



Utah is Changing:

Should Our Leave
Laws Follow Suit?

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L. Jenna Gould | September 1, 2021

Introduction

Nearly three decades ago, President Clinton signed the Family and Medical Leave Act (FMLA) into law, guaranteeing eligible employees with up to 12 weeks of *unpaid*, job-protected leave per year.¹ In 1996, the bipartisan Commission on Family and Medical Leave released a report stating that only “slightly more than half (54.9 percent) of U.S. workers . . . actually [met] . . . the requirements for taking leave” under FMLA.² Based on recent data, the number of employees eligible for FMLA has hardly changed: only around 56 percent of U.S. employees are currently eligible.³ In addition to the narrow scope of coverage, FMLA also lacks several key protections shared by the vast number of developed countries: namely, *paid* parental leave.⁴ While the protections afforded by FMLA are limited by the standards of the developed world,⁵ the law still represents the U.S.’ most sweeping and *only* successful attempt to “help employees balance work and family life” through a federal leave law.⁶ In fact, mothers in the U.S. are the only women in the developed world that lack support from a specific national policy that grants paid time off to bond with and care for their infants. To supplement unpaid leave coverage with paid coverage, mothers are likely to use up their sick and vacation pay or utilize short-term disability insurance if offered by their employer where wage replacement is up to 66% of their income.⁷ This means that if these women get sick or have an emergency later in the year, they have no leave time left to utilize.

Given the narrow scope of FMLA coverage and concomitant lack of paid leave protections, some states have responded with their own leave laws, leaving the U.S. with a patchwork of family and medical leave protections.⁸ In most cases, states simply expanded the coverage for *unpaid* leave to those working for private employers with less than 50 employees. In 2002, California became the first state to enact a *paid* family leave program, leveraging the financing structure of the state disability program to provide up to eight weeks of benefits to covered workers.⁹ As of 2021, eight states and the District of Columbia have

¹ In particular, FMLA only protects those employees who have worked for a covered employer for at least 12 months and have worked at least 1,250 hours during the 12 months preceding the start of FMLA leave. Covered employers are further limited to private employers with at least 50 employees and public entities. Finally, FMLA only covers a narrow range of absences, such as an employee’s absence due to a serious health condition or leave for the birth and care of a child. Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601–2654 (2009). *See also* Congressional Research Service. (2020, February 19). Paid Family and Medical Leave in the United States. <https://crsreports.congress.gov/product/pdf/R/R44835>

² Commission on Family and Medical Leave. (1996, April 30). A workable balance: Report to Congress on Family and Medical Leave Policies. <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/FMLAReport1995.pdf>

³ Brown, S., Herr, J., Roy, R., & Klerman, J. A. (2020, July). Employee and worksite perspectives of the Family and Medical Leave Act: Results from the 2018 surveys. <https://www.dol.gov/agencies/oasp/evaluation/fmla2018>

⁴ Livingston, G., & Thomas, D. (2019, December 19). Among 41 countries, only U.S. lacks paid parental leave. *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2019/12/16/u-s-lacks-mandated-paid-parental-leave/>

⁵ Across the member states of the Organisation for Economic Co-operation and Development (OECD), mothers are entitled to an average of over 18 weeks of paid maternity leave around childbirth. The United States “is the only OECD country to offer no statutory entitlement to paid leave on a national basis.” OECD. (2019, August). Parental leave systems. *OECD Family Database*. <https://www.oecd.org/els/family/database.htm>

⁶ Note failed 2009 attempt.

⁷ Stearns, J. (2015). The effects of paid maternity leave: Evidence from Temporary Disability Insurance. *Journal of Health Economics*, 43, 85-102. <https://doi.org/10.1016/j.jhealeco.2015.04.005>

⁸ *See* Appendix.

⁹ California Employment Development Department. (2021). Overview of California’s paid family leave program. DE 2530 Rev. 4 (12-20). https://www.edd.ca.gov/pdf_pub_ctr/de2530.pdf

also enacted paid family leave programs,¹⁰ with some, such as New Jersey, following the California approach of funding the benefits through employee payroll deductions, whereas others use combined employer and employee premiums. In 2012, Connecticut became the first state to require private employers of 50 or more employees to provide paid *sick* leave to their employees and was soon followed by 13 more states and the District of Columbia.¹¹ Nevertheless, across Utah and more than a dozen other states, FMLA continues to provide the only family and medical leave protection for workers.¹²

Despite the fact that paid family and medical leave has only been adopted by a handful of states, the reshuffling of the U.S. labor market due to the COVID-19 pandemic (where more women dropped out of the labor force, and the most affected industries employ more women)¹³ and long-term demographic trends may finally signal a paradigm shift.¹⁴ Across the country, the prospect of paid family and medical leave draws significant—not to mention *rare*—bipartisan support, particularly among women voters. Indeed, one recent poll found that as many as 82 percent of U.S. adults favored some form of paid parental leave, with high support across political lines.¹⁵ In Utah specifically, the gendered labor force effects during COVID-19 has helped prompt calls for expanded family leave protections and has started to shape the very leave policies offered by state and municipal employers, as well as private businesses.¹⁶

As Utah lawmakers face mounting calls for legislative actions to address the lack of state leave laws, the following White Paper provides lawmakers and policy advocates with an overview of state leave laws across the country and a discussion of the effects of expanded family and medical leave. Finally, this paper concludes with targeted recommendations for Utah.

State Leave Laws

In addition to the protections afforded by FMLA, there has been a proliferation of state leave protections implemented over the past couple of decades. In many cases, states have simply bolstered the coverage of FMLA to cover employees working less than 1,250 hours per year or employees working for smaller employers.¹⁷ Additional states have created completely new forms of protected employee absences, such as crime victim leave, voting time-off, and school-related leave. Ultimately, the most notable departure from the scope of FMLA has been the growing number of states to adopt *paid* family and medical leave protections.

Expanded FMLA Coverage: More than 20 states have passed so-called “mini FMLA” laws, expanding family and medical leave protection to cover more employees, more employers, or a broader range of absence types. As of 2021, at least 14 states have expanded the scope of covered employers under FMLA

¹⁰ Kaiser Family Foundation. (2020, December 14). Paid family and sick leave in the U.S.

<https://www.kff.org/womens-health-policy/fact-sheet/paid-family-leave-and-sick-days-in-the-u-s/>

¹¹ National Conference of State Legislatures. (2020, July 21). Paid sick leave. <https://www.ncsl.org/research/labor-and-employment/paid-sick-leave.aspx>

¹² See Kaiser Family Foundation, *supra* note 9.

¹³ Kem C. Gardner Policy Institute. (2021, March). *COVID-19 impacts by gender*. <https://gardner.utah.edu/wp-content/uploads/C19Impacts-FS-Mar2021.pdf>

¹⁴ Canham, M. (2021, June 11). Utahns are having fewer kids. Why that may be a problem and what to do about it. *Salt Lake Tribune*. <https://www.sltrib.com/news/politics/2021/06/11/utahns-are-having-fewer/>. See also Collins, L. M. (2018, October 1). In the last 25 years, who’s working and who’s staying home with the kids? *Deseret News*. <https://www.deseret.com/2018/10/2/20654936/in-the-last-25-years-who-s-working-and-who-s-staying-home-with-the-kids>.

¹⁵ Weber, L. (2016, December 13). Most Americans support paid leave for workers, poll finds. *Wall Street Journal*. <https://www.wsj.com/articles/most-americans-support-paid-leave-for-workers-poll-finds-1481641205>. See also Horowitz, J. M., Parker, Kim., Graf, N., & Livingston, G. (2017, March 23). Americans widely support paid family and medical leave, but differ over specific policies. *Pew Research Center*. <https://www.pewresearch.org/social-trends/2017/03/23/americans-widely-support-paid-family-and-medical-leave-but-differ-over-specific-policies/>

¹⁶ Israelsen-Hartley, S. (2018, February 12). Inside the movement for paid time off to have a baby—in Utah and beyond. *Deseret News*. <https://www.deseret.com/2018/2/12/20639891/inside-the-movement-for-paid-time-off-to-have-a-baby-in-utah-and-beyond>

¹⁷ See Appendix.

for certain types of absences. In Montana, for example, state law requires *all* employers to give employees time off for pregnancy and childbirth,¹⁸ whereas other states, such as Maine and Minnesota have lowered the threshold number of employees down to 15 and 20, respectively.¹⁹ Several additional states have lowered the number of hours or months an employee needs to work for a particular employer before becoming eligible for FMLA, such as New Jersey and Wisconsin.²⁰ Finally, some states extend the maximum length of FMLA leave or provide additional reasons for FMLA leave. In Rhode Island and Connecticut, for example, state law allows employees to take as many as 13 and 16 weeks off, respectively, for the birth of a child²¹

Pregnancy Leave: Perhaps the most notable departure from FMLA has been states' willingness to expand leave protections for pregnant women and women who have recently given birth. These expanded protections have found particular resonance across the Rocky Mountain West and many politically conservative states. These laws supplement federal protections, such as the Pregnancy Discrimination Act (PDA), which requires employers to treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes as other persons not so affected but *similarly situated* based on their ability to work.²² However, at least a dozen states have gone slightly further than the PDA, requiring employers to treat pregnancy-related disabilities *the same as* other temporary conditions regarding leave and other benefits.²³

As of 2021, at least five states have expressly extended the length of protected leave for pregnancy and childbirth beyond the federal standard of 12 weeks: California, Hawaii, Louisiana, Massachusetts, and Tennessee.²⁴ Nearly half of all states have passed laws requiring employers with less than 50 employees to provide unpaid pregnancy leave for workers and a handful of states have even expanded eligibility to cover workers with less than 1,250 hours of work during the preceding 12 months. In Utah and several other states, the respective state statutes provide that employers must provide pregnant employees with “reasonable accommodation,” which can extend to short-term leave.²⁵

Military Family Leave: Under FMLA, covered employers must permit employees to take 12 weeks of unpaid leave for any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is a member of the Armed Forces, National Guard, or Reserves on covered active duty or call to covered active-duty status.²⁶ Nevertheless, FMLA does not preempt state and local laws providing greater military family leave rights. As of 2021, at least 11 states have passed laws that supplement FMLA military family leave protections.

Non-FMLA Protected Absences: Whereas only around half of states have expanded FMLA coverage through state law to provide greater protections for military families or pregnant employees, nearly *every* state has protected at least one other form of employee absence beyond the terms of FMLA, such as crime victim leave, voting time off, or school-related leave.

- **Crime Victim Leave:** At present, 34 states have laws that require employers to provide some form of *unpaid* leave for qualified crime victims. An additional eight states have laws that provide for unpaid leave for domestic violence victims, but do not have a general crime victim leave statute on the books. In Utah and 19 other states, crime victims are only provided with protected leave when they are *required* to appear before a court, *e.g.*, when they receive a subpoena to testify as a witness, or when they are required to provide pre-trial support to the prosecution. The remaining

¹⁸ Mont. Code Ann. 49-2-310.

¹⁹ 26 M.R.S. 637; Minn. Stat. § 181.9414.

²⁰ N.J. Admin. Code § 13:14-1.2; Wis. Stat. § 103.10(2)(c).

²¹ Conn. Gen. Stat. § 31-511(a)(1) (effective Jan. 1, 2022); R.I. Gen. Laws § 28-48-2. *See also* Paycor. (2020, July 29). Maternity leave laws by state. <https://www.paycor.com/resource-center/articles/maternity-leave-laws-by-state/>

²² Pregnancy Discrimination Act of 1978, 42 U.S.C. §§ 2000e et seq.

²³ *See, e.g.*, Tex. Lab. Code Ann. § 21.001 et seq.

²⁴ *See* Appendix.

²⁵ *See, e.g.*, Utah Code Ann. § 34A-5-106(1)(g).

²⁶ *See supra* note 1.

14 states with crime victim leave provisions provide broad protection for employees to attend criminal proceedings more generally, even absent a subpoena to testify.

- **Voting Time Off:** Currently, 30 states have laws that protect anywhere from 1-4 hours of voting time for qualified employees, such as those who do not have at least three non-work hours available while polls are open. In 22 states, including Utah,²⁷ employers may not penalize or deduct from an employee’s usual salary or wages on account of their absence. However, the rest of the states only allow *unpaid* voting time-off, wherein the employer may deduct employees’ wages for time spent at the polls.
- **School-Related Leave:** Finally, 10 states provide protections for “school-related” leave—generally between 4-24 hours per academic year—so that parents can attend parent-teacher conferences, school performances, and other school-related functions.

Paid Family and Medical Leave: Notwithstanding these expanded state leave protections, the most significant development over the past 20 years has been the emergence of paid family and medical leave programs across the U.S. In 1993, less than 3 percent of full-time U.S. workers employed by the private sector had access to paid *maternity* leave.²⁸ By 2020, the share of private-sector employees entitled to paid family leave had grown to 20 percent,²⁹ driven largely by state adoptions of paid family leave programs. In 2002, California became the first state to adopt a paid family leave program, followed by New Jersey in 2008 and Rhode Island in 2013. Between 2016-2020, six additional states adopted paid family leave programs: New York, Washington, Massachusetts, Connecticut, Oregon, and Colorado.³⁰ While California and Connecticut finance their paid family leave policies solely through employee payroll taxes, most states, including Colorado, Washington, and Massachusetts, generally require employees and employers to share the costs of the paid family leave programs through premium payments made to a state plan.

Paid Sick Leave: While FMLA provides for up to 12 weeks of unpaid leave for certain medical situations, there are no federal requirements for general paid or unpaid sick leave. Nevertheless, at least 14 states have passed laws requiring some form of *paid* sick leave, covering not only conditions under the FMLA but also short-term medical conditions that may fall outside the terms of the law. These laws have seen slightly more success than paid family leave and have been adopted by a handful of more politically moderate states, such as Arizona and Minnesota.

In sum, the unique nature of American federalism, combined with the narrow protections afforded by FMLA, has led to the development of a complex patchwork quilt of leave laws across the country. Importantly, the status quo has allowed states to find solutions that accord with their socioeconomic circumstances and policy preferences but has also created a complex maze for multi-state employers to navigate.³¹

The Effects of Paid Family and Medical Leave

Despite the fact that paid family and medical leave has not yet been widely adopted across the U.S., these early programs have prompted considerable academic and policy research. In recent years, studies have ranged from reports on the effects of paid family leave on birth outcomes and maternal health to analyses on mothers’ labor market outcomes. In one recent paper, neonatological researchers concluded that the “[i]mplementation of paid family leave policies in California was associated with a 12 percent reduction

²⁷ Utah Code Ann. § 20A-3-105.

²⁸ Waldfogel, J. (1999, October). Family leave coverage in the 1990s. *Monthly Labor Review*. <https://www.bls.gov/opub/mlr/1999/10/art2full.pdf>

²⁹ U.S. Department of Labor. (2020, September). National Compensation Survey: Employee benefits in the United States, March 2020. <https://www.bls.gov/ncs/ebs/benefits/2020/employee-benefits-in-the-united-states-march-2020.pdf#page=299>

³⁰ See Kaiser Family Foundation, *supra* note 9.

³¹ See Kaiser Family Foundation, *supra* note 9.

in postneonatal mortality after adjusting for maternal and neonatal factors.”³² An additional study found that after California’s adoption of paid family leave, “California children experienced lower probabilities of overweight, ADHD, hearing problems, and frequent ear infections,” and that “parents’ overall assessment of their children’s health improved.”³³ In terms of labor participation, successive studies have found that paid family leave programs are associated with higher rates of labor market participation among women.³⁴

Nevertheless, paid family leave proposals have encountered stiff oppositions from some private employers, who point to the costs of providing paid family leave and the suitability of employer-elected benefits.³⁵ Moreover, some researchers suggest that the overall effects of paid family leave may be far less rosy than some proponents claim. One study found that, “[a]mong young women, California’s unemployment rate and unemployment duration increased after the law . . . consistent with firms increasing their demand for men and older women at the expense of young women.”³⁶ Ultimately, the recent emergence and limited scope of paid family leave programs in the U.S. necessitates caution in making broad assessments about the potential effects of paid family leave on unaffected states, such as Utah.

The Politics of Paid Family and Medical Leave

Thus far, only states with so-called Democratic “trifectas” have managed to pass some form of paid family and medical leave.³⁷ Even still, polling data and recent efforts by Republican politicians suggests that the political landscape around paid family leave might be quickly transforming. During the course of the 2016 U.S. presidential election, for example, surveys found that Republican support for expanded family leave grew markedly—as then-presidential candidate Donald Trump spoke positively of the paid family leave plans proposed by his daughter, Ivanka Trump.³⁸ One poll found that “majority of voters in every subgroup, including the most ideologically conservative men who voted for President-elect Trump, say it is important for the next president and Congress to consider laws that would ensure access to paid

³² Montoya-Williams, D., Passarella, M., & Lorch, S.A. (2020, October). The impact of paid family leave in the United States on birth outcomes and mortality in the first year of life. *Health Services Research*, 55(52), 807-814. <https://doi.org/10.1111/1475-6773.13288>

³³ Lichtman-Sadot, S., & Bell, N. P. (2017). Child health in elementary school following California’s paid family leave program. *Journal of Policy Analysis and Management*, 36(4), 790-827. <https://pubmed.ncbi.nlm.nih.gov/28991423/>

³⁴ Byker, T. S. (2016, May). Paid parental leave laws in the United States: Does short-duration leave affect women’s labor-force attachment? *American Economic Review*, 106(5), 242-246.

<https://www.aeaweb.org/articles?id=10.1257/aer.p20161118>. (“short-duration paid leave increases labor force attachment of women who otherwise would have exited the labor force temporarily in the months around a birth”). See also Das, T., & Polachek, S. W. (2015, February 12). Unanticipated effects of California’s paid family leave program. *Contemporary Economic Policy*. <https://doi.org/10.1111/coep.12102>. (“Our analyses clearly suggest that the CPFL induced young women to participate somewhat more in the labor market than the typical state”).

³⁵ But see Bartel, A.P., Rossin-Slater, M., Ruhm, C. J., Slopen, M., & Waldfogel, J. (2021, April). The impact of paid family leave on employers: Evidence from New York.

https://www.nber.org/papers/w28672?utm_campaign=ntwh&utm_medium=email&utm_source=ntwg1. See also Appelbaum, E., & Milkman, R. (2011, January 19). Paid family leave pays off in California. *Harvard Business Review*. <https://hbr.org/2011/01/paid-family-leave-pays-off-in>

³⁶ See Das & Polachek, *supra* note 32. See also Miller, C. M. (2015, May 26). When family friendly policies backfire. *New York Times*. <https://www.nytimes.com/2015/05/26/upshot/when-family-friendly-policies-backfire.html>; Miller, C. M. (2019, November 11). A surprising finding on paid leave: ‘this is not the way we teach this.’ *New York Times*. <https://www.nytimes.com/2019/11/11/upshot/paid-family-leave-research-surprise.html>

³⁷ A state government trifecta is a term used to describe a single party government, wherein one party holds the governorship, a majority the state senate, and a majority in the state house in a state government. See Ballotpedia. (2021). State government trifectas. https://ballotpedia.org/State_government_trifectas

³⁸ Sullivan, S., & Costa, R. (2016, September 13). Donald Trump unveils child-care policy influenced by Ivanka Trump. *Washington Post*. <https://www.washingtonpost.com/news/post-politics/wp/2016/09/13/donald-trump-joined-by-ivanka-trump-to-outline-child-care-policy/>

sick days and create a paid family and medical leave program.”³⁹ More recent polling data found that “[a]mong Republicans, 72 percent favor paid sick days and 67 percent favor paid family and medical leave,” compared with 93 percent of Democrats.⁴⁰

In response to changing public opinion and demographic trends, conservative politicians have started proposing plans for paid family leave, including Senators Marco Rubio, Joni Ernst, Bill Cassidy, and Mike Lee.⁴¹ When President Trump first announced his paid leave plan, then-Representative Cynthia Lummis (R-WY) noted that she was “so delighted to have a Republican talking about maternity leave, because it finally puts Republicans in the debate.”⁴² These Republican plans can be distinguished from the state-level family leave programs adopted by California and other states, as they are not based on payroll taxes or employer contributions. Rather, the plans seek to expand paid leave opportunities without adding to the deficit or creating new taxes. The “New Parents Act,” announced by Senators Marco Rubio and Mitt Romney, would do so by allowing new parents to take one to three months off by “pull[ing] forward a portion of their Social Security benefits to use for paid parental leave after the birth or adoption of a child,” *i.e.*, essentially borrowing from their future Social Security benefits.⁴³ The Republican-backed American Action Forum would expand paid family leave to low-income households through a so-called Earned Income Leave Benefit—modelled after the Earned Income Tax Credit.⁴⁴ While none of these approaches have come to fruition, the mobilization of conservative groups—from the Independent Women’s Forum to the American Enterprise Institute—as well as stalwart conservative politicians hints at a consensus that the protections afforded by the FMLA are no longer adequate.⁴⁵

Utah’s Changing Circumstances

In Utah, economic trends and demographic transformations are starting to challenge the state’s longstanding deference to the protections afforded by FMLA. Utah is within the top third of U.S. states for the percentage of women who are workforce participants (61 percent).⁴⁶ Additionally, Utah women are becoming more politically and economically active, accounting for a growing percentage of elected

³⁹ National Partnership for Women & Families. (2016, November). Key findings: 2016 election eve/election night survey. <https://www.nationalpartnership.org/our-work/resources/economic-justice/key-findings-2016-election-eve-election-night-survey.pdf>

⁴⁰ National Partnership for Women & Families (2020, November). Voters show bipartisan support for permanent paid sick days and paid family and medical leave. <https://www.nationalpartnership.org/our-work/resources/economic-justice/voters-show-bipartisan-support-for-permanent-paid-sick-days-and-paid-family-and-medical-leave.pdf>. See also Horowitz, J. M. et al., *supra* note 13.

⁴¹ Vesoulis, A. (2019, May 4). Paid family leave has stalled in Congress for years. Here’s why that’s changing. *TIME*. <https://time.com/5562960/paid-family-leave-congress/>

⁴² Rubin, R. (2016, September 14). Republicans are slow to back Donald Trump’s paid maternity-leave plan. *Wall Street Journal*. <https://www.wsj.com/articles/republians-are-slow-to-back-donald-trumps-paid-maternity-leave-plan-1473895995>

⁴³ Office of U.S. Senator Marco Rubio. (2019, Mar. 27). Rubio, Romney, Wagner, Crenshaw introduce bill giving parents an option for paid family leave. <https://www.rubio.senate.gov/public/index.cfm/2019/3/rubio-romney-wagner-crenshaw-introduce-bill-giving-parents-an-option-for-paid-family-leave>

⁴⁴ Gitis, B. (2016, August 15). The earned income leave benefit: Rethinking paid family leave for low-income workers. *American Action Forum*. <https://www.americanactionforum.org/solution/earned-income-leave-benefit-rethinking-paid-family-leave-low-income-workers/#ixzz74yZhZZi9>

⁴⁵ See, e.g., Rachidi, A., McCloskey, A., & Roth, P. (2020, October 7). Designing a paid leave policy to support our most vulnerable workers. American Enterprise Institute. <https://www.aei.org/research-products/report/designing-a-paid-leave-policy-to-support-our-most-vulnerable-workers/>. See also Desanctis, A. (2019, July 25). Is paid family leave conservative? *National Review*. <https://www.nationalreview.com/2019/07/is-paid-family-leave-conservative/>. (conservative commentators “maintained that paid parental leave is popular with most Americans and cautioned that if conservatives refuse to show up to the table with their own proposals, they will be left behind as the public coalesces around the expansive Democratic solution.” Additionally, they “also argued that a conservative plan would be a pro-life policy to help those most in need and reduce infant mortality, filling in the gaps especially for low-income families who don’t already have paid leave through their employers”).

⁴⁶ Madsen, S. R., Dillon, J., & Scribner, R. T. (2017, August 2). *The gender wage gap in Utah*. Utah Women & Leadership Project. <https://www.usu.edu/uwlp/files/snapshot/22.pdf>

office seats and new business activity.⁴⁷ The state’s fertility rate has continued to decline,⁴⁸ of which insufficient leave policies could be a contributing factor for future Utah parents that are facing a rising cost of living—particularly for housing. This has taken away many parents’ economic ability to withdraw from the labor market for a number of years to focus on childrearing.⁴⁹ Finally, the state’s growing number of residents from California, Oregon, and Washington may portend an eventual political shift, though the true effect of the so-called “liberal exodus” remains to be seen.⁵⁰

Recommendations for Utah

While it seems unlikely that Utah legislators will face serious pressure to adopt a California-style paid family leave program anytime soon, the trend of advocacy around expanded leave protections—such as paid family leave for state employees or expanded FMLA eligibility—appears likely to continue. Amidst the growing bipartisan conversation on paid family leave, Utah leaders would thus be well-advised to explore alternative pathways to “help employees balance work and family life,” thereby realizing the untapped potential of the “Utah Way.” In addition to potential expansions of the coverage for unpaid leave (i.e., FMLA), this White Paper proposes the following initial recommendations based on a review of the 50-state analysis of state leave laws:

1. EXPAND PREGNANCY LEAVE PROTECTIONS TO COVER MORE UTAHNS:

At present, the Utah Anti-Discrimination Act requires employers with 15 or more employees and all state and political divisions to provide “reasonable accommodations” to employees affected by pregnancy, childbirth, breastfeeding, or related conditions. In some cases, this *could* require covered employers to provide *unpaid*, job-protected time off as a reasonable accommodation, but this is by no means guaranteed. Instead, expectant mothers bear the burden of requesting reasonable accommodations disproving any employer claims of “undue hardship.” As such, FMLA continues to provide the *only* substantive leave protection for Utah mothers—and only those who meet the federal law’s onerous requirements, *i.e.*, they must have worked for the employer for at least 12 months, completed at least 1,250 hours of work during the 12 months preceding FMLA leave, and finally, the employer must also be a covered employer under the terms of FMLA. Instead, Utah should follow the direction of other conservative and Rocky Mountain West states by expressly expanding the scope of workers entitled to job-protected pregnancy leave. For example, under Montana law, all employers must provide job-protected pregnancy leave to eligible employees, leaving Montana employees with far greater discretion and flexibility to make safe and healthy pregnancy decisions than their Utah counterparts.⁵¹

2. PROTECT CRIME VICTIMS’ RIGHT TO SEEK JUSTICE WITHOUT FEAR OF LOSING THEIR JOB.

Across the U.S., over a dozen states have guaranteed victims of violent crime unpaid, but protected leave, allowing them to attend the criminal proceedings relevant to their own case without fear of losing their job. In Utah, however, we have no such law requiring private employers to provide employees with crime victim leave, *except* for those who must attend depositions or hearings in response to subpoenas. This narrow protection creates undue tension with a proud and well-established constitutional tradition of public trials and undermines a victim’s practical ability to see justice served in their case—whether that be against a rapist,

⁴⁷ Madsen, S. R., Dillon, J., & Scribner, R. T. (2017, August 2).

⁴⁸ See *supra* note 12.

⁴⁹ See *supra* note 12.

⁵⁰ Dorsey, C. (2021, March 17). America’s mass migration intensifies as ‘leftugees’ flee blue states and counties for red. *Forbes*. <https://www.forbes.com/sites/chrisdorsey/2021/03/17/americas-mass-migration-intensifies-as-leftugees-flee-blue-states-and-counties-for-red/?sh=f0f230631460>. See also Robert J. DeBry & Associates. (2021, April 28). Where are all the new Utah move-ins coming from? Here’s a breakdown.

<https://www.ksl.com/article/50155808/where-are-all-the-new-utah-move-ins-coming-from-heres-a-breakdown>

⁵¹ See *supra* note 16.

attempted murderer, or repeat domestic violence offender. As such, Utah legislators should consider a law guaranteeing Utah crime victims with job-protected leave to attend proceedings in their case generally, rather than only when they are required by court order or subpoena.

3. DEVELOP A SERIOUS, BIPARTISAN WORKING GROUP TO EVALUATE PLANS FOR PAID LEAVE—PARTICULARLY PAID SICK LEAVE.

Over the past few years, there has been a proliferation of peer-reviewed articles on the effects of paid family leave, as well as an emergence of broad conservative support for paid family leave. As Utah’s current congressional delegation continues to drive the conversation on paid family leave within the Republican party, state legislators should make sure that this conversation does not only take place at the federal level. To that end, Utah legislators should form a serious, bipartisan working group to evaluate the changing landscape of paid family leave policies and develop practical approaches for our rapidly growing and changing state.

Conclusion

Today, an estimated 47.7 percent of Utahns are younger than our state’s most substantive leave protection: FMLA.⁵² In the 28 years that have followed the law’s passage, the state has experienced unprecedented socioeconomic transformation, producing one of the world’s youngest and most dynamic labor markets. While the economic and demographic landscape of our state has transformed, the aging protections afforded by FMLA have failed to keep up with the demands of Utah women. As Utah women continue to expand their presence on the state’s political and business scene—as leaders, entrepreneurs, and professionals—state legislators will need to flex the renowned dynamism of the “Utah Way” to find new ways to help employees balance work and family life and guarantee the continued success of Utah working parents for years to come.

Author: L. Jenna Gould is a military veteran and policy analyst. She received her bachelor’s degree in Political Science and her Master of Public Administration from Columbia University.

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⁵² Kem C. Gardner Policy Institute. (2019, November). State of Utah population by age, sex, race and ethnicity, 2010-2018. <https://gardner.utah.edu/wp-content/uploads/State-of-Utah-Demographic-Profile-2010-2018.pdf>

Appendix: 50–State Analysis on Leave Laws

–Federal–

	<u>Private</u>	<u>Public</u>
Sick Leave	No Federal Law	
Pregnancy Leave	<p>See FMLA Leave Below, may be used for pregnancy leave.</p> <p>The Federal Pregnancy Discrimination Act (PDA) contains no specific provisions that require an employer to accommodate an employee’s pregnancy-related physical impairments or provide for maternity leave.</p> <p>The PDA requires employers to treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes as other persons not so affected but similar in their ability or inability to work. Id. If the employer permits most temporarily disabled, non-pregnant employees to take leave, it must also permit temporarily disabled, pregnant employees to take leave.</p> <p>The federal Americans with Disabilities Act, (ADA), requires covered employers to make reasonable accommodations for employees who suffer from physical or mental impairments that substantially limit one or more major life activities. Pregnancy itself is not a disability under the ADA, because it is not a physiological disorder, but a pregnancy-related impairment that substantially limits a major life activity is a disability.</p>	
Family and Medical Leave or Flexible Leave Requirements	<p>Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:</p> <ul style="list-style-type: none"> • The birth of a child or placement of a child for adoption or foster care; • To bond with a child (leave must be taken within one year of the child’s birth or placement); • To care for the employee’s spouse, child, or parent who has a qualifying serious health condition; • For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job; • For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent. <p>An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:</p> <ol style="list-style-type: none"> 1) Have worked for the employer for at least 12 months, these months do not have to be consecutive; 2) Have at least 1,250 hours of service in the 12 months before taking leave. Special “hours of service” requirements apply to airline flight crew employees. and 3) Work at a location where the employer has at least 50 employees within 75 miles of the employee’s worksite. <p>Generally, private employers with at least 50 employees are covered by the FMLA. Government agencies (including local, state and federal employers) and public and private elementary and secondary schools are covered by the FMLA, regardless of the number of employees.</p>	
Military Leave	Under the Family and Medical Leave Act (FMLA), an employer with more than 50 employees must permit an employee to take 12 weeks of unpaid leave for any	

	qualifying exigency arising out of the fact that the spouse, child or parent of the employee is a member of the Armed Forces, National Guard or Reserves on covered active duty or call to covered active duty status. FMLA regulations specify in detail the purposes for which employees can take qualifying exigency leave. The FMLA does not preempt state and local laws providing greater leave rights than those provided in the FMLA
Criminal Victim Leave	No Federal Law
Domestic Violence Victim Leave	Employees may qualify for FMLA leave under certain circumstances, if the employee is physically injured or develops psychological trauma as a result of domestic violence. The employee must meet the qualifications for federal FMLA as noted above.
Voting Time Off	No Federal Law
School-Related Leave	No Federal Law
Bereavement Leave	No Federal Law

- Alabama -

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	
Pregnancy Leave	No State Law	<p>The state is required to permit its eligible employees to use accumulated sick leave for maternity leave. <i>Ala. Admin. Code r. 670-X-14-.02.</i></p> <p>A state employee is entitled to use accumulated sick leave for the purpose of maternity leave, provided that the employee works up until the time she is disabled by pregnancy and returns to work as soon as she is no longer disabled by pregnancy. <i>Ala. Admin. Code r. 670-X-14-.02.</i> An employer may require the employee to submit a doctor's note verifying the employee's disability. <i>Id.</i></p> <p><u>Enforcement Scheme and Potential Penalties:</u> We have not identified authority governing notice or recordkeeping requirements applicable to pregnancy leave in Alabama.</p>

Family and Medical Leave	No State Law
Military Family Leave	No State Law
Criminal Victim Leave	<p>Alabama law requires covered employers to provide crime victim leave to employees who are victims of crime who testify in criminal proceedings. <i>Ala. Code § 15-23-81.</i></p> <p><u>Employee Coverage:</u> Alabama law requires employers to provide leave to an employee who is a victim of crime for responding to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation of a criminal proceeding. <i>Ala. Code § 15-23-81.</i></p> <p><u>Employee Eligibility:</u> For purposes of crime victim leave, a "victim" is a person against whom a felony involving physical injury or the threat of physical injury, a sexual offense, or an offense involving spousal abuse or domestic violence has been committed. <i>Ala. Code § 15-23-60(7), (19).</i> The spouse, sibling, parent, child, or guardian of a person who was killed or incapacitated is also a "victim." <i>Id. at (19).</i></p> <p><u>Employee Rights Upon Return:</u> An employer may not discharge, intimidate, or threaten the employment of an employee who is a crime victim and is absent from work to respond to a subpoena to testify in a criminal proceeding or to participate in reasonable preparation for the criminal proceeding. <i>Ala. Code § 15-23-81.</i></p>
Domestic Violence Victim Leave	<p>Alabama has no law that requires private sector employers to provide leave to employees who are victims of domestic violence, unless they testify in criminal proceedings. <i>Ala. Code § 15-23-81.</i></p> <p><u>Employee Right Upon Return:</u> An employer may not discharge, intimidate, or threaten the employment of an employee who is a victim of domestic violence who is absent from work to respond to a subpoena to testify in a criminal proceeding or to participate in reasonable preparation for the criminal proceeding. <i>Ala. Code § 15-23-81.</i></p>
Voting Time Off	<p>Alabama law requires covered employers to provide employees with voting time off. <i>Ala. Code § 17-1-5.</i></p> <p><u>Amount of Time:</u> Employers must permit their employees to take up to one hour of leave from work to vote in any municipal, county, state or federal primary or election for which the employee is qualified and registered to vote. <i>Ala. Code § 17-1-5.</i> If, however, the employee's shift does not begin until two hours after the polls are open or if it ends at least one hour before the polls close, the employee may not take leave time to vote. The employer may specify the hours during which the employee may leave work to vote.</p>
School-Related Leave	No State Law
Bereavement Leave	No State Law

- Alaska -

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>A public employer must permit its employees to take personal leave for medical reasons, including:</p> <ul style="list-style-type: none"> • A medical disability of the employee or the employee’s immediate family member • A medical condition that makes the employee’s presence at work a danger to other employees • Pregnancy, childbirth, or the placement of a child for adoption • Death of a member of the employee’s immediate family member, provided the leave does not exceed five days. <i>Alaska Stat. § 39.20.225(b)</i>. <p>Each public employee, during each 12-month period, can take at least 10 days of personal leave. If the employee does not, the difference between 10 days and the amount of personal leave taken is canceled without pay. <i>Alaska Stat. § 39.20.225(c)</i>.</p> <p>Public employees may also take family leave up to 18 workweeks within a 12-month period because of the employee’s own serious health condition. Employees must use up accrued paid leave. However, when an employee has only five days of paid leave remaining, he or she can take the remaining leave as unpaid leave or exhaust the remaining paid leave balance. <i>Alaska Stat. § 39.20.305(a)</i>.</p>
Pregnancy Leave	No State Law	<p>Public employers required to grant leave for pregnancy and childbirth to employees in Alaska include the state and any political subdivision of the state that employs 21 or more employees for each working day during any period of 20 consecutive workweeks in the preceding two calendar years. <i>Alaska Stat. §§ 39.20.500(f), 39.20.550(2)</i>. Not included, as a covered employer, is an employee of the regional Native</p>

		<p>housing authority. <i>Alaska Stat. § 39.20.550(2)</i>.</p> <p>Public employees may take family leave because of pregnancy and childbirth or adoption for 18 workweeks within a 12-month period. <i>Id.</i> Employees must use up accrued paid leave. <i>Id.</i> However, when an employee has only five days of paid leave remaining, he or she can take the remaining leave as unpaid leave or exhaust the remaining paid leave balance. <i>Alaska Stat. § 39.20.305(a)</i>.</p> <p><u>Eligibility:</u> To be eligible for leave, a public employee must have been employed by the employer for at least 35 hours a week for at least six consecutive months, or for at least 17.5 hours a week for at least 12 consecutive months immediately preceding the leave. <i>Alaska Stat. § 39.20.500(b)</i>.</p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>An eligible state employee may take family leave for any of the following reasons:</p> <ul style="list-style-type: none"> • Because of pregnancy and the birth of a child of the employee or the placement of a child, other than the employee's stepchild, with the employee for adoption • To care for the employee's child (includes the employee's biological, adopted, foster, stepchild, or legal ward), spouse, or parent who has a serious health condition • Because of the employee's own serious health condition. <i>Alaska Stat. § 39.20.500(a)</i>. <p>If an employee is taking leave because of pregnancy, birth or adoption placement, the department or agency may require use of family leave in a single block of time. <i>Alaska Stat. § 39.20.500(b)(1)</i>. An employee taking family leave because of pregnancy or adoption is entitled to 18 workweeks within a 12-month period. <i>Id. at (b)</i>.</p> <p>For the serious health condition of the employee or the employee's child, spouse, or parent, an employee is</p>

	<p>entitled to 18 workweeks during a 24-month period. <i>Alaska Stat. § 39.20.305(a)(1)</i>. If the parent or child of two public employees has a serious health condition, the state is not required to grant family leave to both employees simultaneously. <i>Alaska Stat. § 39.20.500(c)</i>.</p> <p>When an employee returns from family leave, the employer must restore the employee to:</p> <ul style="list-style-type: none"> • The employee’s position of employment held when the leave began; or • A substantially similar position with similar benefits, pay, and other terms and conditions of employment unless a change in the employer’s business circumstances has made reinstatement impossible or unreasonable. <i>Alaska Stat. § 39.20.500(e)</i>.
Military Family Leave	No State Law
Criminal Victim Leave	<p>Employers in Alaska are required to provide leave to employees who are crime victims and who testify in court proceedings. <i>Alaska Stat. § 12.61.017(a)</i>.</p> <p><u>Employee Coverage:</u> An employee who is a crime victim is entitled to leave when he or she has been subpoenaed by a prosecuting attorney or requested to attend a court proceeding and testify. <i>Alaska Stat. § 12.61.017(a)</i>.</p> <p>A victim is:</p> <ul style="list-style-type: none"> • A person against whom an offense has been perpetrated • If that person is a minor, incompetent, or incapacitated, either his or her parent, adult child, guardian or custodian, or an individual living in a spousal relationship with him or her • If that person is dead, his or her adult child, parent, brother, sister, grandparent, or grandchild, an individual living in a spousal relationship with him or her, or any other interested person, designated by a person having legal authority <i>Alaska Stat. § 12.55.185(19)</i>. <p><u>Employee Rights Upon Return:</u> An employer may not penalize or threaten to penalize a victim of a crime because the victim:</p> <ul style="list-style-type: none"> • Is subpoenaed or asked by the prosecuting attorney to attend a court proceeding for the purpose of giving testimony –or– • Reports the offense to a law enforcement agency or participates in the investigation of the offense by a law enforcement agency <i>Alaska Stat. § 12.61.017(a)</i>.

