

Statutory Update



March 20, 2024

In this Update:

Family and Medical Leave Updates	2
Maryland Family and Medical Leave Insurance (MD FMLI)	2
Potential Effective Date Changes	2
Resources and Draft Regulations	2
Massachusetts Paid Family and Medical Leave (MA PFML)	2
Updated Guidance for “Topping Off” MA PFML Benefits	2
Private Plan Reporting Requirement for Fiscal Year 2024	2
Minnesota Paid Leave (MN PL) – Reporting Requirement Postponed	3
New Jersey Family Leave Act (NJ FLA) – New Resource	3
Oregon Paid and Unpaid Family and Medical Leave (PLO and OFLA)	4
Paid Leave Oregon (PLO) Regulations Updates	4
OFLA and PLO Amendments	4
Accrued Paid Leave Updates	8
Cook County, IL Paid Leave – Updated Resources	8
Minnesota Earned Sick and Safe Time (Local Ordinances)	8
Bloomington and St. Paul Earned Sick and Safe Time – Updated Resources	8
Duluth Earned Sick and Safe Time – Repealed	9
New York City Earned Safe and Sick Time – Amendment	10
Washington Paid Sick Leave – Updated Regulations	10
Other News	11
COVID-19: Updated CDC Guidance	11
New York COVID-19 Sick Leave	11
Important Dates	12
March 2024	12
Illinois Paid Leave for All Workers Act (PLAWA) Notice to Employees Due	12
Cook County Paid Leave Notice to Employees Due	12
July 2024	12
Chicago, IL Paid Leave and Paid Sick and Safe Leave Becomes Effective	12
New York City Workers’ Bill of Rights – New Notice Requirement	12
Oregon Family Leave Act (OFLA) Benefit Year Change	13
Vermont Family and Medical Leave Insurance (VT FMLI) Group Plans Available	13

Family and Medical Leave Updates

Maryland Family and Medical Leave Insurance (MD FAMILI)

Potential Effective Date Changes

Maryland's legislature is currently considering amendments to the MD FAMILI law, the most significant of which is another delay in the program's effective dates.

The law was originally written so that contributions toward the program would begin October 1, 2023, with payment of benefits to begin January 1, 2025. On May 3, 2023 [SB828](#) and [HB988](#) were signed, delaying the timeline by one year to its current status of contributions beginning [October 1, 2024](#), and benefits commencing [January 1, 2026](#). The bills currently under review, [SB485](#) and [HB571](#), propose to push the effective dates further, so that [contributions will begin July 1, 2025 and benefits July 1, 2026](#).

We will continue to monitor and provide updates.

Resources and Draft Regulations

Maryland's Department of Labor's Division of Family and Medical Leave Insurance (FAMILI Division) has been developing resources to help employers and employees prepare for the launch of the MD FAMILI program. The MD FAMILI website currently features FAQ on the [Employers](#) and [Workers](#) webpages, which include mention of the possible change in program dates noted above.

For several months in 2023 the Division engaged with the public to informally develop [draft regulations](#), which were released in late January. Note that the draft regulations are subject to change as they become "official" proposed regulations and work their way through the formal regulatory process. Progress on this process can be viewed on the [Stakeholders](#) webpage.

Massachusetts Paid Family and Medical Leave (MA PFML)

Updated Guidance for "Topping Off" MA PFML Benefits

In our [November 21 Update](#) we summarized an [amendment](#) to the MA PFML law adding the requirement that employees must be permitted to supplement, or "top-off" their MA PFML benefits with [accrued sick or vacation pay or other paid leave provided under an employer policy](#) (collectively referred to as paid time off, or PTO). This change applies to employers participating in the state program as well as to those sponsoring private plans, and became effective beginning with claims filed on or after November 1, 2023. The legislation's enactment was followed by [guidance](#) addressing the change and providing instructions on calculating the top off amount.

In response to employers' concerns surrounding administration, in late December the Department of Family and Medical Leave (DFML) posted additional FAQ that somewhat temper the new requirement. The updated guidance states that an employee's ability to supplement their MA PFML benefits with PTO is "[subject to the accrual and use rules of an employer's PTO policies and provided further that the employer's PTO policy does not discriminate against an employee for exercising a right to which such employee is entitled to under the PFML program](#)". Employees are advised to discuss their options with their employer. The new FAQ directed to employers and employees are available [here](#) and [here](#), respectively. Revised regulations may provide additional context.

Employers are encouraged to review and update their MA PFML and/or PTO policies as needed to ensure clarity.

