



Statutory Update

June 13, 2025

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Family and Medical Leave Updates

Colorado Family and Medical Leave Insurance (CO FAMLI)

Amendments (eff. 1/1/26)

On [May 30](#) the governor of Colorado signed [SB144](#), making the following amendments to the CO FAMLI law effective [January 1, 2026](#):

Contribution Rate

The CO FAMLI contribution rate will decrease from .9% to [.88% of wages](#).

- The contribution rate is applied to wages up to the [OASDI limit](#) set by the Social Security Administration (\$176,100 in 2025).
- Employers may deduct up to 50% of the total contribution rate from employees' wages.
- Employers with fewer than 10 employees (in any state) are not required to remit the employer portion of contributions.
- Beginning in 2026 the contribution rate will be determined by each September 1 for the following calendar year. The rate is not to exceed 1.2% of wages.

Additional Leave

The CO FAMLI law currently entitles eligible employees to up to [12 weeks](#) of leave to care for their or a family member's serious health condition, to bond with a new child, to attend to needs associated with a family member's qualifying exigency, or for circumstances related to domestic violence, sexual assault or abuse, or stalking. An [additional 4 weeks](#) may be available to an employee with a serious health condition related to pregnancy or childbirth complications.

The amendment provides that an [additional 12 weeks](#) of leave may be taken by an employee who has a child receiving inpatient care in a [neonatal intensive care unit \(NICU\)](#) for the duration that the child is there receiving care. This additional benefit will apply to [claims arising on or after January 1, 2026](#).

It is expected that guidance around this change will be provided via updates to the regulations and/or clarifications on the [CO FAMLI website](#).

Regulations Updates (eff. 7/1/25)

Our [December 20, 2024 Update](#) included updates to the CO FAMLI regulations effective January 1, 2025. In late April Colorado's Department of Labor and Employment (CDLE) [posted](#) updated regulations with additional amendments effective [July 1, 2025](#). Notable changes are listed below.

Premiums and Individuals Electing Coverage ([7 CCR 1107-1](#))

The localization of employment rules ([section 1.6](#)) were amended to state that the provisions of the federal [Servicemembers Civil Relief Act](#) have no impact on an employee's localization.

Notice to Employees ([7 CCR 1107-3](#))

The law and regulations currently require that employers participating in the [state program must notify their employees](#) of CO FAMLI benefits and requirements by:

- 1) [displaying the program notice](#) ([found here](#)) in a conspicuous place (electronically if there is no physical workplace) in English, Spanish, and in any language representing the first language spoken by at least five percent of the employer's workplace; and
- 2) [delivering it](#) to all employees [upon hiring](#) and, absent extenuating circumstances, [within five days](#) after learning of an employee experiencing an event that triggers eligibility for CO FAMLI leave. The employer must deliver the program notice to the employee in the first language spoken by the employee if the employer is aware of the first language spoken by the employee; otherwise, the employer must deliver the program notice in the first language spoken by the employee, upon the employee's request.

The updated regulations amend the individual notice requirement (*section 3.7.2, #2 above*) to state that the notice must be provided upon hire *or transfer to Colorado* and, absent extenuating circumstances, within five days after *either* learning of an employee experiencing an event that triggers eligibility for CO FAMLI leave *or receiving from the employee a request for leave under the Family and Medical Leave Act (FMLA)* (*changes in italics*).

Private Plan Notice

Employers who sponsor private plans must notify their employees by:

- 1) *posting notice* in a conspicuous place (electronically if there is no physical workplace) in English, Spanish, and in any language representing the first language spoken by at least five percent of the employer's workplace; and
- 2) delivering *written notice to each employee* of the employer's election and approval to offer a private plan in lieu of participating in the state plan, no later than *30 days before the effective date* of the plan. The notice must also be provided to new hires and transfers.

The updated regulations add that the *individual notice* must also be provided within *five days* after either *learning of an employee experiencing an event* that triggers eligibility for CO FAMLI leave or *receiving from the employee a request for leave under the Family and Medical Leave Act (FMLA)*.

See *7 CCR 1107-5, 5.9.3 for notice content requirements*.

Required Documentation (*7 CCR 1107-3*)

The updated regulations amend the required *documentation for proof of a child's birth* for parental leave (*amendment in italics*):

- proof of birth, which may include a birth certificate, an application for a birth certificate, documentation from a health care provider who provided care during the birth or recovery, or other vital records showing birth;
- *proof of parental status or in loco parentis status*, which may include a birth certificate, an application for a birth certificate, documentation from a health care provider who provided care during the birth or recovery, other vital records showing parenthood, or a written statement establishing in loco parentis status; or
- any other reasonable information or documentation necessary to adjudicate the claim for benefits, as requested by the Division.

Private Plans (*7 CCR 1107-5*)

Section 5.14 of the regulations currently states that an employer who *voluntarily terminates a private plan* must notify its employees and the FAMLI Division in writing at least *30 days* in advance of the termination date (and transition to the state program).

The updated regulations amend section 5.14.3 to state that an employer who terminates coverage under a private plan without providing 30 days advance notice to its employees may be subject to a *fine of \$500.00 per employee* who did not receive timely advance notice. In addition, if benefits are paid through the state program to an employee with a benefit start date occurring during the 30 days after their employer notifies the Division of the private plan, the employer may be fined up to *\$500.00 per employee* who received such benefits.

See also change to private plan notice requirements above.

Employee Job Protection, Anti-Retaliation and Anti-Interference (*7 CCR 1107-7*)

CO FAMLI law *§8-13.3-509* requires that any covered individual who has been employed with their current employer for at least *180 days prior to the commencement of family and medical leave* who exercises their right to CO FAMLI benefits be, upon return from that leave, restored by the employer to the position held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

Section 7.3 of the regulations currently lists a few guidelines for how the 180 days should be calculated. The updated regulations add 7.3.1(F), which states that leave is considered to have “commenced” whenever an employee leaves work and utilizes paid family and medical leave and provides the following clarifications:

- **Continuous leave commences once at the outset of the leave.** This means that if a covered individual has not been employed with their current employer for at least 180 days before the beginning of the leave, they will not become entitled to the law’s employment and benefits protections with regard to that employer during their continuous leave, regardless of whether their 180th day of employment occurs during their continuous leave.
- **Intermittent leave and reduced leave schedule commence upon each covered absence.** This means that if a covered individual has not been employed with their current employer for at least 180 days before their first covered absence, but their 180th day of employment occurs before a subsequent covered absence, they will be entitled to the law’s employment and benefits protections for covered absences occurring after their 180th day.

Maine Paid Family and Medical Leave (ME PFML)

Our [March 6 Update](#) included reminders about employer registration requirements and the private plan application process that began April 1. Below are a few follow-ups to that information.

Reminder

Reporting and contribution remittance for the first quarter of 2025 were due by [April 30, 2025*](#); prior to that date [employers were required to register each FEIN that employs Maine workers](#).

** As a reminder, employers sponsoring private plans are required to comply for at least the first quarter of 2025; see our [March 6 Update](#) for more details on private plans.*

On [May 28](#) the Maine Department of Labor (MDOL) sent a notice to email subscribers encouraging employers who had not yet filed a wage report or remitted premiums owed for first quarter to do so as soon as possible. [Penalties for late filing have been waived for Quarter 1](#) to allow time for employers to adjust to reporting, but penalties for late filing will be enforced for Quarter 2.

Claims Administrator Selected

On [June 11](#) MDOL [announced](#) that it has contracted with [Aflac](#) to administer ME PFML claims. The selection followed an RFP conducted by MDOL and is attributed in part to favorable reports on Aflac’s administration of the Connecticut Paid Leave program since 2022. Benefits under the ME PFML program begin [May 1, 2026](#).

Updated Resources

The MDOL has continued to refresh the tools and resources on the [ME PFML webpage](#); recent developments include:

- The [PFML Labor Poster](#) was updated in April. The prior version was missing reference to “care for a new child through birth, adoption, or fostering” under Reasons for Leave. Employers are encouraged to replace the prior version with the new version. The poster is available in English and several translations under ‘[Employer Resources](#)’.
- The [Frequently Asked Questions](#) document was also updated in April; a couple of changes of note include:
 - ME PFML program [contributions should be deducted from employer-sponsored disability payments and third-party sick pay](#) (e.g., *disability payments made by an insurance company*) until the expiration of six calendar months following the last calendar month in which the employee worked for that employer (#14).
 - Employers with approved [self-insured private plans](#) with benefits beginning [May 1, 2026](#) may begin [deducting contributions from employees](#) to pay towards the eventual benefits paid by the self-insured private plan (#50, see also [Private Plan Approval and Deductions Timeframes v2.pdf](#)).