	<p>Penalize means taking an action that affects an employee’s status, wages, and benefits, including:</p> <ul style="list-style-type: none"> • Demotion, suspension, or dismissal from employment –and– • Loss of wages or benefits because the employee was absent to attend a court proceeding, report the offense, or participate in an investigation of the offense <p><i>Alaska Stat. § 12.61.017(d).</i></p>
Domestic Violence Victim Leave	No State Law
Voting Time Off	<p>All employers in Alaska are required to provide paid voting time off to eligible employees. <i>Alaska Stat. §§ 15.15.100, 15.56.100.</i></p> <p><u>Amount of Time:</u> Employees eligible for paid voting time off are qualified voters who do not have two consecutive hours to vote, either between the opening of the polls and the beginning of the employee’s regular working shift, or between the end of that shift and the close of the polls. <i>Alaska Stat. §§ 15.15.100, 15.56.100(b).</i></p>
School-Related Leave	No State Law
Bereavement Leave	No State Law

- Arizona -

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Generally, all private and public employers are required to provide earned paid sick time. <i>Ariz. Rev. Stat. § 23-371(G).</i></p> <p>The following employers are exempt:</p> <ul style="list-style-type: none"> • Employers with a paid leave policy that meets or exceeds the requirements of the earned paid sick time provisions <p>Employees accrue one hour of earned paid sick time for every 30 hours they work. Employees working for employers with more than 15 employees cannot accrue or use more than 40 hours of earned sick time in a year. <i>Ariz. Rev. Stat. § 23-372(A).</i> Employees of employers with fewer than 15 employees cannot accrue or use more than 24 hours of earned sick time in a year. <i>Ariz. Rev. Stat. § 23-372(B).</i></p> <p>Employees begin accruing earned paid sick time at the commencement of</p>	<p>Public employers are also subject to <i>Ariz. Admin. Code § R2-5A-B603.</i></p> <p>“Sick leave” is any approved period of paid absence granted an employee due to:</p> <ul style="list-style-type: none"> • Illness or injury that renders the employee unable to perform the duties of the employee’s position. • Disability of the employee that is caused by pregnancy, childbirth, miscarriage, or abortion. • Examination or treatment of the employee by a licensed health care practitioner. • Illness, injury, disability caused by pregnancy or childbirth, or examination or treatment by a licensed health care practitioner of an employee’s spouse, dependent child, or parent. Sick leave granted for this purpose shall be

	<p>employment. An employer may provide all earned paid sick time that an employee would accrue in a year at the beginning of the year. <i>Ariz. Rev. Stat. § 23-372(D)</i>.</p> <p>An employer may frontload employees' paid sick time accrual by granting employees the equivalent of a full year's accrual of paid sick time at the start of the year. <i>Ariz. Admin. Code § R20-5-1206(G), (H)</i>. If an employee is hired after the beginning of the employer's year, the employer may provide the employee with the amount of leave the employee would have accrued for the rest of year, which the employee may begin to use 90 days after the employee's start date. <i>Ariz. Admin. Code § R20-5-1206(F)</i>.</p> <p>An employee may use paid sick leave when:</p> <ul style="list-style-type: none"> • He or she is ill or injured, or to receive medical care • A member of his or her family is ill, injured, or needs to receive medical care • The employee or a family member is a victim of domestic violence –or– • The employee's workplace has been closed or the employee must care for a child whose school or daycare has been closed due to a public health emergency <i>Ariz. Rev. Stat. § 23-373</i>. <p>A "family member" includes an employee's:</p> <ul style="list-style-type: none"> • Child • Legal guardian or ward • Spouse or domestic partner • Parent • Parent of spouse or domestic partner • Grandparent • Grandchild • Sibling • Any other person related by blood or whose close association with the employee is equivalent to a family 	<p>charged to the employee's sick leave account and shall not exceed 40 hours per calendar year. For the purposes of this Section:</p> <p>The term "dependent child" means a natural child, an adopted child, a foster child, or a stepchild, more than one-half of whose support is received from the employee.</p> <p>The term "parent" means a birth parent, adoptive parent, stepparent, foster parent, grandparent, parent-in-law, or an individual who stood "in loco parentis."</p> <p><u>Accrual</u></p> <ul style="list-style-type: none"> • All state employees, except temporary and part-time employees, shall accrue sick leave at the rate of 3.70 hours bi-weekly. • Temporary employees shall not accrue sick leave. • Part-time employees who: <ul style="list-style-type: none"> a. Work 1/4 time, 1/2 time, or 3/4 time shall accrue a proportional amount of sick leave; b. Work a percentage of full-time other than 1/4 time, 1/2 time, or 3/4 time will accrue sick leave at the next lower rate; c. Work less than 1/4 time shall not accrue sick leave. • Except as provided by <i>R2-5A-D602</i> for an employee on industrial leave, an eligible employee accrues sick leave each bi-weekly pay period if the employee has been in a pay status for at least one-half of the employee's scheduled work hours in that pay period or month. • A sick leave accrual is credited on the last day of the bi-weekly pay period or month in which the accrual is earned and is available for use on the first day of the following pay period or month. An employee who is separating from state employment accrues leave through the employee's last date of employment for the purpose of determining the
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	<p>relationship. <i>Ariz. Rev. Stat. § 23-371(H)</i>.</p> <p><u>Carryover and Payout of Leave:</u> Accrued, but unused earned paid sick time of up to 40 hours for employees of employers with 15 or more employees or up to 24 hours for employees of employers with less than 15 employees is carried over into the following year. However, in lieu of carryover, an employer may pay the employee for any unused sick time at the end of the year and provide the employee with an amount of earned paid sick time that meets or exceeds the requirements at the beginning of the next year. Employers that elect to frontload paid sick time do not have to allow employees to carry over leave time into the next year. <i>Ariz. Rev. Stat. § 23-372(D)</i>; <i>Ariz. Admin. Code § R20-5-1206(I)</i>.</p> <p><u>Intermittent Leave and Reduced Schedules:</u> Earned paid sick time may be taken in hourly increments or the smallest increment that an employer's payroll system uses to account for absences or other use of time. <i>Ariz. Rev. Stat. § 23-373(F)</i>.</p> <p><u>Employee Rights upon Return:</u> Employers are prohibited from retaliating against employees for requesting or using paid sick time. It is unlawful for an employer's absence control policy to count earned paid sick time taken for a permissible reasons as an absence that may lead to discharge or other adverse employment action. <i>Ariz. Rev. Stat. § 23-374</i>.</p> <p><u>Notice to Employees of Leave Policy:</u> Employers are required to give employees written notice of the earned paid sick time provisions when they commence employment. The notice must include the following information:</p> <ul style="list-style-type: none"> • Employees are entitled to earned paid sick time and the amount of earned paid sick time • The terms of its use are guaranteed by statute 	<p>employee's accumulated sick leave at the time of the employee's separation pursuant to subsection.</p>
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	<ul style="list-style-type: none"> • Retaliation against employees who request or use earned paid sick time is prohibited • Employees have the right to file a complaint if they are denied earned paid sick time or subjected to retaliation – and– • The contact information for the Industrial Commission of Arizona where questions about rights and responsibilities under the earned paid sick time provisions can be answered <p><i>Ariz. Rev. Stat. § 23-375(A). Employers must also post this notice in a conspicuous place in the workplace. Ariz. Admin. Code § R20-5-1208(A).</i></p>	
Pregnancy Leave	No State Law	N/A
Family and Medical Leave or Flexible Leave Requirements	No State Law	N/A
Military Family Leave	No State Law	
Criminal Victim Leave	<p>Arizona law requires certain employers to provide leave to employees who are victims of crimes or juvenile offenses. <i>Ariz. Rev. Stat. § 13-4439(A); Ariz. Rev. Stat. § 8-420(A).</i></p> <p><u>Employee Coverage:</u> An employer with 50 or more employees on each working day in 20 or more calendar weeks in the current or preceding year must provide crime victim leave to employees. <i>Ariz. Rev. Stat. § 13-4439(A); Ariz. Rev. Stat. § 8-420(A).</i></p> <p><u>Employee Eligibility:</u> An employer is required to allow an employee who is a victim of a crime or a juvenile offense time off from work to:</p> <ul style="list-style-type: none"> • Attend all criminal or juvenile proceedings which the defendant or the delinquent is entitled to attend • Attend the accused's initial appearance or detention hearing • Attend post-arrest custody or detention decisions • Attend plea negotiation proceedings • Attend sentencing or disposition proceedings • Attend probation modification, revocation disposition, or termination proceedings 	

	<ul style="list-style-type: none"> • Attend post-conviction or post-adjudication release proceedings –or– • Obtain an order of protection, injunction against harassment, or any other injunctive relief to ensure the health, safety, and welfare of the employee or the employee's child <i>Ariz. Rev. Stat. §§ 13-4439(A), 8-420.</i> <p>This leave is unpaid. An employer may require an employee to use his or her accrued paid vacation, personal leave, or sick leave, or an employee may elect to use such leave to cover the absence. <i>Ariz. Rev. Stat. § 13-4439(C), (D); Ariz. Rev. Stat. § 8-420(C), (D).</i></p> <p>An employer may limit an employee's crime victim leave if such leave creates an undue hardship for the employer. <i>Ariz. Rev. Stat. §§ 13-4439(I), 8-420(I).</i></p>	
Domestic Violence Victim Leave	No State Law	
Voting Time Off	<p>Arizona law requires private employers to provide employees with voting time off. <i>Ariz. Rev. Stat. § 16-402(A).</i></p> <p><u>Amount of Time:</u> An employee is entitled to time off from work to vote in a primary or general election if there are fewer than three consecutive hours between the opening of the polls and the beginning of the employee's work shift, or if there are fewer than three consecutive hours between the end of the employee's work shift and the closing of the polls. <i>Ariz. Rev. Stat. § 16-402(A).</i></p>	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>Arizona has bereavement leave requirements for public sector employers. <i>Ariz. Admin. Code § R2-5A-605.</i></p> <p>A state employee is entitled to bereavement leave for the death or to attend the funeral of a:</p> <ul style="list-style-type: none"> • spouse; • natural child, adopted child, foster child, or stepchild; • natural parent, adoptive parent, stepparent, or person who stood “in loco parentis” to the employee; • grandparent; • grandchild; • sibling; or • mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law. <i>Ariz. Admin. Code § R2-5A-B605.</i>

		<p>A full-time state employee is entitled to 24 hours of paid bereavement leave. <i>Ariz. Admin. Code § R2-5A-B605(B)</i>.</p> <p>The employee's agency head may extend an employee's leave by an additional 16 hours if the funeral is out-of-state. <i>Id.</i> A part-time state employee who works at least 1/4 time is entitled to a proportional amount of paid bereavement leave. <i>Id.</i></p>
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- Arkansas -

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Arkansas has sick leave requirements for public sector employers. <i>Ark. Code Ann. § 21-4-201 et seq.</i></p> <p>The Arkansas Uniform Attendance and Leave Act, <i>Ark. Code Ann. § 21-4-201 et seq.</i>, governs sick leave for employees of state agencies. <i>Ark. Code Ann. § 21-4-202.</i> State employees accrue sick leave as set forth in <i>Ark. Code Ann. § 21-4-207.</i> An eligible employee may take sick leave under the act for illness; injury; or medical, dental, or optical treatment. <i>Ark. Code Ann. § 21-4-206.</i></p> <p>A state employee may also be entitled to leave if he or she is unable to perform his or her duties due to a catastrophic illness. <i>Ark. Code Ann. § 21-4-214(c).</i></p>
Pregnancy Leave	No State Law	No State Law
Family and Medical Leave or Flexible Leave Requirements	No State Law	<p>Arkansas Uniform Attendance and Leave Act (AUALA), <i>Ark. Code Ann. § 21-4-201 et seq.</i>, which also allows employees to use their accrued sick leave if they experience a serious illness of an immediate family member. An immediate family member is a father, mother, sibling, spouse, child, grandparent, in-law, or person acting as a parent or guardian of the employee. <i>Ark. Code Ann. § 21-4-206; Ark. Code Ann. § 21-4-203(15).</i></p>

	<p>A state employee may also be entitled to leave if he or she is unable to perform his or her duties due to a catastrophic illness. <i>Ark. Code Ann. § 21-4-214(c)</i>.</p> <p>State employees may also take up to a six-month unpaid leave of absence, upon written application and approval of the employer. <i>Ark. Code Ann. § 21-4-210(a)(1)</i>. The employer can deny the employee's request for leave of absence if the employee's leave would cause an undue hardship on the employer. <i>Ark. Code Ann. § 21-4-210(a)(1)(b)</i>. An employee is not eligible for this leave if he or she is granted military leave pursuant to <i>Ark. Code Ann. § 21-4-212</i>.</p> <p>An eligible employee is a full-time employee of a state agency. <i>Ark. Code Ann. § 21-4-203</i>.</p>
Military Family Leave	No State Law
Criminal Victim Leave	<p>Arkansas law requires covered employers to provide crime victim leave to victims of crime who testify in judicial proceedings. <i>Ark. Code Ann. § 16-90-1105</i>.</p> <p><u>Employee Eligibility:</u> An employee who has been the victim of a crime or who is a victim's representative is eligible for crime victim leave. <i>Ark. Code Ann. § 16-90-1105</i>.</p> <p>"Victim" means a victim of a sex offense or an offense against a victim who is a minor and a victim of any violent crime but does not include a person who is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan and does not include a governmental entity. <i>Ark. Code Ann. § 16-90-1101(5)</i>.</p> <p>"Representative of the victim" means a member of the victim's family, including the spouse, a child by birth or adoption, a stepchild, a parent, a stepparent, a sibling, or an individual designated by the victim or by a court in which the crime is being or could be prosecuted. <i>Ark. Code Ann. § 16-90-1101(2), (8)</i>.</p> <p><u>Employee Rights Upon Return:</u> Employees protected from discharge or discipline by their employer for taking crime victim leave include a victim or a representative of the victim who:</p> <ul style="list-style-type: none"> • participates at the prosecuting attorney's request in preparation for a criminal justice proceeding; or • attends a criminal justice proceeding if the attendance is reasonably necessary to protect the victim's interests. <i>Ark. Code Ann. § 16-90-1105</i>.

Domestic Violence Victim Leave	No State Law	
Voting Time Off	Arkansas law requires covered employers to provide employees with voting time off. <i>Ark. Code Ann. § 7-1-102.</i> <u>Amount of Time:</u> All employees in Arkansas are entitled to have their work scheduled on election days so they have an opportunity to vote. <i>Ark. Code Ann. § 7-1-102.</i>	
School-Related Leave	No State Law	All state employees in Arkansas are entitled to eight hours of leave during any one calendar year for the purpose of engaging in and traveling to or from the educational activities of a child. <i>Ark. Code Ann. § 21-4-216(b)(1).</i> School-related leave that remains unused may not be carried over to the next calendar year and is not compensable to the employee upon retirement. <i>Id. at (b)(2).</i>
Bereavement Leave	No State Law	The Arkansas Uniform Attendance and Leave Act (AUALA), <i>Ark. Code Ann. § 21-4-201 et seq.</i> , permits state employees to use sick leave for the death of an immediate family member. <i>Ark. Code Ann. § 21-4-206(b)(1).</i> An immediate family member is a father, mother, sibling, spouse, child, grandparent, in-law, or person acting as a parent or guardian of the employee. <i>Id. at (b)(2).</i>

- California -

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>The California Healthy Workplaces, Healthy Families Act requires covered employers to provide paid sick leave. <i>Cal. Lab. Code 245 et seq.</i></p> <p>All California employers that employ at least one employee must provide paid sick leave to their employees. An employee who works in California for the same employer more than 30 days within a year after he or she begins employment is eligible for paid sick leave.</p> <p><u>Amount of Leave:</u> Employers must provide at least one hour of paid sick leave for every 30 hours each employee works, up to a maximum of 48 hours accrued paid sick leave. Alternatively, employers may provide 24 hours of paid sick leave to each employee at the beginning of each calendar year or by the 120th calendar day of his or her employment. Employers of providers of in-home support services must provide eight hours or one day of paid sick leave per year. An employer may limit an employee's use of paid sick leave to 24 hours in a year. Employers must permit their employees to carry over unused accrued paid sick leave, up to 48</p>	

	<p>hours, from one year to the next. <i>Cal. Lab. Code 245 et seq.</i> Sick leave begins to accrue once an employee starts work. Employees can begin using paid sick leave 90 days after their employment start date.</p> <p>An employee can use paid sick leave in any of the following circumstances:</p> <ul style="list-style-type: none"> • Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member • For an employee who is a victim of domestic violence, sexual assault, or stalking <ul style="list-style-type: none"> ○ To seek medical attention for injuries ○ To obtain services from a domestic violence shelter, program, or rape crisis center ○ To obtain psychological counseling –or– ○ To participate in safety planning and take other actions to increase safety <p>“Family member” means any of the following:</p> <ul style="list-style-type: none"> • A child, regardless of age or dependency status, including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis • A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child • A spouse • A registered domestic partner • A grandparent • A grandchild –or– • A sibling <p>Employees can take sick leave intermittently or on a reduced schedule. An employee may determine how much paid sick leave he or she needs to use. An employer may set a reasonable minimum increment of two hours or less, for the use of paid sick leave. An employer must not discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days. <i>Cal. Lab Code 246.5.</i></p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The California Labor Commissioner (Commissioner) investigates, holds hearings on, and enforces the statute. The Commissioner may file a civil action against the employer for noncompliance. The Act does not explicitly permit employees to bring private civil actions against employers. However, the Act does not preempt any other rights, remedies, or procedures available under any other law and does not diminish, alter, or negate any other legal rights, remedies, or procedures available to an aggrieved person. Additionally, aggrieved employees may bring actions under the Private Attorneys General Act (PAGA) to recover civil penalties for California Labor Code violations.</p>
<p>Pregnancy Leave</p>	<p>The Pregnancy Disability Leave Law (PDLL) requires covered employers to provide employees with up to four months or 17 1/3 weeks of unpaid leave for any disability related to pregnancy and childbirth. <i>Cal. Gov’t Code 12945.</i></p> <p>The pregnancy accommodation provisions of the PDLL apply to all private employers with five or more employees. All employees affected or disabled by</p>

	<p>pregnancy are eligible for pregnancy disability leave. <i>Cal. Code Regs., tit. 2, § 11035(d) and (f)</i>. The PDDL has no minimum requirements for hours worked or length of service. <i>Cal. Code Regs., tit. 2, § 11037</i>.</p> <p>The PDDL requires employers to provide leave to employees who are “disabled by pregnancy., childbirth, or a related medical condition.” An employee is “disabled by pregnancy” if, in her health care provider's opinion, she is unable to perform any of the essential functions of her job at all or without undue risk to herself, to her pregnancy's successful completion, or to other persons. <i>Cal. Code Regs., tit. 2, § 11035(f)</i>. An employee is also “disabled by pregnancy” if she is suffering from severe “morning sickness” or needs to take time off for:</p> <ul style="list-style-type: none"> • Prenatal care • Postnatal care • Bed rest • Gestational diabetes • Pregnancy-induced hypertension • Pre-eclampsia • Post-partum depression • Childbirth • Loss or end of pregnancy –or– • Recovery from childbirth <i>Cal. Code Regs., tit. 2, § 11035(f)</i>. <p>The regulations do not define “disabled by childbirth or a related medical condition,” but the definition of “disabled by pregnancy” encompasses childbirth-related disability.”</p> <p>An employer need not pay an employee during pregnancy disability leave unless the employer pays for other temporary disability leaves for similarly situated employees. An employee who is disabled by pregnancy or childbirth may receive disability insurance payments from the state.</p> <p>An employee can take leave under the PDDL intermittently. <i>Cal. Code Regs., tit. 2, §11042 (a)(4)</i>. The employer must account for intermittent PDDL leave using the shortest period of time that the employer's payroll system uses to account for other forms of leave or one hour, whichever is less. <i>Cal. Code Regs., tit. 2, §11042 (a)(4)</i>.</p> <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> The California Department of Fair Employment and Housing (“Department”) administers and enforces the PDDL, which is part of the Fair Employment and Housing Act. It has the power to receive, investigate, mediate, and prosecute complaints. An aggrieved employee must first file a complaint with the Department and must receive a right-to-sue notice from the Department before he or she can pursue a civil action. If the Department does not bring a civil action within 150 days after an aggrieved employee has filed a complaint or if the Department determines earlier that it will not bring an action, the employee has a right to file a civil action.</p>
<p>Family and Medical Leave or Flexible</p>	<p>The California Family Rights Act (CFRA) requires employers to provide up to 12 weeks of family and medical leave to eligible employees. <i>Cal. Gov't. Code § 12945.2</i>. The CFRA applies to employers with five or more employees as well as the state and its political subdivisions. <i>Cal. Gov't. Code § 12945.2(b)(3)</i>.</p>

<p>Leave Requirements</p>	<p>An employee is eligible for CFRA leave if:</p> <ul style="list-style-type: none"> • The employee has worked for the employer for 12 months, which need not be consecutive –and– • During the previous 12 months, the employee has worked at least 1,250 hours for that employer. <i>Cal. Gov't Code § 12945.2(a); Cal. Code Regs., tit. 2, §11087(f).</i> <p>Once the employee takes leave during 12-month period for a particular reason, the employee does not have to requalify to take additional leave for the same reason during the same 12-month leave period. <i>Cal. Code Regs., tit. 2, §11087(f)(1).</i></p> <p>The California Family Rights Act (CFRA) requires certain employers to provide up to 12 weeks of family and medical leave to eligible employees. <i>Cal. Gov't Code § 12945.2.</i></p> <p><u>Use of Leave:</u> The CFRA allows an employee to take up to twelve weeks of leave in a 12-month period for family care and medical leave. <i>Cal Gov't Code § 12945.2(a).</i> The family and medical leave includes:</p> <ul style="list-style-type: none"> • Leave for reason of the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee • Leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition • Leave because of an employee's own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions –or– • Leave because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code. <i>Cal. Gov't Code § 12945.2(b)(4).</i> <p>If the employee has given birth to a child, her bonding leave does not begin until after she has recovered from childbirth-related disability, because she is covered by the PDDL until that date. <i>Cal. Code Regs., tit. 2, § 11035(f).</i> Effective January 1, 2021, "child" means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a domestic partner, or a person to whom the employee stands in loco parentis. <i>Cal Gov't Code § 12945.2(b)(1).</i> "Serious health condition" is an illness, injury, impairment, or physical or mental condition that requires:</p> <ul style="list-style-type: none"> • Inpatient care at a hospital, hospice, or residential medical care facility –or– • Continuing treatment or supervision by a healthcare provider. <i>Cal Gov't Code § 12945.2(c)(8).</i> <p><u>Amount of Leave:</u> An eligible employee is entitled to up to 12 weeks of unpaid leave in a 12-month period, not including leave provided as a reasonable accommodation for a physical or mental disability under the Fair Employment and Housing Act (FEHA). <i>Cal Gov't Code § 12945.2(a).</i> If an employee has a serious health condition that is also a disability under the California Fair Employment and Housing Act and cannot return to work at the conclusion of his or her CFRA leave, the employer must take the initiative and determine whether the employee needs an extension of leave as a reasonable accommodation. <i>Cal. Code Regs., tit. 2, § 11093.</i></p> <p>An employee may take CFRA leave intermittently or on a reduced schedule basis. <i>Cal. Code Regs., tit. 2, § 11090.</i></p>
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	<p>An employee need not take CFRA leave following the birth, adoption, or foster care placement of a child of the employee in one continuous period of time. An employee must conclude his or her leave within one year of the birth or placement of the child with the employee. The basic minimum duration of the leave is two weeks, but an employer must grant a request for a CFRA leave of less than two weeks' duration on at least two occasions. <i>Cal. Code Regs., tit. 2, § 11090(d)</i>.</p> <p>An employee may take CFRA leave for a serious health condition of the employee's family member or the employee intermittently or on a reduced work schedule under the following circumstances:</p> <ul style="list-style-type: none"> • A health care provider determines that intermittent or reduced schedule leave is medically necessary • The family member is incapacitated because of a chronic serious health condition, even if he or she does not receive treatment by a health care provider –or– • The employee is unable to perform the essential functions of the position because of a chronic serious health condition, even if he or she does not receive treatment by a health care provider <p><i>Cal. Code Regs., tit. 2, § 11090(e)</i>. The employer must account for intermittent CFRA leave using the shortest increment of time that the employer's payroll system uses to account for absences, or one hour, whichever is less. <i>Cal. Code Regs., tit. 2, § 11090(d)</i>.</p> <p>After an employee returns from CFRA leave, an employer must reinstate him or her to the same or a comparable position, even if the employee's position has been restructured to accommodate his or her absence. If the employee became unqualified for his or her former position while he or she was on CFRA leave, the employer must give him or her the opportunity to requalify for the position. <i>Cal. Code Regs., tit. 2, § 11089(a)(2)(A)</i>.</p> <p><u>Enforcement Mechanisms (including Private Rights of Action)</u>: The California Department of Fair Employment and Housing (Department) administers and enforces the CFRA, which is part of the Fair Employment and Housing Act. It has the power to receive, investigate, mediate, and prosecute complaints. An aggrieved employee must first file a complaint with the Department and must receive a right-to-sue notice from the Department before he or she can pursue a civil action. If the Department does not bring a civil action within 150 days after an aggrieved employee has filed a complaint or if the Department notifies the aggrieved employee earlier that it will not bring an action, the employee may request a right-to-sue notice. If the aggrieved employee does not request a right-to-sue notice, the Department must issue one within one year after the aggrieved employee files his or her complaint.</p>
<p>Military Family Leave</p>	<p>California law governing military spouse leave covers private employers with 25 or more employees.</p> <p>An employee is eligible for military spouse leave if he or she:</p> <ul style="list-style-type: none"> • Is the spouse of a member of the Armed Forces, the National Guard, or the reserves • Works for his or her employer an average of 20 or more hours per week

	<ul style="list-style-type: none"> • Notifies his or her employer, within two business days of receiving official notice that his or her spouse will be on leave from deployment, that he or she intends to take military spouse leave –and– • Submits written documentation to the employer certifying that his or her spouse will be on leave from deployment on the dates he or she intends to take leave. <p>California law requires an employer to provide leave to an employee whose spouse is a member of the Armed Forces of the United States who is on leave from a deployment during a period of military conflict to a combat theater or combat zone of operations. California law also requires an employer to provide leave to an employee whose spouse is a member of the National Guard or Reserves who is on leave from a deployment during a period of military conflict. <i>Cal. Mil. & Vet. Code 395.10(b)(2) and (4).</i></p> <p>California law requires employers to provide 10 days of military spouse leave per year.</p> <p>California law governing military spouse leave prohibits an employer from retaliating against an eligible employee for taking military spouse leave.</p>
<p>Criminal Victim Leave</p>	<p>California law requires covered employers to provide crime victim leave to employees who are crime victims, or family members of crime victims, who are attending judicial proceedings related to the crime. <i>Cal. Lab. Code 230, 230.2.</i></p> <p><u>Employee Coverage:</u> California law requires all employers to provide crime victim leave to eligible employees.</p> <p><u>Employee Eligibility:</u> California law prohibits employers from discharging or in any manner discriminating or retaliating against an employee who is a victim who takes leave to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the victim or his or her child. Any relief to help ensure the health, safety, or welfare of the victim, or his or her child “victim” is defined (1) a victim of stalking, domestic violence, or sexual assault; (2) a victim of a crime that caused physical injury or mental injury and a threat of physical injury; or (3) a person whose immediate family member is deceased as the direct result of a crime.</p> <p>California employers must permit an employee to use crime victim leave if the employee is a victim of crime or abuse, as defined above, and is taking time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child. An eligible employee may use vacation, personal leave, or compensatory time off that is otherwise available to the employee for the days of his or her required court attendance. <i>Cal. Lab. Code 230, 230.2</i></p> <p><u>Employee Rights Upon Return:</u> Employees who have been injured by a violation of may file a complaint with the Division of Labor Standards Enforcement of the California Department of Industrial Relations within six months after the violation occurred.</p>
<p>Domestic Violence Victim Leave</p>	<p>California laws providing leave to victims of crime or abuse requires covered employers to provide this leave to victims of domestic violence. <i>Cal. Lab. Code 230, 230.1</i></p> <p><i>Cal. Lab. Code 230(c)</i> requires all California employers to provide leave for victims of domestic violence to seek relief. Additionally, California law requires employers with 25 or more employees to provide leave to employees who are</p>

	<p>victims of domestic violence for medical, psychological, safety planning, or other victim services purposes.</p> <p>An employee is eligible for crime or abuse victim leave if the employee is, among other things, a victim of domestic violence, sexual assault, or stalking and taking time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child.</p> <p><u>Leave for Medical, Safety or Other Purposes:</u> An employee is eligible for crime or abuse victim leave if the employee is a victim of domestic violence, sexual assault, or stalking who takes time off from work for any of the following purposes:</p> <ul style="list-style-type: none"> • To seek medical attention for injuries caused by the crime or abuse • To obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization as a result of the crime or abuse • To obtain psychological counseling or mental health services related to an experience of crime or abuse • To participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> Employees who have been injured by a violation of or complaint with the Division of Labor Standards Enforcement of the California Department of Industrial Relations pursuant to within one year after the violation occurred.</p>
<p>Voting Time Off</p>	<p>California state law requires covered employers to provide employees with voting time off. <i>Cal. Elec. Code 14000.</i></p> <p><u>Amount of Time:</u> An eligible employee is entitled to take off enough working time that, when added to the voting time available outside of working hours, will enable the employee to vote. The employee is entitled to up to two hours of paid voting time off at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.</p>
<p>School-Related Leave</p>	<p>California state law requires covered employers to provide employees with leave for school-related events, emergencies and disciplinary issues. <i>Cal. Lab. Code 230.7.</i></p> <p>Employers of 25 or more employees working at the same location must permit employees to take school-related leave for certain emergency, disciplinary, enrollment and activity purposes.</p> <p>Covered employers must provide unpaid, school-related leave to eligible employees for participation in school activities. Employees may also take leave to find, enroll, or re-enroll their child in a school or a licensed childcare provider, or to address a childcare provider or school emergency.</p>
<p>Bereavement Leave</p>	<p>No State Law</p>

- Colorado -

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Healthy Families and Workplace Act (Act) requires covered employers in Colorado to provide employees with paid sick leave. See <i>2020 Colo. SB. 205; Colo. Rev. Stat. § 8-13.3-401</i>.</p> <p>Act. Effective January 1, 2022, all employers are covered. <i>Colo. Rev. Stat. § 8-13.3-403(1)</i>.</p> <p>"Employee" means any person, including a migratory laborer, performing labor or services for the benefit of an employer. See <i>Colo. Rev. Stat. § 8-4-101(5); Colo. Rev. Stat. § 8-13.3-402(4)</i>.</p> <p>Upon hire, employees accrue one hour of sick leave for every 30 hours worked, with an annual cap of 48 hours. <i>Colo. Rev. Stat. § 8-13.3-403(2)(a)</i>.</p> <p>Employees begin to accrue leave at the commencement of employment or January 1, 2021, whichever is later. <i>7 Colo. Code Regs. § 1103-7(Rule 3.5.1)</i>. Employees may use sick time immediately upon accrual. Employers can limit use of sick leave to 48 hours per year. <i>Colo. Rev. Stat. § 8-13.3-403(3)</i>.</p> <p>An employee may use basic paid sick leave when:</p> <ul style="list-style-type: none"> • The employee has a mental or physical illness, injury, or health condition that prevents the employee from working, or needs to care for a family member with a mental or physical illness, injury, or a health condition • The employee or a family member the employee is caring for needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition • The employee or a family member the employee is caring for needs to obtain preventive care • The employee or a family member has been the victim of domestic abuse, sexual assault, or harassment and the use of leave is to seek medical attention, obtain services from a victim services organization, obtain mental health services, seek relocation, or seek legal services –or– • Due to a public health emergency, a public official has ordered closure of the employee’s place of business, the school or place of care of the employee’s child <i>Colo. Rev. Stat. § 8-13.3-404(1)</i>. <p>For sick leave purposes, a family member is:</p> <ul style="list-style-type: none"> • An employee’s immediate family member, meaning a person who is related by blood, marriage, civil union, or adoption • A child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor • A person for whom the employee is responsible for providing or arranging health- or safety-related care. <i>Colo. Rev. Stat. § 8-13.3-402(6)</i>. <p><u>Carryover and Payout:</u> Accrued sick leave carries over from year to year, up to a maximum of 48 hours. <i>Colo. Rev. Stat. § 8-13.3-403(3)(b)</i>. Employers are not required to pay employees for accrued but unused leave upon an employee’s separation from employment. <i>Colo. Rev. Stat. § 8-13.3-403(5)(a)</i>. However, if an employer rehires an employee within six months after separation, the employer</p>	

	<p>must reinstate any paid sick leave that the employee accrued but did not use during the employee’s previous employment and was not otherwise compensated for. <i>Colo. Rev. Stat. § 8-13.3-403(5)(b)</i>.</p> <p><u>Intermittent Leave and Reduced Schedules:</u> Employers may require the use of paid sick leave in hourly increments or may allow the use of smaller increments. If an employer does not specify the minimum increment allowed in writing, an employee cannot use paid sick leave in increments smaller than a tenth of an hour. <i>7 Colo. Code Regs. § 1103-7(Rule 3.5.3(B))</i>.</p> <p><u>Employee Rights:</u> Employees are entitled to:</p> <ul style="list-style-type: none"> • The use of paid sick leave • To file a complaint or inform any person about a violation of the Act • Cooperate with Colorado Division of Labor Standards and Statistics (Division) in its investigation of an alleged violation of the Act –and– • Inform any person of the person’s potential rights under the Act. <i>Colo. Rev. Stat. § 8-13.3-407(1)</i>. <p>When a public health emergency is declared, employers must provide additional paid sick leave beyond the basic sick leave described above. For employees who work 40 or more hours a week, employers must provide supplemental hours to whatever an employee has accrued to give employees a total of 80 hours of unused paid sick leave. <i>7 Colo. Code Regs. § 1103-7(Rule 3.5.1(C))</i>. For employees who work less than 40 hours per week, employers must provide the greater of the number of hours the employee (a) is scheduled for work or paid leave in the 14-day period after the request, or (b) actually worked in the 14-day period prior to the declaration of the public health emergency or the leave request, whichever is later. <i>7 Colo. Code Regs. § 1103-7(Rule 3.5.1(C))</i>. An employee’s unused basic paid sick leave may be counted toward this requirement. <i>Colo. Rev. Stat. § 8-13.3-405(2)</i>.</p> <p>Employees may use this leave if:</p> <ul style="list-style-type: none"> • They are self-isolating due to a positive diagnosis or experiencing symptoms, or are seeking medical treatment or preventive care, with respect to the disease causing the public health emergency, or are caring for a family member experiencing those circumstances • Public health officials or the employer determines it is unsafe for the employee to come to work due to the public health emergency • They must care for a child whose childcare facility or school is closed due to the public health emergency –or– • They cannot work due to a health condition that may increase susceptibility to the illness. <i>Colo. Rev. Stat. § 8-13.3-405(3)</i>. <p>An employer must permit an employee to use the full amount of supplementary leave prior to using any of the employee’s previously accrued leave. Employees will continue to accrue leave during the public health emergency. <i>7 Colo. Code Regs. § 1103-7(Rule 3.5.1(D))</i>.</p>
<p>Pregnancy Leave</p>	<p>Colorado law requires covered employers to provide employees with reasonable accommodations for pregnancy-related disabilities, which could include pregnancy leave. <i>Colo. Rev. Stat. § 24-34-402.3</i>.</p>

	<p>Covered employers include:</p> <ul style="list-style-type: none"> • The State of Colorado or any political subdivision, commission, department, institution, or school district thereof –and– • Every other person employing persons within the state, including employment agencies and labor organizations. <i>Colo. Rev. Stat. § 24-34-401(3)</i>. <p>The Colorado Anti-Discrimination Act (CADA) requires employers to provide reasonable accommodations (including leave), if requested, for health conditions related to pregnancy or the physical recovery from childbirth, unless the accommodation would impose an undue hardship. <i>Colo. Rev. Stat. § 24-34-402.3(1)(a)(I)</i>. However, an employer may not require an applicant or employee to go on leave if she has not requested it or if the employer could provide another reasonable accommodation. <i>Colo. Rev. Stat. § 24-34-402.3(1)(a)(IV), (V)</i>.</p> <p>A reasonable accommodation should not require an employer to:</p> <ul style="list-style-type: none"> • Hire new employees who would not have otherwise been hired • Discharge an employee, transfer another employee with more seniority, or promote another employee who is not qualified to perform the job • Create a new position, including a light duty position, unless the light duty position would be provided for another equivalent employee –or– • Provide the employee paid leave beyond that provided to similarly situated employees <i>Colo. Rev. Stat. § 24-34-402.3(4)(b)</i>. <p>For purposes of determining whether a reasonable accommodation is available, undue hardship means an action requiring significant difficulty or expense to the employer. Factors that may be considered in determining undue hardship include:</p> <ul style="list-style-type: none"> • The nature and cost of the accommodation (<i>Colo. Rev. Stat. § 24-34-402.3(4)(c)(I)(A)</i>) • The overall financial resources of the employer (<i>Colo. Rev. Stat. § 24-34-402.3(4)(c)(I)(B)</i>) • The overall size of the employer’s business with respect to the number of employees and the number, type, and location of the available facilities (<i>Colo. Rev. Stat. § 24-34-402.3(4)(c)(I)(C)</i>) –and– • The accommodation’s effect on expenses and resources or its effect on the employer’s operations (<i>Colo. Rev. Stat. § 24-34-402.3(4)(c)(I)(D)</i>) <p>Under the CADA, the employer’s provision of, or a requirement that the employer provide, a similar accommodation to other classes of employees creates a rebuttable presumption that the accommodation does not impose an undue hardship. <i>Colo. Rev. Stat. § 24-34-402.3(4)(c)(II)</i>.</p> <p><u>Employee Rights upon Return</u>: It is unlawful for an employer to take adverse action against an employee or deny employment opportunities to an employee or applicant who requests an accommodation for health conditions related to pregnancy or the physical recovery from childbirth. <i>Colo. Rev. Stat. § 24-34-402.3(1)(a)(II), (III)</i>.</p>
<p>Family and Medical Leave or Flexible</p>	<p>The appointing authority for a permanent state employee may grant up to 40 hours of paid leave to the employee for the death of a family member or other person. An appointing authority may prorate the amount of leave available for part-time employees or for unpaid leave in the month. <i>4 CCR 801, Rule 5-12</i>.</p>

<p>Leave Requirements</p>	<p>The FCA uses the same definition of "employer" as the FMLA. Thus, an employer under the FCA is any person engaged in commerce or industry who employs 50 or more employees for each working day during each of 20 or more weeks in the current or preceding year. <i>Colo. Rev. Stat. § 8-13.3-202(3)</i>.</p> <p>The FCA defines "employee" as a person employed by an employer who is eligible for leave under the FMLA. <i>Colo. Rev. Stat. § 8-13.3-202(2)</i>.</p> <p>An employee is entitled to leave under the FCA to care for a significant other with a serious health condition if that person is:</p> <ul style="list-style-type: none"> • The employee's partner in a civil union –or– • The employee's partner in a domestic partnership –and– <ul style="list-style-type: none"> ○ The domestic partnership has, if so required, been registered with the city or state –or– ○ The employer recognizes the partnership. <i>Colo. Rev. Stat. § 8-13.3-203(1)</i>. <p><u>Amount of Leave:</u> An employee’s leave under the FCA runs concurrently with any FMLA leave and does not increase an employee's family care leave entitlement in a 12-month period. <i>Colo. Rev. Stat. § 8-13.3-203(3)</i>. However, FMLA regulations do not permit employers to count non-FMLA qualifying leave against their FMLA leave entitlement.</p> <p>An employee aggrieved by a violation of the FCA has a private right of action. <i>Colo. Rev. Stat. § 8-13.3-204</i>.</p>
<p>Military Family Leave</p>	<p>No State Law</p>
<p>Criminal Victim Leave</p>	<p>Colorado law requires covered employers to provide crime victim leave to employees who are victims of crime or their immediate families to participate in criminal proceedings. <i>Colo. Rev. Stat. § 24-4.1-303(8)</i>.</p> <p><u>Employee Coverage:</u> All employers are required to provide crime victim leave to eligible employees. See <i>Colo. Rev. Stat. § 24-4.1- 308(8)</i>.</p> <p><u>Employee Eligibility:</u> To be eligible for crime victim leave, an employee must have been the victim of a crime or be a member of a victim’s immediate family. <i>Colo. Rev. Stat. § 24-4.1-308(8)</i>.</p> <p>A "victim" is a person against whom a crime has been perpetrated or attempted, unless that person is responsible for the crime or the crime arose out of criminal conduct or a criminal plan in which the person participated. If the victim is deceased or incapacitated, a "victim" will also be the person’s: spouse, parent, child, sibling, grandparent, grandchild, significant other –or– other lawful representative. <i>Colo. Rev. Stat. § 24-4.1-302(5)</i>.</p> <p><u>Employee Rights Upon Return:</u> Colorado law prohibits an employer from discharging or disciplining a crime victim or member of a crime victim's immediate family for responding to a subpoena to testify at a criminal proceeding or for participating in the preparation for a criminal proceeding. <i>Colo. Rev. Stat. § 24-4.1-303(8)</i>.</p>
<p>Domestic Violence Victim Leave</p>	<p>Colorado law requires certain employers to provide leave to employees who are victims of domestic violence. <i>Colo. Rev. Stat. § 24-34-402.7(1)(a)</i>.</p>

	<p>The provisions governing domestic violence leave define "employer" as an employer that employs 50 or more employees. <i>Colo. Rev. Stat. § 24-34-402.7(1)(b)</i>.</p> <p>To be eligible for a domestic violence leave, an employee must be a victim of domestic violence, stalking, or sexual assault and the employee must have been employed by his or her employer for 12 or more months. <i>Colo. Rev. Stat. § 24-34-402.7(1)(b)</i>.</p> <p><u>Amount of Leave:</u> An employer must offer up to three days of paid or unpaid leave in a 12-month period to an employee who is a victim of domestic violence, stalking, sexual assault, or other crime, including an act of domestic violence, to allow the employee to:</p> <ul style="list-style-type: none"> • Obtain a civil protection order; • Obtain medical care or mental health counseling for himself or herself or his or her children arising from injuries related to domestic abuse, stalking, sexual assault, or other crime involving domestic violence; • Make his or her home secure from the perpetrator of domestic abuse, stalking, sexual assault, or other crime involving domestic violence, or seek a new home to escape the perpetrator; • Seek legal assistance to address issues arising from domestic abuse, stalking, sexual assault, or other crime involving domestic violence –or– • Attend and prepare for court proceedings arising from domestic abuse, stalking, sexual assault, or other crime involving domestic violence. <i>Colo. Rev. Stat. § 24-34-402.7(1)(a)</i>. <p>An employee must exhaust any annual/vacation leave, personal leave, or sick leave prior to using domestic violence leave, unless the employer waives this requirement. <i>Colo. Rev. Stat. § 24-34-402.7(2)(b)</i>.</p> <p><u>Employee Rights upon Return:</u> An employer may not discharge or otherwise discriminate against an employee for exercising his or her rights to domestic violence leave. <i>Colo. Rev. Stat. § 24-35-402.7(3)</i>.</p>		
<p>Voting Time Off</p>	<p>Colorado law requires covered employers to provide employees with voting time off. Uniform Election Code of 1992, <i>Colo. Rev. Stat. §§ 1-7-102, 1-13-719, 1-13-111</i>.</p> <p><u>Amount of Time:</u> Eligible employees are entitled to two hours of paid leave to vote on election day. The employer may specify the hours an employee may be absent, but the hours must be at the beginning or end of the work shift if the employee makes such a request. <i>Colo. Rev. Stat. § 1-7-102(1)</i>.</p>		
<p>School-Related Leave</p>	<p>The Parental Involvement in K-12 Education Act used to entitle parents to unpaid leave for academic activities, but the legislature repealed it on September 1, 2015.</p>		
<p>Bereavement Leave</p>	<table border="1" style="width: 100%;"> <tr> <td data-bbox="418 1675 922 1927"> <p>No State Law</p> </td> <td data-bbox="922 1675 1430 1927"> <p>The appointing authority for a permanent state employee may grant up to 40 hours of paid leave to the employee for the death of a family member or other person. An appointing authority may prorate the amount of leave available for part-time employees</p> </td> </tr> </table>	<p>No State Law</p>	<p>The appointing authority for a permanent state employee may grant up to 40 hours of paid leave to the employee for the death of a family member or other person. An appointing authority may prorate the amount of leave available for part-time employees</p>
<p>No State Law</p>	<p>The appointing authority for a permanent state employee may grant up to 40 hours of paid leave to the employee for the death of a family member or other person. An appointing authority may prorate the amount of leave available for part-time employees</p>		

	or for unpaid leave in the month. 4 CCR 801, Rule 5-12.
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- Connecticut -

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Connecticut law requires covered employers to provide service worker employees with paid sick leave.</p> <p>Pursuant to <i>Conn. Gen Stat. §§ 31-57r to 31-57r</i> an "employer" must employ 50 or more individuals in the state as of the payroll week containing October 1st and must be a:</p> <ul style="list-style-type: none"> • Person • Firm • Business • Educational institution • Nonprofit agency • Corporation • Limited liability company or • Other entity. <p>“Employer” does not include any business establishment classified as a sector 31, 32, or 33 in the North American Industrial Classification System or any nationally chartered organization that is exempt from taxation under <i>I.R.C. § 501(c)(3)</i> that provides recreation, childcare, and education.</p> <p>For purposes of the sick leave available to public employees under <i>Conn. Gen Stat. §§ 31-57r to 31-57r</i> covered employers include each “appointing authority,” which is defined to include a board, commission, officer, commissioner, person or group of persons or the designee of such entity having the power to make appointments by virtue of a statute or by lawfully delegated authority. <i>Conn. Gen. Stat. § 5-196(3)</i>.</p> <p>For purposes of <i>Conn. Gen Stat. §§ 31-57r to 31-57w</i> an eligible employee is a "service worker" employee who is paid on an hourly basis or not exempt from the Fair Labor Standards Act's minimum wage and overtime requirements; and engaged in a specific occupation as defined by the federal Bureau of Labor Statistics Standard Occupational Classification system. A "service worker" is not a day or temporary worker.</p> <p>For purposes of the sick leave available to public employees under an eligible employee is any person holding a full-time, permanent position in the state service subject to appointment by an appointing authority. <i>Conn. Gen. Stat. §§ 5-196(10), 5-247(a)</i>.</p> <p><u>Amount of Leave:</u> Paid sick leave began to accrue on January 1, 2012 for all service workers employed as of that date and accrues as of the first day of work for subsequent hires. The accrual rate is one hour of leave for every 40 hours of work up to a maximum of 40 hours of leave per year. <i>Id.</i></p> <p>A service worker can use his or her accrued sick leave only after he or she has worked for 680 hours from the date that leave began to accrue. A service worker is</p>	

not entitled to use accrued paid sick leave if he or she has not worked an average of 10 or more hours a week in the most recent complete calendar quarter. § 31-57s(b).

A service worker may only use 40 hours of paid sick leave in any one year. A service worker may use accrued paid sick leave for:

- The service worker's physical or mental illness, injury, or health condition, diagnosis or treatment of such illness, injury, or health condition, or preventative care;
- The physical or mental illness, injury, or health condition of the service worker's child or spouse, diagnosis or treatment of such illness, injury, or health condition of a child or spouse, or preventative care for a child or spouse; or
- If the service worker is a victim of family violence or sexual assault:
 - For medical care or psychological counseling for a physical or psychological injury or disability;
 - To obtain services from a victim services organization;
 - To relocate due to such family violence or sexual assault; or
 - To participate in criminal or civil proceedings related to or resulting from such family violence or sexual assault.

A service worker is entitled to carry over up to 40 hours of unused sick leave from one year to another, but he or she may only use 40 hours of paid sick leave in any one year.

Employee Rights upon Return: Employers are prohibited from taking retaliatory personnel action or discriminating against an employee for:

- Requesting to use or using the sick leave to which he or she is entitled under the statute or the employer's own paid sick leave policy; or
- Filing a complaint alleging a violation of *Conn. Gen Stat. §§ 31-57r to 31-57w*.

Notice to Employees of Leave Policy: A covered employer must, at the time of hire, provide each service worker a notice of entitlement to sick leave that includes:

- A statement of the amount of sick leave provided to service workers and the terms under which such leave may be used;
- A statement that retaliation by the employer against the service worker for requesting or using sick leave is prohibited; and
- A statement that a service worker has a right to file a complaint with the Connecticut Department of Labor Commissioner for a violation of *Conn. Gen Stat. §§ 31-57r to 31-57v*.

Employers may comply with this requirement by displaying a poster in a conspicuous place that is accessible to service workers and specifies the required information in both English and Spanish. *Conn. Gen Stat. § 31-57w*.

Enforcement Mechanisms (including Private Rights of Action): The Connecticut Department of Labor Commissioner is charged with administering *Conn. Gen Stat. §§ 31-57r to 31-57w*.

An employee aggrieved by a violation of *Conn. Gen Stat. §§ 31-57r to 31-57w* may file a complaint with the Connecticut Department of Labor Commissioner.