Private Plan Reporting Requirement for Fiscal Year 2024

Section 2.07(7) the [MA PFML Regulations](#) states that the Department of Family and Medical Leave (DFML) may audit any private plan to ensure its compliance. To support this, all reports, information, and records related to a private plan must be retained for three years and provided to DFML upon request.

In February DFML announced that they will be exercising this authority and will require any employer with a private plan exemption in place during any portion of the period [July 1, 2023 through June 30, 2024](#) to submit specific information. The required data elements are listed on the [DFML FY24 Reporting Template](#) and include:

- the name and contact information of private plan insurer and/or third-party administrator;
- contact information for individuals at the reporting employer or covered business entity;
- information on the demographics of covered employees;
- approved claims data, including leave types and duration;
- denied claims data, including reasons for denial;
- average weekly wage; and
- average benefit amounts paid.

This reporting is the responsibility of the insurance carrier for insured plans, and of the employer or their third-party administrator for self-funded plans (per FEIN). Submissions may begin July 1, 2024, and must be provided no later than [August 31, 2024](#). More information may be found on the [Employer Private Plan Reporting Obligations](#) webpage.

Minnesota Paid Leave (MN PL) – Reporting Requirement Postponed

As summarized in our [June 9 Update](#), last May Minnesota’s governor signed [legislation](#) establishing a mandatory paid family and medical leave program with contributions and benefits commencing [January 1, 2026](#). [§268B.12](#) of the law states that, beginning [July 1, 2024](#) employers are required to begin submitting quarterly reporting detailing wages received and hours worked for each employee.

On [January 17](#) the Department of Employment and Economic Development (DEED) distributed notice that this wage reporting requirement will actually begin “[in late 2024](#)”. The reason provided for the delay is that, in order to minimize administrative complexity as much as possible, DEED is planning to build the Paid Leave employer wage submission system in alignment with the state’s [Unemployment Insurance program’s system](#). This approach will eliminate the need for most employers to create a new account specifically for Paid Leave, which means they will only have to report employees’ wages once per quarter using the current UI Wage Detail reporting process.

More information will be released in the next few months; employers are encouraged to monitor DEED’s [Paid Leave](#) webpage, and to [subscribe](#) for regular updates.

New Jersey Family Leave Act (NJ FLA) – New Resource

New Jersey’s Family Leave Act (NJ FLA) provides eligible employees with up to 12 weeks of [unpaid](#) but job-protected leave per 24-month period to bond with a new child or to care for a family member. On [February 24](#) the New Jersey Division on Civil Rights (DCR) [announced](#) the release of FAQ to assist employers with understanding and complying with the law’s requirements. The [FAQ](#) help clarify items such as:

- an employee’s use of accrued paid leave during a period of NJ FLA ([#5](#));
- the calculation of an employee’s “base hours” to determine eligibility for leave ([#7](#));
- localization rules for eligibility ([#10](#));
- how an organization is determined to be a “covered employer” ([#12 and 13](#));
- the definition of covered family member ([#15-17](#));
- availability of leave for two employees who are related ([#23](#));
- employee requests for leave and an employer’s ability to request certification ([#29-31](#)); and
- the interplay of NJ FLA with FMLA and New Jersey’s paid leave programs (NJ TDI and NJ FLI) ([#33-39](#)).

The FAQ and other resources may be accessed via DCR’s [NJ FLA](#) webpage.

Oregon Paid and Unpaid Family and Medical Leave (PLO and OFLA)

Paid Leave Oregon (PLO) Regulations Updates

In our [August 31 Update](#) we summarized amendments to the PLO law made by [SB913](#) and [SB999](#), and corresponding [temporary regulations](#) released by the Oregon Employment Department (OED). On [January 4](#) OED filed final regulations (“[Batch 9](#)” rules) that mirror those introduced in the temporary regulations regarding confidentiality ([pages 2-5 of the permanent order](#)), the definition of an “affinity” relationship ([page 6](#)), and job and benefits protection ([pages 13-14](#)), and also include the following:

