than normally provided by the Act.*

- Employers may apply for [instant determination](#) of this exemption [until December 31, 2023](#) via the Division’s [Grandfathering/Parental Leave Duration \(PLD\) Application Portal](#).

Per the [Paid Leave FAQ](#):

- [The portal] will walk you through a series of simple “yes/no” questions, much like an online income tax program, and ask you to upload written benefit documents directly to the Grandfathering/PLD Portal. Based on your responses, the portal will provide a “conditional approval” to allow you to grandfather your existing paid leave benefits. Final approval will be provided once the Division of Paid Leave reviews the written benefit documents that you provided with your application. The Grandfathering/PLD Portal will be open from October 1, 2023, to January 1, 2024. [This will be your only opportunity to extend your company’s existing paid leave benefits.](#) After that time, an employer will have to either enroll in the Delaware Paid Leave plan or provide paid leave coverage through a new private benefit plan that meets or exceeds all requirements of the mandate.
- An employer must upload (1) a copy of their written benefit program (if self-insured or utilizing an insurance policy from an insurance company); (2) a copy of the declaration page (if using an insurance company); or (3) a copy of the relevant pages of an employee handbook that sets forth the employer’s leave policy into the Grandfathering/PLD Portal, in either a Microsoft Word .docx or PDF format. An application for grandfathering paid leave benefits will not be approved without the appropriate supporting documentation.

More details on portal/process may be found in the [Grandfathering FAQ](#) (page 2).

Also worth noting, from the [Grandfathering FAQ](#):

**I might be under 10 (or 25) employees now, but that number could easily grow in the next few months. What if I am not sure how many employees my company will have when the Delaware Paid Leave Plan becomes effective?**

There is no penalty for applying for and receiving approval to grandfather your existing paid leave benefits. If, based upon the number of employees you have at the time the program goes into effect, you find you are not required to offer the paid leave benefits that you already grandfathered in, you will not be required to provide those benefits just because you filled in the application and were conditionally approved.

- **Small Business Assistance:** “Small businesses” with 10-24 employees in the state (*i.e., those only required to offer Parental Leave*) may apply to [reduce the Parental Leave duration requirement](#) from 12 weeks to a duration between 6 and 11 weeks.
  - Eligible employers may apply for this [until December 31, 2023](#) via the Division’s [Grandfathering/Parental Leave Duration \(PLD\) Application Portal](#). [This is the only opportunity to apply.](#)
  - Remains in place for [five years](#) from the start of public program benefits (*i.e., through December 31, 2030*), after which 12 weeks of parental leave will be required.
  - Employers taking advantage of this must notify their employees in writing by [December 1, 2024](#).

More details/info in the [Parental Leave Duration FAQ](#).

More information and resources are available on the [DE PL website](#):

- [Law text](#)
- [Regulations](#)
- [Regulations Q&A \(9/13/23\)](#) – *This document also includes some detail on Employer responsibilities for claim determination under the public program beginning January 1, 2026 (see p11+).*

- [Paid Leave FAQ](#) – This document also includes some detail on Employer responsibilities for claim determination under the public program (see p4+).
- [Grandfathering FAQ](#)
- [Grandfathering Appeals FAQ](#)
- [Parental Leave Duration FAQ](#)

### Massachusetts Paid Family and Medical Leave (MA PFML) – Amendment

On [August 9](#) the governor of Massachusetts signed the [Fiscal Year 2024 budget](#), which included an amendment to the MA PFML law ([Section 57](#), originally [HB4053](#)). Effective [November 1, 2023](#), the following change was made to [MGL Ch. 175M §3\(c\)](#) (added text is in blue font):

... The weekly benefit amount shall not be reduced by the amount of wage replacement that an employee receives while on family or medical leave under any of the following conditions, unless the aggregate amount an employee would receive would exceed the employee's average weekly wage: (i) a temporary disability policy or program of an employer; (ii) a paid family or medical leave policy of an employer; or (iii) any accrued sick or vacation pay or other paid leave provided under an employer policy, including, but not limited to, any leave provided under a collective bargaining agreement. ...

Prior to [November 1](#), MA PFML benefits could be supplemented by benefits available to the employee under their employer's short-term disability program or paid medical or family leave policy; they could not be supplemented by payments associated with the use of accrued paid sick, vacation or other paid time off ("accrued paid leave"). Employees were able to use accrued paid leave to receive payment during the 7-day waiting period before MA PFML benefits begin, but were restricted from collecting payments from accrued paid leave and MA PFML for the same period of time – that is, if accrued paid leave benefits were used, MA PFML benefits would not be paid.

Employers sponsoring private plans had the option to allow their covered employees to use accrued paid leave to supplement MA PFML benefits.

For claims filed on or after [November 1](#), all employers – those participating in the state program and those sponsoring private plans – must permit an employee to voluntarily "top-off" their MA PFML benefits with accrued paid leave, as long as the combined benefit does not exceed the employee's average earnings.

The Department of Family and Medical Leave (DFML) has posted some [guidance](#), as well as updated FAQ for [Employers](#) and for [Employees](#), addressing the change. Revised regulations are expected.



**Accrued Paid Leave Updates**

**California Paid Sick Leave – Amendment**

On [October 4](#) the governor of California approved [SB616](#), making substantial amendments to the state’s [paid sick leave law](#). Below is a summary of the changes effective [January 1, 2024](#).

	California Paid Sick Leave	
	Current Requirement	Effective January 1, 2024
<b>Accrual Rate</b>	1 hour per 30 hours worked	No change
<b>Alternative Accrual Rate (minimum)</b>	Employee must have no less than 24 hours available by the 120 <sup>th</sup> calendar day of employment, or each calendar year, or each 12-month period.	Employee must have no less than 24 hours available by the 120 <sup>th</sup> calendar day of employment, or each calendar year, or each 12-month period, and no less than 40 hours of accrued sick leave or paid time off by the 200 <sup>th</sup> calendar day of employment, or each calendar year, or each 12-month period.
<b>Total Accrual Limit</b> <i>(time “in the bank”, including any carryover from prior year)</i>	48 hours or 6 days	80 hours or 10 days
<b>Frontloading in Lieu of Accrual</b>	Permitted, minimum 24 hours or 3 days per year	Permitted, minimum 40 hours or 5 days per year
<b>Use Limit</b>	24 hours or 3 days per year	40 hours or 5 days per year
<b>Carryover</b>	Required with no limit, though employer may impose Use Limit. Not required if time is frontloaded in the amount noted above.	Required with no limit, though employer may impose Use Limit. Not required if time is frontloaded in the amount noted above.
<b>“Grandfathered” Plans in Effect prior to January 1, 2015</b>	Employees must have no less than 8 hours or 1 day of accrued sick leave or paid time off within 3 months of employment, of each calendar year, or each 12-month period, and are eligible to earn at least 24 hours or 3 days of sick leave or paid time off within 9 months of employment.	Employees must have no less than 8 hours or 1 day of accrued sick leave or paid time off within 3 months of employment, of each calendar year, or each 12-month period, and are eligible to earn at least 40 hours or 5 days of sick leave or paid time off within 6 months of employment.

**Local paid sick leave laws**

Generally, if an employee or group of employees is covered by both the statewide law and one of the local sick time ordinances, the more generous provisions should be applied. SB616 creates a partial preemption of the local ordinances by setting forth the following minimum standards, however:

- **Separation from employment:** An employer is not required to pay out accrued but unused paid sick days upon an employee’s termination, resignation, retirement, or other separation from employment. If the employee is rehired within one year the employee is entitled to reinstatement of previously accrued but

unused time for immediate use, and to accrue additional time. This reinstatement provision is not required if time was paid out at separation.

- **Providing time in advance of accrual:** An employer may lend paid sick days to an employee in advance of accrual, at the employer's discretion and with proper documentation.
- **Wage statement notification:** Employees must be provided with written notice that sets forth the amount of paid sick leave, or paid time off an employer provides in lieu of sick leave, available for use on either the employee's itemized wage statement (*as described in [CLC §226](#)*) or in a separate writing provided on the employee's pay date. If an employer provides unlimited paid sick leave or unlimited paid time off to an employee, the employer may indicate on the notice or the employee's itemized wage statement "unlimited."
- **Calculation of paid leave:**
  - Paid sick time for **Non-Exempt employees** may be calculated:
    - 1) in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek; or
    - 2) by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.
  - Paid sick time for **Exempt employees** must be calculated in the same manner as the employer calculates wages for other forms of paid leave time.
- **Notice to employer:** If the need for paid sick leave is foreseeable, the employee must provide reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee must provide notice of the need for the leave as soon as practicable.
- **Timing of payment:** Sick leave taken by an employee must be paid no later than the payday for the next regular payroll period after the leave was taken.

#### Additional changes

SB616 also amends eligibility and entitlements for certain groups effective January 1:

- **Collective Bargaining Agreements (CBA)**

The law currently excludes employees covered by a valid CBA "if the agreement expressly provides for the wages, hours of work, and working conditions of employees, and expressly provides for paid sick days or a paid leave or paid time off policy that permits the use of sick days for those employees, final and binding arbitration of disputes concerning the application of its paid sick days provisions, premium wage rates for all overtime hours worked, and regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate".

SB616 adds that the following requirements must apply to paid sick leave provided to employees covered by CBA:

- Upon written or verbal request, paid sick leave may be used for the employee's or the employee's family member's injury, illness, diagnosis and preventive care, and for the employee's needs if they are a victim of domestic violence, sexual assault, or stalking (*needs as described in [CLC §230\(c\)](#) and [§230.1\(a\)](#)*).
- Employees may not be required to search for or find a replacement worker in order to use sick leave.
- Employers may not impede an employee from or in any way retaliate against an employee for exercising their rights to accrue or use paid sick leave.

The law includes a rebuttable presumption of unlawful retaliation when an adverse action is taken within 30 days of an employee:

- 1) filing a complaint with the California Labor Commissioner or alleging a violation of the law;
- 2) cooperating with an investigation or prosecution of an alleged violation of the law;
- 3) opposing a policy, practice or act prohibited by the law.



- Effective July 1, 2018 [providers of in-home supportive services and individual providers of waiver personal care services](#) became eligible for paid sick leave under the law, with entitlements increasing according to minimum wage thresholds. This schedule ends on January 1, 2024, when the “full amount of leave” will increase from 24 hours or 3 days per year (year of employment, calendar year, or 12-month period) to [40 hours or 5 days per year](#).
- Employers and employees as defined under the federal [Railroad Unemployment Insurance Act \(45 USC §351\(a\) and \(d\)\)](#) are excluded.

Updated guidance from the Department of Industrial Relations, as well as amended versions of the required poster and individual notice, are expected, and will appear [here](#) and [here](#).

**Connecticut Paid Sick Leave – Updated Guidance and Required Notice**

In our [August 31 Update](#) we summarized amendments to Connecticut’s [paid sick leave law](#) effective [October 1](#) permitting eligible employees to use accrued time for a “mental health wellness day” and if their child is the victim of family violence or sexual assault.

The Connecticut Department of Labor has posted [updated guidance](#) on the [paid sick leave webpage](#). An updated version of the [required notice](#) is also [available](#). Employers are required to provide the notice to each employee at time of hire; this requirement may be satisfied by displaying the notice in both English and Spanish in a conspicuous place accessible to service workers.

**Chicago, IL Paid Leave and Paid Sick and Safe Leave – NEW**

*Note: On December 13 the City Council amended this ordinance, and delayed implementation until July 1, 2024. Please see our [December 20 Update](#) for more details.*

On [November 9](#) Chicago’s City Council passed [SO2023-0002980](#). Effective [December 31, 2023](#) the ordinance removes current paid sick leave requirements from their current home within the minimum wage law ([Chicago Municipal Code Chapter 6-105](#)) and adds a new chapter (6-130) to [Title 6](#), named [Chicago Paid Leave and Paid Sick and Safe Leave](#).