<p>Pregnancy Leave</p>	<p>The Connecticut Fair Employment Practices Act (CFEPA), <i>Conn. Gen. Stat. § 46a-51 et seq.</i>, requires covered employers to provide eligible employees with leave for disabilities related to pregnancy. <i>Conn. Gen. Stat. § 46a-60(a)(7)</i>.</p> <p>The Connecticut Fair Employment Practices Act (CFEPA), <i>Conn. Gen. Stat. § 46a-51 et seq.</i>, defines "employer" as:</p> <ul style="list-style-type: none"> • The state and its political subdivisions; and • Any person or employer with three or more employees. <i>Conn. Gen. Stat. § 46a-51(10)</i>. <p><u>Employee Rights upon Return:</u> The Connecticut Fair Employment Practices Act (CFEPA), <i>Conn. Gen. Stat. § 46a-51 et seq.</i>, prohibits an employer from:</p> <ul style="list-style-type: none"> • Terminating an employee because of her pregnancy; • Refusing to grant an employee a reasonable leave of absence for a disability resulting from pregnancy; • Denying an employee, who is disabled by pregnancy, the compensation to which she is entitled due to accrued disability or other leave benefits; • Refusing to reinstate an employee to her original job or an equivalent position with equivalent pay, seniority, retirement, benefits, and service credits after she indicates her intent to return to work, unless the employer is a private employer and changed circumstances make it impossible or unreasonable to do so; • Limiting, segregating, or classifying the employee in a way that would deprive her of employment opportunities due to her pregnancy; • Discriminating against an employee or person seeking employment on the basis of her pregnancy in the terms and conditions of her employment; • Failing or refusing to make a reasonable accommodation for an employee or person seeking employment due to her pregnancy, unless the employer can demonstrate that such accommodation would impose an undue hardship on such employer; • Denying employment opportunities to an employee or person seeking employment if such denial is due to the employee's request for a reasonable accommodation due to her pregnancy; • Forcing an employee or person seeking employment affected by pregnancy to accept a reasonable accommodation if such employee or person seeking employment does not have a known limitation related to pregnancy, or does not require a reasonable accommodation to perform the essential duties of her employment; • Requiring an employee to take a leave of absence if a reasonable accommodation can be provided in lieu of such leave; or • Retaliating against an employee in the terms, conditions, or privileges of her employment based upon such employee's request for a reasonable accommodation. <i>Conn. Gen. Stat. § 46a-60(a)(7)</i>. <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> The Connecticut Commission on Human Rights and Opportunities (Commission) administers and enforces the CFEPA. <i>Conn. Gen. Stat. § 46a-54</i>.</p>
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	<p>An employee aggrieved by a violation of <i>Conn. Gen. Stat. § 46a-60(a)(7)</i> must first file a complaint with the Commission. <i>Conn. Gen. Stat. § 46a-82(a)</i>.</p> <p>An employee may bring a civil action if he or she has filed a timely complaint with the Commission and obtained a release in accordance with <i>Conn. Gen. Stat. § 46a-83a</i>. An employee wishing to bring a civil action under the CFEPA must do so within two years of the date she filed her complaint with the Commission.</p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>The Connecticut Family and Medical Leave Act (CFMLA), <i>Conn. Gen. Stat. §§ 31-51kk to 31-51qq</i>, requires covered employers to provide eligible employees with family and medical leave. <i>Conn. Gen. Stat. § 31-51ll</i>. Connecticut has also established a paid family and medical leave (PFML) program.</p> <p>“Employer” under the CFMLA is any person engaged in any activity, enterprise, or business that employs 75 or more people. This includes any person acting directly or indirectly in the interest of the employer to any employees of the employer, as well as any successor in interest of the employer.</p> <p>An employer is not:</p> <ul style="list-style-type: none"> • The state • A municipality • A local or regional board of education <p>–or–</p> <ul style="list-style-type: none"> • Any private or parochial elementary or secondary school <i>Conn. Gen. Stat. § 31-51kk(4)</i>. <p>An eligible employee under the CFMLA is an individual who has been employed for at least 12 months by the employer with respect to whom leave is requested and has at least 1,000 hours of service with the employer during the 12-month period prior to the first day of the requested leave. <i>Conn. Gen. Stat. § 31-51kk(1)</i>.</p> <p>A covered employee under the PFML program is an individual who has not earned less than \$2,325 in earnings during the employee’s highest earning quarter of the first four of the five most recently completed quarters and who is:</p>	<p><i>Conn. Gen. Stat. §§ 5-248a</i> grants each permanent state employee, as defined under <i>Conn. Gen. Stat. § 5-196(19)</i>, the same amount and type of unpaid leave that the CFMLA provides to private employees.</p> <p>An employee of a political subdivision of the state who is in a same-sex marriage and has been employed by the employer for at least 12 months and for at least 1,250 hours in the previous 12-month period is entitled to family and medical leave benefits under the federal Family and Medical Leave Act (FMLA). <i>Conn. Gen. Stat. §31-55rr(a)</i></p>

	<ul style="list-style-type: none"> • Presently employed with a covered Connecticut employer • Has been employed by a Connecticut employer in the previous 12 weeks –or– • Is a self-employed individual or sole proprietor and Connecticut resident who has enrolled in the program <p><u>Amount of Leave:</u> Effective January 1, 2022, the CFMLA provides an eligible employee with a total of 12 weeks of leave during a 12- month period under certain specified conditions. The employee may also take an additional two weeks of leave during the 12-month period for a serious health condition resulting from incapacitation that occurs during pregnancy. <i>Conn. Gen. Stat. § 31-511(a)(1)</i> (effective Jan. 1, 2022).</p> <p>The CFMLA also allows an employee a one-time leave of up to 26 weeks in a 12-month period to care for a spouse, child, parent, or next of kin who is a member of the armed forces and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness incurred in the line of duty. <i>Conn. Gen. Stat. § 31-511(i)</i>.</p> <p>Employees are entitled to take up to two weeks of accumulated sick leave for the birth or adoption of a child or to attend to the serious health condition of a covered family member. <i>Conn. Gen. Stat. § 31-511(c)</i>. If both spouses work for the same employer, their combined leave under the CFMLA may not exceed 12 weeks in a 12-month period if such leave was taken:</p> <ul style="list-style-type: none"> • For the birth or placement of a child –or– • In order to care for a family member <p>If both spouses are entitled to military caregiver leave, their combined leave cannot exceed 26 weeks during any 12-month period. <i>Conn. Gen. Stat. § 31-511(g)</i> (effective Jan. 1, 2022).</p> <p>Effective January 1, 2022, an eligible employee may take leave:</p> <ul style="list-style-type: none"> • For the birth of the employee's child 	
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	<ul style="list-style-type: none"> • For the placement of a child with the employee for adoption or foster care • In order to care for a family member that has a serious health condition • For the employee's serious health condition • In order for the employee to serve as an organ or bone marrow donor –or– • Any qualifying exigency arising out of the fact that a spouse, child, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces <p>“Family member” is defined as a:</p> <ul style="list-style-type: none"> • Spouse • Sibling • Child • Grandparent • Grandchild • Parent –or– • Individual related to the employee by blood or affinity whose close association the employee shows to be equivalent to those family relationships. <i>Conn. Gen. Stat. § 31-51kk(6)</i> (effective Jan. 1, 2022). <p><u>Intermittent Leave and Reduced Schedules:</u> Employees with a newborn or a child who has been placed with the employee for adoption or foster care are entitled to take leave under the CFMLA intermittently or on a reduced schedule only with the employer’s agreement. Employees are entitled to take leave for their own serious health condition or the serious health condition of a covered family member intermittently or on a reduced schedule basis when medically necessary. In the event that the employee takes intermittent leave due to their own serious health condition or the serious health condition of a covered family member, the employer may require the employee to temporarily transfer to another position with equivalent pay and benefits that can better accommodate the</p>	
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recurring periods of leave. *Conn. Gen. Stat. § 31- 51ll(c)*.

Paid Family and Medical Leave

Program: Each employee must contribute to the PFML program not more than 0.5 of 1% of their total wages, up to Social Security wage contribution cap. Employers are required to deduct an amount from an employee's wages each payroll period computed to result in withholding an amount substantially equivalent to the contribution reasonably estimated to be due from the employee during a calendar year. Employers are required to submit these deductions to the Connecticut Paid Leave Authority (Authority) quarterly. The first quarterly payments are due March 31, 2021. *Conn. Gen. Stat. § 31-49g(b)*.

The weekly benefit rate for a covered employee is 95% of his or her base weekly earnings up to an amount equal to 40 times the minimum wage rate. For any amount that exceeds 40 times the minimum wage rate, the employee shall receive 60% of his or her weekly earnings. The weekly benefit rate is capped at 60 times the state's minimum wage rate. If the Authority determines employee contributions are not sufficient to ensure the solvency of the program, it can reduce the benefit amount for covered employees to ensure the solvency of the program at any time. *Conn. Gen. Stat. § 31-49g(c)*.

A covered employee may receive PFML compensation for nonconsecutive hours of leave. *Conn. Gen. Stat. § 31- 49g(e)*.

Covered employees may receive employer-provided benefits concurrently with benefits under the PFML program, provided that the total compensation for the employee does not exceed the employee's regular rate of compensation. *Conn. Gen. Stat. § 31-49-g(f)*.

If employers offer a paid family and medical leave plan, they may seek an exemption from the PFML program from the Authority if the plan is comparable to the program and a majority of the employer's employees

	<p>have agreed to the plan. Employees in an approved private plan are not required to contribute a percentage of their earnings to the PFML program; however, the employer may withhold or divert an amount equivalent to an employee's contribution for the purpose of administering the approved private plan.</p> <p><u>Required Notices and Records:</u> Every employer must, at the time of hiring and annually thereafter, provide written notice to employees that:</p> <ul style="list-style-type: none"> • They are entitled to leave under the CFMLA and the Connecticut Family Violence Leave Act • They may file for compensation for such leave under the PFML program • Retaliation against an employee for requesting, applying for, or using family and medical leave to which the employee is eligible is prohibited –and– • The employee has a right to file a complaint with the Labor Commissioner for any violation of any of these provisions <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> An employee who believes an employer has violated this or her rights under the CFMLA or an employer has retaliated against him or her for exercising his or her rights under the CFMLA may file a complaint with the Connecticut Department of Labor.</p>	
<p>Military Family Leave</p>	<p>No State Law</p>	
<p>Criminal Victim Leave</p>	<p>Connecticut law requires covered employers to provide crime victim leave to eligible employees. <i>Conn. Gen. Stat. § 54-85b(a)</i>.</p> <p><u>Employee Coverage:</u> An employer is subject to Connecticut’s witness and crime victim leave requirements if its employee:</p> <ul style="list-style-type: none"> • obeys a legal subpoena to appear before any court of Connecticut as a witness in any criminal proceeding, • attends a court proceeding or participates in a police investigation related to a criminal case in which the employee is a crime victim, or • attends or participates in a court proceeding related to a civil case in which 	

	<ul style="list-style-type: none"> ○ the employee is a victim of family violence as defined in <i>Conn. Gen. Stat. § 46b-38a</i>. ○ a restraining order has been issued on the employee’s behalf pursuant to <i>Conn. Gen. Stat. § 46b-15</i>, ○ a protective order has been issued on the employee’s behalf by a court of any state, and registered pursuant to <i>Conn. Gen. Stat. § 46b-15a</i> if issued by another state’s court, or ○ the employee is a victim of family violence as defined in <i>Conn. Gen. Stat. § 46-38a</i>. <p>For purposes of <i>Conn. Gen. Stat. § 54-85b</i>. “crime victim” means an employee who suffers direct or threatened physical, emotional or financial harm as a result of a crime or an employee who is an immediate family member or guardian of:</p> <ul style="list-style-type: none"> • a person who suffers such harm and is a minor, physically disabled, as defined in <i>Conn. Gen. Stat. § 46a-51</i>, or • incompetent, or • a homicide victim. <p><u>Employee Rights Upon Return:</u> Employers are prohibited from discharging, penalizing, threatening, or otherwise coercing employees with respect to their employment because the employee:</p> <ul style="list-style-type: none"> • Obeys a legal subpoena to appear as a witness in a criminal proceeding; • Attends a court proceeding or participates in a police investigation related to a criminal case in which the employee was a crime victim; • Attends or participates in a court proceeding in a civil case in which the employee is a victim of family violence; • Has a restraining order issued on the employee's behalf; • Has a protective order issued on the employee's behalf; or • Is a victim of family violence. <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> An employee has a private right of action if he or she has been terminated, penalized, threatened, or otherwise coerced for taking time off from work to obey a legal subpoena to appear before any court of Connecticut as a witness in any criminal proceedings, for having a protective or restraining order, or for being a victim of family violence.</p>
<p>Domestic Violence Victim Leave</p>	<p>Connecticut law requires covered employers to provide leave to employees who are victims of domestic violence. <i>Conn. Gen. Stat. § 31-51ss(b)</i>.</p> <p>For purposes of leave for a victim of family violence, an "employer" is a person engaged in business with three or more employees, including the state and its political subdivisions.</p> <p>"Family violence" is an incident resulting in physical harm or an act of threatened violence that constitutes fear of imminent physical harm, including but not limited to, stalking or a pattern of threatening between family or household members.</p> <p>An employer does not have to provide the leave required under <i>Conn. Gen. Stat. § 31-51ss(b)</i> as paid leave if:</p>

	<ul style="list-style-type: none"> • The employee is not entitled to paid leave under the terms and conditions of his or her employment; or • Such paid leave exceeds the amount of leave due to the employee during the calendar year, provided that the employee is entitled to unpaid leave under <i>Conn. Gen. Stat. § 31-51ss</i> once an employee exhausts his or her paid leave. <p>An employee who is a victim of family violence may take up to 12 days of leave in a calendar year for authorized purposes.</p> <p>An employee who is a victim of family violence may take up to 12 days of paid or unpaid leave in a calendar year to:</p> <ul style="list-style-type: none"> • Seek medical care or psychological or other counseling for physical or psychological injuries or disabilities; • Obtain services from a victim services organization; • Relocate due to the family violence; or • Participate in any civil or criminal proceedings related to or resulting from the family violence. <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> An employee has a private right to action if his or her employer discharges or penalizes him or her for requesting or using leave as a victim of family violence.</p>
Voting Time Off	<p>Connecticut law requires employers to provide employees with voting time off. <i>2021 Ct. SB 1202, §108.</i></p> <p><u>Amount of Time:</u> Effective June 23, 2021 through June 30, 2024, employers must provide two hours of unpaid time off from an employee’s regularly scheduled work on the day of any covered election for the purpose of voting. <i>2021 Ct. SB 1202 §108.</i></p>
School-Related Leave	No State Law
Bereavement Leave	No State Law

- Delaware -

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Delaware has sick leave requirements for public sector employers. <i>Del. Code. Ann. Tit. 29, §5501.</i></p> <p>Public employees are entitled to one year of unpaid medical leave upon a showing of necessity.</p> <p><u>School Employees:</u> School employees have a minimum of 10 days of sick leave per year with full pay. School employees employed for 11 months a year have 11 days of paid sick leave per</p>

	<p>year, and school employees employed for 12 months a year have 12 days of paid sick leave per year. <i>Del. Code Ann. tit. 14, §51318(a)</i>. Employees can accumulate unused days of sick leave without limit. Id. School employees may take no more than three calendar days of leave per year to observe recognized religious holidays. The time off is counted in the employee’s sick leave.</p> <p>School employees have three days of personal leave, but the time is part of the employees’ sick leave. Personal leave must be approved by the chief school officers. School employees have a donated leave program, which allows employees with accrued, unused sick leave days to transfer them to another school employee. <i>Del. Code Ann. tit. 14, § 1318A</i>.</p>
<p>Pregnancy Leave</p>	<p>Delaware law requires covered employers to provide pregnant employees with reasonable accommodations, which could include pregnancy leave. <i>Del. Code Ann. tit. 19, § 711(h)(2)</i>.</p> <p>For purposes of the Discrimination in Employment Act (DEA), an employer is a person that employs four or more employees, including the state, its political subdivisions, and their departments, commissions, and school districts.</p> <p>Under the DEA, an employee is any person who is employed by an employer. An employee does not include:</p> <ul style="list-style-type: none"> • Individuals employed in agriculture or domestic service • Individuals who reside in their employer’s residence as part of their employment • Individuals who are employed by their parent, spouse, or child • Individuals elected to public office in the state or its political subdivisions by qualified voters, chosen by such an official as their personal staff, or appointed at a policy making level or as an immediate advisor • Employees of religious educational institutions that direct the propagation of a particular religion <p>To be eligible for a reasonable accommodation, an employee must have a limitation related to pregnancy, childbirth, or a related condition, including, but not limited to, lactation.</p> <p>The DEA also prohibits employers from:</p> <ul style="list-style-type: none"> • Denying employment opportunities to an employee based on the need to make reasonable accommodations due to the person’s pregnancy • Requiring an employee affected by pregnancy to accept accommodations if no known pregnancy-related limitations exist, or is unnecessary for to perform the essential duties of the job

	<ul style="list-style-type: none"> • Requiring the employee to take leave if another accommodation alternative is available –or– • Taking adverse action against an employee in the terms, conditions, or privileges of employment for requesting or using reasonable accommodations for conditions related to pregnancy <p>Reasonable accommodations may include, but are not limited to</p> <ul style="list-style-type: none"> • Providing equipment for sitting • Modifying work schedules, including providing additional or longer breaks • Assisting with manual labor • Job restructuring, including temporary transfers and light-duty assignments –and– • Providing appropriate facilities for expressing breast milk <p>Employers are not required to make an accommodation that would be considered an undue hardship.</p> <p><u>Notice to Employees of Leave Policy:</u> The DEA requires employers to post in conspicuous places on the premises where the employer customarily posts notices to employees and applicants.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The Delaware Department of Labor (Department) enforces the DEA. The Department or the Delaware Attorney General may also file a civil action to enforce the DEA. After exhausting all administrative remedies and receiving a Right to Sue notice, an aggrieved employee may file a civil action in superior court. <i>Del. Code Ann. tit. 19, § 714(a)</i></p>	
Family and Medical Leave or Flexible Leave Requirements	No State Law	N/A
Military Family Leave	No State Law	
Criminal Victim Leave	<p>Delaware law requires covered employers to provide leave to crime victims or their representatives who attend or participate in criminal justice proceedings. <i>Del. Cod Ann. Tit 11, 9409.</i></p> <p><u>Employee Coverage:</u> All employers must provide eligible employees with crime victim leave.</p> <p><u>Employee Eligibility:</u> An employee is eligible for crime victim leave if he or she has been the victim of a crime or is a representative of a victim of a crime . Victim includes the parent, guardian, or custodian of a victim who is unable to understand or participate in the legal process. <i>Del. Code Ann. tit. 11, § 4701(7).</i> A representative of a victim is a member of the victim’s family or an individual designated by the victim or by a court. <i>Del. Code Ann. tit. 11, § 4701(6).</i></p> <p><u>Employee Rights Upon Return:</u> An employer may not discharge or discipline a victim or a representative of the victim for</p>	

	<ul style="list-style-type: none"> • participating at the prosecutor's request in preparation for a criminal justice proceeding; • attending a criminal justice proceeding if the attendance is reasonably necessary to protect the interests of the victim; or • attending a criminal justice proceeding in response to a subpoena.
Domestic Violence Victim Leave	<p>Delaware law requires covered employers to provide leave to employees who are victims of domestic violence. <i>Del. Cod Ann. Tit 119, 711(h)</i>.</p> <p>An employer must make reasonable accommodations for an employee for limitations known to the employer and related to domestic violence, a sexual offense, or stalking unless the employer can demonstrate that the accommodation would pose an undue hardship to the employer's business. Such accommodations may include making reasonable changes to the schedule or duties of the job that accommodate the employee and allow him or her to satisfactorily perform the employee's essential job duties. Reasonable accommodations include allowing the employee to use accrued leave to address domestic abuse, a sexual offense, or stalking.</p> <p>Under the DEA, an employee is any person who is employed by an employer. An employee does not include:</p> <ul style="list-style-type: none"> • Individuals employed in agriculture or domestic service • Individuals who reside in their employer's residence as part of their employment • Individuals who are employed by their parent, spouse, or child • Individuals elected to public office in the state or its political subdivisions by qualified voters, chosen by such an official as their personal staff, or appointed at a policy making level or as an immediate advisor • Employees of religious educational institutions that direct the propagation of a particular religion <p><u>Notice to Employees of Leave Policy:</u> The DEA requires employers to post in conspicuous places on the premises where the employer customarily posts notices to employees and applicants a notice prepared or approved by the Department of Labor containing excerpts or summaries of pertinent DEA provisions and information on filing a complaint.</p>
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	<p>No State Law</p> <p>Delaware has bereavement leave requirements for public sector employers. <i>Del. Code Ann. Tit 14, 1318(b)</i>.</p> <p>School employees are entitled to five days of bereavement leave with pay for</p>

		<p>the death of an immediate family member.</p> <p>In the event of the death of a near relative, Delaware law allows school employees to take one day off for the funeral with pay.</p> <p>A near relative includes a first cousin, aunt, uncle, niece, nephew, brother-in-law, sister-in-law, grandparent-in-law, or friend living in the employee's household.</p>
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-Florida-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Sick leave allows you to take time away from work if you need to:</p> <ul style="list-style-type: none"> • Recover from a personal illness (including maternity-related disability), injury or exposure to a contagious disease. • See your doctor, dentist or other recognized health care practitioner • Attend medical appointments for a family member for whom you provide care. <p>You earn sick leave based on whether you are:</p> <ul style="list-style-type: none"> • A part-time or full-time employee. • A Career Service, a Selected Exempt Service (SES) or Senior Management Service (SMS) employee. <p>Sick leave requires approval from your supervisor and must be earned before it is taken. <i>Florida Department of Management Services.</i></p> <p>Full-time employees earn four hours every two weeks if paid biweekly and eight hours and 40 minutes once each full calendar month if paid monthly. Leave is credited at the close of business on the last day of your pay period, and there is no limit on the amount of sick leave you can accrue.</p> <p>Part-time employees and employees who work less than a full pay period (for example, new hires, or those on a</p>

		<p>leave of absence without pay) receive prorated leave credits based on time worked per pay period.</p> <p>Your accrued sick leave moves with you if you change agencies within 31 days. If you leave state employment, and you have at least 10 years of service, you are paid one-fourth of unused sick leave credits, up to 480 hours.</p>
Pregnancy Leave	<p>Florida has no state law that requires private employers to provide pregnancy leave, leave for employees who have adopted children, or leave or break requirements for nursing mothers. However, the Florida Civil Rights Act of 1992 (Florida CRA), <i>Fla. Stat 760.01 et seq.</i>, protects employees, job applicants, and trainees from harassment and discrimination based on pregnancy, and prohibits retaliation. <i>Fla Stat. Ann 760.10.</i></p>	No State Law
Family and Medical Leave or Flexible Leave Requirements	No State Law	No State Law
Military Family Leave	No State Law	
Criminal Victim Leave	<p>Florida has no law that requires private employers to provide employees with crime victim leave, unless they testify in judicial proceedings in response to subpoenas. Florida also has a law regarding victims of domestic or sexual violence.</p>	
Domestic Violence Victim Leave	<p>Florida does have a state law that requires covered employers to provide leave to employees if they, their family, or their household members are victims of domestic or sexual violence. <i>Fla. Stat. Ann. 7410.313.</i></p> <p>Florida employers with 50 or more employees are covered. Individuals who have been employed by a covered employer for at least three months are eligible for this leave.</p> <p>Leave is available for any of the following purposes:</p> <ul style="list-style-type: none"> • To seek an injunction for: <ul style="list-style-type: none"> ○ Protection against domestic violence –or– ○ Protection in cases of repeat violence, dating violence, or sexual violence 	

	<ul style="list-style-type: none"> • To obtain medical care or mental health counseling, or both, to address physical or psychological injuries resulting from the act of domestic violence or sexual violence for: <ul style="list-style-type: none"> ○ The employee ○ A family member –or– ○ A household member • To obtain services as a result of the act of domestic or sexual violence from a victim services organization, including, but not limited to: <ul style="list-style-type: none"> ○ A domestic violence shelter ○ A domestic violence program –or– ○ A rape crisis center • To make the employee’s home secure from the perpetrator of the domestic or sexual violence • To seek new housing to escape the perpetrator • To seek legal assistance in addressing issues arising from the act of domestic or sexual violence • To prepare for and attend court-related proceedings <p>Payment for such leave is at the employer’s discretion. <i>Fla. Stat. Ann 741. 313(2)(a)</i>. Eligible employees may “take up to three working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence. Unless the employer waives the requirement, an employee must exhaust all annual or vacation leave, personal leave, and sick leave, if applicable, that is available to him or her before receiving the leave. <i>Fla. Stat. Ann 741. 313(4)(b)</i>.</p>
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	No State Law

-Georgia-

	<u>Private</u>	<u>Public</u>
Sick Leave	Georgia has no law that requires private employers to provide employees with sick leave, but if employers do provide sick leave, they must permit employees to use at least five days of their allotment for family leave. <i>Ga. Comp. R. & Regs. 478-1-.16(7)</i> .	Georgia has sick leave requirements for public sector employers. <i>Ga. Comp. R. & Regs. 478-1-.16(7)</i> .

<p>Pregnancy Leave</p>	<p>Georgia has no law that requires private sector employers to provide employees with pregnancy leave, but Georgia has pregnancy leave requirements for female employees of the public-school system under <i>Ga. Code Ann. 20-2-852</i>.</p> <p>The Georgia Equal Employment for Persons with Disabilities Code (GEEPDC) protects individuals from unlawful discrimination based on disability. The GEEPDC does not specifically address pregnancy as a disability and relies on the Americans with Disability Act and the Rehabilitation Act to determine whether a disability exists as defined under GEEPDC.</p>	<p>Female employees of the public-school system are entitled to maternity leave covered under <i>Ga. Code Ann. 20-2-852</i>.</p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>All are required to comply with the federal Family and Medical Leave Act of 1993.</p>
<p>Military Family Leave</p>	<p>No State Law</p>	
<p>Criminal Victim Leave</p>	<p>Georgia has no law that requires private employers to provide employees with crime victim leave, unless they have been served with a subpoena or court order to testify as a witness.</p>	
<p>Domestic Violence Victim Leave</p>	<p>Georgia has no law that requires private employers to provide leave to employees who are victims of domestic violence, unless they have been served with a subpoena or court order to testify as a witness.</p>	
<p>Voting Time Off</p>	<p>Georgia law requires covered employers to provide employees with voting time off. <i>Ga. Code Ann. 21-2-404</i>. Each employee in Georgia is entitled to take time off to vote in any municipal, county, state, or federal political party primary or election, if the employee is qualified and registered to vote on election day.</p> <p><u>Amount of Time:</u> All employers are required to grant an eligible employee up to two hours of leave to vote in any covered election, provided that the employee has given reasonable notice to the employer. An employee is not entitled to voting leave if his or her workday begins at least two hours after the polls open or ends at least two hours before the polls close. <i>Ga. Code Ann. 21-2-404</i>.</p>	
<p>School-Related Leave</p>	<p>No State Law</p>	

Bereavement Leave	No State Law
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-Hawaii-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	No State Law

Pregnancy Leave	<p>Hawaii law requires private employers to provide reasonable leave for employees disabled by pregnancy, childbirth, or related conditions. <i>Haw. Rev. Stat. Ann. 378-1.</i></p> <p>All employers in Hawaii, regardless of how many employees they have, must reasonably accommodate any employee disabled due to pregnancy, childbirth, or a related medical condition as provided in the Hawaii Fair Employment Practices Act. Employers must reasonably accommodate employees affected by disability due to pregnancy, childbirth, or a related medical condition. <i>Haw. R. Code § 12-46-107(c).</i> Employers must consider disability due to pregnancy, childbirth, or related medical conditions as justification for a leave, with or without pay, for a reasonable period of time. A reasonable period of time is determined by the employee's physician with regard to the employee's physical condition and job requirements. <i>Haw. Code R. § 12-46-108(a).</i></p> <p><u>Employee Rights upon Return:</u> Once the employee is released to return to work, the employer must guarantee her reinstatement to her original position or an equivalent position of like status, pay, and benefits. <i>Haw. Code R. § 12-46-108(c).</i></p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> Upon requesting and receiving a right to sue notice from the Commission, an individual has a private right of action under the HFEPA.</p>
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Family and Medical Leave or Flexible Leave Requirements	<p>Hawaii law requires certain employers to provide eligible employees with up to four weeks of family leave per year. <i>Haw. Rev. Stat. Ann 398-3(a).</i></p> <p>Any employer, including the State of Hawaii, that employs 100 or more employees for each working day during each of 20 or more calendar weeks in the current or preceding calendar year is required to provide family leave to eligible employees.</p> <p>To be eligible for family leave, an employee is a person who performs services for hire for not fewer than six consecutive months for the employer from whom benefits are sought. <i>Haw. Code R. § 12-27-1.</i> The rights provided do not apply to employees of an employer with fewer than 100 employees.</p> <p>An employee is entitled to four weeks of family leave during any calendar year:</p> <ul style="list-style-type: none"> • Upon the birth of a child • Upon the adoption of a child –or– • To care for the employee’s child, spouse, reciprocal beneficiary, sibling, grandchild, or parent with a serious health condition <p>Family leave may be taken intermittently. <i>Haw. Code R. § 12-27-1.</i></p> <p><u>Employee Rights upon Return:</u> Upon return from family leave, the employee is entitled to be restored to his or her position of employment or restored to an</p>
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	<p>equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.</p> <p><u>Notice to Employees of Leave Policy:</u> Every employer must post and keep posted notices clearly setting forth the rights of employees to family leave in a form prescribed by the director of the Department of Labor and Industrial Relations in conspicuous places in every establishment where any employee is employed so as to permit the employee to observe readily a copy on the way to or from the employee's place of employment.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> Anyone alleging a violation of the family leave law may file with the Department of Labor and Industrial Relations (DLIR) a verified complaint in writing. The attorney general or the DLIR may file a complaint on behalf of an individual or of a class. After the filing of any complaint, the attorney general or the DLIR, as applicable, shall serve a copy of the complaint upon the employer. <i>Haw. Rev. Stat. Ann 398-21.</i></p>
Military Family Leave	No State Law
Criminal Victim Leave	Hawaii has no law that requires private employers to provide crime victim leave to employees, except those who are victims of domestic or sexual violence or those who testify as witnesses in court.
Domestic Violence Victim Leave	<p>Hawaii law requires covered employers to provide leave to employees who are victims of domestic or sexual violence or their family members. <i>Haw. Rev. Stat. Ann 378-72(a).</i> All employers must provide eligible employees with domestic violence victim leave.</p> <p><u>Amount of Leave:</u> If an employee or the employee's minor child is a victim of domestic or sexual violence, the employee is entitled to leave to:</p> <ul style="list-style-type: none"> • seek medical help, • receive help from a victim services organization, • receive psychological or other counseling, • relocate, or • take legal action <p>Employers of 50 or more employees must allow 30 days of unpaid leave. <i>Haw. Rev Stat. Ann. §378-719(a).</i> Employers of 49 or fewer employees must allow five days of unpaid leave. <i>Haw. Rev Stat. Ann. §378-72(a).</i></p> <p><u>Employee Rights upon Return:</u> An employee returning from domestic violence victim leave is entitled to return to his or her original job or a job that is comparable in status and pay, without loss of service credits and privileges.</p>
Voting Time Off	<p>Hawaii law requires employers to provide employees with voting time-off. <i>Haw. Rev Stat. Ann. §11-95(a)</i></p> <p><u>Amount of Time:</u> An employee on Election Day may be absent from work to vote for a period of not more than two consecutive hours, excluding any lunch or rest periods, while the polls are open. The employee must not be penalized for the absence. <i>Haw. Rev Stat. Ann. §11-95(a)</i></p>

School-Related Leave	No State Law	<p>Hawaii has school-related leave requirements for public sector employers. <i>Haw. Rev Stat. Ann. §78-31.</i></p> <p>Public employees are eligible for up to two hours of paid leave during normal business hours to attend either</p> <ul style="list-style-type: none"> • a mutually scheduled parent-teacher conference for the employee's child attending a public or private school in grades K-12; or • a mutually scheduled parent-caregiver conference for a preschool-aged child attending a licensed group childcare center. <p>The time off is not to be credited against vacation or sick leave benefits and is not to adversely interfere with work operations or require an applicable agency to incur additional human resources or overtime costs. The employee can take no more than two mutually scheduled conferences, per child, in a single calendar year. Travel time is included as part of the two hours permitted for each conference.</p>
Bereavement Leave	No State Law	

-Idaho-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>State employees are entitled to accrue sick leave for medical, dental, or optical appointments for family members, or to participate in an employee assistance program during normal work hours. <i>Idaho Admin Code r. 15.04.10.240.</i></p>
Pregnancy Leave	<p>Under the Idaho Human Rights Act, <i>Idaho Cod Ann 67-5901 et seq.</i>, all private employers with five or more employees must treat pregnancy-related disabilities the same as other temporary conditions regarding leave and other benefits.</p>	See Family and Medical Leave below
Family and Medical Leave or	No State Law	<p>State employees are entitled to federal Family and Medical Leave Act (FMLA), <i>29 U.S.C. 2601 et seq</i> rights</p>

Flexible Leave Requirements		without regard to the exclusion for worksites employing fewer than 50 employees in a 75-mile area and without the limit on reinstatement of certain highly paid employees.
Military Family Leave	No State Law	
Criminal Victim Leave	No State Law	
Domestic Violence Victim Leave	No State Law	
Voting Time Off	No State Law	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	

-Illinois-

	<u>Private</u>	<u>Public</u>
Sick Leave	See Family and Medical Leave, can be used for sick leave.	No State Law
Pregnancy Leave	<p>Illinois law requires certain employers to provide employees with pregnancy leave under certain conditions.</p> <p>The pregnancy antidiscrimination provisions of the Illinois Human Rights Act (IHRA) apply to public and private employers with one or more employees. The IHRA does not apply to religious institutions.</p> <p>Pursuant IHRA, an employer must treat women affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth the same for all employment-related purposes, including the receipt of benefits under fringe benefit programs, as other individuals who are similar in their ability or inability to work, regardless of the source of the inability to work or employment classification or status. Thus, if the employer provides a leave of absence to other employees with temporary disabilities, it must provide such leave to employees who are temporarily disabled from pregnancy, miscarriage, abortion, childbirth, and recovery therefrom. <i>56 Ill. Admin. Code § 5210.110(b)</i>. An illness or disability caused by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom must be treated as any other temporary disability under any disability or medical benefit plan available in connection with employment. <i>56 Ill. Admin. Code § 5210.110(d)</i>.</p>	

Amount of Leave: Under the IHRA, employers must provide reasonable accommodation to employees for medical or common conditions associated with pregnancy or childbirth. Such an accommodation may include time off to recover from conditions related to child birth or leave necessitated by pregnancy, childbirth, or medical or common conditions resulting from pregnancy or childbirth.

An employee may request time off or a leave of absence as an accommodation for the employee's pregnancy. Under the regulations set forth by the Illinois Department of Human Rights, an employer must grant an employee's request for time off or leave, unless the employer can show that either (1) another effective accommodation exists that would allow the employee to continue to work or (2) the accommodation would impose an undue hardship. *56 Ill. Admin. Code 2535.140(a)*.

The interactive process is an exchange between the employer and the employee to determine the best accommodations available to the employee. *56 Ill. Admin. Code 2535.120(a)*. According to regulations from the Illinois Department of Human Rights, the interactive process should consist of the following steps:

- 1) Determine the needs and limitations resulting from the pregnancy. *Id.*
- 2) Employer and employee should first consider an accommodation that allows the employee to accomplish the essential duties of her current position. If this kind of accommodation is not available, then the employee and the employer should consider an accommodation that would permit the employee to work in another capacity for the duration of the pregnancy or the recovery from the pregnancy, such as a temporary transfer. *56 Ill. Admin Code 2535.120(b)*.
- 3) Find a less restrictive alternative, if the employer believes that the employee's requested accommodation will impose an undue hardship. *56 Ill. Admin. Code 2535.120(a)*. If after the interactive process the employer discovers that the accommodation would impose an undue hardship, an employee may arrange for the accommodation at her own expense, so long as the accommodation does not disrupt the ordinary conduct of the employer's business. *56 Ill. Admin. Code 2535.120(f)*.

An employer may offer the employee an alternative to the employee's requested accommodation, so long as it is offered in good faith. *56 Ill. Admin. Code 2535.120(d)*. An employee's refusal to accept the alternative accommodation could be evidence that the employee is not acting in good faith if the alternative accommodation:

- Would sufficiently accommodate the employee's pregnancy
- Would allow the employee to carry out the duties of her current position without having to modify the employee's earnings or benefits, or would have the same or lesser impact upon the employee's earnings or benefits as the employee's requested accommodation
- Would impose a lesser disruption to the operations of the employer; —and—
- Is approved by the employee's health-care provider, or if otherwise within the health-care restrictions or recommendations. *56 Ill. Admin Code 2535.120(c)*.

Employee Rights upon Return: An employer must reinstate an employee returning to work after time off or leave to her original position, or to an equivalent position with equal pay and equal benefits, unless doing so would impose an undue hardship on the employer. *56 Ill. Admin. Code 2535.140(f)*.

Enforcement Mechanisms (including Private Right of Action): An aggrieved party must first file a charge for a violation of the IHRA with the Illinois Department of

	<p>Human Rights. If the department (1) dismisses the charge for lack of substantial evidence, (2) finds there is substantial evidence to support the charge, or (3) fails to complete its investigation and report within 365 days after the charge is filed, then the aggrieved party may file a civil action with the appropriate circuit court. If the department finds there is substantial evidence, the individual may also request the department file a complaint with the Illinois Human Rights Commission.</p> <p><u>State Employees:</u> A state employee may take up to 20 workdays of paid maternity/paternity leave if the employee provides proof of pregnancy or that of his or her female partner at least 30 days prior to the expected due date. The employee must also submit proof of birth. <i>80 Ill. Admin. Code § 303.130(a)</i>. A state employee is eligible for up to twenty work days of paid leave with a new adoption. The leave is to commence when the employee is granted physical custody of the child. The employee must submit proof that the adoption has been initiated. <i>80 Ill. Admin. Code § 303.130(b)</i>.</p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>Illinois has no law that requires private sector employers to provide employees with family or medical leave. However, if an employer provides sick leave, Illinois law requires that the employer allow employees to use at least half of their allotment for family leave. <i>820 Ill. Comp. Stat. Ann 191/10(b)</i>.</p>	<p>An employee is eligible for family responsibility leave if he or she is a permanent full-time employee of the state. An employee in temporary, emergency, provisional, or trainee status is not eligible. <i>80 Ill. Admin. Code § 303.148(c)</i>.</p> <p>A state employee may take up to a year of family responsibility leave. Such leave is to allow the employee to care for a member of his or her household or a parent, sibling, or child. <i>80 Ill. Admin. Code § 303.148(e)</i>. Family responsibility leave may be granted:</p> <ul style="list-style-type: none"> • To provide care for a temporarily disabled, incapacitated, or bedridden member of the employee's household or member of the employee's immediate family • To furnish special guidance, care, or supervision to a member of the employee's household or member of the employee's immediate family • To respond to the temporary dislocation of family due to a natural disaster, crime, insurrection, war, or other disruptive event • To settle the estate of a deceased family member or to act as conservator when exercising those functions would prevent the employee from working; — and— • To perform other family responsibilities consistent with the

		<p>intention of <i>80 Ill. Admin. Code § 303.148</i>.</p> <p>Upon the expiration of family responsibility leave, the state agency should return the employee to the same or similar position classification as the employee held before the leave. <i>80 Ill. Admin. Code § 303.148(l)</i>. The state is required to continue payment of its portion of the employee's health and dental insurance premiums for up to six months while an employee is on family responsibility leave. <i>80 Ill. Admin. Code § 303.148(n)</i>.</p>
<p>Military Leave</p>	<p>The Illinois Family Military Leave Act applies to a private employer with 15 or more employees, the State of Illinois, or its political subdivision.</p> <p>The Illinois Family Military Leave Act defines "employee" as any person employed by an employer, including an independent contractor. To be eligible for family military leave, the employee must have been employed by the employer for at least 12 months and for at least 1,250 hours of service during the 12-month period immediately prior to the leave.</p> <p>The Illinois Family Military Leave Act, requires an employer to provide unpaid family military leave to an employee during the time that state or federal deployment orders are in effect. "Family military leave" is leave requested by the employee because his or her spouse, parent, child, or grandparent has been called into military service that will last longer than 30 days. If the employer has between 15 and 50 employees, it shall provide up to 15 days of unpaid leave. If the employer has more than 50 employees, it shall provide up to 30 days of unpaid leave. The employee requesting family military leave must have exhausted all other accrued leave, except for sick leave and disability leave, before making such a request. <i>820 Ill. Comp. Stat. 151/10(d)</i>.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> A service member has a private right of action for violations of the Illinois Service Member Employment and Reemployment Rights Act (ISERRA), except if the employer's failure to provide a notice of rights was the sole violation of the act. The Attorney General also may bring an action against any employer to enforce the act in any appropriate circuit court.</p>	
<p>Criminal Victim Leave</p>	<p>No State Law</p>	
<p>Domestic Violence Victim Leave</p>	<p>Illinois law requires employers to provide leave to employees who are victims of domestic or sexual violence or their family members (as long as the employee is not the perpetrator). <i>820 Ill. Comp. Stat. 180/20(a)(2)</i>.</p> <p>Employer is defined under Victims' Economic Security and Safety Act (VESSA) as:</p> <ul style="list-style-type: none"> • The state or any of its agencies • Any local unit of government or school district 	

	<ul style="list-style-type: none"> • Any person employing at least one employee <p>“Employee” is defined as any person employed by an employer. <i>820 Ill. Comp. Stat. 180/20(a)(2)</i>.</p> <p>An employee who is a victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence is allowed to take unpaid leave to:</p> <ul style="list-style-type: none"> • Seek medical attention or assist a family or household member in seeking medical attention for physical or psychological injuries caused by domestic or sexual violence • Obtain services from a victim services organization for the employee or the employee's family or household member • Obtain counseling for the employee or the employee's family or household member • Participate in safety planning, relocate, or take other actions to increase the employee's safety or the safety of the employee's family or household member— or— • Seek legal assistance or prepare or participate in civil or criminal proceedings related to the domestic or sexual violence <p>If the employer has between one and 49 employees, the employee seeking leave under VESSA is entitled to a total of eight weeks of leave in a 12-month period. If the employer has 50 or more employees, the employee seeking leave under VESSA is entitled to 12 weeks of leave in a 12-month period.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The Director of the Illinois Department of Labor administers and enforces VESSA. There is no private right of action under VESSA.</p>
<p>Voting Time Off</p>	<p>Illinois law requires employers to provide employees with voting time off. <i>10 Ill. Comp. Stat. 5/17-15</i>.</p> <p><u>Amount of Time:</u> An employer is required to give an employee, who is eligible to vote, two hours off work between the opening and the closing of the polls to vote in a general or special election. The employer may specify the hours when the employee may be absent, but the employer must permit a two-hour absence during working hours if the employee's hours begin less than two hours after the polls open and end less than two hours before the closing of the polls. <i>10 Ill. Comp. Stat. 5/17-15</i>.</p>
<p>School-Related Leave</p>	<p>Illinois law requires employers to provide employees with school-related leave. <i>820 Ill. Comp. Stat. 147/15(a)</i>.</p> <p>The Illinois School Visitation Rights Act (the Act) applies to any public or private employer in the state that employs 50 or more employees. To be eligible for school visitation leave under the Act, an employee should have worked for an employer for at least six months prior to the request, and his or her hours should be equal to at least one-half the full-time hours for the employee's job classification for those six months. An employee under the Act does not include an independent contractor.</p> <p>The Act requires an employer to provide an employee up to eight hours of leave during a school year, no more than four of which may be taken on any one day, to attend school conferences or classroom activities related to the employee's child.</p>

	<p>The employee may not take such leave unless he or she has exhausted all accrued vacation leave, compensatory leave, or personal leave.</p> <p><u>Potential Damages and Penalties:</u> An employer who violates the Act is guilty of a petty offense and may be fined \$100.00 for each offense.</p>
Bereavement Leave	<p>Illinois law requires certain employers to provide employees with child bereavement leave. <i>820 Ill. Comp. Stat. 154/10.</i></p> <p>The Child Bereavement Act (Act) applies to any public or private employer with 50 or more employees. An employee eligible for bereavement leave is someone who has:</p> <ul style="list-style-type: none"> • Worked for the employer for at least 12 months • Worked at least 1,250 hours during that 12-month period –and– • Worked at a location where at least 50 employees are employed by the employer within 75 miles <p><u>Amount of Leave:</u> The Act requires that employees of public or private employers with 50 or more employees be granted up to two weeks of unpaid bereavement leave to:</p> <ul style="list-style-type: none"> • Attend the funeral of a child • Make arrangements following the death of a child –or– • Grieve the death of a child <p>Child is defined as an employee's son or daughter who is a:</p> <ul style="list-style-type: none"> • Biological child • Adopted child • Foster child • Stepchild • Legal ward • Child of person standing in loco parentis

–Indiana–

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	Indiana has sick leave requirements for public sector employers. <i>31 IAC 5-8-3.</i>
Pregnancy Leave	Indiana’s pregnancy and childbirth accommodation statute prohibits an employer from disciplining, terminating, or retaliating against an employee because the employee has requested or used an accommodation, which may include leave, for pregnancy, childbirth, or a related medical	<p>Indiana has pregnancy leave requirements for certain public sector employers. <i>Ind. Code 20-28-10-5</i></p> <p>Public school teachers who are unable to work due to temporary disability caused by pregnancy are entitled to leave.</p>

	<p>condition. See <i>2021 Ind. HEA 1309</i>.</p> <p>An employee may request, in writing, an accommodation relating to the employee’s pregnancy, which includes childbirth, or a related medical condition, from the employer. The employer is required to respond to the request within a reasonable time. Unless required by existing federal or state laws, a request for an accommodation does not:</p> <ul style="list-style-type: none"> • Require the employer to provide an accommodation for the employee’s pregnancy –or– • Impose a duty or obligation upon the employer to provide an accommodation or an exception to the employer’s policies <p><i>2021 Ind. HEA 1309, § 3</i> (effective Jul. 1, 2021). The employer’s attempt to accommodate the employee’s pregnancy or decision to not accommodate the employee’s request are not considered disciplinary or retaliatory actions under the statute. <i>2021 Ind. HEA 1309, § 4</i> (effective Jul. 1, 2021).</p>	
Family and Medical Leave or Flexible Leave Requirements	No State Law	N/A
Military Family Leave	<p><i>In. Code Ann 4-15-10-1</i> provides that an employee is entitled to an unpaid leave of absence not to exceed 10 working days in a calendar year if the employee has a spouse, parent, grandparent, child, or sibling ordered to active military duty. The employee may take the leave of absence:</p> <ul style="list-style-type: none"> • Thirty days before the family member's active-duty orders are in effect, • During a period in which the family member ordered to active-duty is on leave while active-duty orders are in effect, or • During the 30 days after the family member's active-duty orders have been terminated. <p>An employee who takes military family leave is entitled to be restored to his or her position or a like position with equivalent seniority, pay, benefits, and other terms</p>	

	and conditions of employment. However, the employer is not required to restore the employee if the employer proves that the reason the employee was not reinstated is unrelated to the employee's use of military family leave.
Criminal Victim Leave	Indiana has no law that requires employers to provide crime victim leave to employees, except those who have received subpoenas to testify as witnesses in criminal proceedings.
Domestic Violence Victim Leave	Indiana has no law that requires employers to provide leave to employees who are victims of domestic violence, except those who have received subpoenas to testify as witnesses in criminal proceedings.
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	No State Law

-Iowa-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Iowa has sick leave requirements for public sector employers. <i>11 Iowa Admin. Code 63.3.</i></p> <p>A public employee may use sick leave</p> <ul style="list-style-type: none"> • when he or she is unable to work because of medically related disabilities, including those caused by pregnancy or recovery from childbirth; • for a physical or mental illness; • for a medical, dental, or optical examination, surgery, or treatment; or • when performance of assigned duties would jeopardize the employee's health or recovery. <i>11 Iowa Admin. Code 63.3(1).</i> <p>A public employee may also use up to 40 hours per year of accrued sick leave for the death of an immediate family member or for the temporary care of an immediate family member (<i>11 Iowa Admin. Code 63.3(11)</i>). The statute defines an immediate family member as the employee's spouse:</p> <ul style="list-style-type: none"> • children • grandchildren

	<ul style="list-style-type: none"> • foster children • stepchildren • legal wards • parents • grandparents • foster parents • stepparents • brothers • foster brothers • stepbrothers • sons-in-law • brothers-in-law • sisters • foster sisters • stepsisters • daughters-in-law • sisters-in-law • aunts • uncles • nieces • nephews • first cousins • corresponding relatives of the employee's spouse • other persons who are members of the public employee's household.
<p>Pregnancy Leave</p>	<p>Iowa law requires covered employers to provide up to eight weeks of pregnancy leave to employees who are disabled due to pregnancy and who do not have leave time available under any applicable health or temporary disability insurance or sick leave plan.</p> <p>To be eligible for pregnancy leave, an employee must be disabled by pregnancy and not have leave or sufficient leave available under any health or temporary disability insurance or sick leave plan.</p> <p><u>Exceptions:</u> Iowa’s pregnancy accommodation law covers all Iowa employees, except for those who</p> <ul style="list-style-type: none"> • work for an employer that regularly employs fewer than four employees, excluding members of the employer's family; • work within the employer's home if the employer or members of the employer's family reside in the home during the employment;