- Oregon’s Domestic Violence Leave law ([ORS 659A.270 et seq.](#)) was amended via [HB3443](#) effective [January 1, 2024](#) to include leave for [victims of bias crimes](#) as an authorized purpose for safe leave. A “bias crime” is [defined](#) as “the commission, attempted commission, or alleged commission of an offense” because of “the person’s perception of the other person’s race, color, religion, gender identity, sexual orientation, disability, or national origin.” As the PLO law directs to the Domestic Violence Leave law for purposes of safe leave, reference to this change has been added to the definitions and benefits verification sections of the regulations. ([pages 6 and 10*](#))
- PLO claimants may authorize a “[claimant designated representative](#)” to represent them in exchanging information with the OED. The regulations detail the process for this authorization and what information may be exchanged. ([page 11*](#))
- The first [reporting period for equivalent plans](#) effective in 2023 is the timeframe beginning with the start date of the equivalent plan and ending on December 31, 2024 or the date the plan is terminated or withdrawn, if earlier. Subsequent reporting periods begin January 1 and end on December 31 or the date the plan is terminated or withdrawn, if earlier.

For equivalent plans effective in 2024 or later, the reporting period is the timeframe beginning the later of January 1 of the calendar year or the start date of the equivalent plan, and ending on December 31 of the same calendar year or the date the plan is terminated or withdrawn, if earlier.

Reporting is due on or before January 31 each year. ([pages 18-20](#))

** On [March 13](#) OED issued a [Temporary Administrative Order](#) effective [March 15](#) through [September 10, 2024](#), that further expands the regulations outlining acceptable documentation for verification of leave for bonding, a serious health condition, and safe leave, as well as the regulations regarding claimant designated representatives.*

OFLA and PLO Amendments

Update 3/22: This bill was signed by the governor on March 20.

Early this month Oregon’s legislature passed [SB1515](#), making (more) changes to OFLA and PLO. The amendments make significant alterations that reduce the redundancy of having two job-protected leaves in the same state for the same reasons. The bill currently resides with the governor, who has until April 6 to veto but is expected to sign.

Below is an overview of the amendments to each law. Note that the bill does **not** make changes to the following:

Subject Employers

OFLA: Employers with 25 or more employees in the state during each of 20 or more calendar weeks in the year.

PLO: All employers with one or more employee in the state, excluding the federal government or a tribal government.

Eligible Employees / Job Protection

OFLA: Employees who, at the time of need for leave, have worked at least 180 days for their employer (30 days during a public health emergency), and at least 25 hours per week during that period. The 25 hours/week requirement does not apply to bonding leave; applicable through June 30, 2024, as described below.

PLO: Employees are eligible for paid benefits if they earned at least \$1,000 in their Base Year; job protection begins after 90 days of employment.

OFLA Amendments

Reasons for and Maximum Duration of Leave

Currently, up to a **maximum of 12 weeks** of OFLA leave may be taken per one-year period* for the purposes listed below.

- 1) to recover from or seek treatment for a **serious health condition of the employee** that renders the employee unable to perform at least one of the essential functions of the employee’s regular position;
- 2) to **care for an infant or newly adopted child** under 18 years of age, or for a newly placed foster child under 18 years of age, or for an adopted or foster child older than 18 years of age if the child is incapable of self-care because of a mental or physical disability, within 12 months after birth or placement of the child (“Parental Leave”);
- 3) to **care for a family member** with a serious health condition;
- 4) to **care for a child** of the employee or of the employee’s spouse or domestic partner who is suffering from an illness, injury or condition that is **not a serious health condition** but that requires home care, or who requires home care due to the closure of the child’s school or child care provider as a result of a **public health emergency** (“Sick Child Leave”); or
- 5) to deal with the **death of a family member** by:
 - attending the funeral or alternative to a funeral of the family member;
 - making arrangements necessitated by the death of the family member; or
 - grieving the death of the family member.

Bereavement leave is limited to **2 weeks per family member** death and must be completed within 60 days of the date on which the eligible employee receives notice of the loss. This leave is included in the overall 12 week maximum.

In addition to the 12 weeks of leave for the purposes above, OFLA provides that:

- An eligible employee may take a total of **12 weeks** of **Pregnancy Disability Leave** within any one-year period for an illness, injury or condition related to the eligible employee’s own pregnancy or childbirth that disables the eligible employee from performing any available job duties offered by the covered employer.
- An employee who takes 12 weeks of Parental Leave may take an additional **12 weeks** of **Sick Child Leave** in the same one-year period.

* See note **below** regarding the OFLA one-year period. Also, any exigency leave taken under Oregon’s Military Family Leave Act (**ORS 659A.090-659A.099**) is subtracted from OFLA entitlement.

Effective July 1, 2024, **bonding leave, leave for the employee’s own serious health condition, and leave to care for or a family member (other than a child) with a serious health condition are removed**. Leave for those reasons will be covered only under PLO at the state level.