Chicago’s current paid sick leave law currently entitles employees to accrue 1 hour of paid sick leave for every 40 hours worked within the city, up to 40 hours per year. Accrued time may be used after 180 days of employment. The new law retains the 40-hour accrual of [Paid Sick Leave](#), though at a lower hours threshold, and implements a [separate accrual for “Paid Leave” that may be used for any reason](#), for a total accrual of up to [80 hours per year](#). Below is a summary of the new law’s benefits and requirements.

*Note: Illinois’ statewide accrued leave law, the Paid Leave for All Workers Act, becomes effective January 1, 2024, but does not apply to employees covered by local ordinances in Chicago or Cook County. For more information see [January 1 Reminders](#) below.*

Chicago Paid Leave and Paid Sick and Safe Leave SO2023-0002980 (adds Chicago Mun. Code Ch. 6-130)	
<b>Effective Date</b>	<a href="#">December 31, 2023</a> <i>July 1, 2024 for Chicago Public Schools</i>
<b>Applies to</b>	<p><a href="#">All Employers</a> with one or more employees.</p> <p><a href="#">All Employees</a> who, in any particular two-week period, perform at least two hours of work for an employer while physically present within the geographic boundaries of the City.</p> <ul style="list-style-type: none"> <li>• Includes all Domestic Workers regardless of whether they work as employees, independent contractors, sole proprietors, or partnerships.</li> <li>• Includes any employee of the City and its Sister Agencies but does not include any individual permitted to work for any other governmental entity.</li> </ul>

<b>Chicago Paid Leave and Paid Sick and Safe Leave</b> SO2023-0002980 (adds Chicago Mun. Code Ch. 6-130)	
	<ul style="list-style-type: none"> <li>Excludes independent contractors as determined by IRS guidelines, elected officials and employees as defined in the federal Railroad Unemployment Insurance Act (<a href="#">45 USC 351 et seq.</a>)</li> <li>Time spent traveling in the City that is compensated time, including, but not limited to, deliveries, sales calls, and travel related to other business activity taking place within the City, will constitute work while physically present within the geographic boundaries of the City; however, time spent traveling in the City that is uncompensated commuting time will not constitute work while physically present within the geographic boundaries of the City.</li> </ul>
<b>Collective Bargaining Agreements</b>	<ul style="list-style-type: none"> <li>Nothing in this law shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work different from the applicable minimum standards of the provisions of this law.</li> <li>The law does not affect the validity or change the terms of bona fide collective bargaining agreements (CBA) in effect on <a href="#">January 1, 2024</a>. After that date, the law's requirements may be waived in a CBA, but only if the waiver is set forth explicitly in clear and unambiguous terms.</li> <li>The law does not apply to any employee working in the <a href="#">construction industry</a> (as defined in the <a href="#">ordinance</a>) who is covered by a CBA.</li> <li>Other than a collective bargaining agreement, any agreement to waive rights granted under this chapter is void as against public policy.</li> </ul>
<b>Interplay with Company Policies</b>	<ul style="list-style-type: none"> <li>If an employer has a policy that grants its employees <a href="#">Paid Leave</a> or <a href="#">Paid Sick Leave</a> in an amount and a manner that meets or exceeds the law's requirements, the employer is not required to provide additional Paid Leave or Paid Sick Leave.</li> <li>Unless obligated by a city, state, or federal law, an <a href="#">employee may choose</a> whether to use <a href="#">Paid Sick Leave</a> or <a href="#">Paid Leave</a> prior to using any other leave provided by the employer or by city, state, or federal law (<i>this does not apply if the City is the employer</i>).</li> </ul>
<b>Leave Entitlement</b>	<ul style="list-style-type: none"> <li>If an employee accrued <a href="#">Paid Sick Leave prior to January 1, 2024</a> (<i>under the current law</i>), and the employer's existing paid time off policy does not comply with the requirements of this law, on January 1, 2024, <a href="#">any Paid Sick Leave that employee is entitled to carry over to the next year must be transferred</a> to Paid Sick Leave under this law.</li> <li>Beginning the later of <a href="#">January 1, 2024</a> or the first calendar day of employment, employees accrue a minimum of <a href="#">1 hour of Paid Leave</a> and <a href="#">1 hour of Paid Sick Leave</a> for every <a href="#">35 hours</a> worked.                         <ul style="list-style-type: none"> <li>For purposes of accrual, employees <a href="#">exempt</a> from overtime requirements are assumed to work 40 hours in each workweek unless their normal workweek is less than 40 hours, in which case paid leave accrues based on that normal workweek.</li> <li><a href="#">Paid Leave</a> and <a href="#">Paid Sick Leave</a> will accrue only in <a href="#">hourly increments</a>, and not fractions of an hour. However, if an employer offers its employees more hours of <a href="#">Paid Leave</a> and <a href="#">Paid Sick Leave</a> than the minimum requirements under the law, the employer may credit the applicable <a href="#">Paid Leave</a> and <a href="#">Paid Sick Leave</a> time on a monthly basis, instead of accruing at the rate above.</li> </ul> </li> </ul>

**Chicago Paid Leave and Paid Sick and Safe Leave**  
 SO2023-0002980 (adds Chicago Mun. Code Ch. 6-130)

Employers must issue a written policy explaining the rate of Paid Leave and Paid Sick Leave accrual.

- Employers may limit accruals to **40 hours of Paid Leave** and **40 hours of Paid Sick Leave** in a 12-month period unless the employer agrees to a higher amount.
  - The **12-month period** for an employee will be calculated from the date the employee began to accrue Paid Leave and Paid Sick Leave.
- **Frontloading:** Employers may choose to immediately provide employees with **40 hours of Paid Leave** or **40 hours of Paid Sick Leave** or **both** on the first day of employment or the first day of the 12-month accrual period.
  - If an employer frontloads **Paid Leave** or **Paid Sick Leave** as described above, the employer is not required to provide additional paid time off of the same type of leave that is frontloaded.
  - If an employer frontloads **Paid Leave** in the amount above, the employer is not required to carry over an employee's unused Paid Leave hours to the subsequent 12-month period.
- **Unlimited Paid Time Off:** Instead of following an accrual model, employers may choose to immediately grant employees on the first day of employment, or the first day of the 12-month accrual period, **unlimited hours of paid time off that may be used for any reason.**

If time is provided in this manner, the following items must be adhered to; otherwise, all other requirements and benefits under the law apply:

- **Carryover** of an employee's unused paid time off to the subsequent 12-month period is not required.
- For foreseeable leave, an employer may require up to **seven days' notice**. If leave is not foreseeable, an employer may require an employee to give notice as soon as is practicable on the day the employee intends to take paid time off by notifying the employer by telephone, e-mail, or other means.
- An employer may not require an employee to obtain **preapproval** from the employer before using the paid time off.
- Unless otherwise provided in a collective bargaining agreement, upon an employee's termination, resignation, retirement, or other **separation from employment**, or whenever an employee ceases to meet the definition of a Covered Employee as a result of a transfer out of the geographic boundaries of the City, the employer must pay the monetary equivalent of **40 hours** of paid time off **minus the hours of paid time off used** by the employee in the last 12-month period before the employee's separation date as part of their final compensation at their final rate of pay.

If the employee used more than 40 hours of paid time off in the last 12-month period before the date of separation, the employee will not owe the employer compensation.

- No employment contract or employment policy may provide for forfeiture of earned paid time off upon separation from employment.

<b>Use</b>	<p><b>Paid Leave</b></p> <ul style="list-style-type: none"> <li>• <b>Paid Leave</b> may be used by the employee “for any reason of the employee's choosing” beginning the <b>90<sup>th</sup> calendar day following commencement of</b></li> </ul>
------------	--

**Chicago Paid Leave and Paid Sick and Safe Leave**

SO2023-0002980 (adds Chicago Mun. Code Ch. 6-130)

**employment.** There is no cap on hours that may be used per 12-month period stated in the ordinance.

- An employer **may not require** an employee to provide **a reason** for leave and may not require them to provide **documentation** or certification as proof or in support of the leave.
- An employer may establish reasonable policies for the use of Paid Leave to:
  - require an employee to give **reasonable notice**, which may not exceed **seven days** prior to leave;
  - require an employee to obtain reasonable **preapproval** from the employer before using Paid Leave for the purpose of maintaining continuity of employer operations subject to rules promulgated by the Office of Labor Standards; and
  - adopt rules specific to Interns\*, City-employed Seasonal\* workers, or Office of Emergency Management and Communications staff that manage City traffic. Such rules are not required to comply with this law.

*\* "Intern" means a student, or an individual who has been a student within the last four months, of any institution of secondary or higher education, or enrolled on a full or part-time basis in a course or program of academic, business, or vocational instruction: (i) who is employed as an entry-level employee; (ii) who works fewer than 700 hours annually; and (iii) whose work is geared towards academic studies or provides vocational experience.*

*"Seasonal" means employment of less than 120 calendar days in any year, that is set for a defined duration of time expected to be repetitive on a yearly basis.*

- Employers may set a reasonable minimum increment for use, not to exceed **four hours of Paid Leave** per day. If an employee's scheduled workday is less than this minimum increment, the minimum increment of time must not exceed the employee's regular scheduled workday.
- Unless obligated by a city, state, or federal law, an employee may choose whether to use Paid Leave prior to using any other leave provided by the employer or by city, state, or federal law (*this does not apply if the City is the employer*).

**Paid Sick Leave**

- **Paid Sick Leave** may be used by the employee beginning the **30<sup>th</sup> calendar day following commencement of employment**, for the following reasons:
  - 1) When the **employee is ill or injured**, or for the purpose of receiving professional care, including preventive care, diagnosis, or treatment, for medical, mental, or behavioral issues, including substance use disorders;
  - 2) When the employee's **family member is ill, injured, or ordered to quarantine**, or to care for a family member receiving professional care, including preventive care, diagnosis, or treatment, for medical, mental, or behavioral issues, including substance use disorders;
  - 3) When the employee or a covered family member is the victim of domestic violence\*, a sex offense\*, stalking\* or trafficking\*;

*\* As defined, respectively, in §103 of the Illinois Domestic Violence Act of 1986; Article 11 of the Illinois Criminal Code of 2012; §12-7.3 through §12-7.5 of the Illinois Criminal Code of 2012; and §10-9 of the Illinois Criminal Code of 2012.*

**Chicago Paid Leave and Paid Sick and Safe Leave**

SO2023-0002980 (adds Chicago Mun. Code Ch. 6-130)

- 4) When the employee's [place of business is closed](#) by order of a public official due to a public health emergency, or the employee needs to care for a [family member whose school, class, or place of care has been closed](#);
  - 5) When the employee obeys an [order](#) issued by the Mayor, the Governor of Illinois, the Chicago Department of Public Health, or a treating healthcare provider, requiring the employee to:
    - a) stay at home to minimize the transmission of a communicable disease;
    - b) remain at home while experiencing symptoms or sick with a communicable disease;
    - c) obey a quarantine order issued to the employee; or
    - d) obey an isolation order issued to the employee.
- There is no cap on hours that may be used per 12-month period stated in the ordinance.
  - Employers may set a reasonable minimum increment for use, not to exceed [two hours of Paid Sick Leave](#) per day. If an employee's scheduled workday is less than this minimum increment, the minimum increment of time must not exceed the employee's regular scheduled workday.
  - If an employee's need for Paid Sick Leave is reasonably foreseeable, an employer may require [up to seven days' notice](#) before leave is taken. If the need for Paid Sick Leave is not reasonably foreseeable, an employer may require an employee to give notice [as soon as is practicable](#) on the day the employee intends to take Paid Sick Leave by notifying the employer by telephone, e-mail, or other means.
    - Needs that are "reasonably foreseeable" include, but are not limited to, prescheduled appointments with health care providers, and court dates in domestic violence cases.
    - Any notice requirement imposed by the employer must be waived in the event an employee is unable to give notice because they are unconscious or otherwise medically incapacitated.
  - For [absences of more than three consecutive workdays](#), the employer may require certification that the use of Paid Sick Leave was for a qualifying purpose.
    - For leave for the employee's or a family member's health reasons, documentation signed by a licensed health care provider is sufficient;
    - For leave for needs associated with domestic violence, a sex offense, stalking or trafficking, certification may be in the form of a police report, court document, signed statement from an attorney, a member of the clergy, or a victim services advocate, or any other evidence that supports the employee's claim, including a written statement from the employee or any other person who has knowledge of the circumstances.