	<ul style="list-style-type: none"> • render personal services to the employer or members of the employer's family; or • work for a bona fide religious institution or its educational facility, association, corporation, or society when the employment qualifications are related to a bona fide religious purpose. <i>Iowa Code 316.6(6)</i>. <p><u>Amount of Leave:</u> An eligible employee is entitled to a leave of absence for the period that the employee is disabled by pregnancy, childbirth, or a related medical condition, or for eight weeks, whichever is less.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> If an employee believes her rights under the pregnancy leave provisions have been violated, she may file a complaint with the Iowa Civil Rights Commission (Commission).</p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>A state employee who has been employed for a cumulative total of 12 months or more in the most recent seven-year period and who has worked at least 1,250 hours during the 12-month period immediately preceding the date leave is to begin is eligible for family and medical leave in accordance with the FMLA, <i>11 Iowa Admin. Code 63.4(4)</i>. The state will make a determination as to a state employee's eligibility as of the date that the employee's FMLA leave is to begin. <i>11 Iowa Admin. Code 63.4(4)</i>.</p> <p>Eligible state employees may take leave</p> <ul style="list-style-type: none"> • for the birth or placement with the employee of a child provided the leave is taken within 12 months following any such birth, adoption, or foster placement; • to care for a child under 18 years of age, or older if incapable of self-care because of a mental or physical disability, or spouse with a serious health condition; • to care for a parent with a serious health condition; • for a serious health condition that makes an employee unable to work at all or perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA). • for a qualifying exigency, as defined in the regulations for the federal Family and Medical Leave Act (FMLA), arising out of the fact that the employee's spouse, son, daughter, or parent is a covered service member on covered active duty, or has been

		<p>notified of an impending call or order to covered active duty, in a foreign country; or</p> <ul style="list-style-type: none"> • to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member, pursuant to the FMLA regulations. <i>11 Iowa Admin. Code 63.4(1).</i> <p>If a state employee unequivocally advises the employer that he or she does not intend to return to work, the employee's entitlement to FMLA leave and associated benefits ceases. <i>11 Iowa Admin. Code 63.4(9).</i> A state employee's failure to return to work upon the expiration of his or her approved FMLA leave may be considered to be job abandonment. <i>11 Iowa Admin. Code 63.4(9)</i></p>
Military Family Leave	No State Law	
Criminal Victim Leave	Iowa has no law that requires employers to provide crime victim leave to employees, other than those who testify in criminal proceedings.	
Domestic Violence Victim Leave	Iowa has no law that requires employers to provide leave to employees who are victims of domestic violence, other than those who testify as witnesses in criminal or civil domestic violence proceedings.	
Voting Time Off	<p>Iowa law requires covered employers to provide employees with voting time off. <i>Iowa Code 49.109.</i></p> <p><u>Amount of Time:</u> An employee is entitled to time off from work to vote in an election in Iowa if he or she does not have three consecutive hours of non-work time during the time that the polls are open. The employer can designate when the employee may take leave. An employer cannot reduce an employee's regular salary or wages because of the leave.</p>	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	A public employee may use up to 40 hours per year of accrued sick leave for the death of an immediate member or for the temporary care of an immediate family member. <i>11 Iowa Admin. Code 63.3(11).</i>

- Kansas -

	<u>Private</u>	<u>Public</u>
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<p>Sick Leave</p>	<p>No State Law</p>	<p>A state employee earns and accumulates sick leave which can be used for the following reason:</p> <ul style="list-style-type: none"> • the illness or disability (including pregnancy, childbirth, miscarriage, abortion, recovery from pregnancy, etc., and doctor’s appointments) of an employee or an employee's family member; • legal quarantine of the employee; • the adoption of a child; or • the initial placement of a foster child. <p>State agency may allow an employee who does not have accrued paid sick leave to take an unpaid leave. <i>Kan. Admin. Regs 1-9-5.</i></p>
<p>Pregnancy Leave</p>	<p>Kansas law requires covered employers to provide employees with a reasonable period of leave for childbearing. <i>Kan. Admin Reg 21-32-6(d).</i></p> <p>The Kansas Act Against Discrimination (KAAD) prohibits discrimination based on pregnancy. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom, are treated as temporary disabilities under the KAAD. Employers must provide the same leave, benefits and other privileges to pregnancy- and childbirth-related disabilities as those afforded to other temporary disabilities. An employee is entitled to a leave of absence for the birth of a child for a reasonable time. <i>K.A.R 21-32.6(a).</i></p> <p>Following childbirth, an employer must reinstate an eligible employee to her original job or to a position of like status and pay without loss of service, credits, seniority, or other benefits.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The Kansas Human Rights Commission (Commission) enforces the KAAD and its implementing rules and regulations. An employee may file a complaint with the Commission alleging a violation of KAAD. Once the employee has exhausted her administrative remedies, she may file a civil action. <i>Simmons v. Vliets Farmers Coop. Ass’n, 861 P.3d. 1345, 1346 (Kan. Ct. App. 1993).</i></p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>A state agency may grant a permanent employee leave without pay for a reasonable period of time consistent with the effective fulfillment of the agency's duties, but not to exceed one year</p> <ul style="list-style-type: none"> • for illness or disability, including pregnancy, childbirth, miscarriage, abortion, and recovery; • for the adoption of a child;

	<ul style="list-style-type: none"> • for the initial placement of a foster child in the employee’s home; • to care for a family member who has a serious health condition; or • for another good reason. <i>Kan. Admin Regs 1-9-6(d)</i>.
Military Family Leave	No State Law
Criminal Victim Leave	Kansas has no law that requires employers to provide leave for employees who are crime victims unless they are victims of domestic violence or sexual assault.
Domestic Violence Victim Leave	<p>Kansas law requires covered employers to provide leave for employees who are victims of domestic violence.</p> <p><u>Amount of Leave:</u> An employer may not discharge, discriminate, or retaliate against an employee who is a victim of domestic violence or a victim of sexual assault for taking time off from work to</p> <ul style="list-style-type: none"> • obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the victim or the victim’s child or children; • seek medical attention for injuries caused by domestic violence or sexual assault; • obtain services from a domestic violence shelter, domestic violence program, or rape crisis center as a result of domestic violence or sexual assault; or • make court appearances in the aftermath of domestic violence or sexual assault. <p>An employee may use any accrued paid leave or, if paid leave is unavailable to the employee, unpaid leave, not to exceed a total of eight days per calendar year. <i>Kan. Stat. Ann 44-1132(a)</i>.</p>
Voting Time Off	<p>Kansas law requires covered employers to provide employees with voting time off. <i>Kan. Stat. Ann 25-418</i>.</p> <p><u>Amount of Time:</u> An employee who is eligible to vote in an election conducted by a county election officer in Kansas may, on the day of the election, leave work for no more than two consecutive hours while the polls are open to vote. If open before or after the employee’s working hours, but the period of time is less than two consecutive hours, the employee will only be entitled to be absent for such a period of time that, when added to the period of time the polls are open, will not exceed two hours.</p> <p>An employer may specify when an employee may take leave to vote. The allowed time cannot include any time during a regular lunch period. The employer must not penalize an employee who takes leave time from work to vote. <i>Kan. Stat. Ann 25-418</i>.</p>
School-Related Leave	No State Law

Bereavement Leave	No State Law	A state employee may take up to six working days of leave with pay for the death of a close relative. A state agency may consider the employee's relationship to the deceased and necessary travel time in deciding whether to grant funeral or death leave, and for what amount of time. <i>Kan. Admin Regs. 1-9-12.</i>
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-Kentucky-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	Kentucky has sick leave requirements for public sector employers. <i>101 Ky. Admin. Regs. 2:102, § 2; 101 Ky. Admin. Regs. 3:015, § 2.</i>
Pregnancy Leave	<p>The Pregnant Workers Act amends the KCRA to require employers with 15 or more employees to provide reasonable accommodations for pregnancy, childbirth, and related conditions.</p> <p>A covered employer is a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of that person. <i>Ky. Rev. Stat Ann 344.030.</i></p> <p><u>Private Right of Action:</u> An aggrieved individual has a private right of action for an alleged violation of the KCRA.</p>	
Family and Medical Leave or Flexible Leave Requirements	No State Law	Kentucky law confirms that the provisions of the federal Family and Medical Leave Act, apply to public sector employees. <i>101 Ky. Admin. Regs. 2:102, § 3; 101 Ky. Admin. Regs. 3:015, § 3.</i>
Military Family Leave	No State Law	
Criminal Victim Leave	Kentucky has no law that requires private sector employers to provide leave for employees who are crime victims, unless they must appear in court.	
Domestic Violence Victim Leave	Kentucky has no law that requires employers to provide leave for employees who are victims of domestic violence, unless they must appear in court.	
Voting Time Off	<p>Kentucky law requires covered employers to provide employees with voting time off. <i>Ky. Rev. Stat. Ann, § 118.035(2)(3).</i></p> <p><u>Amount of Time:</u> An eligible employee is entitled to at least four hours of voting time off, and the employer may dictate the hours during which the employee may</p>	

	take leave to vote or to apply for or cast an absentee ballot. <i>Ky. Rev. Stat. Ann.</i> , § 118.035(2)(3).	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>The State of Kentucky is required to permit eligible employees in classified or unclassified service to take accrued leave, leave without pay, or a combination of paid and unpaid leave as funeral and bereavement leave upon the death of an immediate family member. <i>101 Ky. Admin. Regs. 2:102</i>, § 8; <i>101 Ky. Admin. Regs. 3:015</i>, § 8.</p> <p>For purposes of funeral and bereavement leave, an immediate family member includes the employee's spouse, parent, grandparent, sibling, or child, or any of their spouses, and may include additional relatives if approved by the appointing authority. <i>Id. at (3)</i>.</p> <p>An eligible public employee is entitled to use up to five days of accrued sick leave, compensatory leave, or annual leave, or to take leave without pay if the employee is out of accrued leave, or to take a combination of paid and unpaid leave, upon the death of an immediate family member. <i>101 Ky. Admin. Regs. 2:102</i>, § 8; <i>101 Ky. Admin. Regs. 3:015</i>, § 8.</p> <p>At the employee's request, an appointing authority may approve the use of additional sick leave, compensatory leave, annual leave, or unpaid leave, or a combination of those, for funeral and bereavement leave. <i>101 Ky. Admin. Regs. 2:102</i>, § 8(2); <i>101 Ky. Admin. Regs. 3:015</i>, § 8(2).</p>

-Louisiana-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	No State Law
Pregnancy Leave	Louisiana law requires covered employers to provide up to four months of leave to employees who are affected by pregnancy, childbirth, or a related medical condition. <i>La. Rev. Stat. Ann.</i> § 23:342(2)	

	<p>The law applies to employers with 25 or more employees in the state for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.</p> <p><i>La. Rev. Stat. Ann. Section 23:342(2)</i> requires employers to treat pregnancy, childbirth, and related medical conditions the same as any other temporary disability. However, no employer is required to provide a female employee more than six weeks of disability leave for a normal pregnancy, childbirth, or related medical condition.</p> <p><i>La. Rev. Stat. Ann. Section 23:342(2)</i> prohibits an employer from refusing to allow an employee affected by pregnancy, childbirth, or a related medical condition to:</p> <ul style="list-style-type: none"> • Receive the same benefits or privileges of employment granted to other employees not so affected in their ability or inability to work, including to take disability or sick leave or other accrued leave that is made available by the employer to temporarily disabled employees. • Take leave on account of pregnancy for a reasonable period of time, provided such leave does not exceed four months. "Reasonable period of time" is defined as the period during which the employee is disabled by pregnancy, childbirth, or a related medical condition. The employee may use accrued vacation time during this period. • Transfer to a less strenuous or hazardous position for the duration of the pregnancy when the employee requests the transfer and the employer has a policy, practice, or collective bargaining agreement requiring or authorizing such transfers for disabled employees. • Temporarily transfer to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, and the transfer can be reasonably accommodated. However, no employer is required to create additional employment which the employer would not otherwise have created or to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job. <p><u>Private Rights of Action:</u> An employee aggrieved by a violation has a private right of action under <i>La. Rev. Stat. Ann. Section 23:303</i>.</p>
Family and Medical Leave or Flexible Leave Requirements	No State Law
Military Family Leave	No State Law
Criminal Victim Leave	No State Law
Domestic Violence Victim Leave	No State Law

Voting Time Off	No State Law
School-Related Leave	<p>Under the Louisiana School and Day Care Conferences and Activities Leave Act, covered employers must provide eligible employees with school-related leave.</p> <p>An "employer" is defined under the Act as any person who pays compensation to an employee in exchange for the performance of services. "Employer" does not include a client of an independent contractor or a client of a person who provides services on a fee-for-service basis.</p> <p>An "employee" is defined under the Act as a natural person who is paid compensation in return for the performance of services. "Employee" includes persons who are paid a salary, an hourly wage, or a commission. "Employee" does not include an independent contractor or a person who performs services on a fee-for-service basis.</p> <p>The Louisiana School and Day Care Conference and Activities Leave Act (Act), requires employers to offer employees up to 16 hours of leave in a 12-month period to attend, observe, or participate in conferences or classroom activities of the employees' dependent children for whom they are the legal guardian if the conferences or activities cannot reasonably be scheduled outside of the employees' work hours. An employer is not required to pay an employee for time taken under the Act, but an employee is permitted to substitute accrued vacation time or other appropriate leave for any leave taken under the Act. <i>La. Rev. Stat. Ann 23:1015.2(A)</i>.</p>
Bereavement Leave	No State Law

-Maine-

	<u>Private</u>	<u>Public</u>
Sick Leave	See Family and Medical Leave, can be used as family sick leave.	Maine has sick leave requirements for public sector employers. <i>Me. Rev. Stat. Ann. Tit. 5 16(2)</i> .
Pregnancy Leave	See Family and Medical Leave, can be used for pregnancy leave.	
Family and Medical Leave or Flexible Leave Requirements	<p>Maine law requires covered employers to provide employees with up to 10 weeks of family and medical leave every two years. Employers are required to provide employees with up to 40 hours of paid personal leave per year that can be used for any reason. <i>26 M.R.S. 637</i></p> <p>Maine also has a family sick leave law that requires employers that provide paid leave to allow employees to use the paid leave to care for an immediate family member. <i>Me. Rev. Stat. Ann tit. 26 636</i>.</p> <p>Employers in Maine with 15 or more employees at one location in the state must provide up to 10 weeks of family and medical leave in any two years. Employees are eligible for leave if they have been employed by the same employer for 12</p>	

	<p>consecutive months, unless employed at a permanent worksite with fewer than 15 employees.</p> <p>Eligible employees may take up to 10 weeks in any two years for</p> <ul style="list-style-type: none"> • the birth of a child or placement of a child 16 years or younger for adoption; • caring for the employee’s own serious health condition; • caring for a child, domestic partner’s child, parent, domestic partner, sibling, or spouse (including a same-sex spouse) who has a serious health condition; • the donation of an organ by the employee for human transplant; or • the death or serious health condition of the employee’s spouse (including a same-sex spouse), domestic partner, parent, sibling, or child if the death or serious health condition occurs while on active duty in the state military forces or the U.S. Armed Forces. <p>Family medical leave may be taken intermittently or on a reduced leave schedule, subject to certain limitations.</p> <p><u>Employee Rights upon Return:</u> Any employee who exercises the right to family medical leave, upon expiration of the leave, is entitled to be restored by the employer to the position held by the employee when the leave commenced or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. During any family medical leave taken, the employer shall make it possible for employees to continue their employee benefits at the employee’s expense. The employer and employee may negotiate for the employer to maintain benefits at the employer’s expense for the duration of the leave.</p> <p><u>Tax Credits:</u> For tax years beginning on or after January 1, 2018, as an incentive to offer paid family and medical leave benefits, Maine provides a tax credit to employers equal to the federal employer tax credit for paid family and medical leave. The credit cannot reduce the income tax otherwise due from the employer to less than zero. Employers also cannot carry the credit forward or back to any other tax year.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> An employee may bring a civil action against any employer to enforce family medical leave.</p>
<p>Military Family Leave</p>	<p>See Family and Medical Leave, it can be used for death or serious health condition of the employee’s spouse (including a same-sex spouse), domestic partner, parent, sibling, or child if the death or serious health condition occurs while on active duty in the state military forces or the U.S. Armed Forces.</p> <p>Additionally, Employers with 15 or more employees are required to provide eligible employees with family military leave. <i>Me. Rev. Stat. Ann. Tit. 26 814(2)</i>. An employee is eligible for family military leave if they have been employed by the same employer for 12 months and have been employed for at least 1,250 hours of service during the 12-month period immediately before the start of the employee’s family military leave.</p> <p>An eligible employee is entitled to up to 15 days of family military leave per deployment of a spouse, domestic partner, or parent, provided that the military member’s period of deployment will be for more than 180 days. <i>Me. Rev. Stat. Ann. Tit. 26 814(1)</i></p> <p>Family military leave may only be taken:</p>

	<ul style="list-style-type: none"> • The 15 days immediately prior to deployment • During deployment, if the military member is granted leave –or– • The 15 days immediately following deployment. <p>An employee exercising his or her right to family military leave is entitled to be restored to his or her position or a position with equivalent seniority, status, employee benefits, pay, and other terms and conditions of employment upon returning from leave.</p> <p>An employee has a private right of action for a violation of the family military leave law.</p>
Criminal Victim Leave	Maine has no law that requires private sector employers to provide crime victim leave to employees, unless an employee or the employee’s family member is a victim of violence, assault, sexual assaults, or stalking.
Domestic Violence Victim Leave	<p>Maine law requires covered employers to provide leave to employees who are either victims of violence, assault, sexual assaults, or stalking, or their family members. <i>Me. Rev. Stat. Ann. Tit, 26 850.</i></p> <p>All employers, including the state and its political subdivisions, must provide domestic violence victim leave to eligible employees. To be eligible for domestic violence victim leave, an employee or the employee’s child, parent, or spouse must be a victim of domestic violence, sexual assault, or stalking.</p> <p>All public and private employers must give an employee reasonable and necessary leave from work, with or without pay, to</p> <ul style="list-style-type: none"> • prepare for and attend court proceedings; • receive medical treatment or attend to medical treatment for a victim who is the employee’s daughter, son, parent, or spouse; or • obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking. <i>Me. Rev. Stat. Ann. Tit, 26 850.</i> <p>The Maine Department of Labor enforces leave laws for domestic violence, sexual assault, and stalking victims.</p>
Voting Time Off	No State Law
School-Related Leave	Employers are required to provide employees with up to 40 hours of paid personal leave per year that can be used for any reason. <i>26 M.R.S 637.</i>
Bereavement Leave	Employers are required to provide employees with up to 40 hours of paid personal leave per year that can be used for any reason. <i>26 M.R.S 637.</i>

-Maryland-

	<u>Private</u>	<u>Public</u>
Sick Leave	The Maryland Healthy Working Families Act requires covered employers to provide employees with earned sick and safe leave.	

An employer includes any person acting directly or indirectly in the interest of another employer with an employee as well as any unit of state or local government. *Md. Code Ann., Lab. & Empl. § 3-1301(f)*. Employers with 15 or more employees must provide paid earned sick and safe leave. Employers with less than 14 employees must provide unpaid earned sick and safe leave.

Employers with 14 or fewer employees are eligible for a tax credit if they provide paid sick and safe leave in accordance with the Healthy Working Families Act to qualified employees. *Md. Code Ann. Tax-Gen 10-748(a)(5)*.

An eligible employee is any employee who is not:

- An independent contractor
- A real estate agent or broker
- Under 18 before the beginning of the year
- Employed in the agricultural sector on an agricultural operation under a contract or open account with the Secretary of Agriculture
- Working for a temporary services agency
- Working for an employment agency to provide part-time or temporary services to another person. *Md. Code Ann., Lab. & Empl. § 3-1301(e)*.
- An employee who regularly works less than 12 hours a week for an employer
- An individual working in the construction industry who is covered by a collective bargaining agreement in which the requirements of the Healthy Working Families Act are expressly waived –and–
- An on-call employee in the health or human services industry who can accept or reject a shift, is not guaranteed to be called to work, and is not employed by a temporary staffing agency

Small Business Relief Tax Credit: A qualified employee is:

- Employed by an employer with 14 or fewer employees
- Earns wages that are equal to or less than 250% of the annual federal poverty guidelines for a single-person household –and–
- Earns paid sick and safe leave in accordance with the Healthy Working Families Act

Amount of Leave: Earned sick and safe leave accrues at a rate of one hour for every 30 hours an employee works. Earned sick and safe leave begins the date on which the employee begins employment. Employers are not required to allow employees to earn more than 40 hours of sick and safe leave a year or to accrue more than 64 hours of earned sick and safe leave at any time. Employers may front-load the full amount of sick and safe leave employees would have earned in the year at the beginning of the year.

Employers are not required to allow an employee to accrue earned sick and safe leave during:

- A two-week pay period in which the employee worked fewer than 24 hours total
- A one-week pay period if the employee worked fewer than a combined total of 24 hours in the current and the immediately preceding pay period –or–

	<ul style="list-style-type: none"> • A pay period in which the employee is paid twice a month regardless of the number of weeks in a pay period and the employee worked fewer than 26 hours in the pay period <p>Employers are not required to allow employees to use more than 64 hours of earned sick and safe leave in a year.</p> <p>An employee may use accrued, paid sick leave for:</p> <ul style="list-style-type: none"> • The medical diagnosis, care, or treatment of mental or physical illness, injury, or health condition, or preventive medical care of the employee or a family member • Maternity or paternity leave • The needs of the employee or a family member resulting from domestic violence, sexual assault, or stalking <i>Md. Code Ann., Lab. & Empl. § 3-1305(a)</i>. <p>Employees may carry over up to 40 hours of unused, accrued sick and safe leave to the following year. Employers are not required to allow employees to carry over leave if the employer front-loads sick and safe leave or the employee is employed by a nonprofit entity or government unit in accordance with a grant, the duration of which is limited to one year and not subject to renewal.</p> <p>Employers are prohibited from retaliating against employees who request or use earned sick and safe leave. <i>Md. Code Ann., Lab. & Empl. § 3-1305(a)</i>.</p> <p><u>Enforcement Mechanisms (including Private Right of Action)</u>: An employee who believes an employer has violated the Healthy Working Families Act may file a written complaint with the Commissioner of Labor and Industry. If the commissioner issues an order that the employer does not comply with within 30 days, the commissioner may ask the attorney general to bring an action on behalf of the employee or the commissioner may bring an action to enforce a civil penalty. The employee may also bring a civil action to enforce the order. <i>Md. Code Ann., Lab. & Empl. § 3-1305(a)(c)</i>.</p>
<p>Pregnancy Leave</p>	<p>Maryland law requires covered employers to offer reasonable accommodations for pregnancy-related temporary disabilities, which could include leave.</p> <p>The Maryland Fair Employment Practices Act (FEPA) defines "employer" as a person engaged in business or industry with 15 or more employees for each of 20 or more calendar weeks in the current or preceding year, or an agent of that person. The term "employer" also includes the state. <i>Md. Code Ann., State Gov't § 20-601(d)</i>. Any employee who has a disability caused by or contributed to by pregnancy or childbirth may be eligible to take leave as a reasonable accommodation under the FEPA.</p> <p>The FEPA requires employers to offer reasonable accommodations for employees' temporary disabilities caused or contributed to by pregnancy or childbirth. They are to be treated the same as any other temporary disabilities under any health or disability insurance plan or sick leave plan offered by an employer.</p> <p>If an employee makes a request for a reasonable accommodation, an employer has a duty to explore options for providing such an accommodation, including:</p> <ul style="list-style-type: none"> • Changing the employee's job duties • Changing the employee's work hours • Relocating the employee's work area • Providing mechanical or electric aids

	<ul style="list-style-type: none"> • Transferring the employee to a less strenuous or hazardous position –or– • Providing leave <p><u>Employee Rights upon Return:</u> Employers are prohibited from interfering, denying, or restraining employees’ rights to reasonable accommodations and leave for a disability caused or contributed to by pregnancy.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> An employee aggrieved by a violation of the FEPA provisions concerning disabilities due to pregnancy or childbirth may file a complaint for a violation of those provisions with the Maryland Commission on Civil Right.</p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>Maryland law requires covered certain employers to provide eligible employees with six weeks of parental leave every year. <i>Md. Code Ann. Lab & Empl 3-1202.</i></p> <p>The Parental Leave Act will apply to employers that have at least 15 but not more than 49 employees in the state working each working day for 20 or more calendar weeks in the current or preceding year. "Employer" includes a person who works directly or indirectly for the employer or is a successor in interest of an employer.</p> <p><u>Amount of Leave:</u> The Parental Leave Act provides an eligible employee with six weeks of unpaid parental leave during any 12-month period for:</p> <ul style="list-style-type: none"> • The birth of a child of the employee –or– • The placement of a child with the employee for adoption or foster care <p>The employer may deny an employee's request for parental leave if the denial is necessary to prevent a substantial and grievous injury to the employer. The employer must notify the employee of the denial before the employee begins taking leave.</p> <p>The Parental Leave Act requires that an employer restore an employee who returns to work after taking such leave to his or her prior position or a position with equivalent benefits, pay, and other terms and conditions of employment. The employer may deny reinstatement if it will cause the employer to suffer a substantial and grievous economic injury and the employer informs the employee of the intent not to reinstate the employee as soon as the employer determines that an economic injury will occur. An employee may not be terminated without cause while he or she is using parental leave. <i>Md. Code Ann., Lab. & Empl. § 3-1204.</i></p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> To enforce the Parental Leave Act, the Maryland Commissioner of Labor and Industry may:</p> <ul style="list-style-type: none"> • Try to resolve any issue informally through mediation –or– • Ask the attorney general to bring an action on behalf of the employee
<p>Military Family Leave</p>	<p>No State Law</p>
<p>Criminal Victim Leave</p>	<p>Maryland law requires covered employers to provide leave to employees who are crime victims or representatives of deceased or disabled crime victims, to attend court proceedings.</p> <p><u>Employee Coverage:</u> All employers must provide eligible employees with crime victim leave.</p>

	<p><u>Employee Eligibility:</u> An employee must be the victim of a crime or delinquent act or be a crime victim representative to be eligible for leave.</p> <p><u>Employee Rights Upon Return:</u> An employer may not deprive an employee of employment because the employee took time away from work if the employee had a right to attend the proceeding under <i>Md. Code Ann., Criminal Procedure § 11-102</i>.</p>	
Domestic Violence Victim Leave	See sick leave, can be used for the needs of the employee or a family member resulting from domestic violence, sexual assault, or stalking.	
Voting Time Off	<p>Maryland law requires covered employers to provide employees with voting time off. <i>Md. Code Ann., Elec Law 10-315</i>.</p> <p><u>Amount of Time:</u> Every employer must allow an employee who is registered to vote in the state two hours of paid leave to vote if the employee does not have two continuous hours off-duty during the time that the polls are open. <i>Md. Code Ann., Elec Law 10-315</i>.</p>	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>A state employee is eligible for bereavement leave if he or she has experienced a death in the employee's family. <i>Md. Code Regs., 17.04.11.06</i>.</p> <p>A total of five working days, depending on need, may be charged to a state employee's sick leave in the event of the death of:</p> <ul style="list-style-type: none"> • The employee's spouse • The employee's children, including foster or stepchildren • Parents, stepparents, or foster parents of the employee or the employee's spouse • Legal guardians of the employee or the employee's spouse • Siblings of the employee or the employee's spouse • Grandparents or grandchildren of the employee or the employee's spouse – and– • Other relatives living as members of the employee's household <i>Md. Code Regs. 17.04.11.06(A)</i>. <p>The state employee may elect to receive up to three days of bereavement leave</p>

		<p>with pay, instead of using three to five days of sick leave, upon the death of the employee's:</p> <ul style="list-style-type: none"> • Spouse • Children, including foster or stepchildren • Parents, stepparents, or foster parents • Siblings –or– • Grandparents or grandchildren <i>Md. Code Regs. 17.04.11.06(B)</i>. <p>A state employee is provided with one day of leave that may be charged to sick leave in the event of the death of:</p> <ul style="list-style-type: none"> • An aunt or uncle of the employee or the employee's spouse • A niece or nephew of the employee or the employee's spouse • A brother-in-law or sister-in-law of the employee or the employee's spouse –or– • The employee's son-in-law or daughter-in-law <i>Md. Code Regs. 17.04.11.06(C)</i>.
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-Massachusetts-

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Massachusetts law requires covered employers to provide employees with paid or unpaid sick leave. <i>Mass. Gen Laws ch 149C(d)(4)</i>.</p> <p>For purposes of sick leave, an “employer” is any individual, corporation, partnership, or other private or public entity, including any agent thereof, that engages the services of an employee for wages, remuneration, or other compensation. The U.S. government is not an employer for sick leave purposes. A city or town is not covered by the sick leave provisions unless it accepts the sick leave law by vote or by appropriation as provided in Article CXV of the Amendments to the Constitution of the Commonwealth. Additionally, a local public employer that is not a city or town, such as a school committee, is subject to the sick leave provisions only if the governing body of the entity accepts the sick leave law by vote or appropriation. <i>940 Mass. Code Regs. 33.02</i>.</p> <p>For purposes of sick time, an “employee” is a person who performs services for an employer for wages, remuneration, or other compensation.</p> <p>An employee is not:</p> <ul style="list-style-type: none"> • An employee of the U.S. government • A city or town employee, unless the city or town accepts the sick time law by vote or by appropriation as provided in Article CXV of the Amendments to the Constitution of the commonwealth 	

- An employee of a local public employer not a city or town, for example, school committees, including regional schools and educational collaboratives, unless the governing body of the employing entity accepts the sick time law by vote or appropriation
- A student attending a public or private institution of higher education located in the Commonwealth who is:
 - Participating in a federal work-study program or a substantially similar financial aid or scholarship program
 - Providing support services to residents of a residence hall, dormitory, apartment building, or other similar residence operated by the institution at which he or she is matriculated in exchange for a waiver or reduction of room, board, tuition, or other education-related expenses—or—
 - Exempt from Federal Insurance Contributions Act (FICA) tax pursuant to *940 Mass. Code Regs. 33.02*.
- A school-aged student under, the Individuals with Disabilities Education Act—or—
- An adult client who resides in a Massachusetts licensed program and performs work duties within the program setting as part of bona fide educational or vocational training. *940 Mass. Code Regs. 33.02*.

An employee is eligible to accrue and use earned sick time if the employee's primary place of work is in Massachusetts regardless of the location of the employer. An employee need not spend 50% or more time working in Massachusetts for an employer for Massachusetts to be the employee's primary place of work. *940 Mass. Code Regs. 33.03*.

An employee who works for an employer with an average of 11 or more employees on the payroll during the preceding calendar year is entitled to paid sick time. Employees of employers with an average of 10 or fewer employees are entitled to unpaid sick time. An employer calculates the average number of employees by counting the number of employees, including part-time, full-time, or seasonal or temporary employees, on the payroll during each pay period and dividing by the number of pay periods. Employees furnished to an employer by a temporary staffing agency and paid by the staffing agency count as employees of both the staffing agency and the employer for the purpose of determining employer size. *940 Mass. Code Regs. 33.04(1)*.

An employee may use sick time to:

- Care for the employee's child, spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care
- Care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care
- Attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse—or—
- Address the psychological, physical, or legal effects of domestic violence committed against an employee or the employee's dependent child by a current or former spouse of the employee, a person with whom the employee shares a child in

	<p>common, a person who is cohabitating with or has cohabitated with the employee, a person who is related by blood or marriage, or a person with whom the employee has or had a dating or engagement relationship; —or—</p> <ul style="list-style-type: none"> • Travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken <p>An employee will begin to accrue sick time commencing on his or her date of hire. Employees will accrue one hour of sick time for every 30 hours worked. Employees can earn and use up to 40 hours of sick time in a calendar year.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The attorney general is responsible for enforcing Section 148C and may obtain injunctive or declaratory relief for that purpose. An employee claiming to be aggrieved by a violation of Section 148C may, 90 days after the filing of a complaint with the attorney general, or sooner with the agreement of the attorney general, and within three years after the violation, institute a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits. The three-year limitation period is tolled from the date that the employee, for himself or others similarly situated, files a complaint with the attorney general alleging a violation until the date that the attorney general issues a letter authorizing a private right of action or the date that an enforcement action by the attorney general becomes final.</p>
<p>Pregnancy Leave</p>	<p>Massachusetts Fair Employment Practices Law (FEPL) requires an employer to reasonably accommodate an employee’s pregnancy or condition related to pregnancy if requested by the employee, which may include time off to attend to a pregnancy complication or to recover from childbirth with or without pay. <i>Mass. Gen. Laws ch. 151B 1(5)</i>.</p> <p>The FEPL applies to all employers with six or more employees, except for nonprofit exclusively social clubs, fraternal associations, or corporations. An individual employed by an employer in a full or part-time capacity is an employee for purposes of the FEPL, except independent contractors, individuals employed in domestic service, or individuals employed by a parent, spouse, or child. <i>804 CMR 3.01(1)</i>.</p> <p><u>Amount of Leave:</u> The FEPL leaves open the duration and timing of time off resulting from pregnancy or pregnancy-related conditions.</p> <p><u>Employee Rights upon Return:</u> The FEPL prohibits an employer from taking an adverse action against an employee who requested or used a reasonable accommodation for pregnancy or a pregnancy-related condition. Unlawful adverse actions include, but are not limited to, failing to reinstate an employee to her original position or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other applicable service credits when the employee no longer needs the accommodation.</p> <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> An individual may file a complaint alleging a violation of the FEPL with the Massachusetts Commission Against Discrimination (MCAD). Although an individual must first file a complaint with the MCAD, he or she does not need to wait for a determination before filing a civil action. The individual may bring a civil action 90 days after filing the complaint with the MCAD or sooner with the MCAD’s written approval.</p>

<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>Massachusetts has enacted a far-reaching law establishing a paid family and medical leave program. <i>2017 Mass. H.B. 4640, § 29.</i></p> <p>Any employer that is required to comply with the federal FMLA is also required to comply with the Massachusetts SNLA, which requires employers to provide leave, in addition to the federal FMLA’s leave requirements, for the care of a child or elderly relative</p> <p>For purposes of the Parental Leave law, an employer is defined as in covered employers include:</p> <ul style="list-style-type: none"> • An employer of domestic workers —and— • The commonwealth and all political subdivisions, boards, departments and commissions thereof <p>Excluded from the definition of employer are:</p> <ul style="list-style-type: none"> • A club exclusively social, or a fraternal association or corporation, if such club, association or corporation is not organized for private profit —and— • Any employer with fewer than six employees. <p>All employers are required to contribute to the paid family and medical leave program. However, a municipality, district, political subdivision, or authority is only subject to the paid family and medical leave program upon a majority vote of the local legislative or governing body.</p> <p>To be eligible for a parental leave, an employee must have:</p> <ul style="list-style-type: none"> • Worked as a full-time employee for the same employer for at least three consecutive months —or— • Completed his or her initial probationary period, as defined by the terms of his or her employment, but not to exceed three months. An employee on parental leave for the adoption of a child is entitled to the same benefits offered by the employer to an employee on parental leave for the birth of a child. <i>2017 Mass. H.B. 105D(b).</i> <p>The SNLA does not require an employer to provide paid sick leave or paid medical leave in any situation in which the employer would not normally provide any such paid leave. Parental leave may be with or without pay at the discretion of the employer.</p> <p>However, eligible employees on family or medical leave are paid a weekly leave benefit. The leave benefit is equal to:</p> <ul style="list-style-type: none"> • The portion of an employee’s average weekly wage that is equal to or less than 50% of the state average weekly wage replaced at a rate of 80% —and— • The portion of the employee’s average weekly wage that is more than 50% of the state weekly wage replaced at a rate of 50%. An eligible employee must file a benefit claim pursuant to regulations issued by the Department of Family and Medical Leave (Department). See <i>458 Mass. Code Regs. 2.08</i>. The claim must include certification supporting the request for leave. <p>The maximum weekly benefit amount should not be more than \$850 per week. The maximum weekly benefit amount shall be adjusted annually prior to October 1 to be 64% of the state average weekly wage. The adjusted maximum weekly benefit amount is to take effect on January 1st the year following the adjustment.</p>
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	<p>An eligible employee is entitled to a total of 24 hours of leave during any 12-month period, in addition to leave available under the federal FMLA, to:</p> <ul style="list-style-type: none"> • Accompany the son or daughter to routine medical or dental appointments, such as checkups or vaccinations —and— • Accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes <p>Eligible employees are entitled to eight weeks of parental leave for one of the following reasons:</p> <ul style="list-style-type: none"> • To give birth • For the placement of a child for adoption who is under the age of 18 with an employee who adopts or intends to adopt the child • For the placement for adoption of a child mentally or physically disabled who is under the age of 23 with an employee who adopts or intends to adopt the child • For the placement of a child with an employee pursuant to a court order <p>Paid family leave to bond with a child cannot be taken intermittently or on a reduced leave schedule unless the employer and employee agree otherwise. Paid family leave for an employee’s own care, or to care for a servicemember or a family member may be taken intermittently or on a reduced leave schedule when medically necessary. Leave due to a qualifying exigency arising out of the fact that a family member is on or has been notified of an impending call or order to active duty in the Armed Forces also may be taken intermittently or on a reduced leave schedule.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The attorney general of Massachusetts is authorized to enforce the SNLA. An aggrieved employee may, 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within three years after the violation, institute and prosecute a civil action in his own name and on his own behalf, or for himself and for others similarly situated.</p> <p>An employee or former employee has a private right of action if:</p> <ul style="list-style-type: none"> • He or she was not returned to the same or an equivalent position after taking family or medical leave. • He or she was denied the accrual of employment benefits while taking family or medical leave. • The employer retaliated or otherwise discriminated against the employee for exercising any rights under the paid family and medical leave program.
Military Family Leave	No State Law
Criminal Victim Leave	<p>Massachusetts law requires covered employers to provide leave to employees who are crime victims and who have been served with a subpoena to testify in a criminal proceeding. <i>Mass. Gen. Laws ch 268.</i></p> <p><u>Employee Coverage:</u> Covered employers are those who employ any person who is a victim of a crime upon which an accusatory instrument is based, or is subpoenaed</p>

	<p>to attend a criminal action as a witness, who has received timely notice of the subpoena.</p> <p><u>Employee Eligibility:</u> An eligible employee is any person who is a victim of a crime upon which an accusatory instrument is based, or is subpoenaed to attend a criminal action as a witness and who notifies his employer of such subpoena prior to the day of his attendance.</p> <p><u>Employee Rights Upon Return:</u> An employer may not terminate or otherwise penalize an employee who is a victim or a witness to a crime who has been subpoenaed to testify in a criminal proceeding. <i>Mass. Gen. Laws ch 268.</i></p>
Domestic Violence Victim Leave	<p>The Massachusetts Domestic Violence Act (MDVA) requires covered employers to provide leave to employees who are domestic violence victims. <i>Mass. Gen. Laws ch 149.</i></p> <p>Under the MDVA, employers with at least 50 employees must permit an eligible employee to take domestic violence victim leave. The MDVA permits an employee who is a victim of domestic or sexual violence (or whose family member is such a victim) to take domestic violence victim leave—provided the employee is not the person engaging in such violence. The term “family member” means spouse; parent, step-parent, child, step-child, sibling, grandparent, or grandchild; persons in a substantive dating or engagement relationship and who reside together; persons child in common regardless of whether they ever have married or resided together; or persons in a guardianship relations.</p> <p>The MDVA permits eligible employees to take up to 15 days of domestic violence victim leave in a 12-month period. The employer has the right to decide whether domestic or sexual violence leave is paid or unpaid. Domestic or sexual violence leave may be taken for medical attention, counseling, court appearances and proceedings, meetings with law enforcement officials, or to otherwise address domestic and/or sexual violence. <i>Mass. Gen. Laws ch 149.</i></p> <p>Employers are prohibited from coercing, interfering with, restraining or denying the exercise of, or any attempt to exercise, any rights to domestic violence victim leave, or making such leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser. Employees are entitled to reinstatement to their original job, or to an equivalent position, when they return from domestic or sexual violence leave. <i>Mass. Gen. Laws ch 149.</i></p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The attorney general of Massachusetts is authorized to enforce the MDVA.</p>
Voting Time Off	<p>Massachusetts law requires covered employers to provide employees with voting time off. <i>Mass. Gen. Laws ch. 149.</i></p> <p><u>Amount of Time:</u> A covered employer must permit its employee to vote at an election during the first two hours after the polls are open if the employee requests such leave.</p>
School-Related Leave	<p>SNLA leave is also available for the employee to participate in school activities directly related to the educational advancement of the employee’s son or daughter. <i>Mass. Gen. Laws ch 149 105D(b)(1).</i></p>
Bereavement Leave	<p>No State Law</p>

-Michigan-

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Michigan’s Paid Medical Leave Act (PMLA) requires covered employers to provide employees with paid sick leave. Employers with 50 or more employees are required to provide paid sick leave to their employees. The United States or the government or political subdivision of any other state are not considered employees under the PMLA. <i>Mich. Comp. Laws 408.962(f)</i>.</p> <p>An eligible employee is anyone who is employed by a covered employer for whom the employer is required to withhold earnings for federal income tax purposes.</p> <p>Eligible employees do not include:</p> <ul style="list-style-type: none"> • Employees exempt from overtime under the FLSA • Private sector employees covered by a collective bargaining agreement • Employees who work for 25 weeks or fewer in a calendar year for a job scheduled for 25 weeks or fewer • Employees who worked an average of fewer than 25 hours per week during the immediately preceding calendar year • Employees of the U.S. government or another state • Flight deck and cabin crew members • Certain employees covered by the Railway Labor Act or the Railroad Unemployment Insurance Act • Employees whose primary work location is outside of Michigan • Employees 16–19 years old who are paid the youth training wage in accordance with the Improved Workforce Opportunity Wage Act • Certain temporary help service firm employees disqualified from receiving benefits under the Michigan Employment Security Act • Variable hour employees as defined by Affordable Care Act regulations. <i>Mich. Comp. Laws 408.962(e)</i>. <p>Eligible employees accrue paid medical leave at a rate of 1 hour for every 35 hours worked. Employers may limit the accrual of paid medical leave to 40 hours per benefit year. A benefit year is any consecutive 12-month period used by the employer to calculate paid sick leave benefits. Employers are not required to allow employees to carry over more than 40 hours of unused, accrued paid medical leave from one benefit year to the next. Employers also are not required to allow employees to use more than 40 hours of paid medical leave in a single benefit year. Accrued, unused leave does not have to be paid out at the termination of the employment relationship.</p> <p><u>Permissible Use of Leave:</u> Eligible employees may use paid medical leave for any of the following:</p> <ul style="list-style-type: none"> • Physical or mental illness, injury, or health condition of the employee or his or her family member • Medical diagnosis, care, or treatment of the employee or employee’s family member 	

	<ul style="list-style-type: none"> • Preventative care of the employee or his or her family member • Closure of the employee’s primary workplace by order of a public official due to a public health emergency • The care of his or her child whose school or place of care has been closed by order of a public official due to a public health emergency • The employee’s or his or her family member’s exposure to a communicable disease that would jeopardize the health of others as determined by health authorities or a health-care provider <p>If an eligible employee or his or her family member is a victim of domestic violence or sexual assault, the employee may use paid medical leave to:</p> <ul style="list-style-type: none"> • Obtain medical care or psychological or other counseling • Obtain services from a victim services organization • Relocate • Obtain legal services • Participate in civil or criminal proceedings related to the domestic violence or sexual assault. <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The director of the Michigan Department of Licensing and Regulatory Affairs (LARA) enforces the PMLA. An eligible employee affected by a violation of the PMLA may file a claim with LARA. Upon receiving a complaint, LARA will investigate and attempt to resolve the complaint through mediation or other means. If LARA finds a violation has occurred, it will issue a notice of violation and the requested relief to the violator.</p>	
Pregnancy Leave	No State Law	
Family and Medical Leave or Flexible Leave Requirements	No State Law	N/A
Military Family Leave	No State Law	
Criminal Victim Leave	<p>Michigan law requires covered employers to provide leave to employees who are crime victims or victim’s representatives to attend criminal proceedings. <i>Mich. Comp. Laws 780.762.</i></p> <p><u>Employee Coverage:</u> All employers are required to provide eligible employees with crime victim leave.</p> <p><u>Employee Eligibility:</u> An employee eligible for crime victim leave is the victim of a crime and has either been subpoenaed or the prosecuting attorney requires that the employee give testimony at a proceeding related to the crime. An employee who is</p>	

	<p>a crime victim's representative is also eligible for leave to attend court during a victim's testimony.</p> <p>A "victim's representative" is defined as:</p> <ul style="list-style-type: none"> • A guardian or custodian of a minor child of a deceased victim • A parent, guardian, or custodian of a minor victim of an assaultive crime –or– • A person who has been designated to act in place of a victim of an assaultive crime during the duration of the victim's physical or emotional disability <p><u>Employee Rights Upon Return:</u> Any employer is prohibited from threatening, discharging, or disciplining an employee because that employee is a victim of a crime and either is subpoenaed or the prosecuting attorney has required that the employee give testimony at a proceeding related to the crime.</p> <p><u>Enforcement Scheme and Potential Penalties:</u> Any employer who violates the crime victim leave provisions is guilty of a misdemeanor punishable by up to 90 days imprisonment or a fine of not more than \$500 or both. The employer may also be punished for contempt of court. <i>Mich. Comp. Laws 780.762(1),(2).</i></p>
Domestic Violence Victim Leave	(See Sick Leave). Can be used for domestic violence leave.
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	No State Law

-Minnesota-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	
Pregnancy Leave	<p>Minnesota law requires certain covered employers to offer employees reasonable accommodations for pregnancy-related disabilities, which could include leave. <i>Minn. Stat. 181.940, subd.1</i></p> <p>An employer that employs 21 or more people in at least one site is required to offer pregnancy leave</p> <p>An eligible employee is a woman and has:</p> <ul style="list-style-type: none"> • Worked for the employer for the 12 months prior to the request –and– • Worked for an average number of hours per week equal to one-half the full-time equivalent position in the employee's job classification as defined by the employer's 	