Therefore, up to a **maximum of 12 weeks** of OFLA leave may be taken per one-year period* as follows:

- 1) Up to **12 weeks** to **care for a child** of the employee or the employee’s spouse or domestic partner who is suffering from an illness, injury or condition that requires home care (*whether or not a serious health condition*) or who requires home care due to the closure of the child’s school or child care provider as a result of a **public health emergency**.
- 2) **2 weeks** to deal with the **death of a family member** by:
 - Attending the funeral or alternative to a funeral of the family member;
 - Making arrangements necessitated by the death of the family member; or
 - Grieving the death of the family member.

Bereavement leave is limited to **4 weeks per one-year period** and must be completed within 60 days of the date on which the eligible employee receives notice of the loss. This leave is included in the overall 12 week maximum.

- 3) An **additional 12 weeks** of **Pregnancy Disability Leave** within any one-year period for an illness, injury or condition related to the eligible employee's own pregnancy or childbirth that disables the eligible employee from performing any available job duties offered by the covered employer.
- 4) **Temporary, effective July 1 through December 31, 2024:** An eligible employee is entitled to a total of an **additional two weeks** of leave to effectuate the **legal process required for placement of a foster child or the adoption of a child**. *This provision becomes a qualifying reason for paid leave under PLO effective January 1, 2025 (see below).*

* See note **below** regarding the OFLA one-year period. Also, any exigency leave taken under Oregon's Military Family Leave Act ([ORS 659A.090-659A.099](#)) is subtracted from OFLA entitlement.

Interplay with Other Leave Laws

Currently, leave taken under OFLA that would also qualify for leave under Paid Leave Oregon (**PLO**) and/or under the Family and Medical Leave Act of 1993 (**FMLA**) must be taken concurrently with, and not in addition to, those leaves.

Effective July 1, 2024, OFLA leave is in addition to, and **may not be taken concurrently with leave under PLO**, but must run concurrently with **FMLA** if the employee is eligible for, and the reason for leave also qualifies for, FMLA.

Additional Items

- **Notice to Employer:** An employer may require **written notice** up to 30 days prior to leave, and may request an explanation of the need for leave.

The exception to this is if the need for leave is due to:

- an unexpected illness, injury or condition of a child of the employee that requires home care;
- the death of a family member; or
- pregnancy disability.

In this event, the employee or someone acting on their behalf must give **verbal notice** to the employer within 24 hours of the commencement of the leave, and the employee must provide any written notice required within three days after they return to work.

If the employee fails to give notice as required, the employer may reduce the total period of family leave by **three weeks**, and the employee may be subject to disciplinary action under a uniformly applied policy or practice of the employer. *This does not apply to bereavement leave.*

Notice for the additional two weeks of leave for legal proceedings associated with the adoption or foster care of a child must be provided verbally within 24 hours of taking leave, and in writing within three days after the employee returns to work. *Applicable July 1 through December 31, 2024, as noted above.*

- **Requests for Verification:**
 - An employer may require medical verification from a health care provider of the need for leave if the leave is to care for a child who is suffering from an illness, injury or condition that requires home care, or for Pregnancy Disability Leave. If the employee is required to give at least 30 days' notice as noted above, the employer may require that medical verification be provided prior to leave. If the employee must begin leave prior to providing notice, medical verification must be provided within 15 days after requested by the employer.
 - Medical verification for sick child leave may only be required after an employee has taken more than three days of leave during any one-year period, and must be paid for by the employer.
 - An employer may request verification of the need for leave to care for a child due to closure of the child's school or child care provider as a result of a public health emergency. The request may include:
 - the name of the child requiring home care;
 - the name of the school or child care provider that is subject to closure;
 - a statement from the employee that no other family member of the child is willing and able to care for the child; and

- a statement that special circumstances exist that require the employee to provide home care for the child during the day, if the child is older than 14 years of age.
- When **two or more family members** work for the same covered employer, the eligible employees may not take concurrent family leave unless (1) one employee needs to care for a child while the other is taking Pregnancy Disability Leave; or (2) one or more of the employees is taking bereavement leave.

PLO Amendments

Reasons for Leave

Currently, employees may access paid leave benefits for the following reasons:

- 1) **Medical leave** made necessary by the employee's own serious health condition.
- 2) **Family leave**:
 - a) to care for and bond with a child during the first year after the child's birth or during the first year after the placement of the child through foster care or adoption; or
 - b) to care for a family member with a serious health condition.
- 3) **Safe leave** for the employee's or the employee's minor child or dependent's needs associated with domestic violence, harassment, sexual assault, bias or stalking.