The employee may choose which document to submit, and no more than one document may be required if the Paid Sick Leave is related to the same incident of violence or the same perpetrator.

    - An employer may not require certification or require that documentation specify the reason for the employee using Paid Sick Leave before receiving notice that the employee will be absent for a third consecutive day, except as required by law.

<b>Chicago Paid Leave and Paid Sick and Safe Leave</b> SO2023-0002980 (adds Chicago Mun. Code Ch. 6-130)	
	<ul style="list-style-type: none"> <li>An employer may not delay the commencement of Paid Sick Leave taken for a qualifying purpose, nor delay payment of wages, on the basis that the employer has not yet received the required certification.</li> <li>An employer may take disciplinary action, up to and including termination, against an employee who uses Paid Sick Leave for purposes other than those outlined above.</li> <li>Unless obligated by a city, state, or federal law, an employee may choose whether to use Paid Sick Leave prior to using any other leave provided by the employer or by city, state, or federal law (<i>this does not apply if the City is the employer</i>).</li> </ul> <p>See terms for <a href="#">Unlimited Paid Time Off</a> policies in the Leave Entitlement section above.</p>
Pay	<ul style="list-style-type: none"> <li><b>Paid Leave</b> and <b>Paid Sick Leave</b> must be compensated at the same rate and with the same benefits, including health care benefits, that the employee regularly earns during hours worked.                             <ul style="list-style-type: none"> <li>Leave for an employee who is not exempt from the overtime requirements of the <a href="#">Minimum Wage Law</a> will be calculated by dividing the employee's total wages by the employees total hours worked in the full pay periods of the prior 90 days of employment.</li> <li>Wages do not include overtime pay, premium pay, gratuities, or commissions. However, the minimum hourly pay may not be less than the base hourly wage, the federal minimum wage, the Illinois Minimum Wage, or the Chicago Minimum Wage, whichever is higher. Where an employee is engaged in an occupation in which gratuities have customarily and usually constituted part of the remuneration, the employer must pay the highest of the federal minimum wage, the Illinois Minimum wage or the full Chicago minimum wage, as provided in <a href="#">§6-105-020</a>.</li> </ul> </li> <li>An Employer must provide payment for <b>Paid Leave</b> and <b>Paid Sick Leave</b> used by an employee no later than the <a href="#">payday for the next regular payroll period</a> after the paid time off was taken.</li> </ul>
Carryover	<ul style="list-style-type: none"> <li>At the end of an employee's 12-month accrual period, the employee must be allowed to carry over up to <b>16 hours of Paid Leave</b> and <b>80 hours of Paid Sick Leave</b> to the following 12-month period.                             <ul style="list-style-type: none"> <li>The employer does not need to pay an employee for any unused Paid Leave and Paid Sick Leave lost as a result of not being able to be carried over from one 12-month period to the next. However, if an employer denies an employee approval of their Paid Leave and Paid Sick Leave in a manner that prohibits that employee from meaningfully having access to such paid time off, despite such employee complying with applicable employer policies, the employer must increase that employee's permissible carryover to include carryover of any denied Paid Leave and Paid Sick Leave.</li> </ul> </li> <li>If an employer <b>frontloads</b> 40 hours of <b>Paid Leave</b> on the first day of employment or the first day of the 12-month accrual period, carryover of an employee's unused <b>Paid Leave</b> hours to the subsequent 12-month period is not required. (<i>This is not the case for Paid Sick Leave; up to 80 hours must carry over regardless.</i>)</li> </ul> <p>See terms for <a href="#">Unlimited Paid Time Off</a> policies in the Leave Entitlement section above.</p>



**Chicago Paid Leave and Paid Sick and Safe Leave**

SO2023-0002980 (adds Chicago Mun. Code Ch. 6-130)

**Termination,  
Transfer and  
Rehire**

- **Paid Sick Leave:** Unless an applicable collective bargaining agreement provides otherwise, upon an employee’s termination, resignation, retirement, or other separation from employment, the employer **is not required** to provide financial or other reimbursement for unused **Paid Sick Leave**.
- **Paid Leave:** Unless otherwise provided in a collective bargaining agreement, upon an employee’s termination, resignation, retirement, or other separation from employment, or whenever an employee ceases to meet the definition of a Covered Employee as a result of a transfer out of the geographic boundaries of the City, the employer **must pay** the monetary equivalent of all unused, accrued **Paid Leave** as part of the employee’s final compensation at their final rate of pay. No employment contract or employment policy may provide for forfeiture of earned Paid Leave upon separation from employment. However:
  - A **Small Employer is not required** to pay out unused **Paid Leave** upon termination, resignation, retirement, or other separation from employment, or whenever an employee ceases to meet the definition of a Covered Employee as a result of a transfer out of the geographic boundaries of the City.
  - For **Medium Employers**, the payout of unused **Paid Leave** will be limited to a maximum of **16 hours** of Paid Leave **until December 31, 2024**, unless the employer sets a higher limit. On and after **January 1, 2025**, Medium Employers will be required to pay the monetary equivalent of **all** unused, accrued Paid Leave as part of the employee's final compensation at their final rate of pay.

An employee **may request** payout of their unused **Paid Leave** after not receiving a work assignment for **60 days**.

*\* For the purpose of counting Covered Employees, numbers of Covered Employees will be aggregated if they are employed by members of a single unitary business group as defined for Illinois income tax purposes. A Small Employer is defined as one with 50 or fewer Covered Employees; a Medium Employer is one with 51 to 100 Covered Employees.*

- Nothing in the law may be construed to waive or otherwise limit an employee’s right to final compensation for promised and earned vacation time or paid time off, as provided under the **Illinois Wage Payment and Collection Act (820 ILCS 115)** and its **rules**.
- Other than as part of a collective bargaining agreement, no employment contract or employment policy may provide for forfeiture of earned **Paid Leave** or **Paid Sick Leave** when the employer is no longer subject to the requirements of the law and the employee no longer works in the City.
- All unused **Paid Sick Leave** and **Paid Leave** will be retained by the employee if the employer sells, transfers, or otherwise assigns the business to another employer and the employee continues to work in the City.
- If an **employee is transferred** to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all **Paid Sick Leave** and **Paid Leave** accrued at the prior division, entity, or location and is entitled to use all such leave.

See terms for **Unlimited Paid Time Off** policies in the **Leave Entitlement** section above.

<b>Chicago Paid Leave and Paid Sick and Safe Leave</b> SO2023-0002980 (adds Chicago Mun. Code Ch. 6-130)	
<b>Job and Benefits Protection</b>	<p>During any period an employee takes <a href="#">Paid Leave</a> or <a href="#">Paid Sick Leave</a>, the employer must maintain coverage for the employee and any family member under any group health plan for the duration of such leave at no less than the level and conditions of coverage that would have been provided if the employee had not taken the leave. The employer must notify the employee that the employee is still responsible for paying their share of the cost of the health care coverage, if any.</p>
<b>Anti-Retaliation</b>	<p>An employer <a href="#">may not</a>:</p> <ul style="list-style-type: none"> <li>• interfere with, deny, or change an employee's work days or hours to avoid providing eligible Paid Leave or Paid Sick Leave;</li> <li>• use its absence-control policy to count paid time off as an absence that triggers discipline, discharge, demotion, suspension, or any other adverse activity; or</li> <li>• constructively discharge or terminate an employee and then treat such termination as a voluntary termination to avoid a violation of or providing benefits under the law.</li> </ul> <p>"Constructive discharge" means the voluntary termination of employment by an employee because of a situation created by an act or omission of the employer that an objective, reasonable person would find so intolerable that voluntary termination is the only reasonable alternative, including by the intentional reduction in hours to avoid a violation of or providing benefits under this law.</p>
<b>Notice to Employees</b>	<ul style="list-style-type: none"> <li>• Employers must notify their employees of their rights and responsibilities under the law. Notice must be:                         <ol style="list-style-type: none"> <li>1) <a href="#">posted</a> in a conspicuous place at each facility where any employee works that is located within the geographic boundaries of the City*, in English and any language spoken by a significant portion of employees (<i>a model notice will be provided</i>);                                 <ul style="list-style-type: none"> <li>* <i>Employers that do not maintain a business facility within the geographic boundaries of the City are exempt from this posting requirement.</i></li> </ul> </li> <li>2) <a href="#">provided to each employee</a> with their <a href="#">first paycheck</a> and <a href="#">annually</a> with a paycheck issued within 30 days of July 1 (<i>a model notice will be provided</i>); and</li> <li>3) <a href="#">provided each time wages are paid</a>, to include the accrual rates of Paid Leave and Paid Sick Leave, leave accrued since the last notification, the amount of leave reduced since the last notification, and any unused leave available for use.                                 <ul style="list-style-type: none"> <li>• Employers who credit their employees the applicable Paid Leave and Paid Sick Leave time on a monthly basis may make such notice available on a monthly basis.</li> </ul> <p>Employers may choose a <a href="#">reasonable system</a> for providing this notification, including, but not limited to, listing available paid time off on <a href="#">each pay stub</a> or developing an <a href="#">online system</a> where employees can access their own Paid Leave and Paid Sick Leave information.</p> </li> </ol> </li> <li>• Employers must provide employees with written notice of the employer's <a href="#">paid time off policy</a>, including notification requirements, at the <a href="#">commencement of employment</a> and within <a href="#">five calendar days</a> before any change policy requirements.</li> </ul>

Chicago Paid Leave and Paid Sick and Safe Leave <u>SO2023-0002980</u> (adds Chicago Mun. Code Ch. 6-130)	
	<ul style="list-style-type: none"> <li>Employers must provide employees with a <b>14-day written notice</b> of changes to the employer's paid time off policies that affect an employee's right to final compensation for such leave.</li> <li>Whenever an employee has not been offered a <b>work assignment for 60 days</b>, the employer must notify the employee in writing that they may request payout of their accrued, unused <b>Paid Leave</b> time.</li> </ul>
<b>Recordkeeping</b>	<p>Each employer must maintain for at least <b>five years</b>, or for the duration of any claim, civil action, or investigation pending pursuant to this chapter, whichever is longer, a record of each employee's name and addresses, hours worked, pay rate, wage agreement, number of paid time off hours earned for each year and the dates on which paid time off hours were taken and paid, and records necessary to demonstrate compliance with this law.</p> <p>Failure to maintain these records will create a presumption, rebuttable by clear and convincing evidence, that the employer violated the law for the periods for which records were not retained for each employee. Upon an employee's request, an employer must provide a copy of the employee's records.</p>

**Bloomington, MN Earned Sick and Safe Time – Amendment**

Bloomington's **Earned Sick and Safe Time (ESST)** law became effective on **July 1, 2023**. The ordinance was originally summarized in our **July 26, 2022 Update**, with amendments and links to available resources included in our **February 27, 2023** and **May 25, 2023** posts, respectively.