- On [June 12](#) MDOL announced that the [State Average Weekly Wage \(SAWW\)](#) is increasing to [\\$1,198.84](#) for the period July 1, 2025 through June 30, 2026. The SAWW will be used to determine an individual's ME PFML benefit amount when benefits entitlement begins on [May 1, 2026](#). MDOL will be updating the "Estimating Your PFML Benefits" tool and chart under 'Employee Resources' after July 1 to reflect this.

Employers are encouraged to monitor developments on the [ME PFML webpage](#), and to sign up for the "Get Notified!" list for updates.

Maryland Family and Medical Leave Insurance (MD FMLI) – Official Program Delay, Amendments

Our [March 6 Update](#) included notice of the Maryland Department of Labor's proposal to once again delay the effective dates for the state's family and medical leave program. On [May 6](#) the governor signed [HB102](#), officially postponing the MD FMLI implementation timeline and making a few additional amendments to the law effective [June 1, 2025](#).

Program Effective Dates

- Contributions will begin [January 1, 2027](#); and
- Benefits will become available "*not earlier than January 1, 2027, but not later than January 3, 2028*". This date will be announced by the Secretary of Labor.

Definitions

The amended law introduces a new term, "Anchor Date", which is incorporated into the definition of two existing terms (*changes in italics*):

- An employee's "[Anchor Date](#)" will be the earlier of the date on which:
 - an application for benefits is complete; or
 - leave begins for a covered individual for which benefits may be paid under the MD FMLI law.
- "[Covered Employee](#)": any employee who has worked at least 680 hours performing services under employment located in the state over the four most recently completed calendar quarters for which quarterly reports have been required immediately preceding the *Anchor Date*.
- "[Average Weekly Wage](#)": a covered employee's total wages received in the highest of the previous four completed calendar quarters *that immediately precede the Anchor Date and* for which quarterly reports have been required, divided by 13.

The definition of "[Application Year](#)" is also amended, from the 12-month period beginning on the Sunday of the calendar week for which benefits are approved, to the 12-month period beginning on the Sunday of the calendar week *in which MD FMLI leave begins*.

Contributions

The MD FMLI law currently caps the contribution rate at 1.2% of employee's wages, and the rate previously set for the start of contributions was .9%. HB102 removes reference to the 1.2% maximum and states that:

- On or before [May 1, 2026](#), the Secretary of Labor will set the total rate of contribution based on available cost analyses of the program. The rate determined will be applicable [January 1, 2027 through December 31, 2027](#).
- Beginning in [2027](#), the contribution rate will be determined annually, on or before [November 1](#), and apply to the 12-month period beginning the immediately following January 1.

Benefits

The maximum weekly MD FMLI benefit is set at \$1,000. The amendments retain this amount, and clarify that it will apply for the period beginning on [the benefits begin date announced by the Secretary of Labor](#) (as noted in the *Program Effective Dates* section above) and ending [December 31, 2028](#).

- Beginning in [2028](#) the Maximum Weekly Benefit will be announced [each September 1](#) and effective for the 12-month period beginning the immediately following January 1.

- An increase in the maximum weekly benefit amount applies only to an application year with an “Anchor Date” that occurs on or after the date the increase becomes effective. *How this applies for intermittent leaves will be outlined in future regulations.*

Voluntary Participation for Self-Employed Individuals

The law as originally written provided that self-employed individuals may voluntarily enroll in the program. That opportunity was to be available with the same effective dates as for other employers, and required participation for an initial period of at least 3 years, with future renewal periods of 1 year. HB102 removes these parameters, instead stating that details around participation for self-employed individuals will be outlined in future regulation by [July 1, 2028](#).

While the final determination of the MD FMLI effective dates was pending, MD DOL announced a pause in regulatory timelines for the program. It is unclear when the Department will resume implementation; we will continue to track and report on progress. Employers are encouraged to monitor the [MD FMLI website](#) and to [subscribe for updates](#).

Maryland Parental Leave Act (MPLA) – Amendment (eff. 10/1/25)

Maryland’s [Parental Leave Act](#) (MPLA) provides up to six workweeks of [unpaid, job-protected leave](#) during any 12-month period for an employee to bond with a new child welcomed to their family through birth or placement for adoption or foster care. Employers subject to the law are those who employ 15 to 49 employees in the state for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

On [May 6](#) the governor approved [SB785](#), which amends the MPLA effective [October 1, 2025](#) to [exclude employers subject to the federal Family and Medical Leave Act of 1993 \(FMLA\)](#) for the [current calendar year](#). The FMLA applies to public agencies, including local, State, and Federal employers, and local education agencies, and to private sector employers who employ 50 or more employees for at least 20 workweeks in the [current or preceding](#) calendar year.

This change may reduce compliance strain for employers whose employee count may hover around the 50 threshold. For example, if an employer had over 50 employees one year (i.e., subject to FMLA) and their headcount dropped below 50 in the following year, they would still be required to comply with FMLA based on the “current or preceding calendar year” [method for counting employees](#). Under the MPLA amendment, as long as the employer is subject to FMLA they do not need to additionally comply with MPLA; if, however, the employee count stays between 15 and 49, MPLA requirements apply.

Minnesota Paid Leave (MN PL) – Updates

Minnesota’s paid family and medical leave program, Minnesota Paid Leave (MN PL), becomes effective [January 1, 2026](#) for both contributions and benefits.

- The Minnesota Department of Employment and Economic Development (DEED) has continued to add content to the [MN PL website](#), including updates to the [Employer Resource Toolkit](#) and the [FAQ](#). Employers are encouraged to [subscribe](#) for regular updates.
- Last month DEED posted [Taxes and Paid Leave guidance](#) as a follow up to the IRS’ January [Revenue Ruling 2025-4](#) (see our [March 6 Update](#) for more details on the IRS ruling).
- DEED will begin accepting applications for [equivalent/private plans](#) “in the coming months”. Applications will be accepted on an ongoing basis – there is no limited enrollment period. Details and instruction will be posted on the [Equivalent Plans webpage](#) as they become available.
- [Final regulations](#) are still in development: DEED is reviewing feedback received on the [November 6 proposed rules](#) during the comment period that ended January 3; progress may be tracked on the [Rulemaking webpage](#).
- [Employee notification](#) will be required by [December 2025](#). DEED will be providing model notices and other informational materials to assist employees in communicating the program to their employees.

- Our [March 6 Update](#) included reference to a bill ([HF11](#)) working its way through the Minnesota House of Representatives aimed at pushing the effective dates for MN PL contributions and benefits to January 1, 2027. On March 10 the House filed a motion to delay consideration, perhaps indefinitely. Other bills introducing amendments or delays to the MN PL law also have not progressed.

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

In our [March 20, 2024 Update](#) we summarized significant amendments to Paid Leave Oregon (PLO) and the Oregon Family and Medical Leave Act (OFLA) made by [SB1515](#), most of which were effective July 1, 2024. On [May 14](#) the governor of Oregon signed two bills, [SB69](#) and [SB858](#), making additional changes to these laws*.

Notable amendments are summarized below. [Unless otherwise indicated](#), these changes take effect on the 91st day after the date the legislature adjourns. The legislature is targeting June 18 for the end of the 2025 session and is constitutionally required to close down no later than June 29. Therefore, these changes will be [effective between September 17 and September 28, 2025](#).