Effective January 1, 2025, family leave may also be used to effectuate the **legal process required for placement of a foster child or the adoption of a child**. *As noted above, this reason for leave is available on an unpaid basis under OFLA from July 1 through December 31, 2024.*

Maximum Duration of Leave in Conjunction with OFLA

Currently, eligible employees are entitled to up to **12 weeks** of any combination of medical leave, family leave or safe leave per benefit year. An **additional 2 weeks** of paid leave may be available for limitations related to pregnancy, childbirth or a related medical condition, including but not limited to lactation.

An employee who has taken any amount of paid leave available under PLO may take a total of **16 weeks** of leave in the benefit year (**18 weeks** with pregnancy/childbirth limitations) in any **combination of PLO leave and unpaid leave under the Oregon Family Leave Act (OFLA)** for which they are eligible under the respective leave programs.

Effective July 1, 2024, the combined PLO and OFLA maximum is removed. The maximum period an employee may be eligible for paid benefits and job-protected leave under PLO is **12 weeks**, or **14 weeks** with pregnancy or childbirth limitations.

Use of Accrued Sick, Vacation or PTO During PLO Leave

Currently (effective September 3, 2023 under **SB999**), an **employer may permit an employee** to use **all or a portion of** paid sick time, vacation leave or any other paid leave earned by the employee in addition to receiving PLO benefits during a period family leave, medical leave or safe leave.

Effective July 1, 2024, an **employee is entitled to use** any accrued paid sick leave, accrued paid vacation leave or any other paid leave that is offered by the employer in addition to receiving PLO benefits to the extent that the total combined amount of accrued paid leave and benefits received by the employee **does not exceed an amount equal to the employee's full wage replacement**.

An **employer may permit** an employee to use accrued paid leave in addition to receiving PLO benefits so that the total combined amounts received by the employee **exceed the employee's full wage replacement amount**.

Subject to the terms of any **agreement** between the employee and the employer or the terms of a **collective bargaining agreement**, the **employer may determine the particular order in which**

[accrued leave is to be used](#) when more than one type of accrued leave is available to the covered individual.

Interplay with Other Leave Laws

Currently, any family leave or medical leave taken under PLO must be taken concurrently with any leave taken by an eligible employee under [OFLA](#) or under the federal Family and Medical Leave Act of 1993 ([FMLA](#)) for the same purposes.

Effective July 1, 2024, any family leave or medical leave taken under PLO must be taken concurrently with any leave taken by an eligible employee under the federal Family and Medical Leave Act of 1993 ([FMLA](#)) for the same purposes.

The bill also amends the [predictive scheduling requirements](#) under the state's minimum wage law, which currently state that an employer must provide employees their work schedule in writing at least 14 calendar days before the first day of the schedule period. Supplemental compensation is required if the employer makes changes to the schedule without the required notice (see [ORS 653.455](#) for details).

SB1515 expands the circumstances where this supplemental pay is *not* required to include instances where the employer changes an employee's schedule when the employer has been given less than 14 days' notice of another employee's need for, or return from, leave under PLO, OFLA, or other unpaid state leaves.

Accrued Paid Leave Updates

Cook County, IL Paid Leave – Updated Resources

In our [December 20 Update](#) we summarized the replacement of Cook County's Earned Sick Leave with [Cook County Paid Leave](#) effective [January 1, 2024](#). The County's Commission on Human Rights has updated its dedicated [webpage](#) with various resources, such as FAQ, a comparison of the Cook County, Chicago and statewide (Paid Leave for All Workers Act) requirements, and the model notice in several languages (see *more on notice requirements under [Important Reminders](#), below*).

Also posted are the [revised rules](#), which were approved by the Cook County Board of Commissioners on [March 14](#).

Minnesota Earned Sick and Safe Time (Local Ordinances)

Bloomington and St. Paul Earned Sick and Safe Time – Updated Resources

Our [November 21 Update](#) included summaries of amendments to Bloomington's and St. Paul's Earned Sick and Safe Time (ESST) ordinances made to better align them with the [statewide law](#) effective [January 1, 2024](#). Each city has posted updated resources on their respective websites:

[Bloomington Earned Sick and Safe Time](#)

- [Rules \(1/5/24\)](#)
- [FAQ \(1/16/24\)](#)
- The required notice has been updated from the original version (July 2023) and may be found [here](#) in several languages.