On **September 25** Bloomington's City Council adopted **Ordinance No. 2023-24**, which amends the ESST law to better align it with the statewide law\* becoming effective **January 1, 2024**.

\* A summary of the state ESST law may be found in our **June 9 Update**; see also **January 1 Reminders** below.

For more information on Bloomington ESST, visit the city's dedicated **webpage**. Updated resources, including FAQ, rules, and the model notice, are expected in the coming weeks.

*Please note that the table below is not a full summary of the law, but rather an outline of its basic requirements and amended sections.*

Bloomington, MN Earned Sick and Safe Time		
	Current	Effective January 1, 2024
<b>Eligibility</b>	<p>All employees who perform work at a location or locations within the geographic boundaries of the city for at least <b>80 hours</b> in a year.</p> <p>Excludes independent contractors, student interns and employees classified as extended employment program workers as defined in <b>MN Rules part 3300.6000</b> and participating in the <b>MN Stat. §268A.15</b>, as it may be amended from time to time, extended employment program.</p>	No change
<b>Employers</b>	<p>All employers with <b>1 or more employees</b>.</p> <p>Excludes the federal government, the State of Minnesota, and any county or local government except the City of Bloomington.</p>	<b>All employers</b> with 1 or more employees must allow employees to accrue <b>paid</b> time.

Bloomington, MN Earned Sick and Safe Time		
	Current	Effective January 1, 2024
	<ul style="list-style-type: none"> <li>For employees of employers with <b>5 or more employees</b> nationwide, accrued time is <b>paid</b>.</li> <li>For employees of employers with <b>fewer than 5 employees</b> nationwide, accrued time is <b>unpaid</b> (<i>employers may choose to provide paid time</i>).</li> </ul>	Excludes the federal government, the State of Minnesota, and any county or local government, except the City of Bloomington
<b>Accrual Rate</b>	<p><b>1 hour per 30 hours worked within the geographic boundaries of the city</b> beginning commencement of employment, up to <b>48 hours</b> per calendar year.</p> <p>Time accrues in whole hour increments, though an employer may allow for fractions of an hour.</p>	No change
<b>Total Accrual Limit</b> <i>(time “in the bank”, including any carryover from prior year)</i>	<b>80 hours</b>	No change
<b>Frontloading</b>	As an alternative to accrual, an employer may provide at least <b>48 hours</b> of sick and safe time <b>following the initial 90 days of employment</b> for use by the employee during the first calendar year and providing at least <b>80 hours</b> of sick and safe time beginning each subsequent calendar year.	As an alternative to accrual, an employer may provide at least <b>48 hours</b> of sick and safe time <b>for immediate use</b> by the employee during the first calendar year and providing at least <b>80 hours</b> of sick and safe time beginning each subsequent calendar year. <i>(See also Carryover below.)</i>
<b>Annual Use Limit</b>	Not stated	No change
<b>Use</b>	<p>Employees are entitled to use accrued sick and safe time <b>beginning 90 calendar days following commencement of their employment</b>. After 90 calendar days of employment, employees may use sick and safe time as it is accrued.</p> <p>An employer is only required to allow an employee to use earned sick and safe time that is accrued under this law when the employee is scheduled to perform work within the geographic boundaries of the city. An employer may allow use of earned sick and safe time when an employee is scheduled to perform work for the employer outside of the city.</p>	<p>Employees are entitled to use sick and safe time <b>as it is accrued</b>.</p> <p>An employer is only required to allow an employee to use earned sick and safe time that is accrued under this law when the employee is scheduled to perform work within the geographic boundaries of the city. An employer may allow use of earned sick and safe time when an employee is scheduled to perform work for the employer outside of the city.</p>
<b>Carryover</b>	Accrued but unused sick and safe time carries over into the following year. The total amount of accrued but unused sick and safe time for an employee may not exceed 80 hours at any time, unless an employer agrees to a higher amount.	<p>Accrued but unused sick and safe time carries over into the following year. The total amount of accrued but unused sick and safe time for an employee may not exceed 80 hours at any time, unless an employer agrees to a higher amount.</p> <p><b>In lieu of permitting the carryover of accrued but unused sick and safe time into the</b></p>

Bloomington, MN Earned Sick and Safe Time	
Current	Effective January 1, 2024
	<p>following year, an employer may provide an employee with earned sick and safe time available for the employee's immediate use at the beginning of the subsequent year as follows:</p> <ul style="list-style-type: none"> <li>a) 48 hours, if an employer pays an employee for accrued but unused sick and safe time at the end of a year at the same hourly rate as an employee earns from employment; or</li> <li>b) 80 hours, if an employer does not pay an employee for accrued but unused sick and safe time at the end of a year at the same or greater hourly rate as an employee earns from employment. In no case may this hourly rate be less than the state minimum wage.</li> </ul>
<p><b>Reasons for Use</b></p>	<p>1) The employee's or family member's <b>mental or physical illness</b>; injury; health condition; need for medical diagnosis; care, including prenatal care; treatment of a mental or physical illness, injury, or health condition; or need for preventive medical or health care.</p> <p>2) The <b>death of a family member</b>.</p> <p>3) Needs associated with the <b>domestic abuse, sexual assault, or stalking of the employee or employee's family member</b>, provided the absence is to:</p> <ul style="list-style-type: none"> <li>a) seek medical attention or psychological or other counseling services related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;</li> <li>b) obtain services from a victim services organization;</li> <li>c) seek relocation due to domestic abuse, sexual assault, or stalking; or</li> <li>d) seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.</li> </ul> <p>4) The closure of the employee's place of business by order of a public official to limit exposure to an <b>infectious agent, biological toxin, hazardous material, or other public health emergency</b>.</p> <p>5) To accommodate the employee's need to care for a <b>family member whose school or place of care has been closed</b> by order</p>
	<p>1) The <b>employee's or family member's mental or physical illness</b>, injury, or other health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for preventive medical or health care.</p> <p>2) Needs associated with the <b>domestic abuse, sexual assault, or stalking of the employee or employee's family member</b>, provided the absence is to:</p> <ul style="list-style-type: none"> <li>a) seek medical attention or psychological or other counseling services related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;</li> <li>b) obtain services from a victim services organization;</li> <li>c) seek relocation due to domestic abuse, sexual assault, or stalking; or</li> <li>d) seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.</li> </ul> <p>3) The <b>closure of the employee's place of business due to weather or other public emergency</b>.</p> <p>4) The employee's need to care for a <b>family member whose school or place of care has been closed</b> due to weather or other public emergency.</p> <p>5) The employee's <b>inability to work or telework</b> because the employee is:</p>

Bloomington, MN Earned Sick and Safe Time		
	Current	Effective January 1, 2024
	<p>of a public official to limit exposure to an <b>infectious agent, biological toxin, hazardous material, or other public health emergency</b>.</p> <p>6) To accommodate the employee's need to care for a <b>family member whose school or place of care has been closed</b> due to inclement <b>weather, loss of power, loss of heating, loss of water, or other unexpected closure</b>.</p>	<p>a) prohibited from working by the employer due to health concerns related to the potential <b>transmission of a communicable illness</b> related to a public emergency; or</p> <p>b) seeking or awaiting the results of a diagnostic test for, or a medical <b>diagnosis of, a communicable disease related to a public emergency</b> and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and.</p> <p>6) When it has been determined by the health authorities having jurisdiction or by a health care professional that the <b>presence of the employee or family member of the employee in the community would jeopardize the health of others</b> because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.</p>
<b>Covered Family Members</b>	<p>Employee's:</p> <ul style="list-style-type: none"> <li>• <b>spouse</b>;</li> <li>• <b>child</b>, stepchild, adopted child, foster child, adult child, ward;</li> <li>• <b>sibling</b>;</li> <li>• <b>parent</b>, stepparent, mother-in-law, father-in-law, guardian;</li> <li>• <b>grandchild</b>;</li> <li>• <b>grandparent</b>; or</li> <li>• <b>member of the employee's household</b></li> </ul>	<ul style="list-style-type: none"> <li>• Employee's <b>spouse</b>;</li> <li>• Employee's or spouse's:                             <ul style="list-style-type: none"> <li>• <b>child</b> (biological, foster, adult child, legal ward, in-law, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis);</li> <li>• <b>sibling</b> (biological, step-, or foster, in-law);</li> <li>• <b>parent</b> (biological, adoptive, step-, or foster, or a person who stood in loco parentis when the employee was a minor child);</li> <li>• <b>grandchild</b> (biological, foster, or step-);</li> <li>• <b>grandparent</b> (biological or step-);</li> <li>• <b>sibling's child</b>;</li> <li>• <b>parent's sibling</b></li> </ul> </li> <li>• any other <b>individual related by blood or whose close association</b> with the employee is the equivalent of a family relationship;</li> <li>• up to one <b>individual annually designated</b> by the employee.</li> </ul>
<b>Requests for Documentation</b>	<p>An employer may require reasonable documentation for <b>more than 3 consecutive days</b> of sick and safe time used for reasons number 1, 2 and 3(a) above, <b>but only if the</b></p>	<p>When an employee uses earned sick and safe time for <b>more than 3 consecutive days</b>, an employer may require reasonable documentation that the earned sick and safe time is used for a qualifying purpose.</p>



Bloomington, MN Earned Sick and Safe Time	
Current	Effective January 1, 2024
<p>employer provides health insurance benefits to the employee.</p>	<ul style="list-style-type: none"> <li>For sick and safe time used for reasons 1, 5, or 6 above (employee's or family member's health), reasonable documentation may include a signed statement by a health care professional indicating the need for use of earned sick and safe time. However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose.</li> <li>For sick and safe time used for reason 2 above (domestic abuse, sexual assault, or stalking) an employer must accept a court record or documentation signed by a volunteer or employee of a victim services organization, an attorney, a police officer, or an antiviolence counselor as reasonable documentation.</li> <li>For sick and safe time used for reason 4 above (closure of family member's school or place of care) an employer must accept as reasonable documentation a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose.</li> <li>Written statements by an employee may be written in the employee's first language and need not be notarized or in any particular format.</li> </ul>
<p><b>Termination and Rehire</b></p> <p>If an employee is rehired within <b>120 days</b> of termination, previously accrued sick and safe time that had not been used or paid out upon separation from employment must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.</p>	<p>If an employee is rehired within <b>180 days</b> of termination, previously accrued sick and safe time that had not been used or paid out upon separation from employment must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.</p>

Bloomington, MN Earned Sick and Safe Time	
Current	Effective January 1, 2024
<b>Notice to Employees</b>	<ul style="list-style-type: none"> <li>The City Attorney’s Office will publish and make available to employers, in all languages spoken by more than 5% of the workforce in the city, as calculated by the city, notices suitable for posting by employers in the workplace informing employees of their rights under the law.</li> <li>Every employer must <a href="#">post the notice in a conspicuous place at any workplace or job site</a> where any employee works. The notice must be posted in English, and any language spoken by at least 5% percent of the employees at the workplace or job site if that translation is published by the City Attorney’s Office.</li> <li>An employer that provides an <a href="#">employee handbook</a> to its employees must include in the handbook notice of employee rights and remedies under the law.</li> <li>As of July 1, 2023, <a href="#">at the end of each pay period</a>, the total number of ESST hours accrued and available, as well as the hours used during that pay period, must be recorded on an employee’s earnings statement (paystub) in accordance with <a href="#">MN Stat. §181.032</a>.</li> </ul> <p style="margin-left: 20px;">No change</p> <p style="margin-left: 20px;"><i>The model notice may be found on the <a href="#">ESST webpage</a>; an updated version is expected.</i></p>

**St. Paul, MN Earned Sick and Safe Time – Amendment**

On **October 18** St. Paul’s City Council adopted [Ordinance No. 23-48](#), joining Bloomington in aligning the local accrued paid sick leave law with the statewide law\* becoming effective **January 1, 2024**.