** Oregon's law database, Oregon Revised Statutes (ORS), is officially updated and published every [two years](#) to reflect current laws and any changes enacted since the last edition. As the current version is the [2023 Edition](#), it does not include amendments to Oregon's laws that occurred during 2024 (such as those via [SB1515](#)) or 2025 ([SB69](#) and [SB858](#)); these changes will be reflected in the 2025 Edition, which will be available online in early 2026. With that, we advise exercising caution when referencing the ORS chapters/sections noted below online - specifically, those for PLO ([657B](#)), OFLA ([659A.150-659A.186](#)) or Paid Sick Time ([653.601-653.661](#)); note that sections that have been changed will include reference/links to amending legislation.*

Paid Leave Oregon (PLO) Amendments (eff. 9/2025)

[SB69](#):

- **Program Oversight:** Administrative and regulatory oversight responsibilities related to the [job protection requirements](#) and [retaliation and discrimination provisions](#) of PLO ([ORS 657B.060](#) and [ORS 657B.070](#), respectively) will transfer from the Oregon Employment Department (OED) to the Bureau of Labor and Industries (BOLI, whose purview includes OFLA) effective [January 1, 2026](#).
- **Coordination of Benefits:** The PLO law currently entitles employees to use [accrued sick, vacation or other paid leave](#) offered by the employer in addition to receiving PLO benefits so long as the combined amount received does not exceed 100% of the employee's regular pay; an employer *may permit* the combined amount to exceed 100% of regular pay ([ORS 657B.030\(2\)](#)).

SB69 adds to the circumstances under which the OED will disclose otherwise confidentially held information about an employee's claim ([ORS 657B.400](#)) to include the release of PLO benefit amounts paid to an employer for the purposes of coordinating these benefits.

- **Job Protection/Return to Work** (new subsection - [ORS 657B.060\(4a-b\)](#)): Before restoring an employee to a position after a period of medical leave, an employer may require that the employee receive [certification from the employee's health care provider](#) that the employee is able to resume work. Note, however, that if adopted by the employer, this practice must be uniformly applied. This does not affect the ability of an employer to require an employee during a period of medical leave to report periodically on their status and intention to return to work.
- **Appeals** (new subsection - [ORS 657B.070\(3\)](#)): During the period an employee's appeal of PLO coverage or benefits is in process, the statute of limitations for a complaint filed for alleged violations of the PLO law under [ORS 659A.820](#) or civil action brought under [ORS 659A.885](#) is suspended.

[SB858](#):

- **Benefit Payments through Other Programs** ([ORS 657B.030](#)): The PLO law currently states that an employee may not receive PLO benefits during any week that they are eligible for workers' compensation time loss benefits or wage replacement benefits through the state unemployment benefits program. Effective [January 1, 2026](#), this disqualification also applies to any week during which the employee is eligible for *federal* unemployment benefits.
- **Authorized Agents** (new subsection - [ORS 657B.090\(5\)](#)): If a covered individual [dies or becomes incapacitated](#) (as [defined](#)) before submitting a claim PLO benefits or before the Director of the Employment

Department has made a final decision regarding the approval or denial of a pending or existing claim previously submitted, an [authorized agent may engage in activities on behalf of the deceased or incapacitated covered individual](#). These activities include submitting a claim, receiving information about a claim, or requesting a review of a final decision on a claim.

Updated regulations will outline the requirements for the designation of an authorized agent and establish when authority under such designation expires. The regulations may also help distinguish between an authorized agent and someone named as a “claimant designated representative”, as currently described in the [regulations](#).

Other sections of the law are updated accordingly to include this relationship: Confidentiality of Information (ORS 657B.400) and Appeals (ORS 657B.410).

Oregon Family and Medical Leave Act (OFLA) Amendments (eff. 9/2025)

SB69:

- **Employee Eligibility:** Employees are eligible for leave under OFLA if they (1) were employed by the employer for at least [180 days](#) immediately prior to leave, and (2) worked an average of at least [25 hours per week](#) during the 180-day period. SB69 amends this so that the 25 hours/week requirement will not apply if the employee is based in Oregon and subject to FMLA special rules for [Airline Flight Crew Employees \(29 C.F.R. part 825, subpart H\)](#) as in effect on January 1, 2025, and meets the hours of service requirement described in [29 C.F.R. 825.801](#).
- **Covered Family Members:** As amended by [SB1515](#) effective July 1, 2024, an eligible employee may be entitled to up to 12 weeks of unpaid OFLA leave in a one-year period:
 - 1) to [care for a child](#) who requires home care due to:
 - a) an illness, injury or condition, or
 - b) closure of the child’s school or child care provider in conjunction with a statewide public health emergency declared by a public health official; or
 - 2) for [bereavement leave](#) 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. This leave is limited to 2 weeks of leave for each family member death, up to 4 weeks per one-year period, and is included in the 12-week overall maximum. Leave must be taken within 60 days of the employee receiving notice of the death.

An additional 12 weeks may be available as pregnancy disability leave.

SB69 adds the requirement that for leave to care for a child ([#1 above](#)) the child must be [under the age of 18 or substantially limited by a physical or mental impairment](#) as described in [ORS 659A.104](#).

- **Notice of Need for Leave:** The OFLA law permits employers to require employees to provide written notice at least [30 days](#) prior to commencing leave, with the exception that [no prior notice](#) is required under the following circumstances:
 - 1) an unexpected illness, injury or condition of a child of the employee that requires home care;
 - 2) the death of a family member; or
 - 3) pregnancy disability leave.

SB69 adds that [no prior notice](#) is required in the event of closure of the employee’s child’s school or care provider due to a [public health emergency](#), but *only if* the declaration of the public health emergency was issued by the Governor less than 30 days prior to commencement of leave.

SB69 also amended Oregon’s Paid Sick Time law; see details [below](#).

Paid Leave Oregon (PLO) – State Average Weekly Wage and Maximum Weekly Benefit (eff. 7/6/25)

In a [June 3 Press Release](#) the Oregon Employment Department (OED) announced that the State Average Weekly Wage (SAWW) increased from \$1,307.17 to [\\$1,363.80](#). With this change,

- the [minimum](#) weekly PLO benefit amount will increase from \$65.36 to [\\$68.19](#); and

- the **maximum** weekly PLO benefit amount will increase from \$1,568.60 to **\$1,636.56**.

These increases apply for PLO claimants with **benefit years beginning on or after July 6, 2025**; claimants whose PLO benefit years were established prior to July 6 will continue to receive the same benefit amount.

Washington Paid Family and Medical Leave (WA PFML)

Amendments (*eff. 7/27/25 and 1/1/26*)

The governor of Washington recently signed two pieces of legislation amending the state's **paid family and medical leave law** (WA PFML):

SB5191, signed on April 29, amends the **definition** of Employer effective **July 27, 2025** (*change is in italics*):

"Employer" means:

- any individual or type of organization, including any partnership, association, trust, estate, joint stock company, insurance company, limited liability company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the legal representative of a deceased person, having any person in employment or, having become an employer, has not ceased to be an employer as provided in this title;
- the state, state institutions, and state agencies;
- any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision; and
- representatives for employers of dockworkers who normally work for several employers in the same industry interchangeably through a collectively bargained agreement. Other than for their own employees, employer representatives are not obligated to report dockworkers who are not covered by the collective bargaining agreement.*

"Employer" does not include the United States of America.

HB1213, signed on May 17, makes significant changes to the law's employment protection provisions and adds a couple of new notification requirements for employers; these and a few additional changes are summarized below. The bill included a contingency for enactment based on funding, which was resolved with the governor's signing of a **budget appropriations bill** on May 20.

Benefits: Minimum Claim Duration

Currently, the minimum claim duration for WA PFML is **eight consecutive hours** in a week. If an employee on leave claims eight consecutive hours at any point during a week, the minimum claim duration is satisfied.

Effective January 1, 2026, the minimum will be lowered to **four consecutive hours**.

Employment Protection

Currently, employees returning from leave taken under WA PFML are entitled to be restored to the position held prior to leave or to an equivalent position if they have been employed by their employer for at least **12 months** and performed at least **1,250 hours** of work during the 12 months prior to the commencement of leave. Employers with **50 or more employees** during 20 or more weeks in the current or preceding calendar year must comply.

Employees covered by a **Voluntary Plan** are entitled to employment protection if the employee has worked for at least **nine months** with that employer and **965 hours** for that employer during the 12 months preceding the date leave will begin.

Effective January 1, 2026:

- The number of **employers required to provide job protection will expand** over the next few years, with requirements applying to:
 - employers with **25 or more employees** during calendar year **2026**;
 - employers with **15 or more employees** during calendar year **2027**; and
 - employers with **8 or more employees** beginning **January 1, 2028**.

Regulations may confirm how employee counts should be calculated.