Employers must display a Bloomington-specific workplace poster in a conspicuous and accessible location within each of their facilities in Bloomington. The notice must be posted in English and in each primary language spoken by employees at the particular workplace. An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under the law.

In addition, at the end of each pay period 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 in accordance with [MN Stat. §181.032](#).

St. Paul Earned Sick and Safe Time

- [Rules \(1/8/24\)](#)
- Notice to Employees – *revised April 15, 2024*
 1. Employers must provide employees with a notice of their rights and responsibilities under the ESST law at the **commencement of employment** (see section 13.1 of the [rules](#) for *required elements*), in English and the primary language of the employee as identified by the employee. St. Paul's Department of Human Rights and Equal Economic Opportunity (HREEO) has posted a [sample notice](#) on its [Employer Resources](#) webpage.
 2. The notice and any written ESST policy* must be **posted or distributed**, in English and the primary language of the employee as identified by the employee. This requirement may be accomplished by:
 - regularly distributing the notice and policy* to each employee personally, by regular mail, or by e-mail;
 - regularly distributing the notice and policy* to employees through things like company newspapers, newsletters, check stubs, handbooks, manuals, and/or posting on the company intranet;
 - physically posting the notice and policy* in a noticeable place where notices to employees are typically posted; or
 - collecting a signed acknowledgement from each employee.
 3. The [worksite poster](#) must be **displayed in a conspicuous place** where it can be seen by employees, physically and/or via an internet or app platform, in English and the primary language of employees as identified by the employees (*translations available [here](#)*).

** An employer that requires advance notice of the need to use ESST must have a written policy containing reasonable procedures for employees to provide such notice. If a copy of the written policy has not been provided to an employee, an employer may not deny the use of ESST on this basis.*

In addition:

- An employer that provides an **employee handbook** to its employees must include in the handbook notice of employee rights and remedies under the law.
- Upon an employee's request, the employer must provide in writing or electronically the employee's **current amount of ESST available and amount of ESST used** in the year. Employers may proactively include an employee's ESST balance on each pay stub per pay period or electronically in an online system where employees can access their own information.

Duluth Earned Sick and Safe Time – Repealed

On **December 18** Duluth's City Council unanimously voted to [repeal](#) the city's Earned Sick and Safe Time law effective **January 17, 2024**, citing it as "unnecessary" given the enactment of the statewide law.

New York City Earned Safe and Sick Time – Amendment

On [January 20](#) New York City's City Council adopted [Int. No. 563-2022](#) (now Law No. 2024/022), which creates a private right of action to employees alleging a violation of their rights under the Earned Safe and Sick Time Act (ESSTA).

[§20-924](#) of the law currently provides that employees perceiving a violation of their rights may file an administrative complaint with the Department of Consumer and Worker Protection (DCWP) within two years of the date the person knew or should have known of the alleged violation. DCWP will conduct an investigation of the complaint and may grant relief and impose penalties within the law's parameters.

Effective [March 20, 2024](#), employees may also to file a civil lawsuit to seek compensatory damages including, but not limited to, financial compensation, injunctive and declaratory relief, attorney's fees and costs, and such other relief the court deems appropriate, within two years. An employee's ability to pursue this option is not contingent upon filing a complaint with the DCWP.

See also [new notice requirement](#) under *Important Dates* below.

Washington Paid Sick Leave – Updated Regulations

Washington's Department of Labor and Industries (L&I) recently amended the regulations applicable to the state's [Paid Sick Leave](#) law, with an effective date of [January 1, 2024](#). Updates include:

- Application of January 1 changes made by legislation passed last year regarding payout of accrued but unused time to certain [construction workers](#) at termination ([SB5111](#), summarized in our [August 31 Update](#)).
- Additions to [requirements](#) for [retention of records](#):
 - Accrued but unused time paid out to a construction worker following separation from employment
 - All employee date(s) of separation from employment
- [Use of accrued leave](#): An employee has the choice about whether or not to use accrued, unused Paid Sick Leave when a qualified purpose occurs and an [employer may not require an employee to use](#) accrued, unused Paid Sick Leave if the employee does not choose to request to use Paid Sick Leave.
- [Paid Time Off \(PTO\) programs](#): Programs that combine vacation leave, or other discretionary forms of leave, and paid sick leave into one bank (PTO) may be used to satisfy the Paid Sick Leave law's requirements as long as they meet [minimum standards](#) for various provisions. If an employee has a compliant PTO program and an employee chooses to use all available PTO for purposes other than Paid Sick Leave, the employer is not required to provide additional time if a need for paid sick leave later arises.