\* A summary of the state ESST law may be found in our [June 9 Update](#); see also [January 1 Reminders](#) below.

For more information on St. Paul ESST, visit the city’s dedicated [webpage](#). Updated resources, including FAQ, rules, and the model notice, are expected in the coming weeks.

*Please note that the table below is not a full summary of the law, but rather an outline of its basic requirements and amended sections.*

<b>St. Paul, MN Earned Sick and Safe Time</b>		
	<b>Current</b>	<b>Effective January 1, 2024</b>
<b>Eligibility</b>	All employees who perform work at a location or locations within the geographic boundaries of the city for at least <b>80 hours</b> in a year.  Excludes independent contractors.	All employees who perform work at a location or locations within the geographic boundaries of the city for at least <b>80 hours</b> in a year.  Excludes independent contractors and any <b>individual employed by an air carrier</b> as a flight deck or cabin crew member who (1) is subject to <a href="#">§181-188</a> of the <a href="#">Railway Labor Act</a> ; (2) works less than a majority of their hours within the geographic boundaries of St. Paul in a calendar year; and (3) is provided with paid leave equal to or exceeding the amounts required by the ESST law.
<b>Employers</b>	All employers with <b>1 or more employees</b> .  Excludes the federal government, the State of Minnesota, and any county or local government except the City of St. Paul.	No change
<b>Collective Bargaining Agreements</b>	Not stated	The provisions of this chapter may be waived by a collective bargaining agreement with a bona fide <b>building and construction trades labor organization</b> that has established itself as the collective bargaining representative for the affected building and construction industry employees, provided that for such waiver to be valid, it must explicitly reference St. Paul Code <a href="#">§233.02 to 233.11</a> and clearly and unambiguously waive application of those sections to such employees.
<b>Accrual Rate</b>	<b>1 hour per 30 hours worked within the geographic boundaries of the city</b> beginning commencement of employment. Time accrues in whole hour increments, up to <b>48 hours</b> per calendar or fiscal year.	No change
<b>Total Accrual Limit</b> <i>(time “in the bank”, including any carryover from prior year)</i>	<b>80 hours</b>	No change

St. Paul, MN Earned Sick and Safe Time		
	Current	Effective January 1, 2024
<b>Frontloading</b>	See Carryover below	See Carryover below
<b>Annual Use Limit</b>	Not stated	No change
<b>Use</b>	<p>Employees are entitled to use accrued sick and safe time <b>beginning 90 calendar days following commencement of their employment</b>. After 90 calendar days of employment, employees may use sick and safe time as it is accrued.</p> <p>Employees may use earned sick and safe time in increments consistent with the <b>current business/payroll practice</b> as defined by industry standards or existing employer policies, provided such increment is <b>not more than 4 hours</b>.</p> <p>An employer is only required to allow an employee to use earned sick and safe time that is accrued under this law when the employee is scheduled to perform work within the geographic boundaries of the city. An employer may allow use of earned sick and safe time when an employee is scheduled to perform work for the employer outside of the city.</p>	<p>Employees are entitled to use sick and safe time <b>as it is accrued</b>.</p> <p>Employees may use earned sick and safe time in the <b>smallest increment of time</b> tracked by the employer's payroll system, provided such increment is <b>not more than 4 hours</b>.</p> <p>An employer is only required to allow an employee to use earned sick and safe time that is accrued under this law when the employee is scheduled to perform work within the geographic boundaries of the city. An employer may allow use of earned sick and safe time when an employee is scheduled to perform work for the employer outside of the city.</p>
<b>Carryover</b>	<p>Employers <b>must permit</b> an employee who has worked within the geographic boundaries of the city during more than one year to carry over accrued but unused sick and safe time into the following year (whether calendar or fiscal year). Time carried over is limited to, and employers must allow employees to accrue up to, <b>80 hours</b> of earned sick and safe time unless the employer agrees with their employee(s) to a higher amount.</p> <p>Employers are <b>not required to permit carry over</b> of unused earned sick and safe time if they <b>frontload</b> employees at least:</p> <ul style="list-style-type: none"> <li>a) <b>48 hours</b> of earned sick and safe time for use by the employee during the first year <b>for use following the initial 90 days of employment</b>; and</li> <li>b) <b>80 hours</b> of earned sick and safe time at the beginning of each subsequent year.</li> </ul> <p>Employers must establish the method of compliance through carry over or frontloading at the beginning of the calendar or fiscal year, and employers may not change the method until the next reporting year.</p>	<p>Employers <b>must permit</b> an employee who has worked within the geographic boundaries of the city during more than one year to carry over accrued but unused sick and safe time into the following year. Time carried over is limited to, and employers must allow employees to accrue up to, <b>80 hours</b> of earned sick and safe time unless the employer agrees with their employee(s) to a higher amount.</p> <p><b>In lieu of permitting the carryover of accrued but unused sick and safe time into the following year</b>, an employer may provide an employee with earned sick and safe time available for the employee's <b>immediate use</b> at the beginning of the subsequent year as follows:</p> <ul style="list-style-type: none"> <li>a) <b>48 hours</b>, if an employer pays an employee for accrued but unused sick and safe time at the end of a year at the same hourly rate as an employee earns from employment; or</li> <li>b) <b>80 hours</b>, if an employer does not pay an employee for accrued but unused sick and safe time at the end of a year at the same or greater hourly rate as an employee earns from employment.</li> </ul>

St. Paul, MN Earned Sick and Safe Time		
	Current	Effective January 1, 2024
	Employers who switch between accrual compliance and frontloading compliance must ensure that employees have at least as many earned sick and safe time hours available on the first day of the new reporting year as the employee had on the last day of the immediately preceding reporting year.	In no case may this hourly rate be less than the applicable minimum wage. An employer opting to comply with requirements according to this section must apply the same method of compliance to all employees.
<b>Reasons for Use</b>	<ol style="list-style-type: none"> <li>1) The <b>employee's or family member's mental or physical illness</b>, injury, or health condition; to accommodate the need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for preventive medical care.</li> <li>2) Needs associated with the <b>domestic abuse, sexual assault, or stalking of the employee or employee's family member</b>, provided the absence is to:               <ol style="list-style-type: none"> <li>a) seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;</li> <li>b) obtain services from a victim services organization;</li> <li>c) obtain psychological or other counseling;</li> <li>d) seek relocation due to domestic abuse, sexual assault, or stalking; or</li> <li>e) seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.</li> </ol> </li> <li>3) The closure of the employee's place of business by order of a public official to limit exposure to an <b>infectious agent, biological toxin, hazardous material, or other public health emergency</b>.</li> <li>4) To accommodate the employee's need to care for a <b>family member whose school or place of care has been closed</b> by order of a public official to limit exposure to an <b>infectious agent, biological toxin, hazardous material, or other public health emergency</b>.</li> <li>5) To accommodate the employee's need to care for a <b>family member whose school or place of care has been closed</b> due to inclement <b>weather, loss of power, loss of heating, loss of water, or other unexpected closure</b>.</li> </ol>	<ol style="list-style-type: none"> <li>1) The <b>employee's or family member's mental or physical illness</b>, injury, or other health condition; need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or need for preventive medical or health care.</li> <li>2) Needs associated with the <b>domestic abuse, sexual assault, or stalking of the employee or employee's family member</b>, provided the absence is to:               <ol style="list-style-type: none"> <li>a) seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;</li> <li>b) obtain services from a victim services organization;</li> <li>c) obtain psychological or other counseling;</li> <li>d) seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or</li> <li>e) seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking.</li> </ol> </li> <li>3) The <b>closure of the employee's place of business due to weather or other public emergency*</b>.</li> <li>4) The employee's need to care for a <b>family member whose school or place of care has been closed</b> due to weather or other public emergency*.</li> <li>5) The employee's <b>inability to work or telework</b> because the employee is:               <ol style="list-style-type: none"> <li>a) prohibited from working by the employer due to health concerns related to the potential <b>transmission of a communicable illness</b> related to a public emergency*; or</li> <li>b) seeking or awaiting the results of a diagnostic test for, or a medical <b>diagnosis of, a communicable disease related to a public</b></li> </ol> </li> </ol>

St. Paul, MN Earned Sick and Safe Time		
	Current	Effective January 1, 2024
		<p><b>emergency*</b> and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and.</p> <p>6) When it has been determined by the health authorities having jurisdiction or by a health care professional that the <b>presence of the employee or family member of the employee in the community would jeopardize the health of others</b> because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.</p> <p><i>* A public emergency includes a declared emergency as defined in <a href="#">MN Stat. §12.03</a> or a declared local emergency under <a href="#">§12.29</a>.</i></p>
<b>Covered Family Members</b>	<p>Employee's:</p> <ul style="list-style-type: none"> <li>• <b>spouse</b> or <b>registered domestic partner</b>;</li> <li>• <b>child</b>, stepchild, adopted child, foster child, adult child;</li> <li>• <b>sibling</b>;</li> <li>• <b>parent</b>, stepparent, mother-in-law, father-in-law;</li> <li>• <b>grandchild</b>;</li> <li>• <b>grandparent</b>; or</li> <li>• any <b>individual related by blood or affinity</b> whose close association with the employee is the equivalent of a family relationship</li> </ul>	<ul style="list-style-type: none"> <li>• Employee's <b>spouse</b> or <b>registered domestic partner</b>;</li> <li>• Employee's or spouse's/domestic partner's: <ul style="list-style-type: none"> <li>• <b>child</b> (biological, foster, adult child, legal ward, in-law, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis);</li> <li>• <b>sibling</b> (biological, step-, or foster, in-law);</li> <li>• <b>parent</b> (biological, adoptive, step-, or foster, or a person who stood in loco parentis when the employee was a minor child);</li> <li>• <b>grandchild</b> (biological, foster, or step-);</li> <li>• <b>grandparent</b> (biological or step-);</li> <li>• <b>sibling's child</b>;</li> <li>• <b>parent's sibling</b></li> </ul> </li> <li>• any other <b>individual related by blood or whose close association</b> with the employee is the equivalent of a family relationship;</li> <li>• up to one <b>individual annually designated</b> by the employee.</li> </ul>
<b>Notice to Employer</b>	<p>Earned sick and safe time must be provided upon the request of an employee. When possible, the request will include the expected duration of the absence. An employer <b>may require an employee to comply with the employer's usual and customary notice and procedural requirements</b> for absences or for requesting leave, provided that such requirements do</p>	<p>If the need for use is <b>foreseeable</b>, an employer may require advance notice of the intention to use earned sick and safe time but <b>must not require more than seven days' advance notice</b>.</p> <p>If the need is <b>unforeseeable</b>, an employer may require an employee to give notice of the need for earned sick and safe time <b>as soon as practicable</b>.</p>



St. Paul, MN Earned Sick and Safe Time		
Current	Effective January 1, 2024	
	<p>not interfere with the purposes for which the leave is needed.</p>	<p>An employer that requires notice of the need to use earned sick and safe time must have a <a href="#">written policy</a> containing reasonable procedures for employees to provide notice, and provide a written copy of such policy to employees. If a copy of the written policy has not been provided to an employee, an employer may not deny the use of earned sick and safe time to the employee on that basis.</p>
<p><b>Requests for Documentation</b></p>	<p>An employer may require reasonable documentation for absences of <a href="#">more than 3 consecutive days</a>.</p> <p>When an employee uses earned sick and safe time for <a href="#">more than 3 consecutive days</a>, an employer may require reasonable documentation that the earned sick and safe time is used for a qualifying purpose.</p> <ul style="list-style-type: none"> <li>• For sick and safe time used for reasons 1, 5, or 6 above (employee’s or family member’s health), reasonable documentation may include a signed statement by a health care professional indicating the need for use of earned sick and safe time. However, if the employee or employee’s family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation may include a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose.</li> <li>• For sick and safe time used for reason 2 above (domestic abuse, sexual assault, or stalking) an employer must accept a court record or documentation signed by a volunteer or employee of a victim services organization, an attorney, a police officer, or an antiviolenence counselor as reasonable documentation.</li> <li>• For sick and safe time used for reason 4 above (closure of family member’s school or place of care) an employer must accept as reasonable documentation a written statement from the employee indicating that the employee is using or used earned sick and safe time for a qualifying purpose.</li> <li>• Written statements by an employee may be written in the employee’s first language and need not be notarized or in any particular format.</li> </ul>	