- Protections will apply to employees who have been employed by their employer for at least **180 calendar days** prior to leave, with **no threshold for hours worked**.
 - This will also apply to employees covered under **Voluntary Plans**.
- Employees will be eligible for employment restoration upon returning from:
 - 1) paid leave under WA PFML, regardless whether leave under the federal Family and Medical Leave Act of 1993 (FMLA) was running concurrently; or
 - 2) unpaid leave under the FMLA during a period in which the employee was **eligible for, but did not apply or receive benefits for, WA PFML**.

The addition of #2 above provides employers with a means to **count FMLA leave against an employee's employment protection entitlement under WA PFML**, thereby reducing "stacking" of job-protected leave. However, an employer may only do this if they provide **written notice to the employee** stating...

- 1) that the employer is designating and counting the employee's unpaid leave against the employee's entitlement under the FMLA, including specifying the amount of the entitlement used and remaining;
- 2) the start and end dates of the employer's designated 12-month period for FMLA;
- 3) that, since the employee is eligible for WA PFML but is not applying for and receiving benefits, the employer is counting the unpaid leave towards the maximum duration permitted under the WA PFML law, including specifying the start and end dates of the unpaid leave, and the total amount of the unpaid leave counting toward those maximum periods; and
- 4) that the use of unpaid leave counting against the maximum duration permitted under WA PFML **does not affect the employee's eligibility for paid WA PFML benefits**.

This notice must be:

- in a language understood by the employee and transmitted by a method reasonably certain to be received promptly by the employee; and
- provided within **five business days** of the earlier of either the employee's initial request for or use of unpaid FMLA leave, and at least **monthly** for the remainder of the employer's designated 12-month FMLA leave year.
- **Employee Responsibility:** In the absence of a written agreement between the employer and an employee or an employee bargaining unit, an **employee will be considered to have forfeited their right to reinstatement** if they do not exercise it upon the earlier of:
 - 1) their first scheduled workday following a period of WA PFML leave, or a period of FMLA leave during which the employee was eligible for WA PFML but did not apply or receive benefits; or
 - 2) their first scheduled workday following a continuous period of, or combined intermittent periods of, a total of 16 weeks of WA PFML and FMLA leave combined during a 52-week period (18 weeks if any of the leave was taken as a result of a serious health condition with a pregnancy resulting in incapacity).

The exhaustion of leave does not affect an employee's eligibility for paid WA PFML benefits.

- **Notification Requirement:** For any continuous period of **leave exceeding two typical workweeks** or any combined intermittent periods of leave exceeding 14 typical workdays, the employer must provide at least **five business days advance written notice to the employee** regarding the estimated expiration of employment protection and the date of the employee's first scheduled workday. For combined intermittent periods of leave, the employer may estimate the expiration of employment protection based on information provided to the employer by the Employment Security Department (ESD) and the employee. This notice must be provided in a language understood by the employee and transmitted by a method reasonably certain to be received promptly by the employee,
- **Additional notes:**

- The ESD may require the employer to collect and report information on the exercise of employment restoration rights for the purposes of auditing compliance.
- The provisions of the WA PFML law do not alter or limit the rights and protections available to employees under other state or federal laws, including but not limited to sick leave or temporary disability taken for pregnancy or childbirth under [RCW 49.60](#) (*non-discrimination rights*) or as an accommodation under [RCW 43.10.005](#) (*pregnancy accommodations – note upcoming amendments below*), sick leave taken under [RCW 49.46.210](#) (*WA paid sick leave*), or leave protected by the FMLA.

Maintenance of Health Benefits

Currently, employers are required to maintain an employee's health benefits for the duration of WA PFML leave if there is at least one day of concurrent use with leave taken under the FMLA.

Effective January 1, 2026, the amendments remove the specific reference to FMLA and instead state that health benefits must be maintained during any period of WA PFML *unless* the employee:

- is not employed by the employer at the time of filing an application for WA PFML benefits;
- is not entitled to employment protection (*as outlined above*); or
- did not exercise their right to employment protection (*see Employee Responsibility above*).

Notice to Employees

The law currently requires employers to notify their employees of their rights and responsibilities under the WA PFML law by:

- 1) [posting notice](#) in conspicuous places on the employer's premises where notices to employees and applicants for employment are customarily posted; and
- 2) providing a [written statement of rights](#) to an employee within 5 business days of the later of the employee's (1) 7th consecutive day of absence, or (2) notice to the employer that absence is due to medical or family leave.

The amendments add some detail as to the information that must be included in each type of communication beginning *January 1, 2026*:

- The [posted notice](#) must include details on eligibility requirements, possible weekly benefits, application processes, employment protection rights, non-discrimination rights, and other protections, and information pertaining to the filing of a complaint.
- The [individual notice](#) must explain, in an easy to understand format, eligibility requirements, possible weekly benefits, application processes, employment protection rights, and non-discrimination rights, and direct the employee to appropriate contacts and portals for more information.

Updated versions of the required poster and "Employer to Employee Notice" (both found [here](#)) are expected prior to January 1.

Small Business Assistance

The WA PFML law provides employers with 150 or fewer employees working in the state, and those with 50 or fewer employees who elect to pay the employer portion of premium, the opportunity to apply to the ESD for grants to assist with staffing costs arising from employees who use WA PFML. Employers may apply for up to ten grants per year, one per employee on leave, for up to \$3,000 each. Employers with Voluntary Plans are ineligible.

The amendments do not significantly alter the grant program, but rather split this section of the law to cover specifics for employers with 50 to 150 employees and those with fewer than 50 employees.

State Average Weekly Wage and Maximum Weekly Benefit (*eff. 1/1/26*)

In a [June 6 News Release](#) Washington's Employment Security Department (ESD) announced that the State Average Weekly Wage (SAWW) increased from \$1,714 in 2023 to **\$1,830** in 2024. With this change the

maximum weekly WA PFML benefit amount will increase from \$1,542 to **\$1,647** for new claims filed on or after January 1, 2026. The minimum weekly benefit will remain \$100.

Accrued Paid Leave Updates

Alaska Earned Paid Sick Time – Model Notice Available

As last covered in our [March 6 Update](#), beginning **July 1, 2025** employees working in Alaska are eligible to accrue 1 hour of paid sick leave for every 30 hours worked, up to 56 hours per year (40 hours for employees of employers with fewer than 15 employees). Accrued time may be used for reasons associated with the employee's or a covered family member's health or safety.

Employers are required to provide [written notice to their employees](#) that they are entitled to paid sick leave, the amount of paid sick leave, the terms of its use guaranteed under the law, and that retaliation against employees who request or use paid sick leave is prohibited. This notice must be provided to all employees **by July 31, 2025** (*per the updated FAQ*), and to [new hires](#) ongoing. Alaska's Department of Labor and Workforce Development (DOLWD) has posted the [model notice](#) on its [Employment-Related Posters webpage](#) (see #9).

The DOLWD has been making periodic updates to their [Frequently Asked Questions](#) addressing the new sick time and minimum wage requirements. Draft regulations are expected in the coming months.

Cook County, IL Paid Leave – Updated Regulations (*eff. 4/10/25*)

Our [December 20, 2024 Update](#) summarized a second set of revisions made to the regulations for Cook County's [accrued paid leave ordinance](#) to further address changes made to the law effective December 31, 2023. On **April 10** the County's Board of Commissioners approved additional amendments; significant updates are noted below (*read the [full regulations](#); view a redlined version [here](#)*).

- The law was amended in early 2024 to delay the effective date for school districts organized under the Illinois School Code and park districts organized under the Illinois Park District Code ("[Park and School District Employees](#)") until **January 1, 2025**.
 - Accrual for existing Park and School District employees began January 1, 2025; new employees begin accruing time at the start of employment. Employees may begin using accrued time on the later of April 1, 2025 or 90 days from the start of their employment, with a minimum increment of one workday.
 - Compliance is not required for Park and School District employees covered by a bona fide [collective bargaining agreement](#) entered into prior to, and remains in effect after, January 1, 2025 *or* for Park and School District employees covered by a CBA entered into after January 1, 2025 that [expressly waives](#) the rights under the Paid Leave ordinance.
- Section 200.100(A) of the [prior version](#) of the regulations instructed that employees continue to accrue Paid Leave even while they are *using* Paid Leave. This consideration of time while on leave being "hours worked" for accrual purposes was a bit troublesome, and a departure from other accrued paid leave laws, including those in Illinois and Chicago.