The amended rules add that:

- Employers must notify employees of their intention to utilize the PTO program in order to meet Paid Sick Leave requirements.
- An employer may include more generous PTO that is not subject to the Paid Sick Leave law in the same leave bank as Paid Sick Leave compliant with the law if:
 - 1) the compliant Paid Sick Leave meets the law's requirements independently of any more generous leave provided under an employer policy or CBA;
 - 2) the compliant Paid Sick Leave is tracked separately;
 - 3) there is no requirement for the employee to use their Paid Sick Leave for more generous reasons (reasons not authorized under the law, such as vacation) before accessing the more generous PTO leave for more generous reasons; and
 - 4) there is no policy that encourages the employee to use their Paid Sick Leave for more generous reasons (reasons not authorized under the law, such as vacation) before accessing the more generous PTO leave for more generous reasons.

Other News

COVID-19: Updated CDC Guidance

On [March 1](#) the Centers for Disease Control and Prevention (CDC) [announced](#) updated guidance recommending a “unified approach to addressing risks from a range of common respiratory viral illnesses, such as COVID-19, flu, and RSV”. The new guidance reduces the prior 5-day isolation period for COVID-19 specifically, and recommends that people stay home and away from others until at least [24 hours](#) after *both* of the following are true:

- 1) their symptoms are getting better overall, and
- 2) they have not had a fever (without using fever-reducing medication).

Once an individual resumes normal activities, they are encouraged to take additional prevention measures for the next [five days](#), such as taking more steps for cleaner air, enhancing hygiene practices, wearing a well-fitting mask, keeping a distance from others, and/or getting tested for respiratory viruses.

Resources available on the [Respiratory Virus Guidance](#) webpage include [FAQ](#), as well as information on [prevention](#) of and [treatment](#) for respiratory viruses, and [special considerations](#) for individuals at risk for severe illness.

Note that the new guidelines are intended for a general audience and community settings and [do not apply to healthcare settings](#). The CDC’s separate guidance for healthcare settings is not currently changing:

- [Interim Infection Prevention and Control Recommendations for Healthcare Personnel During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#)
- [Interim Guidance for Managing Healthcare Personnel with SARS-CoV-2 Infection or Exposure to SARS-CoV-2](#)
- [General Infection Prevention and Control](#)
- [Influenza \(Flu\)](#)

The CDC will be releasing additional prevention and control guidance for [schools](#) in advance of the 2024-2025 school year.

New York COVID-19 Sick Leave

New York’s [COVID-19 Sick Leave](#) requires employers to provide up to three instances of job-protected paid leave to employees who are unable to work (and unable to work from home effectively) and need to isolate due to a suspected or confirmed case of COVID-19.

The law, which is the last of the temporary COVID-19 emergency paid sick leave laws still in effect, was originally written with no specified end date, only that it would remain in place for the duration of any mandatory or precautionary order of quarantine or isolation issued by the state of New York, the New York State Department of Health (NYSDOH), a local board of health, or any government entity duly authorized to issue such order due to COVID-19. In early 2022, following several rounds of its own isolation and quarantine orders and guidance, NYSDOH [aligned its recommendations](#) with those of the Centers for Disease Control and Prevention (CDC). In the absence of any “official” orders from government entities, New York employees needing to isolate due to a positive COVID-19 test were able to request leave using the [Affirmation of Isolation Form](#) created by the NYSDOH.

NYSDOH has [acknowledged](#) the change in the CDC recommendations, but the impact to COVID-19 Sick Leave requirements has not (yet?) been specifically addressed. Note, however, that the governor’s [proposal](#) for the 2025 fiscal year budget includes a [repeal](#) of the law, which if passed will take effect on [July 31, 2024](#). The budget is due by April 1.

Important Dates

March 2024

Illinois Paid Leave for All Workers Act (PLAWA) Notice to Employees Due

The PLAWA model notice is now available and may be found on both the [Paid Leave for All Workers Act](#) and [Required Posters & Disclosures](#) webpages. The notice is available in several languages and must be:

1. [posted](#) in a conspicuous place, in English and any language spoken by a significant portion of employees; and
2. [provided to each employee by the later of March 31, 2024 or an individual's commencement of employment](#). This notice may be standalone or incorporated into any written policy that the employer maintains, such as an employee handbook.