St. Paul, MN Earned Sick and Safe Time		
	Current	Effective January 1, 2024
<b>Termination and Rehire</b>	<p>An employer is not required to provide financial or other reimbursement to an employee upon the employee's termination, resignation, retirement, or other separation from employment for earned sick and safe time that the employee has not used.</p> <p>If an employee is rehired within <b>90 days</b> of termination, previously accrued sick and safe time that had not been used must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.</p>	<p>An employer is not required to provide financial or other reimbursement to an employee upon the employee's termination, resignation, retirement, or other separation from employment for earned sick and safe time that the employee has not used.</p> <p>If an employee is rehired within <b>180 days</b> of termination, previously accrued sick and safe time that had not been used must be reinstated. An employee is entitled to use accrued sick and safe time and accrue additional sick and safe time at the commencement of reemployment.</p>
<b>Job and Benefits Protection</b>	Not stated	<p>During any use of earned sick and safe time, the <b>employer must maintain coverage</b> under any group insurance policy, group subscriber contract, or health care plan for the employee and any dependents, as if the employee was being paid for work rather than using earned sick and safe time, provided, however, that the employee must continue to pay any employee share of the cost of such benefits.</p> <p>An employee returning from use of earned sick and safe time is entitled to <b>return to employment at the same rate of pay</b> the employee had been receiving when the leave commenced, plus any automatic adjustments in the employee's pay scale that occurred during the leave period. The employee returning from a leave is entitled to <b>retain all accrued pre-leave benefits of employment and seniority</b> as if there had been no interruption in service, provided that nothing prevents the accrual of benefits or seniority during the leave pursuant to a collective bargaining or other agreement between the employer and employees.</p> <p>An employee, by agreement with the employer, may <b>return to work part time</b> during the leave period without forfeiting the right to return to employment at the end of the leave.</p>
<b>Notice to Employees</b>	<p>Employers must give notice that: employees are entitled to earned sick and safe time; the amount of earned sick and safe time, and the terms of its use guaranteed under the law; that retaliation against employees who request or use earned sick and safe time is prohibited; and that each employee has the right to file a complaint or bring a civil action if earned sick and safe time is denied by the employer or the employee is retaliated against for</p>	<p>Employers must give notice that: employees are entitled to earned sick and safe time; the amount of earned sick and safe time, <b>the accrual year for the employee</b>, and the terms of its use guaranteed under the law, <b>including the written policy requiring advance notice from employees requesting earned sick and safe time</b>; that retaliation against employees who request or use earned sick and safe time is prohibited; and that each employee has the</p>

St. Paul, MN Earned Sick and Safe Time	
Current	Effective January 1, 2024
<p>requesting or taking earned sick and safe time.</p> <ul style="list-style-type: none"> <li>The Department of Human Rights and Equal Economic Opportunity (HREEO) will create and make available to employers a <a href="#">poster</a> and a <a href="#">model notice</a>, hereinafter referred to as the "notice," which contains the information required above for their use. The poster must be printed in <a href="#">English and any other languages that the HREEO determines are needed</a> to notify employees of their rights under the law.</li> <li>Employers may comply with this section by <a href="#">displaying the poster</a> in a conspicuous and accessible place in each establishment where such employees are employed.</li> <li>An employer that provides an <a href="#">employee handbook</a> to its employees must include in the handbook notice of employee rights and remedies under the law.</li> <li><a href="#">Upon request of the employee</a>, the employer must provide, in writing or electronically, information stating the employee's then <a href="#">current amount of sick and safe time (1) earned and available sick, and (2) used</a>. Employers may choose a reasonable system for providing this notification, including, but not limited to, listing information on each pay stub or developing an online system where employees can access their own information.</li> </ul>	<p>right to file a complaint or bring a civil action if earned sick and safe time is denied by the employer or the employee is retaliated against for requesting or taking earned sick and safe time.</p> <ul style="list-style-type: none"> <li>Employers must supply employees with a notice in <a href="#">English and the primary language of the employee</a>, as identified by the employee, that contains the information required above at <a href="#">commencement of employment or the effective date of this section</a>, whichever is later.</li> <li>The Department of Human Rights and Equal Economic Opportunity (HREEO) will create and make available to employers a <a href="#">poster and a model notice</a>, hereinafter referred to as the "notice," which contains the information required above for their use. The poster must be printed in <a href="#">English and any other languages that the HREEO determines are needed</a> to notify employees of their rights under the law.</li> <li>The means used by the employer must be at least as effective as the following options for providing notice:             <ol style="list-style-type: none"> <li><a href="#">posting a copy of the notice at each location</a> where Employees perform work and where the notice must be readily observed and easily reviewed by all Employees performing work;</li> <li><a href="#">providing a paper or electronic copy</a> of the notice to Employees; or</li> <li>a conspicuous <a href="#">posting in a web-based or app-based platform</a> through which an employee performs work.</li> </ol> </li> <li>An employer that provides an <a href="#">employee handbook</a> to its employees must include in the handbook notice of employee rights and remedies under the law.</li> <li><a href="#">Upon request of the employee</a>, the employer must provide, in writing or electronically, information stating the employee's then <a href="#">current amount of sick and safe time (1) earned and available sick, and (2) used</a>. Employers may choose a reasonable system for providing this notification, including, but not limited to, listing information on each pay stub or developing an online system where employees can access their own information.</li> </ul> <p><i>The model notice may be found by accessing Employer Resources on the</i></p>

St. Paul, MN Earned Sick and Safe Time	
Current	Effective January 1, 2024
	<i>ESST <a href="#">webpage</a>; an updated version is expected.</i>

**Other News**

**California Leave for Reproductive Loss – NEW**

On **October 10** the governor of California approved [SB848](#), adding Section 12945.6 to [Chapter 6](#) of the CA Government Code effective **January 1, 2024**. The new law requires employers with five or more employees to provide up to **five days of unpaid, job-protected leave** to an employee who experiences a “reproductive loss event”.

Employees are eligible for leave if they have been employed for at least 30 days prior to the need for leave, and if they would have been the parent of a child if not for:

- Miscarriage;
- Stillbirth;
- Failed adoption: the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party;
- Failed surrogacy: the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate; or
- Unsuccessful assisted reproduction: an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure.

Days need not be taken consecutively, and an employee who experiences **multiple events** is entitled to a maximum of **20 days per 12-month period**.

Leave for Reproductive Loss is an entitlement separate from [California Pregnancy Disability Leave \(CA PDL\)](#), leave under the [California Family Rights Act \(CFRA\)](#), and [California Bereavement Leave](#). Leave must be taken within three months of the day of loss, or the final day of a multiple-day event. However, if prior to or immediately following the event the employee is on, or chooses to go on, CA PDL, CFRA, or leave under any other state or federal law, leave under this law must be taken within three months of the end of that leave.

Leave for Reproductive Loss will run concurrently with any similar employer leave. If leave is unpaid, the employee may use available vacation, personal leave, sick leave, or compensatory time off in order to receive pay.

While the law is silent on whether documentation to support leave may be requested, employers are required to treat any information received as confidential. Employers are prohibited from retaliating against an employee for, or in any way impeding an employee from, exercising their rights under the law.

**January 1 Reminders**

*In addition to the laws/changes effective January 1, above...*

**Connecticut Paid Leave (CT PL)**

- Private CT PL plans must be renewed every three years. Employers who opted to offer CT PL benefits through a private plan during the initial opportunity (*effective date of January 1, 2021*) should be in the process of renewing their plans, including the required employee vote. For more information visit the [Private Plans webpage](#).

### Colorado Family and Medical Leave Insurance (CO FAMLII)

- CO FAMLII program benefits begin January 1; employees will be able to file claims through the [myFAMLII+ portal](#). More information may be found on the [Individuals and Families webpage](#).
- As noted in our [August 31 Update](#), employers with private plans approved for an effective date on or before January 1, 2024 will be able to request a refund for state program premiums paid in 2023. For more information visit the [Private Plans webpage](#).

### Illinois Paid Leave for All Workers Act (PLAWA)

- Employees begin accruing leave January 1, and may use accrued time beginning March 31, 2024 or 90 days after commencement of employment, whichever is later. Leave may be used for “any reason of the employee’s choosing”.
- Excludes employers subject to and employees covered by local accrued leave laws in Chicago and Cook County (*note changes to the Chicago law outlined [above](#)*). *Please see our [December 20 Update for updates on the Chicago and Cook County ordinances](#).*
- Employers must notify their employees of their rights and responsibilities under the law; the model notice is not yet available, but will likely be posted [here](#) and/or [here](#).
- See our [February 27 Update](#) for a summary of the law; more information may be found on the Illinois Department of Labor’s [PLAWA webpage](#), including links to recently updated [FAQ](#) and the [Proposed Rules](#) (*published November 3*).

### Minnesota Earned Sick and Safe Time (ESST)

- Employees begin accruing ESST January 1, and may use time as it accrues (*see our [June 9 Update](#) for details*).
- The Minnesota Department of Labor and Industry has posted updated resources on the [ESST webpage](#):
  - Model [Employee Notice](#) and [Workplace Poster](#)
  - [FAQ](#)
  - Fact Sheets (*view the English version [here](#); translations available*)
- Local ESST laws exist in [Bloomington](#), [Duluth](#), [Minneapolis](#), and [St. Paul](#). Employees eligible for the state law and one of the local laws are entitled to whichever provides the greater benefit (*note Bloomington and St. Paul amendments described [above](#)*).

### New Hampshire Paid Family and Medical Leave (NH PFML)

- The NH PFML program is voluntary for private employers. Employees of employers who elect not to sponsor a group plan may purchase individual coverage directly through MetLife, the 2024 open enrollment period for which will run [December 1, 2023 through January 29, 2024](#). Employers may [purchase a group plan](#) at any time.
- For more information visit the [NH PFML](#) and [MetLife](#) websites.

## Other Laws Becoming Effective or Amended Effective January 1

See our [August 31 Update](#) for more details on each of the laws below.