The updated rules alleviate this, stating that [employers are not required to compensate an employee using Paid Leave with the accrual of Paid Leave](#), but may elect to do so. Employers who elect to compensate an employee using Paid Leave with the accrual of Paid Leave and additional benefits (*e.g., other paid time off, seniority, or health benefits*) must do so in the same manner and to the same extent as if they had performed the regular work.

- Section 500.300(B) of the [prior version](#) of the regulations stated that an employer may not allow an employee to use Paid Leave when the employee has been suspended or otherwise placed on leave for disciplinary reasons. The amended rules state that an [employer may not require use of Paid Leave during a period of disciplinary leave](#). However, if the employer's policy allows for this use, the employee may elect to use Paid Leave for some or all of the disciplinary leave.

- Section 500.500 of the [prior version](#) of the regulations stated that wages earned during Paid Leave be paid in the regular payroll period *during which* the Paid Leave was used by the employee, and included on the employee's next regular paycheck. The amended rules loosen this so that [Paid Leave must be paid in the next regular payroll period beginning after the time was used by the employee.](#)

Employers are encouraged to review any policy language that may be impacted by these changes, and make updates accordingly.

Missouri Earned Paid Sick Time – Repeal Status

Update: this legislation was approved by the governor on July 10, 2025.

Our [December 20, 2024](#) and [March 6](#) Updates included coverage of the accrued paid sick leave law approved by Missouri voters during the November election (*now located at [RSMO §290.600 - §290.642](#)*). On [May 1, 2025](#) employees working in Missouri became eligible to accrue 1 hour of paid sick leave for every 30 hours worked, which may be used for reasons associated with their or their family members' health or safety, or during a public health emergency.

The law has faced considerable opposition, including [litigation](#) that made its way to the Missouri Supreme Court (*the Court [upheld](#) Proposition A's adoption*). A number of bills seeking to amend or repeal the law were also introduced, with one making its way through the legislature following various amendments. In its [current/final form, HB567](#):

- [repeals accrued paid sick leave provisions and requirements](#); and
- keeps the [state minimum wage](#) increases effective January 1, 2025 (*to \$13.75/hr*) and January 1, 2026 (*to \$15/hr*), but removes mandatory adjustments based on the Consumer Price Index in future years.

On [May 30 the bill was delivered to the governor](#); it is expected that he will sign.

Due to the absence of an emergency clause, upon signature the law will be [effective August 28, 2025](#). Since the paid sick leave law will remain in effect until then, employers must continue to comply with its requirements. Guidance will be needed from the Missouri Department of Labor and Industrial Relations (DOLIR) to address the impacts of the repeal including, but not limited to, how time accrued between May 1 and August 28 must be managed as far as use and carryover, and what requirements may need to remain in place after August 28 (*e.g., notice to employees, recordkeeping, etc.*).

Progress on the bill may be tracked on the [legislature's website](#). Employers are also encouraged to monitor the DOLIR's [Paid Sick Time webpage](#) for developments.

Nebraska Healthy Families and Workplaces Act – Amendments (eff. 10/1/25)

Our [December 20, 2024 Update](#) included a summary of accrued paid leave requirements approved by Nebraska voters during the November 2025 election. Effective [October 1, 2025](#), the [Healthy Families and Workplaces Act](#) entitles employees who work more than 80 hours in the state per year to accrue 1 hour of paid time for every 30 hours worked, up to a maximum annual accrual of 56 hours. Time may be used by an employee as it is accrued to tend to their or a family member's health care, to attend meetings related to a child's health condition, or for reasons associated with a public health emergency.

On [June 4](#) the governor of Nebraska amended the law by signing [LB415](#); the table below highlights amendments to various sections (*this is not a full summary of the law*). On June 9 the Nebraska Department of Labor (NDOL) posted an updated version of their [Frequently Asked Questions](#) reflecting the changes.

Nebraska Healthy Families and Workplaces Act <i>Initiative Measure 436, NRS §48-3801 - §48-3811</i>		
	Original	As Amended
Covered Employers	All employers Excludes the United States or the State of Nebraska or its agencies, departments, or political subdivisions	All employers with 11 or more employees Excludes the United States or the State of Nebraska or its agencies, departments, or political subdivisions
Covered Employees	All employees working in the State of Nebraska 80 or more hours in a calendar year Excludes employees subject to the federal Railroad Unemployment Insurance Act (45 USC §351 et seq.)	All employees working in the State of Nebraska 80 or more hours in a calendar year Excludes: - employees subject to the federal Railroad Unemployment Insurance Act (45 USC §351 et seq.) individual owner-operators independent contractors individuals in agricultural employment of a seasonal or other temporary nature; and individuals under 16 years of age
Existing Policies	Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid leave sufficient to meet the requirements of the Nebraska Healthy Families and Workplaces Act that may be used for the same purposes and under the same conditions as paid sick time under the Act is not required to provide additional paid sick time.	- Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid leave that meets or exceeds the requirements of the Nebraska Healthy Families and Workplaces Act and that may be used in accordance with NRS §48-3804 (use of paid sick time; employee notice and documentation) is not required to provide additional paid sick time and is not obligated to allow an employee to accrue or carryover benefits beyond the employer's existing paid leave policy. Paid sick time provided to an employee on or after January 1, 2025, and before October 1, 2025, may be counted toward an employer's obligations under the Nebraska Healthy Families and Workplaces Act for calendar year 2025.

Nebraska Healthy Families and Workplaces Act <i>Initiative Measure 436, NRS §48-3801 - §48-3811</i>		
	Original	As Amended
Leave Entitlement / Accrual Rate	- Beginning the later of October 1, 2025 or commencement of employment, employees accrue 1 hour of paid leave for every 30 hours worked. Employees exempt from overtime requirements under the provisions of the Fair Labor Standards Act (FLSA) §213(a)(1), are presumed to work 40 hours in each workweek for purposes of paid sick time accrual unless their typical workweek is less than 40 hours, in which case paid sick time will accrue based on that typical workweek. <i>See note re: accrual during use in next section.</i> Annual Accrual Limits: “Small businesses”* with fewer than 20 employees: 40 hours - Employers with 20 or more employees: 56 hours Employers may set a higher limit. * “Small business” means an employer with fewer than 20 employees during a given week, including full-time, part-time, or temporary employees. Small business does not include an employer that maintained twenty or more employees on its payroll in each of twenty or more calendar weeks in the current or preceding calendar year. Frontloading: An employer may provide all paid sick time that an employee is expected to accrue in a year at the beginning of the year (<i>note accrual caps, however</i>). <i>A “year” is defined as a regular and consecutive twelve-month period as determined by the employer.</i> - An employer may loan paid sick time to an employee in advance of accrual by that employee.	- Beginning the later of October 1, 2025 or after 80 hours of consecutive employment, employees accrue 1 hour of paid leave for every 30 hours worked. Employees exempt from overtime requirements under the provisions of the Fair Labor Standards Act (FLSA) §213(a)(1) or (b)(1), are presumed to work 40 hours in each workweek for purposes of paid sick time accrual unless their typical workweek is less than 40 hours, in which case paid sick time will accrue based on that typical workweek. <i>See note re: accrual during use in next section.</i> Paid sick time provided to an employee on or after January 1, 2025, and before October 1, 2025, may be counted toward an employer's obligations under the Nebraska Healthy Families and Workplaces Act for calendar year 2025. Annual Accrual Limits: “Small businesses”* with at least 11 but fewer than 20 employees: 40 hours - Employers with 20 or more employees: 56 hours Employers may set a higher limit. * “Small business” means an employer with at least 11 but fewer than 20 employees during a given week, including full-time, part-time, or temporary employees. Small business does not include an employer that maintained twenty or more employees on its payroll in each of twenty or more calendar weeks in the current or preceding calendar year. <i>No changes to Frontloading or the provision permitting lending of time.</i>
Rate of Pay	Paid sick time must be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee typically earns during hours worked and that is provided by an employer to an	Paid sick time must be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee typically earns during hours worked and that is provided by an employer to an