	<p>personnel policies or practices or pursuant to a collective bargaining agreement in the 12-month period prior to the leave</p> <p>Independent contractors are not eligible employees.</p> <p><u>Pregnancy Leave</u>: An employee may be entitled to leave for prenatal care or incapacity due to pregnancy, childbirth, or a related health condition. The length of the leave is to be determined by the employee, but cannot exceed 12 weeks.</p> <p><u>Reasonable Accommodation</u>: Additionally, the Minnesota Parental Leave Law imposes upon an employer a duty to reasonably accommodate an employee for a health condition related to pregnancy and childbirth if requested by the employee, at the advice of her health-care provider or certified doula, unless the employer demonstrates that the accommodation would impose an undue hardship. An employer may not claim undue hardship and the pregnant employee is not required to obtain the advice of her health-care provider or doula for the following accommodations: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) restrictions on lifting over 20 pounds. <i>Minn. Stat. § 181.9414, subd. 1.</i> The employee and employer shall engage in an interactive process to determine whether a reasonable accommodation can be provided and retaliation against such employee is prohibited. <i>Id.</i> It is an unlawful practice for the employer to require the employee to take leave or accept an accommodation. <i>Minn. Stat. § 181.9414, subd. 4.</i> An employer is not required to create a new position to accommodate an employee nor is an employer obligated to terminate any employee, transfer another employee with greater seniority, or promote any employee to accommodate an employee. <i>Minn. Stat. § 181.9414, subd. 1.</i></p> <p>An employee returning from pregnancy leave is entitled to return to her former position or in a position with comparable duties, number of hours, and pay. The employee is entitled to return at the same rate of pay and is entitled to return all accrued benefits and seniority as if there had been no interruption in service.</p> <p>An employer may not retaliate against an employee for requesting or obtaining pregnancy leave or a pregnancy accommodation. An employer must continue to make insurance coverage available to an employee while the employee is on leave.</p> <p><u>Enforcement Mechanisms (including Private Right of Action)</u>: An employee aggrieved by a violation of the Minnesota Parental Leave Law may file a complaint with the Minnesota Division of Labor Standards and Apprenticeship. Employees aggrieved by a violation of the act may also bring a civil action. <i>Minn. Stat. § 181.9414, subd. 1.</i></p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>The Minnesota Parental Leave Law requires certain covered employers to provide up to 12 weeks of family leave to eligible employees.</p> <p>For purposes of the Minnesota Parental Leave Law, an employer that employs 21 or more people in at least one site is required to offer family leave. An eligible employee is a person who performs services for hire, who requests leave under the Minnesota Parental Leave Law, and has:</p> <ul style="list-style-type: none"> • Worked for the employer for 12 months prior to the request –and– • Worked for an average number of hours per week equal to one-half the full-time equivalent position in the employee's job classification as defined by the employer's personnel policies or practices or pursuant to a collective bargaining agreement in the 12-month period prior to the leave

	<p><u>Amount of Leave for Pregnancy, Childbirth, or Adoption:</u> An employer must provide up to 12 weeks of unpaid leave to an employee who is:</p> <ul style="list-style-type: none"> • A biological or adoptive parent upon the birth or placement of a child –or– • A female employee for purposes of prenatal care, incapacity due to pregnancy, childbirth, or related health conditions <p><u>Leave to Care for a Family Member:</u> An employee may use his or her personal sick leave benefits for absences from work due to an illness or injury of the employee's:</p> <ul style="list-style-type: none"> • Child, including an adopted child, stepchild, and foster child • Spouse • Sibling • Parent • Mother-in-law • Father-in-law • Grandparent • Grandchild, including an adopted grandchild, step-grandchild, and foster grandchild –and– • Stepparent <p><u>Employee Rights upon Return:</u> An employee is entitled to return to his or her position at the same rate of pay, plus any automatic adjustments the employer made to the employee's pay scale during the leave period. An employee is also entitled to retain all accrued pre-leave benefits and seniority as if he or she had not taken a leave, provided that there is no collective bargaining agreement or other agreement between the employer and employee that prevents the accrual of such benefits during the leave.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> An employee aggrieved by a violation of the act may file a complaint with the Minnesota Division of Labor Standards and Apprenticeship. Employees aggrieved by a violation of the Minnesota Parental Leave Law may also bring a civil action.</p>
<p>Military Family Leave</p>	<p>For purposes of military care leave under, an employee is a person, independent contractor, or person working for an independent contractor who performs services for compensation for an employer.</p> <p>To be eligible for leave, the employee must have an immediate family member in the U.S. armed forces. An "immediate family member" is the employee's:</p> <ul style="list-style-type: none"> • Parent • Child • Grandparent • Sibling –or– • Spouse <p>An employer must grant up to 10 days of unpaid leave to an employee who has an immediate family member who has been injured or killed while in active service as a member of the U.S. armed forces.</p>

	<p>An employer must provide unpaid leave to an employee who has an immediate family member who has been ordered into active service in support of war or other national emergency as a member of the U.S. armed forces. An employer may deny the leave if it would unduly disrupt the employer’s operations. An employer may limit an employee’s leave to the amount of time necessary for the employee to attend a send-off or a homecoming ceremony for the family member, not to exceed one day's duration in any calendar year.</p> <p>An employee may take leave to attend:</p> <ul style="list-style-type: none"> • The departure or return ceremonies for deploying or returning military units • Family training or readiness events sponsored or conducted by the military –and– • Events held as part of official military reintegration programs <p>An employer must provide a reasonable amount of unpaid leave, not to exceed two consecutive days or six days in a calendar year for such events. An employer cannot require the employee to use accrued vacation time for the events.</p>
<p>Criminal Victim Leave</p>	<p>Minnesota law requires covered employers to provide crime victim leave to employees and their family members. <i>Minn. Stat. 611A.036</i></p> <p><u>Employee Coverage:</u> All employers are covered by the crime victim leave requirement.</p> <p><u>Employee Eligibility:</u> To be eligible for crime victim leave, an employee must be:</p> <ul style="list-style-type: none"> • Subpoenaed or requested by the prosecutor to attend a criminal proceeding for the purpose of giving testimony –or– • An immediate family member of a victim of a violent crime. <p>An employer must allow an employee who is a victim of a crime and who is subpoenaed or requested by the prosecutor to attend court to testify a reasonable time off of work to attend criminal proceedings related to the victim's case. An employer must also allow an employee who is the victim of a violent crime, or the spouse or immediate family member of the victim, reasonable time off from work to attend criminal proceedings related to the victim's case.</p> <p><u>Employee Rights Upon Return:</u> An employer is prohibited from discharging or otherwise threatening or taking an adverse employment action against an employee because the employee took reasonable time off of work. <i>Minn. Stat. 611A.036</i></p> <p>An employee who is discharged or discriminated against for requesting or using crime victim leave has a private right of action.</p>
<p>Domestic Violence Victim Leave</p>	<p>Minnesota law requires covered employers to provide leave to employees who are victims of domestic violence. <i>Minn. Stat. § 518B.01, subd. 23(a).</i></p> <p>All employers must provide leave to a victim of domestic violence to obtain an order for protection. <i>Minn. Stat. § 518B.01, subd. 23(a).</i> To be eligible for leave, an employee must have been the victim of domestic violence and need to take time off work to obtain an order of protection. <i>Minn. Stat. § 518B.01, subd. 23(a).</i></p> <p>The Domestic Abuse Act, <i>Minn. Stat. § 518B.01</i>, prohibits an employer from discharging or otherwise taking an adverse employment action against an employee who took reasonable time off from work to obtain an order of protection related to domestic abuse. <i>Minn. Stat. § 518B.01, subd. 23(a).</i></p>

	<p>An employee may use his or her personal sick leave benefits for safety leave, whether or not the employer allows the use of sick leave for that purpose. Safety leave may be used to assist an employee or a relative. The purpose of safety leave is to provide or receive assistance because of domestic abuse, sexual assault, or stalking. The employer may limit an employee’s use of safety leave to 160 hours in a 12-month period, except for absences due to an illness of a child under the age of 18 or under the age of 20 who is still attending secondary school.</p> <p>An employee aggrieved by a violation of the Domestic Abuse Act has a private right of action. <i>Minn. Stat. § 518B.01, subd. 23(c).</i></p>
Voting Time Off	<p>Minnesota law requires employers to provide employees with voting time off. <i>Minn. Stat. § 204C.04, subd. 1.</i></p> <p><u>Amount of Time:</u> Eligible voters are entitled to be absent from work for the time necessary to go to the employee’s polling station, cast a ballot, and return to work on the day of an election without penalty or a deduction from pay. <i>Minn. Stat. § 204C.04, subd. 1.</i></p>
School-Related Leave	<p>Minnesota law requires covered employers to provide employees with school-related leave. <i>Minn. Stat. 181.9412.</i></p> <p>An eligible employee has worked for an average number of hours per week equal to one-half the full-time equivalent position in the employee's job classification as defined by the employer's personnel policies or practices or pursuant to a collective bargaining agreement in the 12-month period prior to the leave.</p> <p><u>Amount of Leave:</u> An employer must grant an employee a total of 16 hours of unpaid leave during any 12-month period to attend school conferences and school-related activities related to the employee's child, provided such activities could not be scheduled during nonwork hours. The employee may use school-related leave if the employee's child receives childcare services as defined by <i>Minn. Stat. § 119B.011, subd. 7</i>, or attends a prekindergarten regular or special education program, to attend a conference or activity, or to observe and monitor the services or program.</p> <p>The employee may substitute any accrued paid vacation or other appropriate leave for school-related leave. For purposes of the act, a child is an individual under 18 years of age or an individual under age 20 who is attending secondary school.</p> <p>Employees aggrieved by a violation of the Minnesota Parental Leave Law may also bring a civil action.</p>
Bereavement Leave	No State Law

-Mississippi-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Mississippi has sick leave requirements for public sector employers.</p> <p>State employees who contribute to the Mississippi Public Employees' Retirement System or the State Institutions of Higher Learning Optional Retirement Program are</p>

		<p>entitled to major medical leave. An employee may use this leave for his or her own illness or injury, or for the illness or injury of an immediate family member. Employees accrue major medical leave time based on their years of service. <i>Miss. Code. Ann 25-3-95(3)</i>.</p> <p>A state employee must use accrued personal leave to cover an absence of one day or less due to his or her own illness. An employee must use either accrued personal or compensatory leave for the first day of his or her illness requiring an absence from work of more than one day. Employees accrue personal leave based on their years of service, and there is no limit to their ability to accumulate personal leave.</p>
Pregnancy Leave	No State Law	<p>Mississippi has pregnancy leave requirements for public sector employers.</p> <p>State employers must treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other employees not so affected but similar in their ability or inability to work. See Mississippi State Personnel Board Policy and Procedure Manual, <i>CMSR 27-001-110, § 7.3.9</i>.</p> <p>Additionally, when certified in advance by a medical doctor, a pregnant state employee can use her accrued major medical leave for regularly scheduled prenatal care visits by a medical doctor for subsequent visits once she has used her accrued personal or compensatory leave to cover her first day (or first eight hours) of leave due to pregnancy. <i>CMSR 27-001-110, § 7.3.9(c)</i>.</p>
Family and Medical Leave or Flexible Leave Requirements	No State Law	<p>An employee must have worked for the State of Mississippi for a total of 12 months to be eligible for leave under the FMLA. Additionally, a state employee must have worked at least 1,250 hours in the 12-month period immediately preceding the start of his or her requested leave. <i>CMSR 27-001-110, § 7.9.1</i>.</p>
Military Family Leave	No State Law	

<p>Criminal Victim Leave</p>	<p>Mississippi law requires covered employers to provide leave to employees who are crime victims. <i>Miss. Code Ann 99-43-45.</i></p> <p><u>Employee Coverage:</u> All employers must provide eligible employees with crime victim leave.</p> <p><u>Employee Eligibility:</u> An employee is eligible for crime victim leave if he or she is a victim of a criminal offense or the lawful representative of a person who was a victim and is deceased or incapacitated.</p> <p>An employee who is a crime victim can respond to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation of criminal proceedings without loss of his or her employment, intimidation, threats, or fear of the loss of his or her employment. <i>Miss. Code Ann 99-43-45.</i></p>	
<p>Domestic Violence Victim Leave</p>	<p>Mississippi has no law that requires private employers to provide leave to employees who are victims of domestic violence.</p>	
<p>Voting Time Off</p>	<p>No State Law</p>	
<p>Bereavement Leave</p>	<p>No State Law</p>	<p>A state employee may use up to three days of his or her accrued major medical leave for each death in his or her immediate family that requires the employee to be absent from work.</p> <p>A state employee’s immediate family includes his or her</p> <ul style="list-style-type: none"> • spouse, • parent, • stepparent, • sibling, • child, • stepchild, • grandchild, • grandparent, • son-in-law or daughter-in-law, • mother-in-law or father-in-law, or • brother-in-law or sister-in-law. <i>Miss. Code Ann 25-3-95(3).</i>

-Missouri-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Missouri has sick leave requirements for public sector employers. <i>Mo. Rev. Stat 36.350, Mo. Code Regs. Ann. Tit. 1, § 20- 5.020(2).</i></p> <p>An eligible employee is defined as: Any state paid employee of elected state officials, specifically employees of the offices of the governor, lieutenant governor, secretary of state, state auditor, treasurer, attorney general, Houses of the Missouri State Legislature, the Missouri State Judiciary, Missouri State Courts Administrator, Missouri Consolidated Health Care Plan, Missouri State Employees' Retirement System, and other state funded public entities.</p>
Pregnancy Leave	<p>Although the Missouri Human Rights Act (MHRA), <i>Mo. Rev. Stat. § 213.010 et seq.</i>, and the associated regulations do require covered employers to treat an employee with a pregnancy- or childbirth- related disability the same as any other employee with a temporary disability, <i>Mo. Code Regs. Ann. tit. 8, § 60-3.040(16)(A)</i>, the MHRA does not create an express duty to accommodate pregnancy, childbirth, or related conditions.</p> <p>Disabilities caused by pregnancy, miscarriage, legal abortion, childbirth, and recovery are regarded as temporary disabilities for purposes of the MHRA. <i>Mo. Code Regs. Ann. tit. 8, § 60-3.040(16)(A)</i>. Minor temporary conditions are not considered impairments resulting in a disability. <i>Mo. Code Regs. Ann. tit. 8, § 60-3.060(1)(B)(1)</i>.</p> <p>Although the MHRA and associated regulations do not create an express duty to accommodate pregnancy, childbirth, or related conditions, covered employers must treat an employee with a pregnancy- or childbirth-related disability the</p>	<p>The state, its departments, agencies, and political subdivisions must permit its eligible employees who are foster or adoptive parents to use accrued sick leave, annual leave, or the same unpaid leave granted to biological parents to arrange for an adopted or foster child's placement or to care for the child after placement. The same entities must permit a stepparent to use accrued sick leave, annual leave, or the same unpaid leave granted to biological parents to care for the employee's stepchild. <i>Mo. Rev. Stat 105.271(1)</i>.</p>

	same as any other employee with a temporary disability with regard to the employer’s health or temporary disability insurance, sick leave, and employment policies and practices, including other benefits and privileges of employment. <i>Mo. Code Regs. Ann. tit. 8, § 60-3.040(16)(A).</i>	
Family and Medical Leave or Flexible Leave Requirements	No State Law	Missouri has confirmed that the federal Family and Medical Leave Act, applies to state employees. <i>Mo. Code Regs. Ann tit. 1, § 20-5.020(7)(B).</i>
Military Family Leave	No State Law	
Criminal Victim Leave	<p>Missouri law requires covered employers to provide paid crime victim leave to employees who are crime victims and who testify in, attend, or prepare for criminal proceedings. <i>Mo. Rev. Stat. §595.209(1)(14).</i></p> <p><u>Employee Coverage:</u> A covered employer subject to the crime victim leave requirements in Missouri includes an employer of any witness, victim, or member of a victim’s immediate family who honors a subpoena to testify in a criminal proceeding, who attends a criminal proceeding, or who participates in the preparation of a criminal proceeding.</p> <p><u>Employee Eligibility:</u> An employee eligible for witness duty leave in Missouri is any witness, victim, or member of a victim’s immediate family who honors a subpoena to testify in a criminal proceeding, who attends a criminal proceeding, or who participates in the preparation of a criminal proceeding. For purposes of crime victim leave, a "victim" is a person who suffers direct or threatened physical, emotional, or financial harm as the result of a person committing a crime. A victim is also a family member of a minor victim, an incompetent victim, or a homicide victim.</p> <p><u>Employee Rights Upon Return:</u> An employer is prohibited from discharging or disciplining an employee who is a victim or a member of a victim's immediate family because the employee:</p> <ul style="list-style-type: none"> • Honors a subpoena to testify in a criminal proceeding • Attends a criminal proceeding –or– • Participates in the preparation of a criminal proceeding <p>An employer cannot require an employee who is a victim or a member of a victim’s immediate family to use accrued vacation, personal time, or sick leave to cover an absence from work to:</p> <ul style="list-style-type: none"> • Honor a subpoena to testify in a criminal proceeding. • Attend a criminal proceeding. –or– 	

	<ul style="list-style-type: none"> • Participate in the preparation of a criminal proceeding. <i>Mo. Rev. Stat. §595.209(1)(14).</i> 	
Domestic Violence Victim Leave	Missouri has no law that requires private sector employers to provide domestic violence victim leave to employees, unless they testify in, attend, or prepare for criminal proceedings.	
Voting Time Off	<p>Missouri law requires covered employers to provide employees with paid voting time off. <i>Mo. Rev. Stat. §115.639.</i></p> <p><u>Amount of Time:</u> All employers must give eligible employees paid voting leave of up to three hours between the opening of and the closing of the polls. The employer may dictate the three hours during which the employee may take leave to vote.</p> <p><u>Employee Rights upon Return:</u> The covered absence of an employee eligible for voting time off leave in Missouri must not:</p> <ul style="list-style-type: none"> • Be reason for discharging or threatening to discharge the employee from his or her services or employment • Subject the employee, if he or she votes, to any penalty or discipline • Be the basis for any deduction from his or her usual salary or wages. 	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>State employees are entitled to bereavement leave for the death of an employee's:</p> <ul style="list-style-type: none"> • Spouse • Child, stepchild, or spouse's child • Parent or stepparent, or spouse's parent or stepparent • Grandparent or spouse's grandparent • Grandchild or spouse's grandchild • Sibling –or– • A member of the employee's household <i>Mo. Code Regs. Ann. tit. 1, § 20-5.020(8)(B)(3).</i> <p>State employees are entitled to up to five consecutive days of bereavement leave for a qualifying death. <i>Mo. Code Regs. Ann. tit. 1, § 20-5.020(8)(B)(3).</i></p>

-Montana-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	Montana has sick leave requirements for public sector employers. <i>Mont. Code Ann 2-18-618(1).</i>

		<p>A permanent full-time state employee is entitled to accrue sick leave credits from the beginning of his or her tenure. After 90 days of service, the employee can take paid leave for sickness.</p>
<p>Pregnancy Leave</p>	<p>Montana law requires covered employers to provide employees with a reasonable pregnancy leave. <i>Mont Code Ann 49-2-310</i></p> <p>Under the Montana Human Rights Act (MHRA), all employers must provide pregnancy leave to eligible employees. An employee is eligible for reasonable pregnancy leave if she is disabled as a result of pregnancy. Disabled as a result of pregnancy means a condition certified as by a doctor as disabling that arises in the course of pregnancy and may cover the time period from conception through termination of gestation and a reasonable recovery period. <i>Mont. Admin. R. 24.9.1201.</i></p> <p><u>Amount of Leave:</u> An employee is entitled to a reasonable leave of absence for pregnancy. In determining the standards of reasonableness that apply, an employer should use standards that are as inclusive as those that apply to requests for leave of absence for any other valid medical reason. <i>Mont. Admin. R. 24.9.1203.</i></p> <p>The MHRA also makes it unlawful for an employer to:</p> <ul style="list-style-type: none"> • Terminate a woman’s employment because of pregnancy • Deny to the employee who is disabled as a result of pregnancy any compensation to which the employee is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer, (the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is unable to perform employment duties) –or– • Require that an employee take a mandatory maternity leave for an unreasonable length of time. <p><u>Employee Rights upon Return:</u> An employee at the end of a pregnancy-related leave must be reinstated to her original job or an equivalent position. If reinstatement due to changed circumstances would be impossible or unreasonable for a private employer, then the employer is relieved from that requirement.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The Department of Labor and Industry (Department) enforces the MHRA. <i>Mont. Code Ann. § 24.9.102.</i> An aggrieved employee must first file a complaint with the Department. If the Department issues a finding of no reasonable cause, the employee may pursue her claim in court.</p> <p>An employer is guilty of a misdemeanor if it willfully:</p> <ul style="list-style-type: none"> • Discriminates in violation of the MHRA • Resists, prevents, impedes, or interferes with the Commission or the Department in the performance of their duties • Violates an order of the Commission –or– Violates the MHRA in any other manner <p>The misdemeanor is punishable by a fine of no more than \$500, imprisonment for no more than 6 months, or both. <i>Mont. Code Ann. § 24.9.601.</i></p>	

<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>Montana has family and medical leave or flexible leave requirements for public sector employers.</p> <p>Montana permits state agencies to apply the provisions of the Family and Medical Leave Act of 1993, to agency employees. To be eligible for parental leave, a state employee’s position must be classified as permanent by an agency and the employee must have satisfactorily completed an appropriate probationary period. <i>Mont. Code Ann. § 2-18-101.</i></p> <p>Permanent state employees may take parental leave, paid or unpaid, immediately following the birth or placement of a child, for a period not to exceed 15 working days, if the employee is adopting a child or is the child's birth father.</p>
<p>Military Family Leave</p>	<p>No State Law</p>	
<p>Criminal Victim Leave</p>	<p>Montana law requires covered employers to provide leave to employees who are victims of crime or their family members, and who testify in or attend criminal proceedings. <i>Mont. Code Ann 46-24-205(3).</i></p> <p><u>Employee Coverage:</u> All employers must provide eligible employees with crime victim leave.</p> <p><u>Employee Eligibility:</u> An employee is eligible for crime victim leave if the employee has been a crime victim or has a family member that has been a crime victim and the prosecuting attorney has requested the employee’s participation in preparation or attendance at a criminal justice proceeding. A member of the victim’s family means the victim’s spouse, child by birth or adoption, stepchild, parent, stepparent, or sibling, but does not include a person who is accountable for the crime or accountable for a crime arising from the same transaction.</p> <p><u>Employee Rights Upon Return:</u> An employer may not discharge or discipline a victim or a member of the victim’s family for participation at the prosecuting attorney’s request in preparation for or attendance at a criminal justice proceeding. <i>Mont. Code Ann 46-24-205(3).</i></p>	
<p>Domestic Violence Victim Leave</p>	<p>Montana has no law that requires employers to provide leave to employees who are victims of domestic violence, unless they testify in or attend criminal proceedings.</p>	
<p>Voting Time Off</p>	<p>No State Law</p>	
<p>School-Related Leave</p>	<p>No State Law</p>	

Bereavement Leave	No State Law
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-Nebraska-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Nebraska has sick leave requirements for public sector employers. <i>273 Neb. Admin. Code § 10-005.</i></p> <p>All permanent public employees receive sick leave. <i>273 Neb. Admin. Code § 10-005.</i> Temporary employees do not receive sick leave. <i>273 Neb. Admin. Code § 10-006.06.</i></p> <p>All permanent public employees receive sick leave, which ranges from 12 days for new employees to 30 days for employees with 19 years of tenure or more. <i>273 Neb. Admin. Code § 10-005.</i></p> <p>Sick leave can be used only when</p> <ul style="list-style-type: none"> • an employee is unable to perform his or her duties because of sickness, injury, disability, pregnancy, postnatal recovery, or miscarriage; • an employee obtains medical, surgical, dental, or optical examinations or treatment; • an employee's presence at work would expose others to a contagious disease; or • the condition or treatment of an employee's spouse, children, or parents requires the employee's presence. <i>273 Neb. Admin. Code § 10-005.01.</i>
Pregnancy Leave	<p>Nebraska law requires covered employers to offer reasonable accommodations to employees for physical limitations related to pregnancy, childbirth, or a related medical condition. <i>Neb. Rev. Stat. Ann § 48-1107.03(3)(d).</i></p> <p>The Nebraska Fair Employment Practices Act (NFEPA) defines an employer as:</p>	See Family and Medical Leave

	<ul style="list-style-type: none"> • Any person engaged in an industry with 15 or more employees for each day of 20 or more calendar weeks in the current or preceding calendar year • The state and its governmental agencies and political subdivisions, regardless of the number of employees • Any party whose business is financed by the Nebraska Investment Finance Authority Act –or– • The agent of an employer. <i>Neb. Rev. Stat. Ann. § 48-1102(2)</i>. <p><i>Exceptions</i> For the purpose of the NFEPA, the term “employer” does not include</p> <ul style="list-style-type: none"> • The United States • Any corporation wholly owned by the federal government • Any Native American tribe • Any bona fide private membership club, other than labor organization, exempt from taxation under IRC § 501(c). • A religious entity with respect to employment based on a particular religion • Those employing their children, grandchildren, spouse, parent or grandparents –or– • Those employing persons in domestic service. <i>Neb. Rev. Stat. Ann. § 48-1102</i>. <p>Such accommodations may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Equipment for sitting • More frequent or longer breaks • Periodic rest • Assistance with manual labor • Job restructuring • Light-duty assignments • Modified work schedules • Temporary transfers to less strenuous or hazardous work • Time off to recover from childbirth 	
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	<ul style="list-style-type: none"> • Break time and appropriate facilities for breastfeeding or expressing milk. <i>Neb. Rev. Stat. Ann. § 48-1102(11)</i>. <p>The NFEPA requires employers to conspicuously post on their premise's notices approved or prepared by the Commission with excerpts of the NFEPA and other information the Commission considers necessary to explain the NFEPA.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The Nebraska Equal Opportunity Commission (Commission) enforces the provisions of NFEPA. The Attorney General will represent and appear for the Commission in all actions and proceedings under NFEPA.</p> <p>Any person aggrieved by an unlawful practice under the NFEPA may file a complaint with the Commission or in a district court in the county where the alleged violation occurred. <i>Neb. Rev. Stat. Ann §48-1116</i>.</p> <p>However, if the Commission has dismissed a complaint, the complainant no longer has a private right of action in court.</p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>Nebraska has family and medical leave or flexible leave requirements for public sector employers. <i>273 Neb. Admin. Code § 10-015.01</i>.</p> <p>An employee must have at least 12 total months of service and at least 1,250 hours of paid service in the previous 12-month period to be eligible for family leave. Temporary employment with the State of Nebraska counts toward an employee's eligibility. <i>273 Neb. Admin. Code § 10-015.01</i>.</p> <p>The total time taken for family leave is limited to 12 weeks within a 12-month period, starting with the date the employee first uses family leave. <i>273 Neb. Admin. Code § 10-015.05</i>. Family leave is not cumulative. <i>273 Neb. Admin. Code § 10-015.06</i>.</p>

Military Family Leave	<p>Employers with 15 or more employees, the state, and its political subdivisions are required to provide eligible employees with family military leave.</p> <p>To be eligible for family military leave, an employee must have worked for the employer for at least 12 months before the requested leave and must have worked at least 1,250 hours during that period. <i>Neb. Rev. Stat. Ann §§ 55-.502(1)</i>. The employee must also be the parent or spouse of a person called to military service lasting 179 days or longer. <i>Neb. Reb. Stat. Ann. § 55-502(4)</i>.</p> <p>An employee may bring a civil action to enforce the provisions of the family military leave law. <i>Neb. Reb. Stat. Ann. § 55-507</i>.</p>	
Criminal Victim Leave	<p>Nebraska has no law that requires private employers to provide leave to employees who are victims of crime, but victims of crimes have the right to have appropriate employer intercession services to ensure that employers of victims cooperate with the criminal justice process to minimize an employee’s loss of pay and other benefits resulting from court appearances. <i>Neb. Rev. Stat. Ann §§ 81-1848 (2)(h)</i>.</p>	
Domestic Violence Victim Leave	<p>No State Law</p>	
Voting Time Off	<p>Nebraska law requires covered employers to provide employees with voting time off. <i>Neb. Rev. Stat. Ann §§ 32.922</i>.</p> <p><u>Amount of Time:</u> An employee who is a registered voter and who does not have two consecutive hours during the time that the polls are open to vote can take time off with pay on Election Day to cast his or her vote. <i>Neb. Rev. Stat. Ann §§ 32.922</i>.</p>	
School-Related Leave	<p>No State Law</p>	
Bereavement Leave	<p>No State Law</p>	<p>Nebraska has bereavement leave requirements for public sector employers. <i>273 Neb. Admin. Code § 10-007</i>.</p> <p>Employees covered by the state classified personnel system are eligible for bereavement leave. <i>273 Neb. Admin. Code § 3-020; 273 Neb. Admin. Code § 10-007</i>.</p> <p>A public employee may take up to five days of funeral leave for a death in the immediate family, which includes a spouse, parent, grandparent, sibling, grandchild, spouse of any of the above, or someone in a similar relationship to the spouse of the employee. <i>273 Neb. Admin. Code § 10-007</i>.</p>

-Nevada-

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Covered employers are required to provide employees with up to 40 hours of paid personal leave per year to use for any reason. <i>2019 NV S.B. 312.</i></p> <p><u>Earned Paid Leave:</u> The act requiring earned paid leave (the Act) applies to private employers with 50 or more employees in Nevada. An employer is exempt if it provides the amount of paid leave required by the Act pursuant to a contract or collective bargaining agreement. The Act applies to all employees except temporary, seasonal, and on-call employees.</p> <p>Employers are required to provide employees with at least 0.01923 hours of paid leave for each hour of work performed. An employer can elect to frontload employees' annual leave entitlement by crediting employees with a year's entitlement to paid leave at the start of the benefit year. While the Act does not have any provisions capping the amount of paid leave an employee may accrue, it allows employers to cap an employee's use of paid leave at 40 hours per year. Employees begin to accrue leave at the start of their employment, but employers are not required to permit use of such leave before the employee has been employed for 90 calendar days. <i>2019 NV S.B. 312.</i></p> <p><u>Enforcement Scheme and Potential Penalties:</u> The Nevada Labor Commissioner enforces the Act. Employers that violate the Act are subject to administrative penalty of up to \$5,000 and any other remedy available to the Labor Commissioner. The Labor Commissioner may refer violations of the Act to a district attorney or the Attorney General for prosecution. An employer that violates the Act may be guilty of a misdemeanor. <i>Nev. Rev. Stat. § 608.195(1)</i> (effective Jan. 1, 2020).</p>	
Pregnancy Leave	<p>Nevada's Pregnant Workers' Fairness Acts requires covered employers to provide reasonable accommodations to pregnant employees, which may include leave.</p> <p>The Pregnant Workers' Fairness Act (PWFA) applies to employers with 15 or more employees each working day in each of 20 or more calendar weeks in the current or preceding calendar year.</p> <p><u>Exceptions:</u> Specifically exempted from the PWFA's coverage are:</p> <ul style="list-style-type: none"> • The United States or any corporation it wholly owns • Indian tribes • Businesses and enterprises on or near an Indian reservation with a publicly announced employment preference for Indians living on or near the reservation – and– • Private membership clubs <p>The PWFA makes the following exceptions for an employer licensed as a contractor under <i>Nev. Rev. Stat. ch. 624:</i></p> <ul style="list-style-type: none"> • Licensed contractors are not required to provide a place other than a bathroom for expressing breast milk if the requesting employee works at a construction site over three miles from the employer's regular place of business. • Licensed contractors may require a female employee affected by a protected condition to accept an accommodation or to take leave even where an accommodation is available if her work duties include manual labor. 	

The PWFA protects employees affected by pregnancy, childbirth, or related medical conditions. Conditions related to pregnancy, childbirth, or related medical conditions include lactation or the need to express breast milk for a nursing child. Related medical conditions means “any medically recognized physical or mental condition related to pregnancy, childbirth, or recovery from pregnancy or childbirth” and includes, without limitation:

- Mastitis or other lactation-related medical condition
- Gestational diabetes
- Pregnancy-induced hypertension
- Preeclampsia
- Post-partum depression
- Loss or end of pregnancy –and–
- Recovery from loss or end of pregnancy

Under the PWFA, employers are required to provide eligible employees with a reasonable accommodation for conditions related to pregnancy, childbirth, or a related medical condition provided that it will not cause an undue hardship on an employer’s business. A reasonable accommodation is an action taken by an employer for an employee who has a condition relating to pregnancy, childbirth, or a related medical condition. § 3.5. It may consist of a change in the work environment or in the way things are customarily carried out to allow the employee equal employment opportunities, including the ability to perform the position’s essential function and to have the benefits and privileges of employment equal to those available to other employees.

Examples of reasonable accommodations include, but are not limited to:

- Modifying equipment or providing different seating
- Revising break schedules
- Providing space other than a bathroom for expressing breast milk
- Providing assistance with manual labor that is incidental to an employee’s primary duties
- Authorizing light duty
- Temporary transfers to a less strenuous or less hazardous position
- Restructuring a position –or–
- Providing a modified work schedule

If the employee makes a prima facie showing that the employer refused to provide or attempt to provide a reasonable accommodation for a condition relating to pregnancy, childbirth, or a related medical condition, the burden of proof shifts to the employer to demonstrate that the accommodation would impose an undue hardship on its business.

Refusal to Grant Leave: It is an unlawful employment practice under the PWFA if an employer grants leave with pay, without pay, or without loss of seniority to an employee for a sickness or disability because of a medical condition but fails or refuses to extend the same benefits to an employee with a condition relating to pregnancy, childbirth, or a related medical condition. A pregnant employee to must be allowed to use, before and after a birth, miscarriage, or other natural resolution

	<p>of her pregnancy, leave granted, accrued, or accumulated as an employment benefit.</p> <p><u>Employee Rights upon Return:</u> Employers are required to reinstate employees to the same or an equivalent position upon their return to work from leave related to pregnancy, childbirth, or a related medical condition. Employers may not retaliate against employees for:</p> <ul style="list-style-type: none"> • Requesting or using a reasonable accommodation for a condition related to pregnancy, childbirth, or a related medical condition • Opposing an unlawful practice under the PWFA –or– • Making a charge, participating in a proceeding or hearing, or assisting in an investigation under the PWFA. <i>Nev. Rev. Stat. Ann. § 613.340(1); §§ 5(1)(b).</i> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The Nevada Equal Rights Commission (Commission) has enforcement and investigative authority regarding alleged violations of the PWFA. Any person injured by an unlawful employment practice may file a complaint with the Commission based on an employer’s noncompliance with the PWFA. An aggrieved employee must first file a complaint with the Nevada Equal Rights Commission before bringing a civil action. <i>Nev. Rev. Stat. Ann. § 613.</i></p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>See Sick Leave</p>	<p>Employees in the classified or unclassified service of the state may be eligible for family and medical leave if the federal Family and Medical Leave Act ceases to provide a parental leave of absence.</p> <p>An employee of a state appointing authority may be entitled to catastrophic leave if:</p> <ul style="list-style-type: none"> • he or she is unable to perform his or her job due to a serious illness or accident that is life-threatening and will require a lengthy convalescence, • an immediate family member has suffered a serious illness or accident that is life-threatening and will require a lengthy convalescence, or • there is a death in the employee’s immediate family. <p>If the federal Family and Medical Leave Act, ceases to provide for a parental leave of absence of at least 12 weeks, public employees and officers who are biological parents of a child who is less than six months old or who have recently adopted a child would be entitled to a leave of absence without pay for up to 12 weeks.</p>
<p>Military Family Leave</p>	<p>No State Law</p>	

<p>Criminal Victim Leave</p>	<p>Nevada has no law that requires private employers to provide employees with crime victim leave unless they are domestic violence victims or testify as witnesses in judicial or administrative proceedings.</p>
<p>Domestic Violence Victim Leave</p>	<p>Private employers must provide up to 160 hours of leave in a 12-month period to employees who have been victims of domestic violence or who are caring for family or household members who have been victims of domestic violence. <i>2017 Nev. SB 361.</i></p> <p>An employer is any person having control or custody of any employment, place of employment, or employee.</p> <p>An employee is any person who has worked for an employer for at least 90 days and who is a victim of domestic violence or who is caring for a domestic violence victim who is a(n):</p> <ul style="list-style-type: none"> • Spouse • Domestic partner • Minor child • Parent or other person related within the first degree of consanguinity or affinity to the employee –or– • Adult who is or was residing with the employee at the time of the act of domestic violence <i>2017 Nev. SB 361.</i> <p>Domestic violence leave:</p> <ul style="list-style-type: none"> • May be paid or unpaid • Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred –and– • If the reason for the leave is also a reason for taking leave under the federal Family and Medical Leave Act (FMLA), any leave taken must be deducted from both the amount of domestic violence leave to which the employee is entitled and the FMLA leave to which the employee is entitled. <p>Employees may use domestic violence leave to:</p> <ul style="list-style-type: none"> • Seek medical treatment of a health condition related to the act of domestic violence committed against the employee or his or her family or household member • Obtain counseling or assistance related to the act of domestic violence • Participate in any court proceedings related to the act of domestic violence –or– • Establish a safety plan, including, without limitation, any action to increase the safety of the employee or his or her family or household member from a future act which constitutes domestic violence <p>Employers may not:</p> <ul style="list-style-type: none"> • Deny an employee the right to take domestic violence leave –or– • Require an employee to find a replacement worker as a condition of taking domestic violence leave <p>Employees may use domestic violence leave consecutively or intermittently. <i>2017 Nev. SB 361</i></p>

	<p><u>Enforcement Mechanisms (including Private Right of Action)</u>: Upon notice from the Labor Commissioner or his or her representative, an action to enforce the domestic violence leave law may be prosecuted by any of the following:</p> <ul style="list-style-type: none"> • A district attorney of any county in which a violation has occurred • The Deputy Labor Commissioner • The Attorney General • Special counsel <i>2017 Nev. SB 361</i>. 	
<p>Voting Time Off</p>	<p>Nevada law requires covered employers to provide employees with voting time off. <i>Nev. Rev Stat 293.463(1)</i>. An employee must be a registered voter, and it must be impractical for the employee to vote before or after his or her hours of employment to be eligible for voting leave.</p> <p><u>Amount of Time</u>: For purposes of determining the length of an employee’s leave from work to vote, a “sufficient time” to vote is determined as follows:</p> <ul style="list-style-type: none"> • If the distance between the employee’s place of employment and the place where the employee votes is two miles or less: one hour • If the distance is more than two miles but less than 10 miles: two hours • If the distance is more than 10 miles: three hours 	
<p>School-Related Leave</p>	<p>Nevada law requires covered employers to provide employees with school-related leave. For purposes of school-related leave, an employer is any person with 50 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year. <i>Nev. Rev. Stat. § 392.4777(6)</i>.</p> <p>An employee who is a parent, guardian, or custodian of a child enrolled in public school is entitled to up to four hours of unpaid leave per school year per child to be taken in one-hour increments to:</p> <ul style="list-style-type: none"> • attend parent-teacher conferences, • attend school-related activities during regular school hours, • volunteer at the child’s school during regular school hours, and • attend school-sponsored events. <i>Nev. Rev. Stat 392.4577</i>. <p>An employer cannot terminate, demote, suspend, or otherwise discriminate against an employee who is a parent, guardian, or custodian of a child because the employee:</p> <ul style="list-style-type: none"> • appeared at a conference requested by a school administrator, • was notified at work by a school employee of an emergency involving the child or • took school-related leave if they were eligible under <i>Nev. Rev. Stat 392.4577</i>. <p><u>Enforcement Mechanisms (including Private Right of Action)</u>: An employee who has been terminated, demoted, suspended, or otherwise discriminated against for taking school- related leave under <i>Nev. Rev. Stat 392.4577</i> may file a complaint with the Nevada Labor Commissioner.</p>	
<p>Bereavement Leave</p>	<p>See Sick Leave</p>	<p>A public employee who has a death in his or her immediate family may be entitled to catastrophic leave. <i>Nev. Rev Stat 284.362</i>.</p>

-New Hampshire-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	New Hampshire has sick leave requirements for public sector employers. State employees may use up to five days of sick leave per fiscal year for the care of dependents residing in the employee's household. <i>N.H. Code Admin. R. Ann., Per 1204.05(c)</i> . Full-time employees shall be entitled to accrue sick leave. <i>N.H. Code Admin. R. Ann., Per 1204.01(a)</i> . A request for sick leave time should be made in hours. <i>N.H. Code Admin. R. Ann., Per 1204.01(c)</i> .
Pregnancy Leave	<p>New Hampshire law requires covered employers to provide employees with pregnancy leave. <i>N.H. Rev. Stat 354-A:7(VI)</i>.</p> <p>Under the New Hampshire Law Against Discrimination (NHLAD), employers with six or more employees are required to provide pregnancy leave to eligible employees.</p> <p><u>Amount of Leave:</u> Under the NHLAD, employers are required to grant a leave of absence for the period an employee is suffering a temporary disability resulting from pregnancy, childbirth, or a related medical condition. <i>N.H. Rev. Stat 354-A:7(VI)</i>.</p> <p><u>Employee Rights upon Return:</u> When an employee is physically able to return to work, she must be restored to her original job or a comparable position unless business necessity makes it impossible or unreasonable. <i>N.H. Rev. Stat 354-A:7(VI)(b)</i>. For all other purposes, employees affected by pregnancy, childbirth, or related medical conditions must be treated the same as employees affected by other temporary disabilities (i.e., if an employer pays other temporarily disabled employees, it must pay pregnant women).</p>	Public employees may take sick leave for maternity-related disabilities. <i>N.H. Code Admin. R. Ann., Per. 1209.01(a)</i> . If an employee is applying for sick leave in relation to her pregnancy, she must comply with the same application and doctor statement requirements as employees who apply for sick leave because of other health-related disabilities. <i>N.H. Code Admin. R. Ann., Per. 1209.01(b)</i> .

	<p><u>Enforcement Mechanisms (including Private Right of Action):</u> The New Hampshire Commission for Human Rights (Commission) enforces the NHLAD’s pregnancy leave provisions. An aggrieved employee must first file a complaint with the Commission and either 180 days must pass, or the employee must obtain the Commission’s written assent to file a claim in superior court. <i>N.H. Rev. Stat 354-A:21-a(I)</i>.</p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>New Hampshire has family and medical leave or flexible leave requirements for public sector employers.</p> <p>Public employees may use up to five days of sick leave per year to care for an ill or injured family member. <i>N.H. Code Admin. R. Ann., Per. 1204.05(c)</i>.</p>
<p>Military Family Leave</p>	<p>No State Law</p>	
<p>Criminal Victim Leave</p>	<p>New Hampshire law requires covered employers to provide leave to employees who are crime victims to attend court or other legal or investigative proceedings associated with the prosecution of the crime. <i>N.H. Rev. Stat. Ann 275:62</i>.</p> <p><u>Employee Coverage:</u> For purposes of the Crime Victim Employment Leave Act, an employer is an individual, a partnership, an association, a corporation, a legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within New Hampshire and having 25 or more employees for each working day in each of 20 or more calendar weeks during any calendar year.</p> <p><u>Employee Eligibility:</u> A covered employee is every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment.</p> <p>To be eligible for crime victim leave, the employee must be:</p> <ul style="list-style-type: none"> • The victim of a crime • The immediate family member of a homicide victim –or– • The immediate family of a victim who is a minor or incompetent <p><u>Amount of Leave:</u> An employee who is a victim of a crime may take unpaid leave to attend court or other legal or investigative proceedings associated with the prosecution of the crime. The employee may elect to use, or an employer may require the employee to use, the employee’s accrued paid vacation time, personal leave time, or sick leave time. <i>N.H. Rev. Stat. Ann 275:62(IV)</i>.</p>	

	<p><u>Employee Rights Upon Return:</u> An employer may not discharge an employee who is a victim of a crime because the employee exercises his or her right to leave. An employee must not lose seniority while on leave. An employer may limit the leave provided under this subdivision if the employee’s leave creates an undue hardship to the employer’s business. An undue hardship is a significant difficulty and expense to a business, and includes the business’s size, the employee’s position within the business, and the employer’s need for the employee. No employer may discharge or discriminate against any employee regarding the employee’s compensation, terms, conditions, location, or privileges of employment because the employee has exercised his or her right to crime victim leave. <i>N.H. Rev. Stat. Ann 275:62.</i></p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> An employer who violates an employee’s right to crime victim leave is subject to a civil penalty not to exceed \$2,500. The statute does not provide for a private right of action. The Department of Labor will issue a 30-day written warning to the employer, within which the employer can cure the defect before incurring liability. <i>N.H. Rev. Stat. Ann 273:11-a(II).</i></p>	
Domestic Violence Victim Leave	New Hampshire has no law that requires private employers to provide leave to employees who are victims of domestic violence, unless they attend court, or other legal or investigative proceedings associated with the prosecution of a crime.	
Voting Time Off	No State Law	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>New Hampshire has bereavement leave requirements for public sector employers.</p> <p>A public employee may use up to five days of accumulated sick leave deducted from his or her sick leave allowance for absences due to a death in the employee's immediate family. <i>N.H. Code Admin. R. Ann., Per 1204.05(b)(5); (d).</i></p> <p>The formula for requesting sick-funeral leave is set out in <i>N.H. Code Admin. R. Ann., Per 1202.01.</i></p>

- New Jersey -

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>The New Jersey Earned Sick Leave Law (ESLL) requires private sector employers to provide sick leave to employees. <i>N.J. Stat. Ann 34-11D-1.</i></p> <p>For purposes of the ESLL, an employer is any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, or other entity that employs any employees in the State. The ESLL generally defines an employee</p>	

as an individual engaged in service to an employer in the business of the employer for compensation State of New Jersey.

The ESLL does not apply to:

- A construction industry employee who is covered by a collective bargaining agreement
- A per diem health-care employee
- A public employee entitled to sick leave under another New Jersey law, rule, or regulation –or–
- Independent contractors

Amount of Leave: An employee accrues 1 hour of earned sick leave for every 30 hours worked. An employer may have a policy that provides employees with the amount of sick leave they would earn at the beginning of each benefit year. An employer is not required to accrue or carry over into the next benefit year more than 40 hours of unused sick leave.

Use of Sick Time: An employee may use paid sick leave when:

- He or she is ill or injured, or needs to receive preventative medical care
- A member of his or her family is ill or injured, or needs to receive medical care
- The employee or a family member is a victim of domestic violence
- The employee needs to attend a school-related conference or meeting with a school administrator or teacher
- The employee needs to attend a meeting about care for his or her child with a disability or health condition – or–
- The employee is not able to work because:
 - A closure of the employee’s workplace, or the school or place of care of a child of the employee by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency
 - The declaration of a state of emergency by the Governor, or the issuance by a health care provider or the Commissioner of Health or other public health authority of a determination that the presence in the community of the employee, or a member of the employee’s family in need of care by the employee, would jeopardize the health of others –or–
 - During a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others.