- [Anaheim, CA Hotel Worker Protections](#) (*new*)
- [Illinois Victims' Economic Security and Safety Act \(VESSA\)](#) (*amendment*)
  - Reasons for leave expanded to include loss of a family member due to violent crime.
  - A new version of the required poster will be available [here](#) and/or [here](#) once updated by the Illinois Department of Labor.
- [Illinois Child Extended Bereavement Leave](#) (*new*) – IDOL's [website](#) has been updated
- [Illinois Employee Blood Donation Act](#) – amended to include leave for organ donation
- [Nevada Domestic Violence Leave](#) – amended to extend protections to victims of sexual assault
  - A new version of the required notice will be available [here](#) once updated by Nevada's Office of the Labor Commissioner (OLC).
- [Oregon Leave for Victims of Domestic Violence, Sexual Assault or Stalking](#) – amended to extend protections to victims of bias crime
- [New York Disability Benefits Law \(NY DBL\)](#) – updated regulations, including amended definition of disability
- [Washington Paid Family and Medical Leave \(WA PFML\)](#) (*amendment*) – employer access to claim records
- [Washington Paid Sick Leave](#) (*amendment*) – payout at termination for construction workers
- [Seattle, WA Paid Sick and Safe Time for Gig Workers](#) (*new*)



**2024 Paid Family and Medical Leave (PFML) Benefits and Rates**

<b>California</b> State Disability Insurance (CA SDI) and Paid Family Leave (CA PFL)		
	<b>2023</b>	<b>2024</b>
Maximum Duration	SDI: 52 weeks PFL: 8 weeks per 12-month period	No Change
Waiting Period	SDI: 7 days PFL: None	
Benefit Percentage	<ul style="list-style-type: none"> <li>If High Quarter earnings &lt; 1/3 of the State's Average Quarterly Wage (SAQW): 70%</li> <li>If High Quarter earnings =&gt; 1/3 of the SAQW: 60% (SAQW = 13x SAWW)</li> </ul>	No Change <i>SB951</i> extended current benefit levels through 2024.
State Average Weekly Wage (SAWW)	\$1,651	Late November
Maximum Weekly Benefit	\$1,620	Late November
Contribution Rate <i>Employee-Paid</i>	.9%	1.1%
Taxable Wage Ceiling	\$153,164	None Eliminated effective 1/1/2024 via <i>SB951</i> .
Maximum Employee Contribution	\$1,378.48 per year	No maximum
Required Notice	Worksite poster (Notice to Employees / DE 1857A), plus individual notices (DE 2515 and DE 2511) provided at hire and the time of need for leave (These documents may be found <a href="#">here</a> , and are not necessarily updated each year. Note that <a href="#">Voluntary Plans</a> have additional notice requirements.)	

<b>Colorado</b> Family and Medical Leave Insurance (CO FMLI)		
	<b>2023</b>	<b>2024</b>
Maximum Duration	Benefits entitlement begins January 1, 2024	12 weeks per 12-month period; +4 weeks for serious health condition related to pregnancy or childbirth
Waiting Period		No waiting period
Benefit Formula		1) 90% of the EAWW* that is equal to or less than 50% of the SAWW, <i>plus</i> 2) 50% of the EAWW that is greater than 50% of the SAWW * Employee's Average Weekly Wage, as defined
State Average Weekly Wage (SAWW)		\$1,421.16 eff. 7/1/23
Maximum Weekly Benefit (90% of SAWW beginning in 2025)		\$1,100 90% of SAWW beginning in 2025

Contribution Rate <i>Employee- and Employer-Paid</i>	.9% "Small businesses" with <10 employees are not required to pay the employer contribution; employee contribution remains the same.	.9% "Small businesses" with <10 employees are not required to pay the employer contribution; employee contribution remains the same.
Maximum Employee Contribution Rate	.45%	.45%
Taxable Wage Base ( <a href="#">SSA</a> )	\$160,200	\$168,600
Maximum Contribution	\$1,441.80 (\$720.90 Employee) per year	\$1,517.40 (\$758.70 Employee) per year
Base Period Earnings Threshold (see <a href="#">Employee Handbook</a> )	N/A	\$2,500
Required Notice	Notice posted and provided at hire and at the time of need for leave. (The <a href="#">2024 Required Program Notice</a> is not yet available; it will be posted <a href="#">here</a> .)	

<b>Connecticut Paid Leave (CT PL)</b>		
	2023	2024
Maximum Duration	12 weeks per 12-month period; +2 weeks for employee's pregnancy incapacity Family Violence: 12 days	No Change
Waiting Period	No waiting period	No Change
Benefit Percentage	<ol style="list-style-type: none"> <li>1) 95% of the employee's Base Weekly Earnings equal to or less than 40x the Minimum Fair Wage, <i>plus</i></li> <li>2) 60% of the employee's Base Weekly Earnings above 40x the Minimum Fair Wage</li> </ol>	No Change
Minimum Fair Wage (MFW)	\$15/hour (increased from \$14/hour eff. 6/1/23)	\$15.69/hour (increased from \$15/hour eff. 1/1/24)
Maximum Weekly Benefit (60x MFW)	\$900 (increased from \$840 eff. 6/1/23)	\$941.40 (increased from \$900 eff. 1/1/24)
Contribution Rate <i>Employee-Paid</i>	.5%	.5%
Taxable Wage Base ( <a href="#">SSA</a> )	\$160,200	\$168,600
Maximum Employee Contribution	\$801 per year	\$843 per year
<a href="#">Base Period Earnings Threshold</a>	\$2,325 in the highest-earning quarter of the first 4 of the last 5 completed quarters	No change anticipated
Required Notice	Notice posted and provided at hire, annually and at the time of need for leave. (The <a href="#">Employer's Written Notice of Employee's Rights under CTFMLA and CTPL</a> template is posted on the CT DOL's <a href="#">website</a> . This document is not necessarily updated each year).	

**Delaware  
Paid Family and Medical Leave (DE PFML)**

*Contributions begin January 1, 2025; benefits entitlement begins January 1, 2026.*

**District of Columbia  
Paid Family Leave (DC PFL)**

	2023	2024
Maximum Duration	<ul style="list-style-type: none"> <li>• Own Illness: 12 weeks</li> <li>• Family Care: 12 weeks</li> <li>• Bonding: 12 weeks</li> <li>• Pre-natal Medical Leave: 2 weeks</li> <li>• Combined maximum: 12 weeks in a 52-week period (potential for 14 weeks Pre-natal and Parental combined)</li> </ul>	No Change
Waiting Period	None	No Change
Benefit Formula	<ul style="list-style-type: none"> <li>• If EAWW* ≤ 150% of DC min. wage x 40: 90%</li> <li>• If EAWW &gt; 150% of DC min. wage x 40:                             <ol style="list-style-type: none"> <li>1) 90% of 150% of DC min. wage x 40 <i>plus</i></li> <li>2) 50% of the amount EAWW exceeds 150% of the DC min. wage x 40</li> </ol> </li> </ul> <p><small>* Employee's Average Weekly Wage, as defined</small></p>	No Change
DC Minimum Wage	<p><b>\$17.00/hour</b> (increased from \$16.10/hour eff. 7/1/23)</p>	
Maximum Weekly Benefit	<p><b>\$1,118</b> (increased from \$1,049 eff. 10/1/23; corrected from 7/1/23 based on confirmation received from DOES in January 2024)</p>	
Contribution Rate <i>Employer-Paid</i>	.26%	No Change for 1/1/24
Maximum Contribution	No maximum	
Required Notice	<p>Notice posted and provided at hire, annually and at the time of need for leave. (The '2024 Notice to Employees' is available for download <a href="#">here</a>.)</p>	

<b>Hawaii Temporary Disability Insurance (HI TDI)</b>		
	<b>2023</b>	<b>2024</b>
Maximum Duration	26 weeks	No Change
Waiting Period	7 days	
Benefit Percentage	58%	
Maximum Weekly Benefit	\$765	Early December
Employee Contribution Rate <i>Employee- and Employer-Paid; Employer pays any balance required</i>	Up to ½ of plan costs, max .5%	No Change
Maximum Weekly Wage Base	\$1,318.48	Early December
Maximum Employee Contribution	\$6.59 per week	Early December
<u>Base Period Earnings Threshold</u>	\$400	No change anticipated
Required Notice	Worksite poster (This document may be found <a href="#">here</a> , and is not necessarily updated each year.)	

**Maine  
Paid Family and Medical Leave (ME PFML)**

*Contributions begin January 1, 2025; benefits entitlement begins May 1, 2026.*

**Maryland  
Family and Medical Leave Insurance (MD FAMI)**

	<b>2023</b>	<b>2024</b>
Maximum Duration		<i>Benefits entitlement begins January 1, 2026</i>
Waiting Period		
Benefit Percentage		
State Average Weekly Wage (SAWW)		
Maximum Weekly Benefit		
Contribution Rate <i>Employee- and Employer-Paid</i>	<i>Contributions begin October 1, 2024</i>	.9% <i>Employers with &lt;15 employees are not required to pay the employer contribution; employee contribution remains the same.</i>
Maximum Employee Contribution Rate		.45%
Taxable Wage Base ( <a href="#">SSA</a> )		\$168,600

Maximum Contribution		\$1,517.40 (\$758.70 Employee) per year
Required Notice	Notice provided at hire, annually, and at the time of need for leave. <i>The model notice is not yet available.</i>	

**Massachusetts  
Paid Family and Medical Leave (MA PFML)**

	2023	2024
Maximum Duration	<ul style="list-style-type: none"> <li>• Own Illness: 20 weeks</li> <li>• Family Care, Bonding, or Qualifying Exigency: 12 weeks</li> <li>• Injured Servicemember: 26 weeks</li> <li>• Combined maximum: 26 weeks in a 52-week period</li> </ul>	No Change
Waiting Period	7 days, except for bonding leave immediately following pregnancy disability	
Benefit Formula	<ul style="list-style-type: none"> <li>• 80% of EAWW* =&lt; 50% of SAWW, <i>plus</i></li> <li>• 50% of EAWW &gt; 50% of SAWW</li> </ul> <i>* Employee's Average Weekly Wage, as defined</i>	
State Average Weekly Wage (SAWW)	\$1,765.34	\$1,796.72
Maximum Weekly Benefit	\$1,129.82	\$1,149.90
Contribution Rate <i>Employee- and Employer-Paid</i>	.63% Total Contribution .52% Medical, .11% Family Care  <i>Employers with &lt;25 employees in MA are not required to pay the employer contribution; employee contribution remains the same.</i>	.88% Total Contribution .70% Medical, .18% Family Care  <i>Employers with &lt;25 employees in MA are not required to pay the employer contribution; employee contribution remains the same.</i>
Maximum Employee Contribution Rate	.318% (.208% Medical, .11% Family Care)	.46% (.28% Medical, .18% Family Care)
Taxable Wage Base (SSA)	\$160,200	\$168,600
Maximum Contribution	\$1,009.26 (~\$509.44 Employee) per year	\$1,483.68 (~\$775.56 Employee) per year
Base Period Earnings Threshold	\$6,000	November/December
Required Notice	Workplace poster, plus individual notice to be provided within 30 days of hire (employee acknowledgment is required for the individual notice) (The 2024 versions are not yet available; they will be posted <a href="#">here</a> .) Employers are required to give notice to employees 30 days in advance of a rate change. (i.e., by December 2).	