Nebraska Healthy Families and Workplaces Act <i>Initiative Measure 436, NRS §48-3801 - §48-3811</i>		
	Original	As Amended
	employee for the purposes described in NRS §48-3804*. In no case may the amount of this hourly rate be less than that provided under the state minimum wage (NRS §48-1203). <i>* This wording suggests that paid time under NHFWA accrues during the use of paid time (see NRS §48-3802(7)). Rules or other guidance may clarify.</i>	employee for the purposes described in NRS §48-3804*. In no case may the amount of this hourly rate be less than that provided under the state minimum wage (NRS §48-1203). <i>* This wording suggests that paid time under NHFWA accrues during the use of paid time (see NRS §48-3802(7)). Rules or other guidance may clarify.</i> For employees paid on a commission, piece-rate, mileage, or fee-for-service basis, paid sick time means time that is compensated at an hourly rate determined by the employer using the average weekly rate calculation under NRS §48-126 (<i>Workers Compensation law</i>), which shall then be reduced to an hourly rate based on a forty-hour workweek. This also applies to a paid leave policy used to satisfy the requirements of this law.
Carryover	Accrued paid sick time must be carried over to the following year. In lieu of carryover an employer may pay out unused earned paid sick time at the end of the year and provide employees with an amount of paid sick time that meets or exceeds the law's requirements for immediate use at the beginning of the subsequent year.	<i>No change; however, see note in Existing Policies section above.</i>
Termination, Transfer and Rehire	- When there is a separation from employment* and the employee is rehired within 12 months of separation by the same employer, previously accrued paid sick time that had not been used must be reinstated. The employee is be entitled to use accrued paid sick time and accrue additional paid sick time at the recommencement of employment. <i>* The law is silent as to whether accrued but unused time must be paid out upon termination of employment. Given the rehire provision, it is assumed that payout is not required; regulations or other guidance may clarify.</i> - 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 time accrued at the prior	- When there is a separation from employment* and the employee is rehired within 12 months of separation by the same employer, previously accrued paid sick time that had not been used or paid out to the employee must be reinstated. The employee is be entitled to use accrued paid sick time and accrue additional paid sick time at the recommencement of employment. Payout of accrued but unused time upon separation of employment is not required. - 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 time accrued at the prior division, entity, or location and is entitled to use all paid sick time as

Nebraska Healthy Families and Workplaces Act <i>Initiative Measure 436, NRS §48-3801 - §48-3811</i>		
	Original	As Amended
	division, entity, or location and is entitled to use all paid sick time as provided in the Nebraska Healthy Families and Workplaces Act.	provided in the Nebraska Healthy Families and Workplaces Act.
Non-Compliance Penalties	- The Commissioner of Labor will issue a citation to an employer when an investigation reveals that the employer may have violated the Nebraska Healthy Families and Workplaces Act. - When a citation is issued, the commissioner will notify the employer of the proposed administrative penalty, not to exceed \$500 in the case of a first violation and not more than \$5,000 in the case of a second or subsequent violation. - An employee having a claim for a violation of the Nebraska Healthy Families and Workplaces Act may institute suit for legal and equitable relief in the proper court. In any action brought to enforce the Nebraska Healthy Families and Workplaces Act, the court will have jurisdiction to grant such legal or equitable relief as the court deems appropriate to effectuate the purposes of the act. If an employee establishes a claim and secures judgment on the claim, such employee will also be entitled to recover the full amount of the judgment and all costs of such suit, including reasonable attorney's fees. A civil action brought under this section may be commenced no later than four calendar years after the cause of action accrues. <i>Excerpt; see §48-3808 for full content.</i>	- The Commissioner of Labor will issue a citation to an employer when an investigation reveals that the employer may have violated the Nebraska Healthy Families and Workplaces Act. - When a citation is issued, the commissioner will notify the employer of the proposed administrative penalty, not to exceed \$500 in the case of a first violation and not more than \$5,000 in the case of a second or subsequent violation. <i>Right to civil action removed.</i>
Notice to Employees	<i>No change to these requirements. The model notice is not yet available but will be posted on the NDOL's home page prior to September 15.</i> - Beginning September 15, 2025, employers must display a poster in a conspicuous and accessible place in each establishment where such employees are employed, in English and any language that is the first language spoken by at least 5% of the employer's workforce if NDOL has provided a model notice in such language. - If an employer does not maintain a physical workplace or an employee teleworks or performs work through a web-based or app-based platform, the employer may provide notice of such information via electronic communication or a conspicuous posting in the web-based or app-based platform. - Employers must provide each employee a written notice about earned paid sick time that includes the following information: - beginning October 1, 2025 employees are entitled to paid sick time;	

Nebraska Healthy Families and Workplaces Act <i>Initiative Measure 436, NRS §48-3801 - §48-3811</i>	
Original	As Amended
	- the amount of paid sick time; - the terms of its use guaranteed under the Nebraska Healthy Families and Workplaces Act; - that retaliatory personnel action against employees who request or use paid sick time is prohibited; - that each employee has the right to file a suit or complaint if paid sick time as required by the Act is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking paid sick time; and - the contact information for NDOL where questions about rights and responsibilities under the act can be answered. This notice must be provided in English and any language that is the first language spoken by at least 5% of the employer's workforce if NDOL has provided a model notice in such language: - to all employees by September 15, 2025; and - upon an employee's commencement of employment. 3) The amount of paid sick time available to the employee, the amount of paid sick time taken by the employee to date in the year, and the amount of pay the employee has received as paid sick time must be recorded in, or on an attachment to, the employee's regular paycheck.

New York City Earned Safe and Sick Time – Amendment, Updated Model Notice (eff. 7/2/25)

As most recently covered in our [December 20, 2024 Update](#), New York State's accrued paid leave law was amended effective [January 1, 2025](#) to include a separate bank of 20 hours of [paid prenatal leave](#) each year. This (unaccrued) time may be taken for health care services received by an employee during pregnancy or related to pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider.

[Section 20-923\(c\)](#) of New York City's [Earned Safe and Sick Time Act \(ESSTA\)](#) states that, where the state's law or regulations set forth a standard or requirement for minimum hour or use of safe or sick time that exceeds any provision in ESSTA, that standard or requirement must be incorporated into the ESSTA law by reference. Therefore, as a result of the change to the state law, NYC's Department of Consumer and Worker Protection (DCWP) recently adopted amendments to the [ESSTA rules](#) to include [paid prenatal leave requirements](#). The updated rules are effective [July 2, 2025](#).

The [revised rules](#) and updated [Frequently Asked Questions](#) include the following details (*note that this is not a full summary of the ESSTA rules or FAQ, only as they apply to paid prenatal leave*):

- Beginning [January 1, 2025](#), every employer, [regardless of employer size](#), must allow an employee to use up to [20 hours of paid prenatal leave](#) per 52-week period. The 52-week period begins on the first day an employee uses paid prenatal leave.
Paid prenatal leave:
 - [does not accrue](#);
 - must be available for use as of the [later of January 1, 2025 or an employee's first date of employment](#);
 - is [in addition to any time accrued](#) under ESSTA (*up to 40 hours per year for employees of employers with 99 or fewer employees, and up to 56 hours for those of employers with 100 or more employees*);
 - is [distinct from other leave](#), including safe and sick leave or paid time off;
 - may be used for [more than one pregnancy](#) during the 52-week period; and