The ESLL defines a family member as the following:

- Child
- Grandchild
- Sibling
- Spouse, domestic partner, or civil union partner

	<ul style="list-style-type: none"> • Parent • Grandparent • Spouse, domestic partner, or civil union partner of parent or grandparent • Sibling of a spouse, domestic partner, or civil union partner • If an employee does not have a spouse, domestic partner, or civil union partner, any one person designated annually by the employee. <p>An employer may not charge the employee’s accrued sick bank for more than the number of hours the employee was scheduled to work.</p> <p><u>Employee Rights upon Return:</u> An employer may not retaliate or discriminate against an employee for requesting or using earned sick leave, filing a complaint alleging a violation of the law, or informing any other person of his or her rights under the law. Employers may not count earned sick leave as an absence that may result in the employee being subject to adverse action, including loss or reduction of pay.</p> <p><u>Enforcement Mechanisms (Including Private Right of Action):</u> The Commissioner of Labor enforces the ESLL. The state considers any violation of the ESLL a failure to meet the minimum wage payment requirements of the New Jersey State Wage and Hour Law (Law). <i>N.J. Stat. Ann. § 34:11 56a et seq.</i> An employee may file a civil action, alleging a violation of the ESLL.</p>
<p>Pregnancy Leave</p>	<p>The New Jersey Law Against Discrimination (NJLAD), provides that pregnancy is a protected classification. Pregnancy is defined as “childbirth, or medical conditions related to pregnancy or childbirth, including recovery from pregnancy.” The law prohibits employers from providing an accommodation, including paid or unpaid leave, to an employee affected by pregnancy in a manner that is less favorable than accommodations or leave provided to other employees who are not affected by pregnancy but who are similar in their ability or inability to work. The law expressly states it does not increase or decrease an employee’s rights to paid or unpaid leave in connection with pregnancy. <i>N.J. Stat. Ann 10:5-1 et seq.</i></p> <p>However, the law does require employers to offer employees affected by pregnancy reasonable accommodations in the workplace, such as:</p> <ul style="list-style-type: none"> • Bathroom breaks • Breaks for increased water intake • Periodic rest • Assistance with manual labor • Job-restructuring or modified work schedules –and– • Temporary transfers to less strenuous and hazardous work <p>The employer may refuse to provide such an accommodation if it would impose an undue hardship on the operation of its business. <i>N.J. Stat. Ann 10:5-12(s).</i></p>
<p>Family and Medical Leave or Flexible</p>	<p>New Jersey law requires covered employers to provide employees with up to 12 weeks of family leave every 24 months. <i>N.J. Stat. Ann 34:11B-4.</i></p> <p>he New Jersey Family Leave Act (NJFLA) applies to employers with 30 or more employees, whether in New Jersey or not, in the 20 or more calendar workweeks in</p>

<p>Leave Requirements</p>	<p>the current or preceding calendar year. The term "employer" also includes the state and its political subdivisions and any public office, agency, board, or body.</p> <p>All private and public employers covered by the New Jersey Unemployment Compensation Law are covered by the family temporary disability leave provisions, including government entities that have elected not to be a covered employer for purposes of the temporary disability benefits law. <i>N.J. Admin. Code § 12:21-1.2.</i></p> <p>To be eligible for leave under the NJFLA, an employee must have been employed by the employer in the state of New Jersey for at least 12 months and must have worked for at least 1,000 base hours during the immediately preceding 12-month period. <i>N.J. Admin. Code § 13:14-1.2.</i></p> <p>The NJFLA allows an employee to take up to 12 weeks of leave in a 24-month period for:</p> <ul style="list-style-type: none"> • The birth, including a child born pursuant to a valid written agreement between the employee and a gestational carrier • The placement of a child with the employee into foster care or for adoption • Caring for a family member with a serious health condition • In the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which: <ul style="list-style-type: none"> ○ Requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency ○ Prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others –or– ○ Results in the recommendation of a health care provider or public health authority that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee would jeopardize the health of others. <i>N.J. Stat. Ann. § 34:11B-43(i).</i> <p>Under the NJFLA, “family member” is defined as the employee's:</p> <ul style="list-style-type: none"> • Parent, including stepparent or parent-in-law • Child, including stepchild, foster child, or legal ward • Spouse, domestic partner, or partner in a civil union • Sibling • Grandparent • Grandchild • Any other individual related by blood to the employee
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	<ul style="list-style-type: none"> • Any other individual that the employee has a relationship with that is equivalent to a family relationship <p>The employer may deny an employee’s use of family leave if:</p> <ul style="list-style-type: none"> • The employee is a salaried employee who is among the highest-paid 5% of employees or among the seven highest-paid employees, whichever is greater • Denial is necessary to prevent a substantial and grievous economic injury to the employer –and– • The employer notifies the employee of the denial at the time the employer determines that it is necessary to deny the leave <p>However, the employer may not deny an employee’s use of family leave when, in the event of a state of emergency, the family leave is for an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease.</p> <p>If two members of the same family are employed by the same employer and seek leave under the NJFLA, the employer must grant the leave if the employees are otherwise eligible. <i>N.J. Admin. Code § 13:14-1.12.</i></p> <p>When family leave expires, the employee is entitled to be restored to the position he or she held when the leave commenced or a position equal in seniority, status, benefits, pay, and other terms and conditions of employment.</p> <p><u>Enforcement Mechanisms (Including Private Right of Action):</u> If an employee believes that his or her rights under the NJFLA have been violated, the employee may initiate an action in superior court or file a complaint with the Division of Civil Rights in the New Jersey Department of Law and Public Safety. If an employee believes that he or she has been retaliated against for requesting or using family temporary disability leave, the employee may bring a civil action against the employer. <i>2018 N.J. A.B. 3975, § 24.</i></p>
Military Family Leave	No State Law
Criminal Victim Leave	New Jersey private employers do not have to provide leave for crime victims generally, but employers must provide leave for employees who are victims of domestic violence or a sexually violent offense or their family members. <i>N.J. Stat. Ann. § 34-11C-3(a).</i>
Domestic Violence Victim Leave	<p>New Jersey law requires covered employers to provide leave to employees who either victims of domestic violence or a sexually violent offense, or their family members. <i>N.J. Stat. Ann. § 34-11C-3(a).</i> For more detail, see Leave Requirements.</p> <p>Under the New Jersey Security and Financial Empowerment Act (NJ SAFE Act), an "employer" is defined as any employer that employs 25 or more employees for 20 or more calendar workweeks in a current or preceding year. <i>N.J. Stat. Ann. § 34-11C-2.</i></p> <p>For purposes of the NJ SAFE Act, an employee is a person who has been employed by the employer for at least 12 months and for not less than 1,000 hours in the preceding 12-month period.</p> <p>To be eligible for leave, an employee must be:</p>

	<ul style="list-style-type: none"> • A victim of domestic violence or a sexually violent offense –or– • A parent, parent-in-law, child, grandparent, grandchild, sibling, spouse, domestic partner, or civil union partner of a victim of domestic violence or a sexually violent offense or be related by blood to or have the equivalent of family relationship with a victim of domestic violence or a sexually violent offense. <p>The NJ SAFE Act grants an employee up to 20 days of unpaid leave in a 12- month period to engage in certain activities arising out of an incident of domestic violence or a sexually violent offence.</p> <p>The employee may take such leave for the purpose of, or for assisting a family member in:</p> <ul style="list-style-type: none"> • Seeking medical attention or recovering from physical or psychological injuries • Obtaining victim services • Obtaining psychological or other counseling • Participating in safety planning, relocating, or engaging in other activities to increase safety • Seeking legal assistance –or– • Attending or participating in a criminal or civil court proceeding <p>The employee may elect to use accrued vacation, personal, or medical or sick leave, or family temporary disability leave benefits as part of the 20-day period of leave. An employer may not retaliate against an employee for requesting or taking leave under the NJ SAFE Act.</p> <p><u>Enforcement Mechanisms (Including Private Right of Action):</u> An aggrieved employee may file a civil action in superior court for violations of the NJ SAFE Act.</p>
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	No State Law

–New Mexico–

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>New Mexico has sick leave requirements for public sector employers.</p> <p>Public employees accrue sick leave with each pay period. An employee may use sick leave for personal medical treatment or illness or for the medical treatment or illness of a relation by blood or marriage within the third degree,</p>

		<p>or of a person residing in the employee's household. <i>1.7.7.10 NMAC</i>.</p> <p>Public employees may donate leave for another employee's use for a medical emergency. See § <i>1.7.7.9 NMAC</i> for the terms of the leave donation program.</p>
<p>Pregnancy Leave</p>	<p>New Mexico law requires employers to provide reasonable accommodations to employees or applicants due to pregnancy, childbirth or a condition related to pregnancy or childbirth. Such an accommodation could include pregnancy leave. <i>N.M. Stat. Ann § 28-1-7(K)</i>.</p> <p>The New Mexico Human Rights Act (NMHRA) applies to employers with four or more employees. <i>N.M. Stat. Ann. § 28-1-2(B)</i>.</p> <p>For purposes of the NMHRA, an employee is any person in the employ of an employer or an applicant for employment. <i>N.M. Stat. Ann. § 28-1-2(E)</i>.</p> <p>The NMHRA requires an employer to reasonably accommodate an employee or a job application with a need arising from pregnancy, childbirth, or a condition related to pregnancy or childbirth. The employer cannot require the employee to take paid or unpaid leave if another reasonable accommodation can be provided unless the employee voluntarily requests to be placed on leave or the employee is placed on leave pursuant to federal law. A reasonable accommodation includes modification or adaptation of the work environment, work schedule, work rules, or job responsibilities and should be reached through good faith efforts to explore less restrictive or less expensive alternatives to enable an employee to perform the essential functions of the job without imposing an undue hardship on the employer. <i>N.M. Stat. Ann. § 28-1-2(R)</i>.</p> <p>Employers are required to treat pregnancy, childbirth, or a related medical condition the same as other temporary disabilities for all employment-related purposes, including the receipt of benefits under fringe benefit programs. <i>N.M. Code R. § 9.1.1.7(BB)(2)</i>.</p> <p><u>Public Employees:</u> Public employees may also use 12 weeks of unpaid family leave because of the birth of a child or placement of a child for adoption. <i>N.M. Code R. § 1.7.7.12(B)</i>.</p> <p><u>Required Notices and Records:</u> Employers must post an informational poster outlining the NMHRA prepared by the New Mexico Human Rights Bureau in a conspicuous place at their place of business.</p> <p><u>Enforcement Scheme:</u> The New Mexico Human Rights Commission (Commission) and the Human Rights Bureau of the Labor Relations Division of the Workforce Solutions Department (Bureau) enforce the provisions of the NMHRA. A person aggrieved by the order of the Commission may file a notice of appeal within 90 days from the order to obtain a de novo trial in the district court of the county where the discriminatory practice occurred or where the respondent does business. <i>N.M. Code R. § 1.7.1.13(A)</i>.</p>	
<p>Family and Medical Leave or Flexible</p>	<p>While New Mexico does not require private employers to provide family and medical leave, an employer that allows employees to use sick leave for the</p>	<p>New Mexico has family and medical and flexible leave requirements for public sector employers. <i>N.M. Code R. § 1.7.7.12(A)</i>.</p> <p>Public employees are entitled to family and medical leave if they have been in the</p>

<p>Leave Requirements</p>	<p>employee's own illness or injury or to receive health care must permit eligible employees to use their accrued sick leave to care for a family member under the same terms and procedures that the employer imposes on other uses of sick leave. <i>2019 NB S.B. 123</i></p>	<p>classified service for at least 12 months and who have worked at least 1,250 hours during the 12-month period. <i>N.M. Code R. § 1.7.7.12(A)</i>. Public employees are entitled to 12 weeks of unpaid family and medical leave in a 12-month period. Family leave may be used to care for the serious health condition of a family member. New Mexico's family leave is in accordance with the federal Family and Medical Leave Act. <i>29 U.S.C.2601 et seq.</i></p> <p><u>Public Employee Caregiver Leave:</u> An employer that allows employees to use sick leave for the employee's own illness or injury or to receive health care must allow employees to use their accrued sick leave to care for a family member under the same terms and procedures that the state agency or public school imposes on other uses of sick leave.</p> <p>An employer cannot discharge or otherwise retaliate or discriminate against an employee because the employee requests or uses caregiver leave in accordance with the state agency's or public school's general sick leave policy, files a grievance alleging a violation of the Public Employee Caregiver Leave Act, cooperates in an investigation or prosecution of an alleged violation of the Public Employee Caregiver Leave Act, or opposes any policy or practice established pursuant to the Public Employee Caregiver Leave Act. <i>2019 NM S.B. 12.</i></p>
<p>Military Family Leave</p>	<p>No State Law</p>	
<p>Criminal Victim Leave</p>	<p>New Mexico has no law that requires private employers to provide leave to employees who are victims of crime generally, but New Mexico does provide leave for victims of domestic violence.</p>	
<p>Domestic Violence Victim Leave</p>	<p>New Mexico law requires covered employers to provide leave to employees who are victims of domestic violence. <i>N.M. Code R. § 50-4A-2(B)</i>.</p> <p>A covered employer is a person, a firm, a partnership, an association, a corporation, a receiver, or an officer of the court of New Mexico, a state agency, a unit of local government, or a school district. An employee is a person who is employed by an employer. <i>N.M. Code R. § 50-4A-2(C)</i>.</p> <p>The New Mexico Promoting Financial Independence for Victims of Domestic Abuse Act provides employees with domestic abuse leave, which is paid or unpaid leave time for up to 14 days in any calendar year, taken to obtain or attempt to obtain an order of protection or other judicial relief from domestic abuse or to meet with law enforcement officials, to consult with attorneys or district attorneys'</p>	

	<p>victim advocates, or to attend court proceedings related to the domestic abuse of the employee or the employee’s family member. <i>N.M. Code R. § 50-4A-2(B)</i>.</p> <p>Domestic abuse leave may be taken intermittently. Retaliation against an employee for using domestic abuse leave is prohibited.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> The workforce solutions department and the employee have the right to bring an action under the Promoting Financial Independence for Victims of Domestic Abuse Act in a court of competent jurisdiction to enjoin further violations, recover actual damages sustained, or both, together with costs and reasonable attorney’s fees. <i>N.M. Code R. § 50-4A-7(B)</i>.</p>
Voting Time Off	<p>New Mexico law requires covered employers to provide employees with voting time off. <i>N.M. Code R. § 1-12-42(A)</i>.</p> <p><u>Amount of Time:</u> An employee whose workday begins more than two hours after the polls open or ends more than three hours before the polls close, is not eligible for voting time off. <i>N.M. Code R. § 1-12-42(A)</i>. On Election Day, while the polls are open, an eligible employee may leave work for two hours to vote. The employer may specify the hours during which the employee may be absent.</p>
School-Related Leave	No State Law
Bereavement Leave	No State Law

-New York-

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>New York employers with 100 or more employees must provide each employee with up to 56 hours of accrued paid sick leave in each calendar year. Employers with between 5 and 99 employees must provide each employee with up to 40 hours of accrued paid sick leave in each calendar year. Employers with 4 or fewer employees must provide each employee with up to 40 hours of accrued unpaid sick leave in each calendar year; provided, however, an employer that employs 4 or fewer employees and that has a net income of greater than one million dollars in the previous tax year must provide each employee with up to 40 hours of accrued paid sick leave. <i>NY CLS Labor § 196-b (1)</i>.</p> <p>“Employee” means any person employed for hire by an employer in any employment. Employees are eligible to accrue sick leave at the commencement of employment or September 30, 2020, whichever is later. <i>NY CLS Labor § 196-b (3)</i>.</p> <p>Sick leave is accrued at a rate of one hour per every thirty hours worked, beginning at the commencement of employment or September 30, 2020, whichever is later. <i>NY CLS Labor § 196-b (3)</i> (eff. Sept. 30, 2020). Alternatively, employers may provide the total amount of paid sick leave to each employee at the beginning of each calendar year. <i>NY CLS Labor § 196-b (3); NY CLS Labor § 196-b (2)</i> (eff. Sept. 30, 2020).</p> <p>Employers must permit their employees to carry over unused accrued paid sick leave from one year to the next. <i>NY CLS Labor § 196-b (6)</i> (eff. Sept. 30, 2020).</p>	

	<p>An employer is not required to pay an employee for accrued, unused paid sick days when the employee leaves his or her employment. <i>NY CLS Labor § 196-b (6)</i> (eff. Sept. 30, 2020).</p> <p>Employers may limit the amount of leave an employee may use in a year to the number of hours that the employee is entitled to accrue within a year (i.e., 56 hours for employers with 100 or more employees and 40 hours for employers with 99 or fewer employees).</p> <p>Beginning January 1, 2021, an employee can use paid accrued sick leave in any of the following circumstances:</p> <ul style="list-style-type: none"> • Diagnosis, care, or treatment of an existing mental or physical illness of, or preventive care for, an employee or an employee's family member • For an employee who is a victim of domestic violence, sexual assault, stalking, or human trafficking • To obtain services from a domestic violence shelter, program, or rape crisis center • To meet with an attorney or other social services provider to prepare for or participate in any criminal or civil proceeding • To meet with a district attorney's office • To enroll children in a new school –or– • To participate in safety planning and take other actions to increase safety. <i>NY CLS Labor § 196-b (4)(a)</i>. <p>"Family member" means any of the following:</p> <ul style="list-style-type: none"> • A child, including a biological, adopted, or foster child, a legal ward, or a child to whom the employee stands in loco parentis • A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or domestic partner, or a person who stood in loco parentis when the employee was a minor child • A spouse • A domestic partner • A grandparent • A grandchild –or– • A sibling. <i>NY CLS Labor § 196-b (4)(b)</i>. <p>Employers may set a reasonable minimum increment for use of accrued sick leave at four hours per day. <i>NY CLS Labor § 196-b (5)(b)</i>.</p> <p>Employers may not retaliate against employees who request or accrued sick leave. <i>NY CLS Labor § 196-b (7)</i>. Upon their return to work, employees must be restored to the same job with the same pay and other terms and conditions of employment. <i>NY CLS Labor § 196-b (10)</i>. Employers may take disciplinary action, up to and including termination, against an employee who uses leave for purposes other than those listed in the law or who lies to their employer in connection with taking leave.</p>
<p>Pregnancy Leave</p>	<p>New York State Human Rights Law (NYSHRL) requires covered employers to provide reasonable accommodations for pregnancy, which may include leave. The pregnancy accommodation provisions of the NYSHRL apply to all employers within the state. <i>N.Y. Exec. Law 292(5)</i>. This may include pregnancy leave. An</p>

	<p>employer need not provide an accommodation that would cause undue hardship to the employer.</p> <p>The NYSHRL protects all employees, applicants, and unpaid interns unless they are employed by their parents, spouse, domestic partner, or children. The NYSHRL does not protect non-residents of New York unless they can “demonstrate that the impact of the discriminatory act was felt inside the state.</p> <p>The NYSHRL does not specify a maximum amount of pregnancy leave. The NYSHRL does not specify whether an employee can take pregnancy leave intermittently or as a reduced schedule.</p> <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> An employee has a private right of action under the NYSHRL. An employee may file a verified complaint in any court of competent jurisdiction or a complaint in the New York State Division of Human Rights.</p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>New York state law requires covered employers to provide paid disability leave. The New York Paid Family Leave Benefits Law covers nearly all employers. <i>N.Y. Work. Comp. § 202</i>. A New York employer with at least one employee on each of at least 30 days in any calendar year becomes a covered employer as of four weeks following the 30th day of such employment. <i>N.Y. Work. Comp. § 202(1)</i>. An employer of personal or domestic employees in a private home is a covered employer if it employs at least one employee who works 40 or more hours per week. <i>N.Y. Work. Comp. § 202(2)</i>.</p> <p>To be eligible for paid leave benefits under the New York Paid Family Leave Benefits Law, an employee must have worked for a covered employer for at least 26 consecutive weeks. <i>N.Y. Work. Comp. § 203</i>. There will not be a waiting period before employees start receiving paid leave. <i>N.Y. Work. Comp. § 204(1)</i>. Instead, paid leave benefits will be available to employees on the first full day that leave is required, so long as the employee has worked for the employer for at least 26 consecutive weeks. <i>N.Y. Work. Comp. §§ 203, 204(1)</i>.</p> <p>An employee with a work schedule that is less than the employer's normal workweek is eligible for family leave benefits on his or her 175th workday for that employer. <i>N.Y. Work. Comp. § 203</i>.</p> <p>An employee may file a waiver of paid family leave benefits with the employer if:</p> <ul style="list-style-type: none"> • His or her regular employment schedule is 20 hours or more per week but the employee will not work 26 consecutive weeks –or– • His or her regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52 consecutive week period <i>12 NYCRR § 380-2.6(a)</i>. A waiver will be revoked within eight weeks of any change in the regular work schedule of the employee that requires the employee to work for 26 consecutive weeks for 175 days in a 52 consecutive week period, and the employee will be obligated to make contributions to the cost of family leave benefits, including any retroactive amounts due. <i>12 NYCRR § 380-2.6(b)</i>. <p><u>Amount of Leave:</u> The New York Paid Family Leave Benefits Law grants an eligible employee paid leave for the following reasons:</p> <ul style="list-style-type: none"> • To bond with the employee’s child during the first 12 months after the child’s birth, or the first 12 months after the placement of the child for adoption or foster care with the employee

	<ul style="list-style-type: none"> • To care, including physical or psychological care, for a child, parent, grandchild, grandparent, spouse, or domestic partner with a serious health condition • When, due to a qualifying exigency as defined by the federal Family and Medical Leave Act (FMLA), and the employee’s spouse, domestic partner, child, or parent is on active duty, or has been notified of an impending call or order to active duty, in U.S. Forces). An employee is not entitled to leave under the New York Paid Family Leave Benefits Law for his or her own serious health condition. <i>See id.</i> An employer is not required to allow more than one employee to take leave to care for the same family member. <i>N.Y. Work. Comp. § 206(5)</i>. A family member’s serious health condition includes transplantation preparation and recovery from surgery related to organ or tissue donation. <i>N.Y. Work. Comp. § 201(18)</i>. <p>Employees have the right to be restored to their former position upon their return from a leave under the New York Paid Family Leave Benefits Law, or to a comparable position with comparable benefits. <i>N.Y. Work. Comp. § 203- b</i>. The New York Paid Family Leave Benefits Law protects employees against the loss of any employment benefit accrued prior to the employee taking family leave under the Law, but an employee is not entitled to accrue any additional seniority or benefits while taking family leave. <i>N.Y. Work. Comp. § 203-b</i>.</p> <p><u>Funding</u>: Funding for the paid leave benefits will be through payroll deductions from employee paychecks. <i>N.Y. Work. Comp. § 209(3)(b)</i>. The Superintendent of the New York State Department of Financial Services set the maximum on June 1, 2017 and will set it annually thereafter on September 1. <i>N.Y. Work. Comp. § 209(3)(b)</i>. For 2018, the employee contribution is set at 0.126% of an employee’s weekly wage up to and not to exceed the statewide average weekly wage as determined annually by the New York State Department of Labor. Therefore, employers will not have the financial burden of funding the paid leave benefits. Employers are permitted, but not required, to begin collecting the weekly employee contribution for paid family leave coverage on July 1, 2017. <i>12 NYCRR § 380-2.4(d)</i>.</p> <p>Carriers that provide short-term disability benefits policies to employers must also provide paid family leave coverage as of January 1, 2018. <i>12 NYCRR § 380-7.1</i>. Employers that are self-insured for short-term disability benefits must have elected to self-insure for paid family leave benefits by September 30, 2017. <i>12 NYCRR § 361.1(e) and (f)</i>. Employers that elected to self-insure are required to post additional security and execute a binding agreement acknowledging acceptance of any liability for benefits that exceeds the amount collected from employee contributions, provided employee contributions were set at the mandatory maximum rate allowed by law. <i>12 NYCRR § 361.1(f)</i>. No employee should bear any additional costs beyond the maximum employee contribution rate. <i>12 NYCRR § 361.1(g)</i>. Self-insured employers collecting funds for disability benefits and paid family leave benefits must combine them in a single trust fund for the purpose of making benefit payments to eligible employees. The funds cannot be commingled with any other funds. <i>12 NYCRR § 361.2(h) and (i)</i>.</p>
<p>Military Family Leave</p>	<p>Employees are eligible for military spouse leave if they perform service for hire for an employer for an average of 20 or more hours per week</p> <p>The Military Spouse Leave Law requires an employer to provide leave to an employee whose spouse is a member of the armed forces of the United States, National Guard or reserves who has been deployed during a period of military conflict to a combat theater or combat zone of operations. <i>N.Y. Labor Law 202-</i></p>

	<p><i>i(1)(c)</i>. The Military Spouse Leave requires that an employer provide up to 10 days of leave.</p> <p>The Law provides an aggrieved employee with a private right of action. <i>N.Y. Labor Law 202-i(1)(c)</i>.</p>
Criminal Victim Leave	<p>New York state law requires covered employers to provide crime victim leave to employees who attend criminal proceedings. <i>N.Y. Penal Law 215.14(1)</i>.</p> <p><u>Employee Coverage</u>: All employers are covered by the crime victim leave requirement.</p> <p><u>Employee Eligibility</u>: All employers are covered by the crime victim leave requirement. The term “victim” includes “the aggrieved party or the aggrieved party's next of kin, . . . the representative of a victim . . . a good Samaritan, . . . or a person pursuing an application or enforcement of an order of protection under the criminal procedure law or the family court act. <i>N.Y. Penal Law 215.14(2)</i>.</p> <p><u>Employee Rights Upon Return</u>: An aggrieved employee may have a cause of action for wrongful discharge if he or she is terminated for exercising his or her rights as a crime victim.</p>
Domestic Violence Victim Leave	<p>New York state law and New York City law require covered employers to provide leave to victims of domestic violence. NYSHRL applies to all employers within the state. The New York City Human Rights Law applies to all employers with four or more employees. <i>N.Y. Exec. Law 292(5)</i>.</p> <p>A reasonable accommodation is limited to:</p> <ul style="list-style-type: none"> • Seeking medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of domestic violence against the child • Obtaining services from a domestic violence shelter, program, or rape crisis center as a result of the domestic violence • Obtaining psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of domestic violence against the child • Participating in safety planning and taking other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation –or– • Obtaining legal services, assisting in the prosecution of the offense, or appearing in court in proceedings related to the incident or incidents of domestic violence. <i>N.Y. Exec. Law 292(22)(c)(2)</i>. <p><u>Enforcement Mechanisms (including Private Right of Action)</u>: An employee may file a complaint with the New York State Division of Human Rights or may pursue a cause of action in a court of appropriate jurisdiction.</p>
Voting Time Off	<p>New York state law requires covered employers to provide voting time off. <i>N.Y. Elec. Law 3-110(1)</i>.</p> <p><u>Amount of Time</u>: An eligible employee may, without loss of pay for up to two hours, take off so much working time as will enable him or her to vote in any election. Employees may be allowed time off for voting only at the beginning or</p>

	end of their working shift, as their employer may designate, unless otherwise mutually agreed.
School-Related Leave	No State Law
Bereavement Leave	New York state law does not require private employers to provide bereavement leave, but note that when an employer provides funeral or bereavement leave for the death of an employee's spouse or the child, parent, or other relative of the spouse, it cannot deny the same leave to other employees for the death of the employee's same-sex committed partner, or the child, parent or other relative of the committed partner. <i>N.Y. Civ. Rights Law § 79-n.</i>

-North Carolina-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	North Carolina has sick leave requirements for public sector employers. <i>25 N.C. Admin. Code 1E.0301-1E.0317.</i>
Pregnancy Leave	<p>North Carolina does not expressly mandate accommodation of pregnant employees or employees with pregnancy-related conditions.</p> <p>However, the North Carolina Office of Administrative Hearings (OAH) noted the similarity between the PDPA and the Americans with Disabilities Act (ADA) and relies on interpretations that pregnancy and pregnancy-related complications are not disabilities unless the physical or mental impairment substantially limits one or more major life activities. Pregnancy-related complications were considered short term and did not qualify as a disability, even where an employee's conditions lasted approximately six months. <i>York v. Fayetteville State University.</i></p> <p>In another matter, a pregnant employee's restrictions and request for accommodation was regarded as a disability, triggering the employer's duty to consider for accommodation.</p>	
Family and Medical Leave or Flexible Leave Requirements	No State Law	<p>North Carolina has family and medical leave or flexible leave requirements for public sector employers. <i>25 N.C. Admin. Code 1E.1401-1E.1412.</i></p> <p>For purposes of family leave, state employees are permanent, probationary, trainee, and time-limited employees who have been employed by the state government for at least 12 months and have worked at least 1,040 hours during the previous 12-month period. <i>25 N.C. Admin. Code 1E.1402(a).</i></p> <p>The law covers temporary state employees if they have worked at least 1,250 hours during the previous 12-month period. The leave for temporary employees is without pay. <i>25 N.C. Admin. Code 1E.1402(d).</i></p>

		Eligible state employees are entitled to up to 12 weeks of paid or unpaid leave in a 12-month period for FMLA- qualifying reasons. In addition to such leave, a state employee is entitled to up to 52 weeks of unpaid leave in a five-year period to care for the employee's child, spouse, or parent who has a serious health condition. During such leave, the employee must pay all health plan premium costs if he or she chooses to maintain his or her coverage. <i>25 N.C. Admin. Code 1E.1412.</i>
Military Family Leave	No State Law	
Criminal Victim Leave	North Carolina has no law that requires private employers to provide leave for employees who are victims of crime generally.	
Domestic Violence Victim Leave	North Carolina law requires covered employers to provide leave to employees who are victims of domestic violence. <i>N.C. Gen. Stat. 95-270(a).</i> The Workplace Violence Prevention Act (Act) defines "employer" as any person or entity that employs one or more employees, including the state and its political subdivisions. An employee is eligible for leave if he or she needs time off from work to obtain a domestic violence order of protection or a civil no-contact order. An employee who takes time off from work to obtain a domestic violence order of protection or a civil no-contact order under the Act must comply with the employer's usual time-off policies, including providing the employer with advance notice of the absence, unless an emergency prevents the employee from doing so. An employee aggrieved by a violation of the Act must first file a written complaint with the North Carolina Commissioner of Labor. The employee may not file a civil action until he or she has received a right-to-sue letter from the commissioner.	
Voting Time Off	No State Law	
School-Related Leave	North Carolina law requires employers to provide covered employees with school-related leave. All employers must provide school-related leave to their employees. <i>N.C. Gen Stat 95-28.3(a).</i> To be eligible for school-related leave, an employee must be a parent or guardian of, or person standing in loco parentis with respect to, a school-aged child. All employers are required to offer four hours of leave per year to an employee to attend or otherwise be involved in activities at the school of the employee's child. <i>N.C. Gen Stat 95-28.3(a).</i> An employer and employee must mutually agree on the employee's use of school-related leave. The employer may require the employee to make a written request for the leave at least 48 hours before the start of the leave. The employer may also require that the employee provide written documentation from the child's school verifying that the employee attended or was otherwise involved with the school at the time of the leave.	

	An employee who is discharged, demoted, or otherwise discriminated against for taking school-related leave has a private right of action against the employer. <i>N.C. Gen Stat 95-28.3(c)</i> .
Bereavement Leave	No State Law

-North Dakota-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>North Dakota has sick leave requirements for public sector employers. <i>N.D. Cent Code § 53-06.14</i>.</p> <p>An employee eligible for sick leave must be in the permanent employment of North Dakota and must not be employed under a written contract of hire. A “state employee” is a permanent employee with over six months’ continuous service with the state. It does not include employees in probationary status or employees on temporary or other limited term appointments. <i>N.D. Cent. Code § 54-06-14.2(1)(b)</i>.</p> <p>State employees may voluntarily donate up to 5% of accrued sick leave to other employees who may need it. <i>N.D. Cent. Code § 54-06-14.2(4)</i>.</p>
Pregnancy Leave	<p>North Dakota has no law that requires private employers to provide employees with pregnancy leave. However, all employees with pregnancy-related disabilities must be offered the same leave rights as employees with other temporary disabilities. <i>N.D. Cent. Code § 14-02.4-01</i>.</p> <p>Generally, all employees with pregnancy-related disabilities must be offered the same leave rights as employees with other temporary disabilities.</p>	
Family and Medical Leave or Flexible Leave Requirements	No State Law	<p>North Dakota has family and medical leave or flexible leave requirements for public sector employers. <i>N.D. Cent. Code § 54-52.4-02</i>.</p> <p>An eligible employee is</p> <ul style="list-style-type: none"> • an individual employed in the state by an employer, • who has been employed by the employer for at least 12 months, and • who has worked at least 1,250 hours for the employer over the previous 12 months. <p>Eligible state employees can take up to 12 weeks of leave in a 12-month period</p>

		<ul style="list-style-type: none"> • to care for the employee's child by birth, if the leave concludes within 12 months of the child's birth; • to care for a child placed with the employee for adoption or as a precondition to adoption (but not both), or • for foster care, if the leave concludes within 12 months of the child's placement; • to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition; or • because of the employee's serious health condition that makes the employee unable to work. <i>N.D. Cent. Code § 54-52.4-02 (1)</i>. <p>If an employer provides leave for illnesses or other medical reasons, public employees may use that leave to care for an immediate family member with a serious health condition. Public employees may use up to 480 hours of other leave in a 12-month period to care for a family member. Public employees are also allowed to use up to 80 hours of sick leave to care for an immediate family member with a serious health condition. Upon approval by the agency, employees may take an additional 10% of accrued sick leave to care for an ill family member. <i>N.D. Admin. Code § 4-07-13-07(3)</i>.</p>
Military Family Leave	No State Law	
Criminal Victim Leave	No State Law	
Domestic Violence Victim Leave	No State Law	
Voting Time Off	No State Law	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	

-Ohio-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	Ohio has sick leave requirements for public sector employers. <i>Ohio Rev. Code Ann 124-38-124.394.</i>
Pregnancy Leave	<p>Ohio has no law that requires employers to provide employees with pregnancy leave. However, covered employers must treat employees affected by pregnancy, childbirth, and related medical conditions the same for all employment-related purposes, as other employees who are similar in their ability or inability to work.</p> <p>The Ohio Fair Employment Practices Law requires employers with four or more employees to treat employees affected by pregnancy, childbirth, and related medical conditions the same for all employment-related purposes, including the receipt of benefits under a fringe benefits program, as other employees who are similar in their ability or inability to work. Failing to treat an employee affected by pregnancy, childbirth, or a related medical condition in this regard is considered discrimination on the basis of sex for purposes of the Law. <i>Ohio Rev. Code Ann 4112.01(B).</i></p>	
Family and Medical Leave or Flexible Leave Requirements	No State Law	<p>Ohio has family and medical leave and flexible leave requirements for public sector employers.</p> <p>Permanent full-time and part-time state employees are entitled to up to six weeks of parental leave for the birth or adoption of a child. Such leave begins when the child is born or placed in the custody of the employee. The leave begins with a 14-day unpaid waiting period. During the remaining four weeks of leave, employees are entitled to receive up to 70% of their base rate of pay. Employees may choose to work during the waiting period. Employees may also choose to use sick leave, personal leave, vacation leave, or compensatory time in order to be paid during that period and to supplement the 70% of their base rate of pay during the remaining leave period. Use of such leave does not affect an employee's eligibility for leave under the federal Family and Medical Leave Act of 1993. <i>29 U.S.C. 2601 et seq Ohio Rev Code Ann 124.136.</i></p>
Military Family Leave	<p>The Ohio Military Family Leave Act (OMFLA) provides up to 10 days or 80 hours of unpaid leave if the employee is the parent, spouse, or person who has, or had, legal custody of a member of the uniformed services who has been called to active duty for a period longer than 30 days or who is injured, wounded, or hospitalized while serving on active duty. Family military leave must be taken no more than two weeks prior to, or one week after, the deployment of the employee's spouse, child, or ward or former ward. An employee is entitled to such leave only if the employee</p>	

	has no other leave available for use except sick leave or disability leave. <i>Ohio Rev. Code Ann 5906.01(A)(4).</i>	
Criminal Victim Leave	<p>Ohio law requires covered employers to provide leave to employees who are crime victims, members of their families, or their representatives, to prepare for criminal or delinquency proceedings, or to comply with subpoenas in criminal or delinquency proceedings. <i>Ohio Rev. Code Ann. 2930.18.</i></p> <p><u>Employee Coverage:</u> To be eligible for leave, an employee must be a crime victim, a member of a crime victim’s family, or a crime victim’s representative.</p> <p>A crime victim is a person who:</p> <ul style="list-style-type: none"> • Has been identified as the victim of a crime or delinquent act in a police report, or in a complaint, indictment, or information that charges the commission of the crime and that provides the basis for the criminal prosecution or delinquency proceeding • Has received injuries for which medical treatment was required as a result of a violation of a municipal ordinance that was the proximate cause of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident –or– • Has received injuries for which medical treatment was required as a result of a motor vehicle accident that is a misdemeanor of the first degree or higher. <i>Ohio Rev. Code Ann. 2930.18.</i> <p><u>Employee Rights Upon Return:</u> Ohio law prohibits an employer from discharging, disciplining, or retaliating against a crime victim, a member of the victim's family, or a victim's representative for taking time off from work to participate in the preparation of a criminal or delinquency proceeding at the prosecutor's request, or to comply with a subpoena in a criminal or delinquency proceeding, if such attendance is reasonably necessary to protect the victim's interests.</p>	
Domestic Violence Victim Leave	Ohio has no law that requires private employers to provide leave to employees who are victims of domestic violence, except to prepare for criminal proceedings or to comply with subpoenas in criminal proceedings.	
Voting Time Off	Ohio law requires covered employers to provide employees with voting time off. <i>Ohio Rev Code Ann 3599.06.</i>	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>Ohio has bereavement leave requirements for public sector employers.</p> <p>Full-time permanent and part-time permanent state employees are entitled to three consecutive working days of bereavement leave upon the death of an immediate family member. Part-time permanent employees are granted bereavement leave based on the number of hours they would have normally been scheduled to work. <i>Ohio Rev Code Ann 123:1-34-09.</i></p>

-Oklahoma-

	<u>Private</u>	<u>Public</u>
Sick Leave	Oklahoma law prohibits municipalities and other political subdivisions of the state from enacting sick leave laws. <i>Okla. Stat. tit. 40, § 160.</i>	Oklahoma has sick leave requirements for public sector employers. <i>Okla. Stat. tit. 74, § 840-2.20(A)(3).</i> The state and its agencies must provide sick leave to their employees. <i>Okla. Stat. tit. 74, § 820.2-20(A).</i> State employees accrue sick leave based on hours worked (excluding overtime), but including paid leave and holiday time. <i>Okla. Stat. tit. 74, § 840-2.20(A)(2).</i>
Pregnancy Leave	Oklahoma Anti-discrimination Act requires employers with one or more employees to treat disabilities caused by pregnancy, miscarriage, abortion, childbirth, or related medical conditions the same as they treat disabilities caused by other medical conditions. <i>Okla. Stat. tit. 25, § 1301(6); Okla. Admin. Code § 335:15-3-9.</i>	
Family and Medical Leave or Flexible Leave Requirements	No State Law	Oklahoma has adopted the federal Family and Medical Leave Act (FMLA), <i>29 U.S.C.S. § 2601 et seq.</i> , for state employees. <i>Okla. Stat. tit. 74, § 840-2.22.</i> When taking family and medical leave, a state employee may select one type of leave, or a combination of leave types, to use contemporaneously with his or her FMLA leave: <ul style="list-style-type: none"> • Leave without pay • Accrued annual and sick leave • Annual and sick leave donated by other state employees and/or • Compensatory time. <i>Okla. Stat. tit. 74, § 840-2.22.</i>
Military Family Leave	No State Law	
Criminal Victim Leave	No State Law	
Domestic Violence Victim Leave	No State Law	
Voting Time Off	Oklahoma law requires covered employers to provide employees with voting time off. <i>Okla. Stat. tit. 26, § 7-101.</i>	

	<p><u>Amount of Time:</u> Employees are entitled to two hours of paid leave to vote while the polls are open on an election day. <i>Okla. Stat. tit. 26, § 7-101</i>. If the employee is so far away from the voting place that he or she needs more than two hours to vote, then the employer must allow the employee sufficient time off from work to cast a ballot. <i>Okla. Stat. tit. 26, § 7-101. Id.</i> The employer may select the time during which the employee may take leave to vote. <i>Okla. Stat. tit. 26, § 7-101</i>. An employee that provides his or her employer with proof that he or she voted must not be subject to any loss of compensation or other penalty for the absence. <i>Okla. Stat. tit. 26, § 7-101</i>.</p> <p>Any employer that fails to comply with <i>Okla. Stat. tit. 26, § 7-101</i> is guilty of a misdemeanor. A convicted employer faces a fine of \$50 to \$100. <i>Okla. Stat. tit. 26, § 7-101</i>.</p>
School-Related Leave	No State Law
Bereavement Leave	No State Law

-Oregon-

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Oregon law requires covered employers to provide employees with paid sick leave. For purposes of sick leave, an “employer” includes:</p> <ul style="list-style-type: none"> • A person that employs one or more employees who work in Oregon; • A political subdivision of the state; • Any county, city, district, authority, or public corporation or entity; and • Any instrumentality of a county, city, district, authority, or public corporation or entity, organized and existing under law or charter. <p>The federal government is not an employer for sick leave purposes. <i>Or. Rev. Stat. § 653.601(2)(a)</i></p> <p>For purposes of sick leave, an “employee” is an individual who renders personal services at a fixed rate to an employer if the employer either pays or agrees to pay for these services or permits the individual to perform these services.</p> <p>“Employee” includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> • An individual who is paid on a piece-rate basis or the basis of the number of operations accomplished or quantity produced or handled; • Individuals paid on an hourly, salary, or commission basis; • Individuals for whom withholding is required under <i>Or. Rev. Stat. § 316.162</i> and • Home care workers <p>“Employee” does not include the following:</p> <ul style="list-style-type: none"> • An employee who receives paid sick time under federal law; • An independent contractor; 	

- A participant in a work training program administered under a state or federal assistance program;
- A participant in a work-study program that provides students in secondary or post-secondary educational institutions with employment opportunities for financial or vocational training;
- A railroad worker exempted under the federal Railroad Unemployment Insurance Act; or • An individual employed by that individual’s parent, spouse, or child. *Or. Rev. Stat. § 653.601(1)(c).*

Excluded from sick leave coverage is an employee:

- Whose terms and conditions of employment are covered by a collective bargaining agreement
- Who is employed through a hiring hall or similar referral system operated by the labor organization or a third party –or–
- Whose employment benefits are provided by a joint multiemployer-employee trust or benefit plan

Amount of Leave: Paid sick leave of up to 40 hours per year is available to an employee if his or her employer:

- is outside the city of Portland; and
- has at least 10 employees working in Oregon.

Paid sick leave of up to 40 hours per year is available to an employee if his or her employer:

- is inside the city of Portland, including employers that maintain an office, store, restaurant, or establishment in Portland; and
- has at least six employees anywhere in Oregon. *Or. Rev. Stat. § 653.601(1)(a.)*

Unpaid sick leave of up to 40 hours per year is available to an employee if his or her employer:

- is outside the city of Portland; and
- has fewer than 10 employees working in Oregon

Unpaid sick leave of up to 40 hours per year is available to an employee if his or her employer:

- is inside the city of Portland; and
- has fewer than six employees working in Oregon. *Or. Rev. Stat. § 653.601(13)(b).*

Accrual v Front Loading

Accrual Method: Oregon law permits employers to provide sick leave using two different methods: the accrual method and the front-loading method.

Under the accrual method, an employee accrues sick time at the rate of at least one hour for every 30 hours the employee works, or one and one-third (1.33) hours for every 40 hours the employee works. Effective January 1, 2018, employers may limit the amount of paid sick time that employees can accrue to 40 hours per year. An employee who is exempt from the overtime requirements of the federal Fair Labor Standards Act is presumed to work 40 hours in each workweek, unless the employee’s actual workweek is less than 40 hours, in which case the employee will accrue sick time based on his or her actual workweek.

An employee begins to accrue sick time on the first day of employment. He or she is not eligible to use accrued sick time until the 91st calendar day of employment, but an employer has the discretion to allow an employee to use his or her accrued sick time on an earlier date. As of the 91st calendar day of employment, an employee is eligible to use his or her sick time as it accrues.

Front-Loading Method: As an alternative to the accrual method, employers have the option to credit employees up front with at least 40 hours of sick time or time off at the start of each year in lieu of complying with the accrual provisions.

Use of Leave, Generally: An employee may use his or her earned sick time:

- For the employee's
 - Mental or physical illness, injury, or health condition
 - Need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition – or –
 - Need for preventive medical care
- To care for a family member
 - With a mental or physical illness, injury, or health condition
 - Who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition – or –
 - Who needs preventive medical care
- For any purpose specified as family leave in *Or. Rev. Stat. § 659A.159*
- For a purpose specified as leave related to domestic violence, harassment, sexual assault, or stalking in
- To donate to another employee if the other employee uses the donated sick time for a purpose specified in this section and the employer has a policy that allows an employee to donate sick time to a co-worker for a purpose specified in this section – or –
- In the event of a public health emergency, *Or. Rev. Stat. § 653.601(13)(b)*.

An employee begins to accrue sick time on the first day of employment. He or she is not eligible to use accrued sick time until the 91st calendar day of employment, but an employer has the discretion to allow an employee to use his or her accrued sick time on an earlier date. As of the 91st calendar day of employment, an employee is eligible to use his or her sick time as it accrues.

An employee may use sick time in hourly increments, unless such use would impose an undue hardship on the employer and the employer allows its employees to use at least 56 hours of paid leave per year that may be taken in minimum increments of four hours and may be used for the same purposes as sick time.