**Minnesota  
Paid Family and Medical Leave (MN PFML)**

*Contributions and benefits entitlement begin January 1, 2026.*

<b>New Hampshire Paid Family and Medical Leave Insurance (NH PFML)</b>		
<i>Voluntary for Private Employers and Individuals. Benefit amounts below reflect those under insured plans available through MetLife beginning January 1, 2023. Visit the <a href="#">NH PFML</a> and <a href="#">MetLife</a> websites for more information.</i>		
Reasons for Leave	Own Illness (when STD does not apply), Family Care, Bonding, Qualifying Exigency, Military Caregiver	
Maximum Duration	Group Plans: 6- or 12-week options Individual: 6 weeks	
Waiting Period	7 days	
Benefit Percentage	60%	
	<b>2023</b>	<b>2024</b>
Taxable Wage Base ( <a href="#">SSA</a> )	\$160,200	\$168,600
Maximum Weekly Benefit (60% of SSA Taxable Wage Base (weekly))	\$1,848.46	\$1,945.38

<b>New Jersey Temporary Disability Insurance (NJ TDI) and Family Leave Insurance (NJ FLI)</b>		
	<b>2023</b>	<b>2024</b>
Maximum Duration	TDI: 26 weeks FLI: 12 weeks	No Change
Waiting Period	TDI: 7 days* FLI: None <i>* Except for bone/organ donation and during state of emergency; payment is retroactive if disability lasts longer than 21 days</i>	
Benefit Percentage	85%	
Maximum Weekly Benefit	\$1,025	\$1,055
State Average Weekly Wage ( <a href="#">SAWW</a> )	\$1,465.18	\$1,507.76
Employee Contribution Rate <i>NJ TDI is Employee- and Employer-Paid; Employer contribution rate varies. NJ FLI is Employee-Paid</i>	TDI: .0% FLI: .06%	TDI: .0% FLI: .09%
Employee Taxable Wage Base	\$156,800	\$161,400
Maximum Employee Contribution	TDI: N/A FLI: \$94.08 per year	TDI: N/A FLI: \$145.26 per year
Employer Taxable Wage Base	\$41,100	\$42,300
Eligibility - Base Week Amount	\$260 for 20 weeks	\$283 for 20 weeks



Alternative Earnings Test	\$13,000 in the first 4 of the last 5 completed quarters preceding claim	\$14,200 in the first 4 of the last 5 completed quarters preceding claim
Required Notice	<p>Notice posted in the workplace and provided at hire and at the time of need for leave. (These documents may be found <a href="#">here</a>, and are not necessarily updated each year.)</p> <p>Employers with self-funded private plans must also post an "Annual Notice to Employees". This notice must be updated annually and a copy sent to the Private Plan Compliance Section. A sample is included in the <a href="#">Self-Insured Private Plan Guide</a>.</p>	

New York Disability Benefits Law (NY DBL)		
	2023	2024
Maximum Duration	26 weeks Max. 26 weeks in a 52-week period combined with NY PFL	No Change
Waiting Period	DBL: 7 days	
Benefit Percentage	50%	
Maximum Weekly Benefit	\$170	
Employee Contribution Rate <i>Employee- and Employer- Paid; Employer pays any balance required.</i>	.5%	
Maximum Employee Contribution	\$31.20 per year	
Required Notice	<p>Posted Notice of Compliance (DBL-120 for insured plans) or Certificate of Participation in Group Disability Self-Insurance (DB-120.2 for self-funded plans), plus individual Statement of Rights (DB-271S) provided at the time of need for leave. (The DB-271S may be found <a href="#">here</a>, and is not necessarily updated each year.)</p>	

New York Paid Family Leave (NY PFL)		
	2023	2024
Maximum Duration	12 weeks Max. 26 weeks in a 52-week period combined with NY DBL	No Change
Waiting Period	None	
Benefit Percentage	67%	
State Average Weekly Wage (SAWW)	\$1,688.19	\$1,718.15
Maximum Weekly Benefit (67% of SAWW)	\$1,131.08	\$1,151.16
Contribution Rate <i>Employee-Paid</i>	.455%	.373%
Maximum Employee Contribution	\$399.43 per year	\$333.25 per year

Required Notice	<p>Posted Notice of Compliance (<a href="#">PFL-120</a> for insured plans, employers with self-funded plans may <a href="#">request</a> from NY WCB), plus individual Statement of Rights (PFL-271S) provided at the time of need for leave.</p> <p><i>(The PFL-271S may be found <a href="#">here</a>, and is not necessarily updated each year.)</i></p>
-----------------	--

**Oregon  
Paid Family and Medical Leave (OR PFML)**

	2023	2024
Maximum Duration	<p>12 weeks per 12-month period, with an additional 2 weeks for pregnancy limitations. <i>An employee may be eligible for up to 16 weeks (18 weeks with pregnancy limitations) of paid OR PFML and unpaid OR Family Leave Act (OFLA) leave in a Benefit Year.</i></p>	No Change
Waiting Period	None	
Benefit Percentage	<ul style="list-style-type: none"> <li>• If EAWW* =&lt; 65% of SAWW: 100% of EAWW</li> <li>• If EAWW &gt; 65% of SAWW: 65% of SAWW <i>plus</i> 50% of EAWW that is greater than 65% of SAWW</li> </ul> <p><i>* Employee's Average Weekly Wage, as defined</i></p>	
State Average Weekly Wage (SAWW)	<p><b>\$1,269.69</b> <i>(7/1/23 - 6/30/24)</i></p>	
Maximum Weekly Benefit (120% of SAWW)	<p><b>\$1,523.63</b> <i>(9/3/23 - 6/30/24)</i></p>	
Contribution Rate <i>Employee- and Employer-Paid</i>	<p>1.0%</p> <p><i>Employers with &lt;25 employees nationwide are not required to pay the employer contribution; employee contribution remains the same.</i></p>	<p><b>1.0%</b></p> <p><i>Employers with &lt;25 employees nationwide are not required to pay the employer contribution; employee contribution remains the same.</i></p>
Maximum Employee Contribution Rate	.6%	<b>.6%</b>
Taxable Wage Base <i>(switches to SSA in 2024)</i>	\$132,900	<b>\$168,600</b>
Maximum Contribution	<p>\$1,329 Total <i>(\$797.40 Employee)</i> per year</p>	<p><b>\$1,686 Total</b> <b><i>(\$1,011.60 Employee)</i></b> per year</p>
Base Period Earnings Threshold <i>(see <a href="#">Employee Guidebook</a>)</i>	\$1,000	No change anticipated
Required Notice	<p style="text-align: center;">Notice posted at each work site and provided electronically or by mail to any remote workers. <i>(The model notice may be found <a href="#">here</a>; it is TBD whether this will be updated for 2024.)</i></p> <p style="text-align: center;"><i>Note: OED has also provided an Equivalent Plan Model Notice Template for employers sponsoring private plans (found under <a href="#">'More Resources'</a>).</i></p>	

<b>Puerto Rico</b>		
<b>Seguro por Incapacidad No Ocupacional Temporal (SINOT)</b>		
	<b>2023</b>	<b>2024</b>
Maximum Duration	26 weeks	<i>No Change</i>
Waiting Period	7 days, except for hospitalization	
Benefit Percentage	65%	
Maximum Weekly Benefit	\$113	
Contribution Rate <i>Employee- and Employer-Paid</i>	.6% of first \$9,000 of earnings	
Maximum Employee Contribution	.3% of first \$9,000 of earnings \$27 per year	
Required Notice	Worksite poster as well as individual certificate/notice of benefits ( <i>The poster may be found <a href="#">here</a>, and is not necessarily updated each year.</i> )	

<b>Rhode Island</b>		
<b>Temporary Disability Insurance (RI TDI) and Temporary Caregiver Insurance (RI TCI)</b>		
	<b>2023</b>	<b>2024</b>
Maximum Duration	TDI: 30 weeks TCI: 6 weeks Combined maximum: 30 weeks in a 52-week period	<i>No Change</i>
Waiting Period	TDI: None* TCI: None <i>* Benefits are paid retroactively to first day if disability lasts at least 7 days</i>	<i>No Change</i>
Benefit Percentage	4.62% of wages paid in the highest quarter of the Base Period	<i>No Change</i>
Maximum Weekly Benefit	<b>\$1,043; \$1,408 with dependency allowance</b> (7/1/23 - 6/30/24)	
Contribution Rate <i>Employee-Paid</i>	1.1%	<i>Early/mid-December</i>
Taxable Wage Base	\$84,000	<i>Early/mid-December</i>
Maximum Employee Contribution	\$924.00 per year	<i>Early/mid-December</i>
<u>Base Period Earnings Threshold</u>	\$15,600 in Base Period earnings; or (1) \$2,600 in at least one Base Period quarter; (2) Base Period taxable wages at least 1.5x highest quarter of earnings; <i>and</i> (3) \$5,200 of taxable wages in Base Period	<i>Early/mid-December</i>
Required Notice	Worksite poster ( <i>The 2024 version of the Combination Poster will be posted <a href="#">here</a> in December</i> )	

<b>Vermont Family and Medical Leave Insurance (VT FMLI)</b>		
<i>Voluntary for Private Employers and Individuals</i>		
<i>Effective July 1, 2023 for State Employees, July 1, 2024 for Private Employers; July 1, 2025 for Individuals</i>		
<i>The information below reflects benefits available to state employees beginning July 1, 2023; plan design options may be available for employers sponsoring programs for their employees through The Hartford beginning July 1, 2024.</i>		
<i>Visit <a href="#">The Hartford's website</a> for more information.</i>		
Reasons for Leave	Own Illness, Family Care, Bonding, Qualifying Exigency, Military Caregiver	
Maximum Duration	6 weeks per 12-month period	
Waiting Period	7 days for medical leave, none for family leave	
Benefit Percentage	60%	
	2023	2024
Taxable Wage Base ( <a href="#">SSA</a> )	\$160,200	\$168,600
Maximum Weekly Benefit (60% of SSA Taxable Wage Base (weekly))	\$1,848.46	\$1,945.38

<b>Washington Paid Family and Medical Leave (WA PFML)</b>		
	2023	2024
Maximum Duration	<ul style="list-style-type: none"> <li>• Own Illness: 12 weeks; +2 weeks for pregnancy incapacity (PI)</li> <li>• Family Care: 12 weeks</li> <li>• Combined maximum: 16 weeks in a 52-week period (18 weeks w/PI)</li> </ul>	<i>No Change</i>
Waiting Period	7 days, except for medical leave for childbirth (eff. 6/9/22), bonding leave or qualifying exigency	
Benefit Formula	<ul style="list-style-type: none"> <li>• If EAWW* =&lt; 1/2 SAWW: 90%</li> <li>• If EAWW &gt; 1/2 SAWW: 90% of 1/2 of the SAWW <i>plus</i> 50% of the difference of the EAWW and 1/2 of the SAWW</li> </ul> * <i>Employee's Average Weekly Wage, as defined</i>	
State Average Weekly Wage ( <a href="#">SAWW</a> )	\$1,586	\$1,618
Maximum Weekly Benefit (90% of SAWW)	\$1,427	\$1,456
Contribution Rate <i>Employee- and Employer-Paid</i>	.8% Total Contribution <i>Employers with &lt;50 employees in WA are not required to pay the employer portion of premium; employee contribution remains the same.</i>	.74% Total Contribution <i>Employers with &lt;50 employees in WA are not required to pay the employer portion of premium; employee contribution remains the same.</i>
Maximum Employee Contribution Rate	72.76% of Total Contribution rate (~.582% of wages)	71.43% of Total Contribution rate (.52858% of wages)
Taxable Wage Base ( <a href="#">SSA</a> )	\$160,200	\$168,600

Maximum Contribution	\$1,281.60 Total (~\$932.49 Employee) per year	\$1,247.64 Total (~\$891.19 Employee) per year
Required Notice	Worksite poster, plus individual Statement of Employee Rights (“Employer to Employee Notice”) at the time of need for leave (The 2024 poster is available, and the Employer to Employee Notice is not necessarily updated each year. Both may be found <a href="#">here</a> .)	

**Please contact your MMA account team members with specific questions about this or other Updates. View past Updates on the Absence, Disability & Life blog at <https://mma-adl.com/blog/>.**

*The information contained herein is for general informational purposes only and does not constitute legal or tax advice regarding any specific situation. Any statements made are based solely on our experience as consultants. Marsh McLennan Agency LLC shall have no obligation to update this publication and shall have no liability to you or any other party arising out of this publication or any matter contained herein. The information provided in this alert is not intended to be, and shall not be construed to be, either the provision of legal advice or an offer to provide legal services, nor does it necessarily reflect the opinions of the agency, our lawyers or our clients. This is not legal advice. No client-lawyer relationship between you and our lawyers is or may be created by your use of this information. Rather, the content is intended as a general overview of the subject matter covered. This agency is not obligated to provide updates on the information presented herein. Those reading this alert are encouraged to seek direct counsel on legal questions. © 2023 Marsh McLennan Agency LLC. All Rights Reserved.*