- does not carry over from year to year.
- An employer must provide paid prenatal leave [when an employee communicates to the employer that the employee needs time off](#) for health care services to be received by such employee during their pregnancy or related to such pregnancy, unless an employee specifically requests to use other leave in lieu of paid prenatal leave.
 - An employer [may not request or require that an employee disclose such employee's medical condition](#) or the nature of the health care services as a condition of providing paid prenatal leave.
- **Use of Paid Prenatal Leave:**
 - An [employer may not require an employee to use other leave](#) in lieu of paid prenatal leave, exhaust other leave before using paid prenatal leave, or use or exhaust paid prenatal leave before using other leave, unless otherwise in conflict with state or federal law or regulations.
 - An employer may set a reasonable [minimum increment](#) for the use of paid prenatal leave, but this minimum may not be more than [one hour per day](#); must be reasonable under the circumstances; and must be explained in the employer's written policy.
 - **Notice to Employer:**
 - An employer that requires notice of the need to use paid prenatal leave where the need is [foreseeable](#) must have a written policy that contains procedures for the employee to provide reasonable notice, which [may not require more than seven days' notice](#) prior to the date such leave is to begin. The employer may require that such notice be in writing.
 - An employer that requires notice of the need to use paid prenatal leave where the need is [not foreseeable](#) shall provide a written policy that outlines [reasonable procedures](#) for the employee to provide notice as soon as practicable. These procedures may not include a requirement that the employee appear in person at a worksite or deliver any document to the employer prior to using leave.
 - **Documentation** may be required for use of paid prenatal leave for [more than three consecutive workdays](#).
 - Written documentation signed by a licensed clinical social worker, licensed mental health counselor, or other licensed health care provider indicating the need for the amount of leave taken will be considered reasonable documentation. However, an [employer cannot require disclosure of details](#), except the dates that leave is needed.
 - The employer is required to [reimburse an employee for all reasonable costs](#) or expenses incurred for the purpose of obtaining this documentation.
 - If the employer requires reasonable written documentation, the employer is not required to pay paid prenatal leave until the employee has provided such documentation or confirmation, *except that* an employer may not withhold payment of paid prenatal leave when the required documentation is unattainable by the employee due to associated costs.
 - Upon mutual consent of the employee and the employer, an [employee's schedule may be changed](#) in lieu of using paid prenatal leave.
 - An employer [may not require](#) an employee, as a condition of taking paid prenatal leave, to [work additional hours](#) to make up for the original hours for which such employee used paid prenatal leave or to search for or [find a replacement employee](#) to cover the hours during which the employee uses paid prenatal leave.
- **Payment:**
 - Paid prenatal leave must be paid at the [employee's regular rate of pay](#), but not less than the rate of pay under the state minimum wage or any other applicable federal, state, or local law, rule, contract, or agreement.
 - Leave taken must be paid [no later than the payday for the next regular payroll period](#) beginning after the paid prenatal leave was used by the employee.
- **Recordkeeping:**
 - Currently, in accordance with [RCNY §7-207](#), the amount of safe/sick time accrued and used during a pay period and an employee's total balance of accrued safe/sick time must be [noted on a pay](#)

[statement](#) or other form of written documentation provided to the employee each pay period. An employer may use an electronic system for this purpose, as long as the information is readily accessible by employees outside of the workplace and employees are notified each pay period that the information is available.

The revised rules extend this requirement to [include the amount of paid prenatal leave](#) used during that pay period and the remaining amount available; this may be provided on the same notice used to reflect paid safe/sick time or in separate written documentation.

- Records detailing the amount of paid prenatal leave used by an employee during each pay period, and the employee's balance of paid prenatal leave must be maintained for [three years](#).
- Any information the employer receives about the employee's use of paid prenatal leave must be kept [confidential](#) and not disclosed to anyone without the employee's written permission or as required by law.
- The rule amendments also clarify the [penalties and remedies](#) that DCWP may order for violations of paid prenatal leave requirements.

The DCWP has updated their [Paid Safe and Sick Leave Law webpage](#) to reflect the addition of paid prenatal leave. At this time, employers are advised to:

- 1) Review and [update their NYC paid safe/sick time policy](#) (*full policy requirements are listed under [RCNY §7-211](#); view amendments regarding paid prenatal leave under [§7-211 of the revised rules](#)*).
 - Employers are required to provide their written policy to each employee upon commencement of employment, [within 14 days of the effective date of any changes to the policy](#), and upon request by the employee.
- 2) [Post](#) the updated [Notice of Employee Rights](#), and make sure the new version is included in [new hire materials](#).

Philadelphia, PA Promoting Healthy Families and Workplaces Act – Amendments (*eff. 5/27/25*)

Last month the mayor of Philadelphia signed the [Protect Our Workers, Enforce Rights \(“POWER”\) Act](#) ([Bill No. 250065](#)), amending [Title 9 of the Philadelphia Code](#) as it pertains to paid sick leave, wage theft, protection of domestic workers, fair work week, protecting victims of retaliation, and strengthening enforcement of these worker protection ordinances effective [May 27, 2025](#).

For the purposes of this Update, the following are the changes specific to the city's [accrued paid sick leave law](#):

Covered Employees

Employees who perform work within the geographic boundaries of the City of Philadelphia for at least [40 hours in a year](#) are eligible for paid sick leave.

Prior to the amendments, individuals [excluded](#) were independent contractors, seasonal workers, adjunct professors, employees hired for a term of less than six months, interns, pool employees, State and Federal employees, and employees covered by a bona fide collective bargaining agreement (CBA).

The Act updates covered groups so that:

- paid sick leave [requirements apply to CBA employees who are in a probationary period](#); and
- employees of the City are [excluded](#).

Rate of Pay for Tipped Employees

Paid sick time must be paid at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns from employment at the time the employee uses the paid sick time.

The amendments add that the [hourly rate of pay for tipped employees](#), defined as employees who customarily and regularly receive more than \$50 a month in tips from the same employment, must be calculated using the average of:

- 1) the hourly wage for Standard Occupational Classification (SOC) Code 35-3011 “Bartenders”
- 2) the hourly wage for SOC 35-3031 “Waiters & Waitresses” and
- 3) the hourly wage for SOC 35-9011 “Dining Room & Cafeteria Attendants & Bartender Helpers”.

This appears to correspond to the rate for “predictability pay” under the city’s [Fair Workweek law](#) established each year ([Philadelphia Code Ch. 9-4600](#)) – see the [Fair Workweek Tipped Rate Predictability Pay memo](#), stating that the rate through June 30, 2026 is [\\$16.86](#) (updated 7/31/25).

Notice to Employees

[§9-4107](#) of the paid sick leave law requires employers to notify their employees of their rights under the paid sick leave law by including the information in the employee handbook, and via individual notice or a conspicuous and accessible posting.

This section was removed and notice requirements now fall under a new section applying to all worker protection ordinances ([§9-6607](#)), which states that employers must notify their employees of their rights, including that retaliation is prohibited and instructing employees how to file a complaint for violations, by either:

- 1) providing [each employee](#) with written notice; or
- 2) [displaying a poster](#) in a conspicuous and accessible place in each establishment where workers are employed.

Note that the specific requirement for [inclusion in a handbook](#) has been removed.

Notice must be supplied in English and in any language that is the first language spoken by at least 5% of the employer’s workforce.

The Philadelphia Department of Labor’s [Office of Worker Protections \(OWP\)](#) will be creating [model notices](#).

OWP will also have the authority to seek penalties and fines or other appropriate remedies for non-compliance with notice requirements. Penalties may be up to \$2,000 for each violation. In addition, an employer’s failure to provide notice to employees as required will suspend the statute of limitations for the filing of an administrative complaint or civil action for the time period during which the employer was proven to be non-compliant.

Recordkeeping

[§9-4108](#) of the paid sick leave law requires employers to keep records documenting hours worked by employees, sick time taken by employees and payment made to employees for the sick time for a period of [two years](#).

This section was amended to require that these records be retained for [three years](#).

Employers must provide records to OWP upon request. An employer’s failure to produce records timely will be presumed that the employer is in violation of this requirement.

Enforcement

The Act adds a new chapter (9-6600) to [Title 9](#) to consolidate enforcement procedures across the worker protection ordinances. The new chapter details the process for complaints, investigations, appeals and remedies.

Oregon Paid Sick Time – Amendments (eff. 1/1/26)

Oregon’s [Paid Sick Time](#) law currently states that accrued time may be used:

- 1) for needs associated with an [employee’s mental or physical illness, injury or health condition](#), including preventive care, diagnosis, and treatment;
- 2) for needs associated with a [family member’s mental or physical illness, injury or health condition](#), including preventive care, diagnosis, and treatment;
- 3) for purposes covered by [OFLA](#);
- 4) for absences related to [domestic violence, harassment, sexual assault, bias or stalking](#) of the employee or the employee’s minor child (*as outlined in [ORS 659A.272](#)*);
- 5) to [donate](#) accrued sick time to another employee if the other employee uses the donated sick time for a PST-qualifying purpose and the employer has a policy that allows an employee to donate sick time to a coworker; or
- 6) for reasons associated with a [public health emergency](#).