An employer cannot require an employee to find a replacement worker as a condition of the employee's use of sick time or work an alternate shift to make up for the use of sick time. By mutual consent by the employee and the employer, an employee may work additional time to make up for any time the employee missed while absent from work, in lieu of the employee's use of his or her accrued sick time to cover the lost time. An employer must comply with any applicable federal, state, or local laws regarding overtime pay for an employee who agrees to work additional time. *Or. Rev. Stat. § 653.601(13)(b)*

	<p><u>Employee Rights upon Return:</u> It is unlawful for an employer or any other person to deny, interfere with, restrain, or fail to pay for sick time to which an employee is entitled under the law. Employers cannot retaliate or discriminate against an employee with respect to any term or condition of employment because the employee has inquired about the provisions of the Law, submitted a request for sick time, taken sick time, participated in any manner in an investigation, proceeding, or hearing related to the Law, or invoked any provision of the Law. An employer is also prohibited from applying an absence control policy that considers an employee's use of sick time under the Law as an absence that may lead to or result in an adverse employment action against the employee. <i>Or. Rev. Stat. § 653.641(3).</i></p> <p><u>Notice to Employees of Leave Policy:</u> Required notices must be in the language the employer typically uses to communicate with the employee. When an employer makes the required showing of undue hardship and does not provide sick time in hourly increments, the employer must first notify each employee of the increments of sick leave to be used. The employer must retain and keep available a copy of the notice for the duration of the employee's employment and for no less than six months after the termination date of the employee.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> An employee asserting a violation of the discrimination and retaliation provisions may file a complaint with the Commissioner of the Bureau of Labor and Industries pursuant to <i>Or. Rev. Stat. § 659A.820</i> or a civil action as provided in <i>Or. Rev. Stat. § 659A.885</i>.</p>
<p>Pregnancy Leave</p>	<p>The Oregon Family Leave Act (OFLA), <i>Or. Rev. Stat. §§ 659A.150–659A.186</i>, requires covered employers to permit eligible employees to take family leave to care for an infant or for a newly placed adoptive or foster child. <i>Or. Rev. Stat. § 659A.159(1)(a)</i>. Oregon law also protects employees from discrimination based on sex, which includes pregnancy, childbirth, and related medical conditions. <i>Or. Rev. Stat. § 659A.030</i>.</p> <p>The Oregon Family Leave Act (OFLA), <i>Or. Rev. Stat. §§ 659A.150–659A.186</i>, defines a "covered employer" as an employer that employs 25 or more people in the state for each working day for 20 or more calendar workweeks in the year in which the leave is to be taken, or in the year prior to the year in which the leave is to be taken. <i>Or. Rev. Stat. § 659A.150(1)</i>.</p> <p>The Oregon Family Leave Act (OFLA), <i>Or. Rev. Stat. §§ 659A.150–659A.186</i>, defines "eligible employee" as any employee of a covered employer who is eligible to take leave for one of the purposes listed in the OFLA, but does not include</p> <ul style="list-style-type: none"> • an employee who has worked for fewer than 180 days before the date on which the leave will commence, or • an employee who has worked fewer than 25 hours per week for the employer for the 180 days prior to the date on which the leave will commence. <i>Or. Rev. Stat. § 659A.150(2); Or. Rev. Stat. § 659A.156</i>. <p><u>Amount of Leave:</u> The OFLA provides up to 12 weeks of family leave to an employee in a one-year period. <i>Or. Rev. Stat. § 659A.162(1)</i>.</p> <p>A female employee who takes 12 weeks of family leave in one year is entitled to take an additional 12 weeks of leave in that year for an illness, injury, or condition related to pregnancy or childbirth. <i>Or. Rev. Stat. § 659A.162(3)(a)</i>.</p> <p>An eligible employee who has taken 12 weeks of family leave in a year to care for a newborn or a newly-placed child is also entitled to take an additional 12 weeks of</p>

leave in that year to care for an ill or injured child who requires home care. *Or. Rev. Stat. § 659A.162(3)(b)*.

Use of Leave: The OFLA requires employers to provide family leave to eligible employees to care for an infant or newly-adopted or newly-placed foster child who is under the age of 18 or to care for a newly-adopted or newly-placed foster child who is over 18 and incapable of self-care due to a physical or mental disability. *Or. Rev. Stat. § 659A.159(1)*.

An employee's leave to care for a newborn, newly-adopted, or newly-placed child must be taken within 12 months after the birth or placement of the child. *Or. Rev. Stat. § 659A.159(2)(a)*.

The OFLA defines "serious health condition" to include a period of disability due to pregnancy or a period of absence for prenatal care. *Or. Rev. Stat. § 659A.150(6)*.

If two or more family members work for the same employer, they may not take concurrent family leaves unless:

- one of the employees needs to care for the other, who is suffering from a serious health condition;
- one of the employees needs to care for a child with a serious health condition, while the other employee is also suffering from a serious health condition; or
- the employees are taking family leave due to a death in the family. *Or. Rev. Stat. § 659A.162(4)*.

Intermittent Leave and Reduced Schedules: An employee who takes leave to care for a newborn or newly-placed child must take such leave in an uninterrupted period unless the employer allows intermittent leave or a reduced work schedule. *Or. Rev. Stat. § 659A.162(5)*.

The OFLA allows an employer to transfer an employee who is on an intermittent or reduced schedule leave to an alternate position, provided that

- the employee accepts the transfer voluntarily;
- the transfer is temporary, lasts no longer than necessary to accommodate the leave, and has equivalent pay and benefits;
- the transfer is compliant with any applicable CBA;
- the transfer is the only reasonable option available that would allow the employee to use intermittent leave or a reduced schedule; and
- the employer does not use the transfer to discourage the employee from taking intermittent or reduced work schedule leave or to create a hardship on the employee. *Or. Admin. R. 839-009-0245(1)*.

Employee Rights upon Return: Upon return to work following leave under the OFLA, an employee is entitled to be restored to his or her position, without regard to whether the employer filled the position with a replacement during the employee's leave. If the employee's position no longer exists, the employee is entitled to be restored to an available, equivalent position. An employee on leave under the OFLA is entitled to continue group health care coverage on the same terms as if he or she was continuing to work. The employee on OFLA leave must pay the same contributions for this health care insurance as he or she was paying while working. It is unlawful for an employer to deny leave to an eligible employee, to retaliate, or to discriminate against an employee because the employee

	<p>has inquired about family leave, requested family leave, or invoked any provision of the OFLA.</p> <p><u>Notice to Employees of Leave Policy:</u> Employers are required to post notices of the requirements of the OFLA in every establishment in which employees work. The Oregon Bureau of Labor and Industries will provide these notices to covered employers. Electronic posting of the notice does not satisfy the posting requirements, but it can supplement worksite posting. <i>Or. Admin. R. 839-009-0300(2)</i>.</p> <p><u>Private Right of Action:</u> An employee aggrieved by a violation of the OFLA may file a civil action alleging a violation of the OFLA. <i>Or. Rev. Stat. § 659A.885(1), (2)</i>.</p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>The Oregon Family Leave Act (OFLA), <i>Or. Rev. Stat. §§ 659A.150–659A.186</i>, requires certain employers to provide eligible employees with up to 12 weeks of family and medical leave per year. <i>Or. Rev. Stat. § 659A.150</i>.</p> <p>The Oregon Family Leave Act (OFLA), <i>Or. Rev. Stat. §§ 659A.150–659A.186</i>, defines a "covered employer" as an employer that employs 25 or more people in the state for each working day for 20 or more calendar workweeks in the year in which the leave is to be taken, or in the year prior to the year in which the leave is to be taken. <i>Or. Rev. Stat. § 659A.150(1)</i>.</p> <p>The OFLA defines "eligible employee" as any employee of a covered employer who is eligible to take leave for one of the purposes listed in the OFLA, but does not include</p> <ul style="list-style-type: none"> • an employee who has worked for fewer than 180 days before the date on which the leave will commence or • an employee who has worked fewer than 25 hours per week for the employer for the 180 days prior to the date on which the leave will commence. <i>Or. Rev. Stat. § 659A.150(2); Or. Rev. Stat. § 659A.156</i>. <p><u>Amount of Leave:</u> The OFLA provides up to 12 weeks of family leave to an employee in a one-year period. <i>Or. Rev. Stat. § 659A.162(1)</i>. However, an employee's leave for the death of a family member is limited to two weeks. If an employee experiences the death of more than one family member in a one-year period, he or she may take two weeks of family leave for each death, for up to 12 weeks per year. <i>Or. Rev. Stat. § 659A.162(2)</i>.</p> <p>A female employee who takes 12 weeks of family leave in one year is entitled to take an additional 12 weeks of leave in that year for an illness, injury, or condition related to pregnancy or childbirth. <i>Or. Rev. Stat. § 659A.162(3)(a)</i>.</p> <p>An eligible employee who has taken 12 weeks of family leave in a year to care for a newborn or a newly-placed child is also entitled to take an additional 12 weeks of leave in that year to care for an ill or injured child who requires home care. <i>Or. Rev. Stat. § 659A.162(3)(b)</i>.</p> <p><u>Use of Leave:</u> The Oregon Family Leave Act (OFLA), <i>Or. Rev. Stat. §§ 659A.150–659A.186</i>, requires employers to provide family leave to eligible employees to</p> <ul style="list-style-type: none"> • care for an infant or newly-adopted or newly-placed foster child who is under the age of 18 or to care for a newly-adopted or newly-placed foster child who is over 18 and incapable of self-care due to a physical or mental disability; • care for a family member with a serious health condition;

	<ul style="list-style-type: none"> • recover from or seek treatment for a serious health condition; • care for the employee’s child who is suffering from an illness, injury, or condition that is not serious but requires home care; • deal with a death of a family member by attending the funeral or alternative to the funeral, make arrangements necessitated by the death of the family member, or grieve the death of the family member. <i>Or. Rev. Stat. § 659A.159(1)</i>. <p>An employee’s leave to care for a newborn, newly-adopted, or newly-placed child must be taken within 12 months after the birth or placement of the child. <i>Or. Rev. Stat. § 659A.159(2)(a)</i>. An employee must take a bereavement leave within sixty days of the date on which the employee received notice of the death of the family member. <i>Or. Rev. Stat. § 659A.159(2)(b)</i>.</p> <p>The OFLA defines "family member" as the employee's</p> <ul style="list-style-type: none"> • spouse; • biological, adoptive, or foster parent; • biological, adoptive, or foster child; • grandparent; • grandchild; • parent-in-law; or • a person with whom the employee was, or is, in a relationship of in loco parentis. <i>Or. Rev. Stat. § 659A.150(4)</i>. <p>The OFLA defines "serious health condition" as:</p> <ul style="list-style-type: none"> • an illness, injury, impairment, or physical or mental condition that requires inpatient care at a hospital, hospice, or residential medical facility; • an illness, disease, or condition that, in the judgment of a treating health care provider, poses an imminent risk of death, is terminal with a reasonable possibility of death in the near future, or requires constant care; or • a period of disability due to pregnancy or a period of absence for prenatal care. <i>Or. Rev. Stat. § 659A.150(6)</i>. <p><u>Employee Rights upon Return:</u> Upon return to work following a leave under the OFLA, an employee is entitled to be restored to his or her position, without regard to whether the employer filled the position with a replacement during the employee's leave. If the employee's position no longer exists, the employee is entitled to be restored to an available, equivalent position. An employee’s use of family leave must not result in the loss of any benefits accrued prior to taking the leave. Prior to restoring an employee to his or her position, an employer may require that an employee submit certification from the employee's health care provider indicating that the employee is fit to return to work. An employer can require an employee to submit a certification only if the employer maintains a uniformly applied policy or practice requiring such certifications.</p> <p><u>Private Right of Action:</u> An employee aggrieved by a violation of the OFLA may file a civil action alleging a violation of the OFLA. <i>Or. Rev. Stat. § 659A.885(1), (2)</i>.</p>
<p>Military Family Leave</p>	<p>The Oregon Military Family Leave Act (OMFLA) defines "employer" as a person, firm, corporation, partnership, legal representative, or other business entity in the</p>

state that employs twenty- five or more employees for each working day during each of twenty or more calendar workweeks in the year in which the OMFLA leave is taken, or the year immediately preceding the year in which the military family leave is taken. An "employer" can be the state; one of its departments, agencies, commissions, or boards, or local government.

The OMFLA defines "employee" as an individual who performs services for compensation for an employer for an average of at least 20 hours per week, excluding independent contractors. *Or. Admin. R. 839-009-0380(5)*. The OMFLA grants leave to an employee who is the spouse or domestic partner of a member of the Armed Forces of the United States, the National Guard, or the military reserve forces of the United States who has been notified of an impending call or order to active duty or who has been deployed during a period of military conflict. *Or. Admin. R. 839-009-0390(1)*.

The OMFLA defines a "period of military conflict" as a time of war:

- Declared by the United States Congress;
- Declared by an executive order of the president of the United States; or
- In which a reserve component of the Armed Forces of the United States is called to active duty under Title 32 of the United States Code.

An employee is eligible for up to 14 days of unpaid leave per deployment and may use this leave either after the employee's spouse or partner has been notified of an impending call or order to active duty but before deployment, during his or her spouse's or partner's deployment, or while the spouse or partner is on leave from deployment. *Or. Admin. R. 839-009-0390(1)*.

An employee is eligible to use up to 14 days of unpaid leave per deployment either after the employee's spouse or partner has been notified of an impending call or order to active duty but before deployment, during his or her spouse's or partner's deployment, or while the spouse or partner is on leave from deployment. *Or. Admin. R. 839- 009-0390(1)*.

An employee may elect to substitute his or her accrued leave for any portion of the OMFLA leave. *Or. Admin. R. 839-009-0440(2)*. An employee's OMFLA leave may be included in the total amount of family leave authorized by *Or. Rev. Stat. § 659A.162* of the Oregon Family Leave Act if he or she is eligible for leave under the Oregon Family Leave Act and has any leave time remaining. *Or. Admin. R. 839-009-410*. An employee may take intermittent leave under the OMFLA. *Or. Admin. R. 839-009-0390(4)*.

An eligible employee who takes leave under the OMFLA is entitled to be restored to his or her position and to the continuation of benefits. If the employee's position has been eliminated, he or she is entitled to be restored to an available, equivalent position. *Or. Admin. R. 839-009-0450(4)*. Seniority, bonuses, or other benefits do not continue to accrue as if the employee was working, unless the applicable collective bargaining agreement or the employer's policy provides otherwise. *Or. Admin. R. 839-009-0450(5)*.

An employee aggrieved by a violation of the OMFLA may file a complaint with the Civil Rights Division of the Bureau of Labor and Industries in the manner provided by *Or. Rev. Stat. § 659A.820*. *Or. Admin. R. 839-009- 0460(2)*. An employee must file a complaint alleging an unlawful practice under the OMFLA with the Oregon Bureau of Labor and Industries within one year of the alleged unlawful practice. *Or. Rev. Stat. § 659A.820(2)*.

<p>Criminal Victim Leave</p>	<p>Oregon law requires covered employers to provide leave to employees who are crime victims to attend criminal proceedings.</p> <p><u>Employee Coverage:</u> For purposes of leave to attend a criminal proceeding, a “covered employer” is an employer that employs six or more people in the state for each working day during each of 20 or more calendar workweeks in a year in which an eligible employee takes such leave or the year immediately preceding that year.</p> <p><u>Employee Eligibility:</u> For purposes of leave to attend a criminal proceeding, an "eligible employee" is an employee who is a crime victim and has worked an average of more than 25 hours per week for a covered employer for at least 180 days immediately prior to the time the employee wishes to take leave.</p> <p>A "crime victim" is a person who has suffered financial, social, psychological, or physical harm as a result of a person felony, as defined in the rules of the Oregon Criminal Justice Commission, or the immediate family member of such a person. <i>Or. Rev. Stat 659A.190(2).</i></p> <p><u>Use of Leave:</u> An employee who takes leave to attend a criminal proceeding may use any paid accrued vacation leave or other paid leave during the leave. Subject to any agreement between the employee and the employer or the terms of an applicable collective bargaining agreement, an employer may determine the order in which accrued leave is to be used when more than one type of accrued leave is available to the employee.</p> <p><u>Employee Rights Upon Return:</u> It is an unlawful employment practice for a covered employer to deny leave to an employee who is a crime victim to attend a criminal proceeding, or to discharge, threaten, intimidate, or coerce an employee because he or she took such leave. This leave is without pay unless otherwise provided by the terms of an agreement between the employer and the employee or the terms of an applicable collective bargaining agreement.</p> <p><u>Enforcement Mechanisms (including Private Rights of Action):</u> An employee has a private right of action against an employer that has denied leave or taken an adverse employment action against the employee for taking leave to attend a criminal proceeding. <i>Or. Rev. Stat. § 659A.885(1)(2).</i></p>
<p>Domestic Violence Victim Leave</p>	<p>Oregon law requires certain employers to provide leave to employees who are victims of domestic violence.</p> <p>For purposes of leave related to domestic violence, harassment, sexual assault, or stalking, a "covered employer" is an employer that employs six or more employees in the state for each working day during each of twenty or more calendar workweeks in the year in which an employee takes leave or in the year immediately preceding that year. <i>Or. Rev. Stat. § 659A.270(1).</i></p> <p>To be eligible for leave, an employee must be a victim, or the parent or guardian of a minor child or dependent who is the victim, of</p> <ul style="list-style-type: none"> • domestic violence; • harassment; • sexual assault; or • stalking. <p><u>Paid Leave v. Unpaid Leave:</u> An employee’s leave is unpaid unless otherwise provided by the terms of an agreement between the employer and the employee or</p>

	<p>the terms of an applicable collective bargaining agreement, or the employer is a public employer.</p> <p><u>Amount of Leave:</u> A public employer must grant an eligible employee who requests leave related to domestic violence, harassment, sexual assault, or stalking, leave with pay of up to 160 hours in a calendar year. This leave is in addition to any vacation, sick, personal business, or other paid or unpaid leave available to the employee, and all other forms of leave must be exhausted before using this leave.</p> <p><u>Use of Leave:</u></p> <ul style="list-style-type: none"> • To seek legal or law enforcement assistance to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, or stalking; • To seek medical treatment for, or recover from, injuries caused by domestic violence, sexual assault, harassment, or stalking of the employee or the employee's minor child or dependent; • To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking; • To obtain services from a victim services provider for the employee or the employee's minor child or dependent; and • To relocate or take steps to secure a current home to ensure the safety of the employee or the employee's minor child or dependent. <p>An employee may use (1) any paid accrued vacation leave, (2) any accrued sick leave or personal business leave, or (3) other paid leave during his or her leave.</p> <p><u>Employee Rights upon Return:</u> It is unlawful for a covered employer to deny leave to an eligible employee, to refuse to hire an otherwise qualified individual, or to discharge, threaten to discharge, demote, suspend, or in any manner discriminate or retaliate against an employee in the promotion, compensation, or other terms, conditions, or privileges of employment because the employee is a victim of, or has taken leave because of, domestic violence, harassment, sexual assault, or stalking.</p> <p><u>Private Right of Action:</u> An employee has a private right of action if his or her employer has denied leave or taken an adverse employment action against an employee for taking leave for victims of domestic violence, harassment, sexual assault, or stalking. <i>Or. Rev. Stat. § 659A.885(1)(2).</i></p>
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	<p>See Family and Medical Leave.</p> <p>An eligible employee may take bereavement leave to deal with the death of a family member by:</p> <ul style="list-style-type: none"> • attending the funeral or alternative to a funeral of the family member;

	<ul style="list-style-type: none"> • making arrangements necessitated by the death of the family member; or • grieving the death of the family member.
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-Pennsylvania-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	Pennsylvania does provide paid sick leave to state employees.
Pregnancy Leave	<p>Pennsylvania has no law that requires employers to provide employees with pregnancy leave. However, the Pennsylvania Human Relations Act (PHRA), <i>43 Pa. Cons. Stat. Ann. § 951 et seq.</i>, and the associated administrative code provisions, <i>16 Pa. Code § 41.103 et seq.</i>, contains equal treatment requirements and limits employer policies related to pregnancy and childbirth.</p> <p>For purposes of the protections afforded to employees in relation to pregnancy and childbirth, the Pennsylvania Human Relations Act (PHRA) defines an employer to include:</p> <ul style="list-style-type: none"> • The Commonwealth or any political subdivision or board, department, commission, or school district thereof • Any person employing four or more persons within the Commonwealth. <i>43 Pa. Cons. Stat. Ann. § 954(b).</i> <p>Religious, fraternal, charitable or sectarian corporations or associations are excluded from coverage, unless supported partly or wholly by governmental appropriations. <i>Id.</i></p> <p>Under the Pennsylvania Human Relations Act, the term “employee” does not include:</p> <ul style="list-style-type: none"> • Any individual employed in agriculture or in the domestic service of any person • Any individual who, as a part of their employment, reside in the employer’s personal residence • Any individual employed by his or her parents, spouse, or child. <i>43 Pa. Cons. Stat. Ann. § 954(c).</i> <p>An employer must extend any temporary or permanent disability benefits it offers to other employees to a woman who has a disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other disabilities. <i>16 Pa. Code § 41.103(a)–(b).</i></p> <p>The Pennsylvania Human Relations Act (PHRA) prohibits maternity leave policies that require a pregnant employee to take leave automatically at a specified time during pregnancy or require a pregnant employee to remain away from work after she has recovered from her disability. <i>43 Pa. Cons. Stat. Ann. § 951 et seq. 16 Pa. Code § 41.103(c).</i></p> <p>An employer may offer leave for the purposes of childrearing beyond an employee's period of actual disability, but the employer is prohibited from paying sickness or disability benefits during the leave. If the employer maintains such a policy, it must make the leave available to both male and female employees, and an</p>	

	<p>employee may use the leave to care for a child the employee had by birth or adoption. <i>16 Pa. Code § 41.104.</i></p> <p>No identified any authority governing any notice to employer’s requirement applicable to pregnancy and childbirth protections under the PHRA. Any aggrieved person may file a verified written complaint with the Pennsylvania Human Relations Commission (Commission) alleging an unlawful discriminatory practice, the Commission on its own initiative or the Attorney General may also file a complaint, and an employer may file a verified complaint seeking assistance if its employees hinder compliance with the PHRA or threaten to hinder compliance. <i>43 Pa. Cons. Stat. Ann. § 959(a).</i> If the Commission dismisses a complaint within one year or has not entered into a conciliation agreement to which the complainant is a party during that time, the Commission must notify the complainant, who then may bring an action in the Pennsylvania courts of common pleas based on the right to freedom from discrimination granted by the PHRA. <i>43 Pa. Cons. Stat. Ann. § 962(c)(1).</i></p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>N/A</p>
<p>Military Family Leave</p>	<p>No State Law</p>	
<p>Criminal Victim Leave</p>	<p>Pennsylvania’s Crime Victims’ Employment Protection Act (CVEPA), <i>18 Pa. Cons. Stat. Ann. § 4957</i>, requires covered employers to provide leave to employees who are crime victims or their family members to attend court proceedings related to a crime. <i>18 Pa. Cons. Stat. Ann. § 4957(a).</i></p> <p><u>Employee Coverage:</u> No identified authority found which limits the definition of “employer” for purposes of witness duty leave under the Crime Victims’ Employment Protection Act, <i>18 Pa. Cons. Stat. Ann. § 4957</i>.</p> <p><u>Employee Eligibility:</u> An employee eligible for crime victim leave under the Crime Victims’ Employment Protection Act (CVEPA) is one who attends court by reason of being a victim of a crime or a member of the victim’s family. A “victim” for purposes of the CVEPA is any person against whom any state or federal crime is being or has been perpetrated or attempted. <i>18 Pa. Cons. Stat. Ann. § 4957(a).</i> For purposes of leave to attend court, the employee’s "family" is anyone:</p> <ul style="list-style-type: none"> • Related to the employee within the third degree of consanguinity or affinity • Maintaining a common-law relationship with an employee –or– • Residing in the same household as the employee <p><u>Employee Rights Upon Return:</u> The Crime Victims' Employment Protection Act (CVEPA), prohibits an employer from denying, threatening, or coercing an employee with respect to his or her employment, seniority, or benefits because the employee attends court, if the employee is a victim of a crime or a member of a crime victim's family. The employer is not required to compensate the employee for time lost from work to attend court.</p>	

Domestic Violence Victim Leave	Pennsylvania has no state law that requires private sector employers to provide leave to employees who are victims of domestic violence, except to attend court proceedings related to a crime.
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	No State Law

-Rhode Island-

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Healthy and Safe Families and Workplaces Act requires covered employers to provide sick leave to their employees. <i>R.I. Gen. Laws § 28-57-1 et seq.</i></p> <p>Employers with 18 or more employees must provide paid sick and safe leave. <i>R.I. Gen. Laws § 28-57-3(8); R.I. Gen. Laws § 28-57-4(c).</i> An employer satisfies the 18-employee threshold if it employed an average of 18 or more employees in Rhode Island during the previous payroll year's highest two employment quarters. <i>260 RICR 30-05-5, § 5.5.1.</i> New employers must provide paid sick and safe leave to their employees once they have at least 18 employees on their payroll. <i>260 RICR 30-05-5, § 5.5.1(A)(5).</i></p> <p>The HSFWA does not apply to:</p> <ul style="list-style-type: none"> • Any person not considered an employee under the Rhode Island Minimum Wage Act • Independent contractors • Subcontractors • Work study participants • Apprentices and interns –and– • Licensed nurses working at health care facilities who are not obligated to work a regular schedule, work only when they indicate they are available and willing to 	No State Law

	<p>work, and receive higher pay than employees performing the same job at the same facility working a regular schedule. <i>R.I. Gen. Laws § 28-57-3(7); R.I. Gen. Laws § 28-57-4(f).</i></p> <p>Employees will begin to accrue paid sick and safe leave at a rate of one hour for every 35 hours worked for a maximum of 40 hours per year.</p> <p>Employers that provide 40 or more hours of paid time off to employees that may be used as paid sick and safe leave are not required to provide additional sick leave to employees who have used their time off and need paid sick and safe leave later in the year, provided that the employers' leave policies make it clear that additional time will not be provided. <i>R.I. Gen. Laws § 28-57-14(f).</i></p> <p>The Rhode Island Department of Labor and Training is charged with implementing and enforcing the HSFWA. <i>R.I. Gen. Laws § 28-57-9.</i> Enforcement and notice provisions under the HSFWA must be in accordance with the Rhode Island Minimum Wage Act. <i>R.I. Gen. Laws § 28-57-10(a).</i> Aggrieved employees are entitled to the same protections and relief as under the Rhode Island Minimum Wage Act and the Rhode Island Payment of Wages Act. <i>R.I. Gen. Laws § 28-57-10(b).</i></p>	
<p>Pregnancy Leave</p>	<p>Rhode Island law requires covered employers to provide reasonable accommodations for pregnancy, which may include leave. <i>R.I. Gen. Laws § 28-5-7.4(a)(1).</i></p> <p>The Rhode Island State Fair Employment Practices Act (SFPEPA) defines "employer" as:</p> <ul style="list-style-type: none"> • the state and all political subdivisions of the state • any person in this state employing four or more individuals, and • any person acting in the interest of an employer directly or indirectly. <i>R.I. Gen. Laws § 28-5-7.4(a); R.I. Gen. Laws § 28-5-6(8)(i).</i> <p>“Employer” does not include: a religious corporation, association, educational institution, or society with respect to the employment of individuals of its religion to perform work connected with the carrying on of its activities. <i>R.I. Gen. Laws § 28-5-7.4(a); R.I. Gen. Laws § 28-5-6(8)(ii).</i></p> <p>The Rhode Island State Fair Employment Practices Act (SFPEPA), <i>R.I. Gen. Laws § 28-5-1, et seq.</i>, incorporates some concepts of disability discrimination into the definition of unlawful employment practice with respect to pregnancy and</p>	

	<p>pregnancy-related conditions. Employers must afford reasonable accommodations to employees and prospective employees who are pregnant or experiencing pregnancy-related conditions. <i>R.I. Gen. Laws § 28-5-7.4.</i></p> <p><i>R.I. Gen. Laws § 28-5-7.4</i> of the SFEPA provides additional protections to employees or prospective employees who are pregnant or experiencing pregnancy-related conditions. <i>R.I. Gen. Laws § 28-5-7.4</i> prohibits an employer from:</p> <ul style="list-style-type: none"> • refusing to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition, including the need to express breast milk for a nursing child, if she so requests, unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer; • requiring an employee to take leave if another reasonable accommodation can be provided to the employee's condition related to pregnancy, childbirth, or a related medical condition; • denying employment opportunities to an employee or prospective employee, if such denial is based on the refusal of the employer to reasonably accommodate an employee's or prospective employee's condition related to pregnancy, childbirth, or a related medical condition; and • failing to provide written notice, including notice conspicuously posted at an employer's place of business in an area accessible to employees, of the right to be free from discrimination in relation to pregnancy, childbirth, and related conditions, including the right to reasonable accommodations for conditions related to pregnancy, childbirth or related conditions under <i>R.I. Gen. Laws § 28-5-7.4</i>. Notice must be given to <ul style="list-style-type: none"> ○ new employees at the commencement of employment; ○ existing employees within 120 days after July 2, 2015; ○ any employee who notifies the employer of her pregnancy, within 10 days of such notification. <i>R.I. Gen. Laws § 28-5-7.4(a)(1)-(4).</i> <p>The Rhode Island SFEPA authorizes a person aggrieved by an unlawful employment practice to seek redress through administrative proceedings or by civil action. <i>R.I. Gen. Laws § 28-5-17, R.I. Gen. Laws § 28-5-24.1(a).</i></p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>Rhode Island law requires covered employers to provide employees with up to 13 weeks of family leave every two years. <i>R.I. Gen. Laws § 28-48-2.</i> The Rhode Island Parental and Family Medical Leave Act, <i>R.I. Gen. Laws section 28-48-1 et seq.</i>, applies to employers with 50 or more employees. All employers must provide temporary caregiver leave to eligible employees. <i>R.I. Gen. Laws § 28-41-34; R.I. Gen. Laws § 28-41-35.</i> Any full-time employee who works an average of 30 or more hours a week is eligible for Parental or Family Medical Leave. <i>R.I. Gen. Laws § 28-48-1(2).</i></p> <p><u>Temporary Caregiver Insurance:</u> Rhode Island's temporary caregiver insurance benefits may be used by an employee who is unable to perform his or her work duties because he or she needs</p> <ul style="list-style-type: none"> • to care or bond with a newborn, adopted, or foster child, or • to care for a seriously ill family member. <i>R.I. Gen. Laws § 28-41-34; R.I. Gen. Laws § 28-41-35.</i>

The RIPFMLA gives eligible employees of covered employers a right to parental leave or family leave for:

- the birth of a child,
- the placement of a child 16 years of age or younger than for adoption, and
- the serious illness of a family member. *R.I. Gen. Laws § 28-48-1.*

The parental or family leave can last up to 13 consecutive weeks in any two calendar years. *R.I. Gen. Laws § 28-48-2(a); 260 R.I. Code R. § 030-050-7, 7.4(A).* If an employer provides paid leave for fewer than 13 weeks, the remaining balance (to attain a total of 13 weeks) may be unpaid. *R.I. Gen. Laws § 28-48-2(b).*

Temporary Caregiver Insurance: Rhode Island employers must provide up to four weeks of job-protected leave to an employee who is unable to perform his or her job duties because he or she needs to care for certain seriously ill family members (caregiver) or who needs time off to bond with a newborn, adopted or foster child (bonding). *R.I. Gen. Laws § 28-41-34; R.I. Gen. Laws § 28-41-35(d)(1).*

During the leave, employees are eligible to participate in the Temporary Caregiver Insurance Program, *R.I. Gen. Laws section 28-41-34 et seq.* The program allows an eligible employee to receive temporary caregiver insurance (TCI) as a form of wage replacement benefits. *R.I. Gen. Laws § 28-41-35.*

The employee should apply for TCI benefits during the first 30 days after the first day of leave is taken for reasons of bonding or caregiving. *R.I. Gen. Laws § 28-41-35(b).* The benefits are payable on the first day of leave taken to bond with a child, and after the waiting period for caring for a family member with a serious health condition. *R.I. Gen. Laws § 28-41-35.*

Employee Rights upon Return: Employees who use parental or family leave are entitled to be restored to the position they held when leave commenced or to a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment. *R.I. Gen. Laws § 28-48-3(a).* Employers must maintain any existing health benefits for employees for the duration of the leave. *R.I. Gen. Laws § 28-48-3(b).*

It is illegal for an employer to

- interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by RIPFMLA;
- discharge, fine, suspend, expel, discipline, or in any other manner discriminate against any employee for exercising any right provided by RIPFMLA; or
- discharge, fine, suspend, expel, discipline, or in any other manner discriminate against any employee for opposing any practice made unlawful by RIPFMLA. *R.I. Gen. Laws § 28-48-5.*

Temporary Caregiver Insurance: Rhode Island's program offers job protection. After an employee takes or exhausts his or her leave, an employer must restore the employee to the position he or she held before leave was taken, or to a position with equivalent seniority, status, benefits, pay, and other employment terms and conditions, including fringe benefits and service credits to which the employee was entitled when leave began. *R.I. Gen. Laws § 28-41-35(f).*

Enforcement Mechanism: Employees have a private right of action. *R.I. Gen. Laws § 9-1-14(b); R.I. Gen. Laws § 9-1-25.* The attorney general prosecutes all criminal actions (for example, fraudulently filing claims pursuant to *R.I. Gen. Laws § 28-41-40*) for any violation of the Temporary Caregiver Insurance Program, *R.I. Gen.*

	<p><i>Laws section 28-41-34 et seq.</i>, or any rule or regulation of the Rhode Island Department of Labor and Training. <i>R.I. Gen. Laws § 28-41-41.</i></p>
<p>Military Family Leave</p>	<p>Rhode Island law also requires employers to provide family military leave to spouses or parents of persons called into military service. <i>R.I. Gen. Laws § 30-33-2.</i> For more information about military leave, see <i>1-2 Labor and Employment in Rhode Island § 2.02[8]</i>. Employers with 15 or more employees must provide eligible employees with family military leave. <i>R.I. Gen. Laws § 30-33-3(a), (b).</i></p> <p>For leave under the Family Military Leave Act, <i>R.I. Gen. Laws section 30-33-1 et seq.</i>, the employees must have worked for 12 months with the employer and for 1,250 hours in the previous 12 months. <i>R.I. Gen. Laws § 30-33-2(1).</i></p> <p>An employee must be the spouse or parent of a person called into military service that will last longer than 30 days to be eligible for family military leave. <i>R.I. Gen. Laws § 30-33-2(4).</i> An employee cannot take family military leave unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave or time, and any other leave that may be granted to the employee, with the exception of sick leave and disability leave. <i>R.I. Gen. Laws § 30-33-3(d).</i></p> <p>Any employee who exercises the right to family military leave, upon the expiration of his or her leave, is to be entitled to restoration, by the employer, to the position held by the employee when the leave started or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. <i>R.I. Gen. Laws § 30-33-4(a).</i></p>
<p>Criminal Victim Leave</p>	<p>Rhode Island law requires covered employers to provide crime victim leave to attend court proceedings related to the crime. <i>R.I. Gen. Laws § 12-28-13(a).</i></p> <p><u>Employee Coverage:</u> Employers with 50 or more employees are required to provide eligible employees with crime victim leave. <i>R.I. Gen. Laws § 12-28-13(a).</i></p> <p><u>Employee Eligibility:</u> An employee who has been the victim of a crime and leaves work to attend court proceedings related to the crime is eligible for crime victim leave. <i>R.I. Gen. Laws § 12-28-13(a).</i></p> <p>Employees who have been victims of a crime may leave work to attend court proceedings related to the crime. <i>R.I. Gen. Laws § 12-28-13(a).</i> The employee may elect to use or an employer may require the employee to use the employee's accrued paid vacation, personal leave, or sick leave. <i>R.I. Gen. Laws § 12-28-13(d).</i> The employer may not discharge the employee for taking the leave or reduce his or her seniority or precedence while absent from employment. <i>R.I. Gen. Laws § 12-28-13.</i></p> <p>If the employee's leave creates an undue hardship to the employer's business, the employer may limit the leave. <i>R.I. Gen. Laws § 12-28-13(g).</i></p>
<p>Domestic Violence Victim Leave</p>	<p>Rhode Island has no law that requires private employers to provide leave to victims of domestic violence, except to attend court proceedings related to the crime.</p> <p>No employer, employment agency, or licensing agency shall refuse to hire any applicant for employment, or discharge an employee or discriminate against him or her with respect to any matter related to employment, solely by reason of the employee or applicant seeking or obtaining:</p> <ul style="list-style-type: none"> • a protective order to prevent domestic abuse (<i>R.I. Gen. Laws § 15-15-1 et seq.</i>) or • a protective order to prevent domestic assault (<i>R.I. Gen. Laws § 8-8.1-1 et seq.</i>). <p><i>R.I. Gen. Laws § 12-28-10(a).</i></p>

Voting Time Off	No State Law
School-Related Leave	<p>Rhode Island law requires covered employers to provide school-related leave. <i>R.I. Gen. Laws § 28-48-12(a)</i>. Any employer with 50 or more employees is required to provide school-related leave to eligible employees. <i>R.I. Gen. Laws § 28-48-1</i>.</p> <p>An employee who has been employed by the same employer for 12 consecutive months is eligible for school-related leave. <i>R.I. Gen. Laws § 28-48-12(a)</i>. An employee shall be entitled to a total of 10 hours of leave during any 12-month period to attend school conferences or other school-related activities for a child of whom the employee is the parent, foster parent, or guardian. <i>R.I. Gen. Laws § 28-48-12(a)</i>.</p> <p>The leave is unpaid. However, an employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of the leave. <i>R.I. Gen. Laws § 28-48-12(c)</i>.</p> <p>The employee must provide notice 24 hours before the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. <i>R.I. Gen. Laws § 28-48-12(b)</i>.</p>
Bereavement Leave	No State Law

-South Carolina-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>South Carolina has sick leave requirements for public sector employers. <i>S.C. Code Ann. §§ 8-11-40 to 8-11-46</i>.</p> <p>The sick leave provisions of <i>S.C. Code Ann. § 8-11-40</i> apply to all state agencies, departments and institutions. <i>S.C. Code Ann. § 8-11-41</i>.</p> <p>Both full-time and part-time state employees in FTE positions are entitled to paid sick leave. <i>S.C. Code Ann. § 8-11-40(A)</i>.</p> <p>Eligible full-time state employees are entitled to 15 days of paid sick leave per calendar year and leave for part-time employees is calculated on a prorated basis. <i>S.C. Code Ann. § 8-11-40(A)</i>. All eligible employees earn 1.25 days of sick leave per month, and up to 180 accumulated days may be carried over from one calendar year to another. <i>Id.</i> A department or agency head may grant additional sick leave in extenuating circumstances with the</p>

	<p>Department of Administration’s approval. <i>Id.</i></p> <p>Eligible employees may take up to 10 days of sick leave annually to care for ill members of their immediate families. <i>S.C. Code Ann. § 8-11-40(C).</i></p> <p>For purposes of <i>section 8-11-40</i>, the employee’s “immediate family” includes:</p> <ul style="list-style-type: none"> • The employee’s spouse and children • The employee’s mother, father, brother, sister, grandparent, legal guardian, and grandchildren • The spouse’s mother, father, brother, sister, grandparent, legal guardian, and grandchildren.
<p>Pregnancy Leave</p>	<p>South Carolina has no law that requires employers to provide employees with pregnancy leave. However, the South Carolina Human Affairs Law (SCHAL), <i>S.C. Code Ann. § 1-13-10 et seq.</i>, requires employers to treat women affected by pregnancy, childbirth, or related medical conditions the same for all employment-related purposes as they treat non-pregnant employees with a similar ability or inability to work. <i>S.C. Code Ann. § 1-13-30(l).</i></p> <p>South Carolina Human Affairs Law (SCHAL), <i>S.C. Code Ann. § 1-13-10 et seq.</i>, requires any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year to treat women affected by pregnancy, childbirth or related medical conditions the same for all employment-related purposes as similar non-pregnant employees. <i>S.C. Code Ann. § 1-13-30(e).</i> Any agent of such a person is also a covered employer, but an Indian tribe or a bona fide private membership club other than a labor organization is not. <i>Id.</i></p> <p>The SCHAL defines “person” to include:</p> <ul style="list-style-type: none"> • individuals, • labor unions and organizations, • joint apprenticeship committees, • partnerships, • associations, • corporations, • legal representatives, • mutual companies, • joint-stock companies, • trusts, • unincorporated organizations, • trustees,

	<ul style="list-style-type: none"> • trustees in bankruptcy, • receivers, • other legal or commercial entities partly located, wholly located, or doing business in South Carolina, • the State and any of its agencies and departments or local subdivisions of state agencies and departments, and • municipalities, counties, special purpose districts, school districts and other local governments. <i>S.C. Code Ann. § 1-13-30(d)</i>. <p>South Carolina Human Affairs Law (SCHAL), <i>S.C. Code Ann. § 1-13-10 et seq.</i>, requires covered employers to evenly apply any employment policies and practices to disabilities due to pregnancy, childbirth, or a related medical condition on the same terms and conditions as they are applied to other temporary disabilities, including those policies and procedures governing:</p> <ul style="list-style-type: none"> • the commencement and duration of a leave of absence, • the availability of an extension of a leave of absence, • the accrual of seniority during a leave of absence, • reinstatement, • payments under any health or temporary disability insurance or sick leave plan, and • other benefits and privileges. <i>S.C. Code Regs. 65-30; S.C. Code Ann. § 1-13-30(l)</i>.
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p> <p>South Carolina has family or medical leave requirements for public sector employers.</p> <p>For purposes of the sick leave available to eligible public employees to care for ill members of their immediate family under <i>S.C. Code Ann. § 8-11-40(C)</i>, covered public employers include all state agencies, departments, and institutions. <i>S.C. Code Ann. § 8-11-41</i>.</p> <p>The state or its departments, agencies, or institutions must permit eligible employees to use up to six weeks of accrued sick leave to care for an adoptive child after the child is placed with the employee. <i>S.C. Code Ann. § 8-11-155</i>.</p> <p>Both full-time and part-time state employees in FTE positions are entitled to use up to 10 days of paid sick leave annually to care for ill members of their immediate family. <i>S.C. Code Ann. § 8-11-40(A), (C)</i>.</p>

		<p>For purposes of <i>section 8-11-40</i>, the employee's "immediate family" includes:</p> <ul style="list-style-type: none"> • The employee's spouse and children • The employee's mother, father, brother, sister, grandparent, legal guardian, and grandchildren • The spouse's mother, father, brother, sister, grandparent, legal guardian, and grandchildren.
Military Family Leave	No State Law	
Criminal Victim Leave	<p>South Carolina law requires covered employers to provide paid leave to employees who are crime victims and have received subpoenas to testify in court or administrative proceedings. <i>S.C. Code Ann. § 16-3-1550(A)</i>.</p> <p><u>Employee Coverage:</u> For purposes of leave for a crime victim, a "victim" is a person who has suffered direct or threatened harm as a result of the commission or attempted commission of a criminal offense. "Victim" also includes a spouse, parent, child, or lawful representative of a victim who is:</p> <ul style="list-style-type: none"> • deceased, • a minor, • incompetent, or • physically or psychologically incapacitated. <i>S.C. Code Ann. § 16-3-1510(1)</i>. <p>An employee who is a victim or a witness to a crime may take time off from work to respond to a lawful subpoena without having his or her wages or benefits reduced or suspended. <i>S.C. Code Ann. § 16-3-1550(A)</i>.</p>	
Domestic Violence Victim Leave	South Carolina has no law that requires private employers to provide leave to employees who are victims of domestic violence, unless they have received subpoenas to testify.	
Voting Time Off	<p>South Carolina has no law that requires private employers to provide employees with voting time off. However, South Carolina law makes it unlawful for an employer to terminate an employee for exercising his or her political rights, including the right to vote. <i>S.C. Code Ann. § 16-17-560; Vanderhoff v. John Deere Consumer Prods., 2003 U.S. Dist., at *7 (D.S.C. Mar. 12, 2003)</i>.</p> <p>A person who violates the political rights of another is guilty of a misdemeanor and may be fined up to \$1,000.00 or imprisoned for up to two years, or both. <i>S.C. Code Ann. § 16-17-560</i>.</p>	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	South Carolina has bereavement leave requirements for public sector

		<p>employers. <i>S.C. Code Ann. § 8-11-177(A)</i>.</p> <p>An eligible state employee who requests bereavement leave must be granted up to three consecutive workdays of paid leave on the death of any covered family member. <i>S.C. Code Ann. § 8-11-177(A)</i>.</p>
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–South Dakota–

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>South Dakota has sick leave requirements for public sector employers. <i>S.D. Codified Laws § 3-6C-7</i>.</p> <p>An eligible employee is any person actively working for state government in a permanent position, employed by a participating agency, and scheduled to work 20 or more hours a week at least six months of the year. <i>S.D. Codified Laws § 3-6C-1(15)</i>.</p> <p>State employees are entitled to 14 days of leave of absence for sickness with pay. <i>S.D. Codified Laws § 3-6C-7</i>.</p> <p>Sick leave may be used for</p> <ul style="list-style-type: none"> • personal illness, • pregnancy and related disabilities, • exposure to contagious diseases that would endanger the health of fellow employees, • required eye and dental care, • required medical examination, or • in-patient or out-patient treatment in approved centers for alcohol, drug abuse, psychiatric, or counseling care. <i>S.D. Admin. R. 55:09:04:02</i>. <p><u>Sick Leave Donation</u>: State employees may donate leave for another employee's use if he or she has accumulated more than 120 hours of sick leave. Minimum donation of sick leave is four hours. <i>S.D. Admin. R. 55:09:04:16</i>.</p>

<p>Pregnancy Leave</p>	<p>South Dakota law prohibits employers from discriminating against employees on the basis of sex, which includes pregnancy and childbirth. <i>S.D. Codified Laws § 60-12-15.</i></p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>South Dakota has family and medical leave requirements for public sector employers. <i>S.D. Admin. R. 55:09:04:12.</i></p> <p>Family and medical leave is available to a state employee who has worked for 12 months or more and who has worked 1,250 hours or more. <i>S.D. Admin. R. 55:09:04:12.</i></p> <p>A state employee may take up to 12 weeks of sick leave, personal leave, vacation leave, leave without pay, or any combination of leaves as family and medical leave. The leave may be used for:</p> <ul style="list-style-type: none"> • the birth of a child of the employee and care for the newborn child; • the placement of a child with the employee for adoption or foster care; • the need to care for the spouse, child, or parent of the employee if the spouse, child, or parent has a serious health condition; • the employee’s serious health condition; • a qualifying exigency because the employee's spouse, son, daughter, or parent is on active duty or called to active-duty status as a member of the national guard or another reserve component of the armed forces of the United States in support of a contingency operation (for example, the employee’s need to arrange for alternative childcare or to attend certain counseling sessions); or • caring for a spouse, son, daughter, parent, or the employee's next of kin of a covered service member with a serious injury or illness. <i>S.D. Admin. R. 55:09:04:12.</i> <p>A public employee may also take military caregiver leave to care for a family member who sustained a qualifying injury for up to five years</p>