Employers may also utilize the combination “Your Rights Under Illinois Employment Laws” poster (found [here](#)), which includes the information needed for Wage Payment and Collection Act, Child Labor Law, Minimum Wage Law, Equal Pay Act, Victims' Economic Security and Safety Act (VESSA) and the One Day Rest in Seven Act.

Please see our [November 21 Update](#) for more information on PLAWA.

Cook County Paid Leave Notice to Employees Due

The Cook County Paid Leave model notice is now available and may be found on the Cook County Commission on Human Rights' dedicated [webpage](#). The notice is available in several languages and must be:

1. [posted](#) in a conspicuous place, in English and any language spoken by a significant portion of employees; and
2. [provided to each employee by the later of March 30, 2024 or an individual's commencement of employment](#). This notice may be standalone or incorporated into any written policy that the employer maintains, such as an employee handbook.

Please see [above](#) for additional updates.

July 2024

Chicago, IL Paid Leave and Paid Sick and Safe Leave Becomes Effective

In our [November 21](#) and [December 20](#) Updates we summarized Chicago's Paid Leave and Paid Sick and Safe Leave ordinance, which becomes effective [July 1, 2024](#). The city's Office of Labor Standards is in the process of updating its [website](#) with information on the new law, and have posted the following resources:

- [FAQ \(12/20/23\)](#)
- [Informational flyer](#)
- [Proposed rules \(12/20/23\)](#) – *final rules are due in April*

New York City Workers' Bill of Rights – New Notice Requirement

On [December 3](#) New York City's City Council enacted [Local Law 161](#), which required various city departments and employees' rights groups to collaborate and create a “[Workers' Bill of Rights](#)” containing information on the rights and protections under federal, state, and local laws that apply to all workers in the city, regardless of immigration status. An outreach and education campaign to raise awareness is also required.

The [Workers' Bill of Rights](#) was released on the NYC Consumer and Worker Protection's website on [March 1](#). The city has provided a multilingual [Know Your Rights at Work notice](#) for employers* to utilize in notifying their employees how to access the Bill of Rights. By [July 1, 2024](#), the notice must be:

- 1) provided to each current employee and to new employees on or before their first day of work;
- 2) conspicuously posted at the employer's place of business in an area accessible and visible to employees; and

- 3) posted to the employer’s intranet or mobile app if either is regularly used to communicate with employees.

* ‘Employer’ is as defined in [§20-912](#) of the NYC Administrative Code (the [Earned Safe and Sick Time Act \(ESSTA\)](#)).

Employers failing to comply with notice requirements will receive a warning for the first violation and could face penalties of \$500 for subsequent violations. Beginning July 1, if an employee’s employer does not make the notice available or they have questions about their rights, they may ask a question or file a complaint online at nyc.gov/workers or by contacting [311](#).

Oregon Family Leave Act (OFLA) Benefit Year Change

[SB999](#), which became effective September 3, 2023, made several amendments to Paid Leave Oregon (PLO) law and the Oregon Family Leave Act (OFLA). Included in the changes to OFLA was the implementation of a mandatory method for measuring an employee’s “one-year period” for leave eligibility.

As noted in our [August 31 Update](#), [by no later than July 1, 2024](#), employers must use the same “measured forward” method for OFLA that is required under PLO: A period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences.

On July 14, 2023 Oregon’s Bureau of Labor and Industries (BOLI) issued an [opinion](#) as to how employers may approach a transition.

Note: The “measured forward” method may differ from an employer’s chosen method for administering FMLA. FMLA rules do permit multi-state employers to employ one method for employees working in a state with a required method, and another for all other employees. Refer to the Department of Labor Wage and Hour Division’s (WHD) [Fact Sheet #28H](#) for more information.

Employees must be provided [60 days’ notice](#) of a change in the calculation method for FMLA, and (for both FMLA and OFLA) any transition must permit the impacted employees to retain their full leave entitlement under the chosen method.

Vermont Family and Medical Leave Insurance (VT FMLI) Group Plans Available

Benefits under Vermont’s paid family and medical leave law became available to state employees on July 1, 2023. Effective [July 1, 2024](#) group plans are available to private and non-state public employers wishing to [voluntarily](#) sponsor a program for their Vermont employees. Eligible employers must have at least two employees, and a physical location in Vermont. Beginning July 1, 2025, coverage will be available to self-employed individuals and employees whose employers do not sponsor a group plan. More information about the program and [plan options](#) may be found on The Hartford’s [website](#); feel free to contact your MMA account team for assistance in obtaining a quote and/or securing a policy.

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/>.