The governor recently signed two bills adding to this list:

- [SB69](#) (May 14) adds that accrued time may be used for [purposes authorized under Paid Leave Oregon](#). Note that this amendment could be considered more of a “housekeeping” item, as this reason has been included in the Paid Sick Time [regulations](#) since 2023.
See SB69’s amendments to Paid Leave Oregon (PLO) and the Oregon Family and Medical Leave Act (OFLA) summarized [above](#).
- [SB1108](#) (May 28) adds that, effective [January 1, 2026](#), time may be used for [blood donation](#) that is made in connection with a voluntary program for the donation of blood that is approved or accredited by the American Association of Blood Banks or the American Red Cross.

Washington Paid Sick Leave – Amendment (eff. 7/27/25)

Washington’s [Paid Sick Leave](#) law provides that accrued time may be used:

- 1) for needs associated with an [employee’s mental or physical illness, injury or health condition](#), including preventive care, diagnosis, and treatment;
- 2) for needs associated with a [family member’s mental or physical illness, injury or health condition](#), including preventive care, diagnosis, and treatment;
- 3) for an absence that qualifies for leave under the state’s [domestic violence leave act](#); and
- 4) if the employee’s workplace or their child’s school or place of care has been [closed by order of a public official](#) for any health-related reason by order of a public official; or
- 5) when a child’s school or place of care is closed due to the [declaration of an emergency](#) by a local or state government or agency, or by the federal government.

On [April 25](#) the governor signed [HB1875](#) adding that, effective [July 27, 2025](#), time may also be used to allow the employee to prepare for, or participate in, any [judicial or administrative immigration proceeding](#) involving the employee or employee’s family member.

If an employer requires documentation as [permitted](#), the employee may provide, and the employer must accept, one of the following as verification of the need for leave for this reason:

- documentation that the employee or the employee’s family member is involved in a qualifying immigration proceeding from an advocate for immigrants or refugees, an attorney, a member of the clergy, or other professional; or
- an employee’s written statement that the employee or the employee’s family member is involved in a qualifying immigration proceeding and that the leave taken was for this purpose.

The documentation or written statement provided must not disclose any personally identifiable information about a person’s immigration status or underlying immigration protection, and must be treated by the employer as confidential or privileged.

Employers should update their paid sick leave policies to reflect this change; requirements and guidance may be found on the Washington State Department of Labor and Industries’ [dedicated webpage](#).

Other News

Indiana Leave for School Conferences – NEW (eff. 7/1/25)

On [April 24](#) the governor of Indiana signed [SB409 / Public Law 109](#), adding a new chapter (IC 22-2-20) to the state's [Labor Code](#) prohibiting employers with one or more employees from taking adverse employment action against an employee as a result of the employee's absence from work to attend:

- 1) an attendance conference resulting from a [child's truancy \(IC 20-33-2.5\)](#); or
- 2) a case conference committee meeting relating to a [child's Individualized Education Program \(IEP\)](#).

Action may be taken, however, if more than one meeting or conference in a calendar year, if the absence was longer than reasonably necessary for travel and for the meeting itself, or if the employee failed to give the employer at least five days' advance notice. Employers are not required to pay an employee for such absences, and may require documentation that the employee attended the meeting.

The new law is [effective July 1, 2025](#) and [expires July 1, 2029](#).

Iowa Parity for Adoptive Parents – NEW (eff. 7/1/25)

On [May 19](#) the governor of Iowa signed [HF248](#), adding a new chapter (91A.5B) to the [Iowa Code](#) that, effective [July 1, 2025](#), requires employers to treat an employee who chooses to adopt a child up to six years of age in the same manner as an employee who is the biological parent of a newborn child for purposes of employment policies, benefits, and protections for the first year of the adoption. The law specifies that this does not entitle an employee to disability leave without a qualifying disability under an employer's disability policies.

New York COVID-19 Sick Leave – Expiration Reminder (7/31/25)

As noted in our [June 6, 2024 Update](#), the governor of New York's 2024 budget included a repeal of the [COVID-19 Sick Leave](#) law. The law's requirements expire as of [July 31, 2025](#).

New York City Lactation Accommodations – Amendments, Model Policy (eff. 5/8/25)

[NYC Admin. Code §8-107\(22\)](#) prohibits employers with four or more employees from refusing to provide a [reasonable accommodation](#) for an [employee's needs associated with pregnancy, childbirth, or a related medical condition](#) that will allow the employee to perform the essential requisites of the job, if the employee's condition is known or should have been known by the employer.

The law also requires employers to meet certain requirements to accommodate an employee's need to [express breast milk](#), such as a private space and a refrigerator suitable for storing breast milk in reasonable proximity to the employee's work area. Employers must also [develop and implement a written policy](#) that outlines:

- that the employer will provide reasonable break time for an employee to express breast milk;
- that employees have a right to request a lactation room;
- the means by which an employee may submit a request for a lactation room;
- that the employer is required to respond to a request for a lactation room within a reasonable amount of time not to exceed five business days;
- a procedure to follow when two or more individuals need to use the lactation room at the same time, including contact information for any follow up required; and
- that if the request for a lactation room poses an undue hardship on the employer, the employer shall engage in a cooperative dialogue.

In late 2024 the New York City Council enacted [Local Law 109](#), making amendments to the policy requirements effective [May 8, 2025](#):

- A period of ["reasonable" break time \(#1 above\)](#) is specified as [30 minutes](#); and this [time must be paid](#). The employer must permit an employee to use existing paid break time or meal time for time in excess of

30 minutes. This brings the city's requirements in line with [the state's](#) as amended effective June 19, 2024 (see our [June 6, 2024 Update](#) for more details).

- Previously, the employer was required to provide the written policy to new employees upon hiring. The amended law requires the policy to be:
 - 1) provided to [new employees](#) at commencement of employment; and
 - 2) [posted](#) conspicuously at the employer's place of business in an area accessible to employees and electronically on such employer's intranet, if one exists.

The New York City Commission on Human Rights has posted several [model lactation accommodation policies](#) and other resources on their [Lactation Accommodations webpage](#).

Washington Domestic Violence Leave – Amendment (eff. 1/1/26)

Washington's [Domestic Violence Leave law](#) entitles employees with leave or reasonable safety accommodation if they or a covered family member is a victim of domestic violence, sexual assault, or stalking.

On [May 20](#) the governor of Washington signed [SB5101](#), extending the law's protections to [victims of hate crimes](#) effective [January 1, 2026](#). "Hate crime" is defined as the commission, attempted commission, or alleged commission of an offense described in [RCW 9A.36.080](#) and includes, but is not limited to, offenses that are committed through online or internet-based communication.

For more information on the law, visit the Washington State Department of Labor and Industries' [dedicated webpage](#).

Washington Pregnancy and Breastfeeding Accommodations – Amendments (eff. 1/1/27)

Washington's "[Healthy Starts Act](#)" requires employers with 15 or more employees to, absent undue hardship, provide reasonable accommodations for employees during pregnancy, such as flexibility with meal/break times, job responsibilities and scheduling, and for needs associated with breastfeeding for up to two years following childbirth.

On [May 20](#) the governor of Washington signed [SB5217](#), which repeals the current law ([RCW 43.10.005](#)) and re-establishes it as a chapter within the state's labor code ([RCW 49](#)) effective [January 1, 2027](#). The "new" law largely resembles the current law, but does include with a few changes, including:

- The law will apply to employers with [one or more employees](#).
- Scheduling flexibility for [postpartum](#) doctor visits is included as an accommodation that may be considered reasonable.
- Any [break time and any time traveling to a location to express milk must be paid](#) to the employee at the employee's regular compensation rate. An employee must not be required to use paid leave during break or travel time to express milk during work. Any break time to express milk is in addition to meal and rest periods under [RCW 49.12](#).
- Oversight will be the responsibility of the [Washington Department of Labor and Industries](#) (vs. the Attorney General). Amendments to the law reflect updated parameters for handling of complaints, dispute resolution, and non-compliance penalties.

SB5217 also amends the state's laws regarding juries ([RCW 2.36](#)) so that a person who is [breastfeeding or expressing breast milk for an infant under 24 months old may request to delay or be excused from jury service](#) if the person attests that they are unable to serve for this reason. An attestation form will be developed and may not include a requirement that a doctor's note be provided. This request must be granted by the court.

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