		<p>after the member has been discharged from military service. Up to 26 weeks of personal leave, vacation leave, leave without pay, or any combination may be taken as family and medical leave for military caregiver leave during a single 12-month period. <i>S.D. Admin. R. 55:09:04:12.</i></p> <p>A public employee may also use up to 40 hours of accumulated sick leave for the temporary care of members of the immediate family. <i>S.D. Admin. R. 55:09:04:05.</i></p>
Military Family Leave	No State Law	
Criminal Victim Leave	No State Law	
Domestic Violence Victim Leave	No State Law	
Voting Time Off	<p>South Dakota law requires covered employers to provide employees with voting time off. <i>S.D. Codified Laws § 12-3-5.</i></p> <p><u>Amount of Time:</u> Employees are entitled to be absent from work for two consecutive hours between the time the polls open and close in order to vote, if the employee does not have a two-hour period off from work during the time the polls are open. <i>S.D. Codified Laws § 12-3-5.</i></p> <p>The employer may specify the hours during which employees may be absent to vote. <i>S.D. Codified Laws § 12-3-5.</i> Employers cannot penalize employees who take time off from work to vote. <i>S.D. Codified Laws § 12-3-5.</i></p>	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>South Dakota has bereavement leave requirements for public sector employers.</p> <p>A state employee may use up to 40 hours of accrued sick leave annually for a death in the employee's immediate family. <i>S.D. Admin. R. 55:09:04:05(1).</i></p>

-Tennessee-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	Tennessee has sick leave requirements for public sector employers. Sick leave for state employees is governed by <i>Tenn. Code Ann. § 8-50-802</i> .
Pregnancy Leave	<p>Tennessee Human Rights Act (THRA) requires covered employers to provide pregnancy leave for a maximum of four months to pregnant employees who have worked for the same employer for at least 12 months. <i>Tenn. Code Ann. § 4-21-408(a)</i>. It is up to the employer whether the leave is paid or unpaid. The employee's use of leave must not affect the employee's right to vacation time, sick leave, bonuses, advancements, seniority, and length of service credit, benefits, plans, or programs. <i>Tenn. Code Ann. § 4-21-408(c)(1)</i>.</p> <p>For purposes of pregnancy leave, an employer is an entity that employs 100 or more full-time employees on a permanent basis at a job site or location. <i>Tenn. Code Ann. § 4-21-408(d)(2)</i>. An employee is not eligible for pregnancy leave unless she has been employed for at least 12 consecutive months as a full-time employee of the employer. <i>Tenn. Code Ann. § 4-21-408</i>.</p> <p><u>Employee Rights upon Return:</u> At the conclusion of pregnancy leave, an employer must restore an employee to her position or a similar position with the same status, pay, length of service credit, and seniority, provided the employee has complied with the THRA's notice requirements. <i>Tenn. Code Ann. § 4-21-408(b)(1)</i>. An employer is not required to reinstate an employee if the employee's position is so unique that the employer, after engaging in reasonable efforts, is not able to fill the position temporarily pending the employee's return. <i>Tenn. Code Ann. § 4-21-408(c)(2)</i>.</p> <p>Employers are required to include the statutory provisions governing leave for pregnancy, childbirth, adoption, or nursing an infant in all employee handbooks distributed after May 27, 2005. <i>Tenn. Code Ann. § 4-21-408(e)</i>.</p> <p><u>Notice to Employers of Planned Leave:</u> An employee must provide her employer with at least three months' advance notice of the anticipated date of her leave for pregnancy, the length of the leave, and the employee's intention to return to full-time employment in order to be eligible to be restored to her former position at the conclusion of the leave. <i>Tenn. Code Ann. § 4-21-408(b)(1)</i>.</p> <p>An employee who is unable to give three months' notice because of a medical emergency does not forfeit her right to leave. <i>Tenn. Code Ann. § 4-21-408(b)(1) and (2)</i>.</p> <p><u>Recordkeeping Requirements:</u> Every person subject to the THRA provisions governing leave for pregnancy must make and keep records relevant to a determination of whether a discriminatory practice has been or is being committed. Such records and reports must conform to those required by similar federal laws and customary recordkeeping practice. <i>Tenn. Code Ann. § 4-21-308</i>.</p> <p><u>Enforcement Mechanisms (including Private Right of Action):</u> An employee who has been aggrieved by a violation of the THRA provisions governing pregnancy leave has a private right of action. <i>Tenn. Code Ann. § 4-21-311(a)</i>.</p>	

	The Tennessee Human Rights Commission has the authority to administer and enforce the provisions regarding pregnancy leave. <i>Tenn. Code Ann. § 4-21-202.</i>	
Family and Medical Leave or Flexible Leave Requirements	The Tennessee Human Rights Act (THRA) requires covered employers to provide employees who worked for the same employer for at least 12 months with family leave for a maximum of four months for childbirth, adoption, or nursing an infant. <i>Tenn. Code Ann. § 4-21-408.</i>	
Military Family Leave	No State Law	
Criminal Victim Leave	No State Law	
Domestic Violence Victim Leave	No State Law	
Voting Time Off	Tennessee law requires covered employers to provide employees with voting time off. <u>Amount of Time:</u> Any employee who is eligible to vote is entitled to be absent from work on the day of an election for a reasonable period of time, not to exceed three hours, to vote. If an employee's shift begins three or more hours after the polls open or ends three or more hours before the polls close, the employee is not entitled to take time off from work to vote. <i>Tenn. Code Ann. § 2-1-106(a).</i>	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	Tennessee has bereavement leave requirements for public sector. The state employees and officers are eligible for bereavement leave in the event of the death of the employee's: <ul style="list-style-type: none"> • Spouse • Children • Stepchildren • Parents • Siblings • Grandparents • Grandchildren • Stepparents • Foster parents –or–

		• Parents-in-law. <i>Tenn. Code Ann. § 8-50-113(a)</i> .
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-Texas-

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Sick leave for state employees is governed by <i>Tex. Gov't Code Ann. §§ 661.201–661.206</i>.</p> <p>A full-time employee accrues sick leave at the rate of eight hours for each month of state employment. A part-time employee accrues sick leave on a proportionate basis.</p> <p>State agencies are required to establish a sick leave pool program. Each agency has discretion to adopt rules and procedures related to the operation of its sick leave pool in accordance with <i>Texas Government Code, Section 661.002</i>. An employee may contribute one or more days of the employee's accrued sick leave. Hours donated will be deducted from the donor's sick leave balance. When an employee retires, he or she may designate the number of accrued sick leave hours to be used for retirement credit and the number of the retiring employee's accrued sick leave hours to be donated on retirement to the sick leave pool. Agencies need to ensure that employees who retire fully understand that, if they donate sick leave hours for the sick leave pool, then those hours cannot be used for retirement credit purposes.</p>
Pregnancy Leave	<p>Texas Commission on Human Rights Act, <i>Tex. Lab. Code Ann. § 21.001 et seq.</i>, provides that an employer must, for all job-related purposes and including requests for accommodation, treat an employee affected by pregnancy, childbirth, or a related medical condition in the same manner as another employee not so affected, but who is similar in ability or inability to work. <i>Tex. Lab. Code Ann. § 21.106(b)</i>.</p>	<p>Texas has pregnancy leave requirements for public sector employers.</p> <p>A county or municipal employer must make a reasonable effort to accommodate an employee who is determined by a physician to be partially physically restricted by a pregnancy. <i>Tex. Local Gov't Code § 180.004(b)</i>.</p> <p>For state employees who do not meet the eligibility requirements of the FMLA because they have been</p>

		<p>employed for fewer than 12 months or 1,250 hours during a 12-month period, <i>Tex. Gov't Code Ann. § 661.913</i> provides for an unpaid parental leave of absence for up to 12 weeks for the birth of a natural child of the employee or the placement of a child with the employee for adoption or foster care, provided that child is under three years old. <i>Tex. Gov't Code Ann. § 661.913(c)</i>. An employee is eligible for this leave once he or she has used all available paid vacation and sick leave.</p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>Texas has family or medical leave requirements for public sector employers. <i>Tex. Gov't Code Ann. § 661.901</i>.</p> <p>For purposes of family leave, a state employer is an agency in the judicial or executive branch of state government or a state-run institution of higher education. <i>Tex. Gov't Code Ann. § 661.901</i>.</p> <p>A state employee who has worked for the state for 12 months or 1,250 hours during a 12-month period may take leave under the federal Family and Medical Leave Act, <i>29 U.S.C. § 2601 et seq.</i></p> <p>A state employee who is a foster parent of a child under the conservatorship of the Department of Protective and Regulatory Services is entitled to a paid leave of absence to attend meetings held by the department regarding the child or meetings held by a school district regarding the admission, review, or dismissal of the child. <i>Tex. Gov't Code Ann. § 661.906</i>.</p>
<p>Military Family Leave</p>	<p>No State Law</p>	
<p>Criminal Victim Leave</p>	<p>Texas has no law that requires private employers to provide employees with crime victim leave, except those who have received a subpoena to testify as witnesses.</p>	
<p>Domestic Violence Victim Leave</p>	<p>Texas has no law that requires employers to provide leave to employees who are victims of domestic violence, except those who have received a subpoena to testify as witnesses.</p>	

Voting Time Off	Texas law requires covered employers to provide employees with paid voting time off. <i>Tex. Elec. Code Ann. § 276.004.</i> <u>Amount of Time:</u> Employees are entitled to take paid time off for voting on election days, unless the employee has at least two consecutive hours to vote outside of the employee’s normal working hours. <i>Tex. Elec. Code Ann. § 276.004.</i>	
School–Related Leave	No State Law	State employees may use up to eight hours of sick time to school-related leave to attend an “educational activity,” such as attending a parent-teacher conference, field-trip, or athletic competition. <i>Texas Government Code § 661.206.</i>
Bereavement Leave	No State Law	An employee of a state agency is entitled to emergency leave with no deduction in salary because of a death in the employee's family. <i>Tex. Gov't Code Ann. § 661.902.</i> An employee’s "family" is his or her <ul style="list-style-type: none"> • Spouse • Parent • Child • Sibling • Grandparent –or– • Grandchild

– Utah –

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	State employees may be eligible to use sick leave for preventative health and dental care, maternity/paternity and adoption care, or for an absence due to the illness, injury, or temporary disability of the employee, a spouse, children, or parents living in the employee’s home, or for a qualifying reason under the federal Family and Medical Leave Act, <i>29 U.S.C. § 2601 et seq. Utah Admin. Code r. 477-7-4.</i> The executive director of the Department of Human Resource Management is responsible for making rules to implement the provisions of <i>Utah Code Ann. § 67-19-14</i> and to set the maximum number of hours of converted sick leave an employee may

		<p>accrue. The Division of Finance maintains a system of accounting for employee sick leave and converted sick leave to implement the provisions of <i>Utah Code Ann. § 67-19-14</i>.</p>
<p>Pregnancy Leave</p>	<p>The Utah Anti-Discrimination Act (UADA) requires employers with 15 or more employees and all state and political divisions to provide reasonable accommodations to employees affected by pregnancy, childbirth, breastfeeding, or related conditions. <i>Utah Code Ann. § 34A-5-102(1)(i)</i>; <i>Utah Code Ann. § 34A-5-106(1)(g)</i>.</p> <p>Under UADA, an employee is any person employed by an employer. <i>Utah Code Ann. § 34A-5-102(1)(h)</i>. To be eligible for a reasonable accommodation, the employee must be affected by pregnancy, childbirth, breastfeeding, or related conditions. <i>Utah Code Ann. § 34A-5-106(1)(g)</i>.</p> <p>The UADA requires employers to provide, upon request, reasonable accommodations for an employee relating to pregnancy, childbirth, breastfeeding, or related conditions, unless the employer demonstrates that the accommodation would create an undue hardship on the operations of the employer. <i>Utah Code Ann. § 34A-5-106(1)(g)(i)</i>. In addition to the requirement of making reasonable accommodation, an employer may not require an employee to terminate employment if another reasonable accommodation can be made for the employee’s pregnancy, childbirth, breastfeeding, or related conditions without undue hardship. <i>Utah Code Ann. § 34A-5-106(1)(g)(ii)</i>. Similarly, an employer may not deny employment opportunities to an employee if the denial is based on the need to make a reasonable accommodation to the employee’s pregnancy, childbirth, breastfeeding, or related conditions, provided the accommodation can be made without undue hardship. <i>Utah Code Ann. § 34A-5-106(1)(g)(iii)</i>.</p> <p>Employers also are not required to permit an employee to have the employee’s child at the workplace as part of these accommodations. <i>Utah Code Ann. § 34A-5-106(7)(a)-(d)</i>.</p> <p>Employers must conspicuously post in the workplace or include in an employee handbook the employee’s rights to reasonable accommodation for pregnancy, childbirth, breastfeeding, or related conditions. <i>Utah Code Ann. § 34A-5-106(7)(d), (e)</i>.</p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>No State Law</p>	<p>Utah has adopted the federal Family and Medical Leave Act, <i>29 U.S.C. § 2601 et seq.</i>, for state personnel. The state's family and medical leave program for state employees tracks the Family and Medical Leave Act. An employee with a serious health condition may use his or her accrued annual leave, sick leave, converted sick leave, excess hours, and compensatory time prior to taking unpaid leave for the duration of his or her family and medical leave period. <i>Utah Admin. Code r. 477-7-15(7)</i>. An employee who chooses to do so must notify his or her</p>

		employer. <i>Utah Admin. Code r. 477-7-15(7)(a)</i> .
Military Family Leave	No State Law	
Criminal Victim Leave	Utah has no law that requires private employers to provide employees with crime victim leave, except those who attend depositions or hearings in response to subpoenas.	
Domestic Violence Victim Leave	Utah has no law that requires private employers to provide leave to employees who are victims of domestic violence, except those who attend depositions or hearings in response to subpoenas.	
Voting Time Off	<p>Utah law requires covered employers to provide employees with paid voting time off. <i>Utah Code Ann. § 20A-3-105</i>.</p> <p><u>Amount of Time:</u> Employees are entitled to two hours of paid leave to vote on election day. An employer may specify the hours during which an employee may be absent, but, if requested by the employee, the employer must grant the time off at the beginning or end of the work shift. The employer may not deduct from an employee’s usual salary or wages because of the absence. <i>Utah Code Ann. § 20A-3-105</i>.</p>	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>At the discretion of management, a state employee may take up to three days of paid bereavement leave in the event of a death of a member of the employee's immediate family. Bereavement leave may not be charged against the employee’s accrued sick or annual leave. <i>Utah Admin. Code r. 477-7-9</i>.</p> <p>An employee’s “immediate family” is defined as relatives of the employee or spouse including in-laws, step-relatives, or the equivalent relationship as follows:</p> <ul style="list-style-type: none"> • Spouse • Parents • Siblings • Children • All levels of grandparents • All levels of grandchildren. <i>Utah Admin. Code r. 477-7-9</i>.

- Vermont -

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Vermont law requires covered employers to provide paid or unpaid sick leave. <i>Vt. Stat. Ann. tit. 21, § 482.</i></p> <p>For purposes of Vermont’s Earned Sick Time Law (Law) an employer is any individual, organization, or governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within the State of Vermont. <i>Vt. Stat. Ann. tit. 21, § 481(1).</i></p> <p><u>New Employer Exemption:</u> The Law provides that new employers are not be subject to the Law for one year after the first employee is hired. One employer may not transfer an employee to a second employer for purposes of either employer claiming the exemption if there is, at the time of transfer, substantially common ownership, management, or control between the employers. <i>Vt. Stat. Ann. tit. 21, § 486(a), (c).</i></p> <p>Individuals who work 20 weeks or fewer in a 12-month period, at a job scheduled to last 20 weeks or fewer, are not employees for purposes of the new paid sick leave requirements. <i>Vt. Stat. Ann. tit. 21, § 481(5)(B).</i></p> <p>Also excluded from coverage is any individual who works on a per diem or intermittent basis, works only when he or she indicates he or she is available to work, is not obligated to work for the employer and has no expectation of continuing employment with that employer. <i>Vt. Stat. Ann. tit. 21, § 481(5)(H).</i></p> <p>The sick leave requirements do not apply to any individual who is under age 18 or to certain sole proprietors and partners of unincorporated businesses. Also excluded are executive officers, managers and members of corporations</p>	<p>Paid Annual leave is provided to employees in classified service. Employees will accrue annual leave on a bi-weekly basis and are eligible to use annual leave after the first six (6) months of employment.</p> <p>Paid Sick leave is provided for absence related to personal illness, family illness, injury, or medical appointments.</p>

	<p>and limited liability companies who have been excluded by the Commissioner of Labor under <i>Vt. Stat. Ann. tit. 21, § 601(14)(H)</i>. <i>Vt. Stat. Ann. tit. 21, § 481(5)(F), (G)</i>.</p> <p><u>Amount of Leave:</u> An employee accrues one hour of earned sick time for every 52 hours worked. The employer may calculate earned sick time as it accrues each pay period or on a quarterly basis, provided that an employee may use earned sick time as it accrues each quarter. <i>Vt. Stat. Ann. tit. 21, § 482(a), (e)</i>.</p> <p><u>Use of Leave:</u> An employee may use earned sick time for the following the reasons:</p> <ul style="list-style-type: none"> • The employee or a family member is ill or injured • The employee or a family member is obtaining diagnostic, preventative, routine, or therapeutic health care • The employee is arranging for social or legal services or obtaining medical care or counseling because the employee or a family member is a victim of domestic violence, sexual assault, or stalking • The employee cares for a family member whose school or business is closed for public health or safety reasons. <i>Vt. Stat. Ann. tit. 21, § 483(a)</i>. <p>A family member is a:</p> <ul style="list-style-type: none"> • Parent or parent-in-law • Grandparent • Spouse • Child or foster child • Sibling • Grandchild. <i>Vt. Stat. Ann. tit. 21, § 483(a)</i>. <p><u>Intermittent Leave and Reduced Schedules:</u> If the employee's absence is shorter than a normal workday, sick time is used in the smallest time increments that the employer's payroll system uses to account for other absences or that the employer's paid time off policy permits,</p>	
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	<p>but the employer is not required to permit sick time use in increments shorter than one hour. <i>Vt. Stat. Ann. tit. 21, § 483(b)</i>.</p> <p><u>Employee Rights upon Return:</u> Group insurance benefits continue as provided for normal work hours during an employee's use of earned sick time, but during the use of sick time the employer may require the employee to contribute to the cost of benefits at the existing rate of employee contribution. <i>Vt. Stat. Ann. tit. 21, § 482(d)(2)</i>.</p> <p><u>Existing Paid Time Off Policies and Collective Bargaining Agreements:</u> The Law includes provisions for employers who already provide paid leave to their employees and defines an employer's existing paid time off policy as any policy that provides paid time off from work for a combination of annual leave, combined time off, vacation leave, personal leave, sick leave, or any similar type of leave. <i>Vt. Stat. Ann. tit. 21, § 481(6)</i>.</p> <p>An employer complies with the Law if it offers a paid time off policy, or if:</p> <ul style="list-style-type: none"> • The employer is a party to a collective bargaining agreement that provides paid time off • The employee may use the time for acceptable uses under the Law –and– • The time accrues and may be used at a rate equal to or greater than the rate set by the Law. <i>Vt. Stat. Ann. tit. 21, § 484(a)(1)</i>. <p><u>Parental and Family Leave:</u> The Law provides that an employee who uses accrued time does not diminish his or her rights under <i>Vt. Stat. Ann. tit. 21, §§ 472, 472a. 2015 Vt. H. 187 § 4 (Vt. Stat. Ann. tit. 21, § 483(k))</i>.</p> <p><u>Notice to Employees of Leave Policy:</u> Employers are required to notify new employees of the Law's provisions at hiring and to post Vermont's Earned Sick Time Act Notice of Employee Rights in a conspicuous place at the</p>	
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	<p>employer's place of business. <i>Vt. Stat. Ann. tit. 21, § 483(j)</i>.</p> <p><u>Enforcement Mechanisms (including Private Right of Action)</u>: The Law empowers the Commissioner of Labor to enforce the Law under the procedures established in <i>Vt. Stat. Ann. tit. 21, § 342a</i>, but the appeal provision of <i>Vt. Stat. Ann. tit. 21, § 342a(f)</i> does not apply to any enforcement action brought under the Law. <i>Vt. Stat. Ann. tit. 21, § 483(n)</i>.</p> <p>An employee may bring a private right of action if he or she believes an employer has retaliated against her under the law. <i>Vt. Stat. Ann. tit. 21, § 348(b)</i>.</p>	
<p>Pregnancy Leave</p>	<p>The Vermont Fair Employment Practices Act (VFEPa) requires covered employers to provide a reasonable accommodation to an employee with a pregnancy-related condition, unless doing so would pose an undue hardship on the employer. <i>Vt. Stat. Ann. tit. 21, § 495k(a)(1)</i>. Providing leave time to an employee with a pregnancy-related condition may be a reasonable accommodation.</p> <p>Employers with 10 or more employees who work an average of 30 hours per week during a year must provide eligible employees with parental leave. <i>Vt. Stat. Ann. tit. 21, § 471(1)</i>.</p> <p><u>Amount of Leave</u>: Eligible employees can take up to 12 weeks of unpaid leave during any 12-month period for family or medical reasons under the Vermont's Parental and Family Leave Act (PFLA), <i>Vt. Stat. Ann. tit. 21, § 470 et seq.</i> Parental leave encompasses the time during an employee's pregnancy and following the birth of an employee's child. <i>Vt. Stat. Ann. tit. 21, § 472(a)(1)</i>.</p> <p><u>Enforcement Mechanisms (including Private Right of Action)</u>: The Vermont Attorney General or a state's attorney may enforce the VFEPa by restraining prohibited acts, seeking civil penalties, receiving assurances of discontinuance, and conducting civil investigations. <i>Vt. Stat. Ann. tit. 21, § 495b(a)</i>.</p> <p>An aggrieved individual has a private right of action under the VFEPa. <i>Vt. Stat. Ann. tit. 21, § 495b(b)</i>.</p>	
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>Vermont law requires certain employers to provide eligible employees with family leave, medical leave, and parental leave. <i>Vt. Stat. Ann. tit. 21, § 470 et seq.</i></p> <p>A covered employer is an individual, organization or governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within Vermont. <i>Vt. Stat. Ann. tit. 21, § 471(1)</i>.</p> <p>For the purposes of parental leave, an employer is one who employs 10 or more individuals who are employed for an average of at least 30 hours per week during a year. <i>Vt. Stat. Ann. tit. 21, § 471(1)</i>.</p>	

	<p>For the purposes of family leave, an employer is one who employs 15 or more individuals for an average of at least 30 hours per week during a year. <i>Vt. Stat. Ann. tit. 21, § 471(1)</i>.</p> <p><u>Amount of Leave:</u> Vermont established parental and family leave as a condition of employment in the Parental and Family Leave Act (PFLA), <i>Vt. Stat. Ann. tit. 21, § 470 et seq.</i></p> <p>During a 12-month period, an eligible employee is entitled to take unpaid leave for a period not to exceed 12 weeks for parental or family leave. <i>Vt. Stat. Ann. tit. 21, § 472(a)</i>.</p> <p>An employee is entitled to family leave for the serious illness of the:</p> <ul style="list-style-type: none"> • Employee –or– • Employee's child, stepchild, or ward who lives with the employee, foster child, parent, spouse, or parent of the employee's spouse. <i>Vt. Stat. Ann. tit. 21, § 471(3)</i>. <p>An employee is entitled to parental leave:</p> <ul style="list-style-type: none"> • During the employee’s pregnancy and following the birth of the employee's child –or– • Initial placement of a child 16 years of age or younger with the employee for the purpose of adoption. <i>Vt. Stat. Ann. tit. 21, § 471(4)</i>. <p>At the employee's option, he or she may use accrued sick leave or vacation leave or any other accrued paid leave, not to exceed six weeks. <i>Vt. Stat. Ann. tit. 21, § 472(b)</i>.</p> <p>An employer can adopt a leave policy more generous than the leave policy provided by law. <i>Vt. Stat. Ann. tit. 21, § 472(g)</i>.</p> <p><u>Notice to Employees of Leave Policy:</u> The employer must post and maintain in a conspicuous place in and about each of his or her places of business printed notices on forms provided by the commissioner of labor, available at http://labor.vermont.gov/publications/. <i>Vt. Stat. Ann. tit. 21, § 472(d)</i>.</p>
Military Family Leave	No State Law
Criminal Victim Leave	<p>Employers must provide unpaid leave to employees who are crime victims to attend a deposition or a court proceeding. Vermont law also requires covered employers to provide leave to employees who are crime victims, their family members, or their representatives, who testify under subpoenas. <i>2017 VT H.B. 711</i></p> <p><u>Employee Coverage:</u> All employers must provide eligible employees with leave. However, employers that provide goods or services to the public do not have to provide leave if it would require the employer to suspend all business operations at a location that is open to the general public. <i>2017 VT H.B. 711</i></p> <p><u>Employee Eligibility:</u> To be eligible for leave, the employee must have been continuously employed by the employer for at least six months and work an average of at least 20 hours a week.</p> <p>A crime victim is:</p> <ul style="list-style-type: none"> • A person who has obtained a relief from abuse order pursuant to

	<ul style="list-style-type: none"> • A person how has obtained an order against stalking or sexual assault issued under • A person who has obtained an order against abuse of a vulnerable adult issued under –or– • A person who has been identified as a victim of a crime listed under in an affidavit filed by a law enforcement official with a prosecuting attorney and includes the victim’s child, parent, spouse, stepchild, foster child, or ward who lives with the victim or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as a defendant. <i>Vt. Stat. Ann. Tit. 33, §§ 5121 to 5138.</i> <p><u>Amount of Leave:</u> To be eligible for leave, the employee must have been continuously employed by the employer for at least six months and work an average of at least 20 hours a week. <i>2017 VT H.B. 711, § 3 (Vt. Stat. Ann. tit. 21, § 472c(a)(2)).</i></p> <p>A crime victim is:</p> <ul style="list-style-type: none"> • A person who has obtained a relief from abuse order pursuant to <i>Vt. Stat. Ann. tit. 15, § 1103</i> • A person how has obtained an order against stalking or sexual assault issued under <i>Vt. Stat. Ann. tit. 12, §§ 5131 to 5138</i> • A person who has obtained an order against abuse of a vulnerable adult issued under <i>Vt. Stat. Ann. tit. 33, §§ 6901 to 6964 –or–</i> • A person who has been identified as a victim of a crime listed under <i>Vt. Stat. Ann. tit. 13, § 5301(7)</i> in an affidavit filed by a law enforcement official with a prosecuting attorney and includes the victim’s child, parent, spouse, stepchild, foster child, or ward who lives with the victim or a parent of the victim’s spouse, provided that the individual is not identified in the affidavit as a defendant. <i>2017 VT H.B. 711, §§ 2, 3 (Vt. Stat. Ann. tit. 21, §§ 472c(a)(2), 495d(15)).</i> <p>An employee is eligible for leave if the employee or a family member was the victim of a listed crime, and the employee has been subpoenaed to testify. A family member is a spouse, domestic partner, child, parent, next of kin, or legal guardian of the victim. <i>Vt. Stat. Ann. tit. 13, § 5301(2).</i></p>
Domestic Violence Victim Leave	Victims of domestic violence may be entitled to leave under one of Vermont’s crime leave laws.
Voting Time Off	No State Law
School-Related Leave	<p>Vermont law requires private employers to provide employees with school-related leave. <i>Vt. Stat. Ann. tit. 21, § 472a(a)(1).</i></p> <p>Employers with 15 or more employees that work an average of 30 hours per week during a year must provide eligible employees with school-related leave. <i>Vt. Stat. Ann. tit. 21, § 471(1); Vt. Stat. Ann. tit. 21, § 472a(a)(1).</i></p> <p>Vermont employees may take unpaid leave not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period to attend preschool or school activities, including parent-teacher conferences, directly related to the</p>

	<p>academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee. <i>Vt. Stat. Ann. tit. 21, § 472a(a)(1)</i>.</p> <p>The employee must make a reasonable attempt to schedule the school activities outside of regular work hours. <i>Vt. Stat. Ann. tit. 21, § 472a(b)</i>.</p> <p>The employee may use accrued paid leave, including vacation and personal leave. <i>Vt. Stat. Ann. tit. 21, § 472a(c)</i>.</p> <p><u>Intermittent Leave and Reduced Schedules</u>: An employer may require an employee to take school-related leave in a minimum of two-hour increments. <i>Vt. Stat. Ann. tit. 21, § 472a(a)</i>.</p> <p><u>Employee Rights upon Return</u>: Employers may not discharge or otherwise retaliate against employees that exercise their rights to school-related leave. <i>Vt. Stat. Ann. tit. 21, § 473</i>.</p>
Bereavement Leave	<p>Vermont has bereavement leave requirements for public sector employers. <i>Barre, Vt., Code § 2-42(b)</i>.</p> <p>An employee is allowed one day leave to attend the funeral of his or her</p> <ul style="list-style-type: none"> • father-in-law, • mother-in-law, • grandparent, • spouse’s grandparent, • sister-in-law, or • brother-in-law. <i>Barre, Vt., Code § 2-42(b)</i>.

- Virginia -

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Under the Paid Sick Leave act, certain home health workers are eligible for paid sick leave.</p> <p>Covered employees include home health workers who work on average at least 20 hours per week or 90 hours per month. “Home health worker” means an individual who provides personal care, respite, or companion services to an individual who receives consumer-directed services under the state plan for medical assistance services. <i>Va. Code Ann. § 40.1-33.3</i>.</p> <p>Paid sick leave can be used for:</p> <ul style="list-style-type: none"> • An employee's or family member’s mental or physical illness, injury, or health condition • An employee's or family member’s need for medical diagnosis, care, or 	<p>Virginia has sick leave requirements for public sector employers and home health workers. <i>Va. Code Ann. §§ 51.1-1104 to 51.1-1106; Va. Code Ann. § 40.1-33.3 to 40.1-33.6</i>.</p> <p>For those purposes, “employer” means the commonwealth in the case of a state employee, the local public-school board in the case of a teacher, or the political subdivision participating in the retirement system. <i>Va. Code Ann. § 51.1-124.3</i>.</p> <p>A participating public employee receives an amount of sick leave based on his or her number of months of state service as an eligible employee. Full-time employees receive between 40 and 80 hours, and part-time employees receive 20 to 40 hours. <i>Va. Code Ann. § 51.1-1104(A)–(D)</i>. Unused sick leave is</p>

<p>treatment of a mental or physical illness, injury, or health condition –or–</p> <ul style="list-style-type: none"> • An employee’s or family member’s need for preventive medical care. <i>Va. Code Ann. § 40.1-33.5(A)</i>. <p>A family member includes:</p> <ul style="list-style-type: none"> • A child, regardless of age, including a biological, adopted, foster or stepchild; a legal ward; or a child to whom the employee stands in loco parentis • A parent including a biological, adoptive, foster or stepparent; a legal guardian of an employee or the employee's spouse; or a person who stood in loco parentis when the employee or the employee's spouse was a minor child • A spouse • A grandparent, grandchild, or sibling, whether of a biological, foster, adoptive, or step relationship, of an employee or the employee's spouse • An individual for whom the employee is responsible for providing or arranging care, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment –or– • Any other individual related by blood or affinity who close association with an employee is the equivalent of a family relationship. <i>Va. Code Ann. § 40.1-33.3</i>. <p>Beginning at the start of employment, covered employees accrue a minimum of one hour of paid sick leave for every 30 hours worked, up to 40 hours, unless the employer selects a higher limit. <i>Va. Code Ann. § 40.1-33.4(A)</i>. Employees who are exempt from the federal overtime requirements will be assumed to work 40 hours in each workweek for purposes of accrual, unless their normal workweek is less than 40 hours, in which case paid sick leave accrues on the basis of the normal workweek. <i>Va. Code Ann. § 40.1-33.4(B)</i>.</p> <p>Unused paid sick leave must be carried over to the year following the year in</p>	<p>not carried forward beyond the calendar year granted. <i>Va. Code Ann. § 51.1-1104 at (G)</i>.</p>
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	which it was accrued. <i>Va. Code Ann. § 40.1-33.4 (A)</i> .	
Pregnancy Leave	While Virginia does not have an express pregnancy leave law, the Virginia Human Rights Act (VHRA) requires employers with five or more employees to reasonably accommodate the known limitations of an employee related to pregnancy, childbirth, or related medical conditions, and expressly lists “leave to recover from childbirth” as an example of such accommodation. <i>Va. Code Ann. §§ 2.2-3909(A), (B)(1)</i> . Additionally, the VHRA requires employers to treat female employees affected by pregnancy, childbirth, or a related medical condition the same as employees who are not pregnant but who have similar abilities or disabilities. <i>Va. Code Ann. § 2.2-3901</i> .	
Family and Medical Leave or Flexible Leave Requirements	No State Law	<p>Virginia has family and medical leave requirements for public sector employers. <i>Va. Code Ann. §§ 51.1-1107–51.1-1108</i>.</p> <p>For those purposes, “employer” means the commonwealth in the case of a state employee, the local public school board in the case of a teacher, or the political subdivision participating in the retirement system. <i>Va. Code Ann. § 51.1-124.3</i>.</p> <p>State employees may take paid family and personal leave for a short-term incident, illness, or death of a family member, or for another personal need. <i>Va. Code Ann. § 51.1-1108(A)</i>. An otherwise eligible employee may take family and personal leave for any permitted purpose at the participating employee’s sole discretion. <i>Va. Code Ann. § 51.1-1108 at (B)</i>.</p> <p>An employee of the state for less than 120 months will accrue 32 hours of family and personal leave each year. If the employee has been employed by the state for more than 120 months, he or she will earn 40 hours of family and personal leave each year. <i>Va. Code Ann. § 51.1-1107</i>.</p>
Military Family Leave	No State Law	
Criminal Victim Leave	<p>Virginia requires covered employers to provide leave to employees who are victims of crime and who attend proceedings related to the crime. <i>Va. Code Ann. §§ 19.2-11.01(B), 40.1-28.7:2(E)</i>.</p> <p><u>Employee Coverage</u>: For purposes of crime victim leave under <i>Va. Code Ann. § 40.1-28.7:2</i>, a covered employer is defined to include an individual, partnership,</p>	

	<p>association, corporation, legal representative, receiver, trustee, or trustee in bankruptcy doing business in or operating within Virginia who employs another to work for wages, salaries, or on commission. <i>Va. Code Ann. § 40.1-2.</i></p> <p><u>Employee Eligibility:</u> An employee is eligible for leave as a crime victim if he or she is:</p> <ul style="list-style-type: none"> • A person who has suffered physical, psychological, or economic harm as a direct result of the commission of a felony, assault and battery, stalking, sexual or attempted sexual battery, or maiming or driving while intoxicated • The spouse or child of the victim of a crime • The parent or legal guardian of a minor child who is the victim of a crime • The spouse, parent, sibling, or legal guardian of a homicide victim or a person who is legally or mentally incapacitated and who is the victim of a crime. <i>Va. Code Ann. § 40.1-28.7:2(A)(7); Va. Code Ann. § 19.2-11.01(B).</i> <p><u>Amount of Leave:</u> An employer must allow an employee who is a crime victim time off from work to attend all criminal proceedings related to the crime. <i>Va. Code Ann. § 40.1-28.7:2.</i> The employer is not required to compensate the employee for the absence. <i>Va. Code Ann. § 40.1-28.7:2(D).</i></p> <p>An employer may limit the amount of crime victim leave taken by the employee if the employee's use of such leave creates an undue hardship on the employer's business. <i>Va. Code Ann. § 40.1-28.7:2(B).</i></p>
Domestic Violence Victim Leave	Virginia has no law that requires private employers to provide leave to employees who are victims of domestic violence, unless they attend proceedings related to the crime.
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	No State Law

- Washington -

	<u>Private</u>	<u>Public</u>
Sick Leave	<p>Washington law requires covered employers to provide employees with paid sick leave. <i>Wash. Rev. Code § 49.46.020(4).</i> Washington also has a law that provides that if an employer provides sick leave, the employer must allow employees to use their allotment for family leave.</p> <p>Employees eligible to accrue and use paid sick leave under Washington's law include any individual employed by an employer, but do not include:</p> <ul style="list-style-type: none"> • Hand-harvest laborers paid on a piece-rate basis, who commute daily to the farm, and who were employed fewer than 13 weeks in the preceding year • Casual laborers employed in or about a private home 	

- Executive, administrative, professional, or outside sales employees as defined by the director of Labor and Industries (see *Wash. Admin. Code* §§ 296-128-510, 296-128-520, 296-128-530, 296-128-540)
 - Bona fide volunteers
 - Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services
 - Newspaper vendors, carriers, or delivery persons selling or distributing newspapers and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published
 - Interstate drivers, driver helpers, loaders or mechanics of motor carriers, and taxi cab drivers
 - Individuals engaged in forest protection and fire prevention
 - Individuals employed in youth camps with childcare responsibilities engaged primarily in character development, citizenship, or the promotion of health or physical fitness, or individuals employed by charitable institutions providing or sponsoring recreational opportunities or facilities for young people or U.S. military members
 - Individuals whose duties require that they reside or sleep at the place of their employment or individuals who otherwise spend a substantial portion of their work time subject to call, and not engaged in active duty
 - Residents, inmates, or patients of a state, county, or municipal correctional, detention, treatment, or rehabilitative institution
 - Publicly elected or appointed officers and state legislature employees
 - Vessel operating crews of the Washington State ferries operated by the Department of Transportation
 - Individuals employed as seamen on a foreign vessel
 - Farm interns employed at small farms that have special certificates issued for the Washington Farm Internship Pilot Project. *Wash. Rev. Code* § 49.46.010(3); *Wash. Admin. Code* § 296-128-600(5).
- Employees accrue one hour of paid sick leave for every 40 hours they work, and they may begin using accrued paid sick leave after the 90th calendar day of employment. Employers are not prevented from providing employees with more generous paid sick leave policies or allowing sick leave to be used for additional reasons. Unused paid sick leave carries over to the following year, except employees cannot carry over more than 40 hours of excess paid sick leave. Employers may provide paid sick leave before it accrues as long as it meets the law's requirements for accrual, use, and carryover. *Wash. Rev. Code* § 49.46.210(1).
- An employee may use paid sick leave:
- For an absence resulting from an employee's mental or physical illness, injury, or health condition
 - To accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition

	<ul style="list-style-type: none"> • For the employee's preventive medical care • To allow the employee to: <ul style="list-style-type: none"> ○ Care for a family member with a mental or physical illness, injury, or health condition ○ Care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition -or- ○ Care for a family member who needs preventive medical care • When the employee's workplace has been closed by order of a public official for any health-related reason, or when the school or place of care of the employee's child has been closed for this reason • For an absence that qualifies for leave under the Washington Domestic Violence Leave Act. <i>Wash. Rev. Code § 49.46.210(1)(b), (c)</i>. <p>Employers must notify employees of:</p> <ul style="list-style-type: none"> • Their entitlement to paid sick leave • The rate of accrual for paid sick leave • The purposes for which paid sick leave may be used -and- • That retaliation for the use of paid sick leave is prohibited.
<p>Pregnancy Leave</p>	<p>There is no law in Washington that requires private sector employers to provide employees with pregnancy leave. However, under the Washington Law Against Discrimination (WLAD), <i>Wash. Rev. Code § 49.60.010 et seq.</i>, an employer with eight or more employees that provides paid leave for sickness or other temporary disabilities must provide such leave for disabilities related to pregnancy and childbirth. <i>Wash. Admin. Code § 162-30-020(4)</i>.</p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>Currently, Washington law requires covered employers to provide eligible employees with up to 12 weeks of family and medical leave. <i>Wash. Rev. Code §§ 49.78.220(1), 49.78.240</i>.</p> <p>For purposes of paid family and medical leave, an employer is any individual, business entity, the state, its agencies and institutions, and local government, including municipal corporations, quasi-municipal corporations, and political subdivisions, that employs a person in Washington. Employer does not include the United States. <i>Wash. Rev. Code § 50A.04.010(6)</i>.</p> <p>Note that covered employers may opt out of either the state program for family leave or medical leave, or both, by having a voluntary plan that meets certain standards.</p> <p>An employee may take paid family or medical leave:</p> <ul style="list-style-type: none"> • Because of the employee's own serious health condition • To care for a family member with a serious health condition • For purposes of paid family and medical leave, a "family member" is a child, grandchild, grandparent, parent, parent-in-law, sibling, or spouse • To bond with a child during the first 12 months after the child's birth or after the placement of a child under the age of 18 with the employee -or-

- Because of a family member's qualifying military exigency. *Wash. Rev. Code § 50A.04.010(9), (10), and (14).*

Note: *Wash. Rev. Code §§ 49.12.350–49.12.370* requires all employers to provide adoptive parents or stepparents, at the time of birth or the initial placement of a child under six years old, the same leave that is granted to biological parents. *Wash. Rev. Code § 49.12.360*. The employer must grant the same leave for male employees as it does for female employees. *Wash. Rev. Code § 49.12.360 (2)*.

Duration: The amount of paid leave is determined based on the employee's typical workweek hours. For an hourly employee, this is the average number of hours worked per week since the beginning of the applicable qualifying period (as defined in the Employee Eligibility section). For salaried employees, the typical workweek is set at 40 hours. *Wash. Rev. Code § 50A.04.010(23)*.

The maximum duration of paid family or medical leave cannot exceed 12 times the employee's typical workweek hours during a period of 52 consecutive calendar weeks. *Wash. Rev. Code § 50A.04.020(3)(a)*. So, for example, an employee whose typical workweek is 20 hours would be entitled to 240 hours of leave benefits over a 52-week period. A salaried employee would be entitled to 480 hours.

However, medical leave may be extended an additional two times the employee's typical workweek hours if the employee experiences a serious health condition with a pregnancy or childbirth that results in incapacity. *Wash. Rev. Code § 50A.04.020(3)(b)*.

The combined total of family and medical leave an employee can take in a year is 16 weeks (640 hours for a salaried employee), which may be extended to 18 weeks (720 hours for a salaried employee) if the employee experiences a serious health condition with a pregnancy or childbirth that results in incapacity. *Wash. Rev. Code § 50A.04.020(3)(c)*.

Amount of Monetary Benefits: The weekly benefit for an employee who takes paid family or medical leave is calculated as follows:

- If the employee's average weekly wage is equal to or less than 50% of the state's average weekly wage, the employee's benefit is 90% of the employee's average weekly wage.
- If the employee's average weekly wage is more than 50% of the state's average weekly wage, the employee's benefit is the sum of 90% of the employee's average weekly wage up to 50% of the state average weekly wage and 50% of the employee's average weekly wage for the amount that is greater than 50% of the state average weekly wage. *Wash. Rev. Code § 50A.04.020(4)*.

The maximum weekly benefit for family and medical leave is \$1,000. The minimum weekly benefit is the lesser of \$100 and the employee's average weekly wage. On September 30, 2020, and each September 30th thereafter, the maximum weekly benefit will be adjusted to 90% of the state average weekly wage, with the adjusted amount taking effect on the following January 1st. *Wash. Rev. Code § 50A.04.020(5)*.

Benefits for an employee who takes leave on an intermittent basis or who works a reduced schedule will be prorated by the percentage of hours on leave compared to the number of typical workweek hours. *Wash. Rev. Code § 50A.04.020(2)*.

	<p>Note that for all leaves except for the birth or placement of a child or a family member's qualifying military exigency, benefits are payable after a waiting period of seven calendar days of leave. <i>Wash. Rev. Code Ann. § 50A.15.020(1)(a)</i>.</p> <p><u>Employer and Employee Premiums:</u> The paid family and medical leave benefit plan will be financed through payroll assessments of premiums that are capped at the maximum amount of wages subject to social security tax. <i>Wash. Rev. Code § 50A.04.115(4)</i>.</p> <p>Employers must make premium payments to the Employment Security Department quarterly on the last day of the month following the end of the calendar quarter for which premiums are being paid. <i>Wash. Admin. Code § 192-510-060</i>. Although the due date for the first quarterly premium payment was set for April 30, 2019, the timeline was revised. The premium payments for the first and second quarters are now due by July 31, 2019. See Washington State Employment Security Department, Paid Family and Medical Leave – Premiums.</p> <p>Employers with fewer than 50 employees working in Washington are exempt from paying the employer share of the premium, though if they opt to pay the premium they are eligible for certain state small business grants. <i>Wash. Rev. Code § 50A.04.115(5)</i>.</p>
<p>Military Family Leave</p>	<p>Washington law also requires employers to provide military family leave to spouses or domestic partners of members of the armed forces, the National Guard, or the reserves. <i>Wash. Rev. Code § 49.77.900</i>.</p> <p>The Military Family Leave Act (the “Act”), <i>Wash. Rev. Code §§ 49.77.010–49.77.900</i>, entitles an employee who has a spouse or a state registered domestic partner who is a member of the armed forces of the United States, National Guard, or reserves to up to 15 days of unpaid leave per deployment</p> <ul style="list-style-type: none"> • After the service member has received notice of an impending call or order to active duty -or- • When the service member is on leave from deployment. <i>Wash. Rev. Code §§ 49.77.030(1), 49.77.900</i>.
<p>Criminal Victim Leave</p>	<p>Washington has no law that requires employers to provide crime victim leave to employees, unless they are victims of domestic violence or have a family member who is a victim of domestic violence, or they are responding to a subpoena to testify as a witness.</p>
<p>Domestic Violence Victim Leave</p>	<p>Washington law requires employers to provide leave to employees who are either victims of domestic violence, sexual assault, or stalking or who have a family member who is a victim of domestic violence, sexual assault, or stalking. <i>Wash. Rev. Code § 49.76.030</i>. An employer must also make a reasonable safety accommodation if requested by an employee who is a victim of domestic violence, sexual assault, or stalking, unless the employer can demonstrate that the accommodation would impose an undue hardship on the employer. <i>2018 Wa. ALS 47, § 2(3)</i>.</p> <p>To be eligible, an "employee" is any person who is employed in the business of the employee's employer, including manual labor. <i>Wash. Admin. Code § 296-135-010(3)</i>. The employee or a family member of the employee must be a victim of domestic violence, sexual assault, or stalking. <i>Wash. Rev. Code § 49.76.030</i>.</p>

Amount of Leave: An employee is entitled to take reasonable leave from work, with or without pay, for the following:

- Seek legal or law enforcement remedies or participate in legal proceedings related to domestic violence, sexual assault, or stalking perpetrated against the employee or the employee's family member.
- Seek health care treatment for physical or mental injuries caused by domestic violence, sexual assault, or stalking or to assist a family member who is a victim to seek such treatment.
- Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program that provides assistance to victims of domestic violence, sexual assault, or stalking.
- Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking of which the employee or the employee's family member was a victim.
- Participate in safety planning, relocate, or take other actions to increase the safety of the employee or the employee's family member from future incidents of domestic violence, sexual assault, or stalking. *Wash. Rev. Code § 49.76.030.*

An employee who takes leave for victims of domestic violence, sexual assault, or stalking may elect to use sick leave or other paid time off, compensatory time, or unpaid leave time. *Wash. Rev. Code § 49.76.040(6).*

Employee Rights upon Return: The employee is entitled to be restored to his or her position or a position equivalent in benefits, pay, and other terms and conditions of employment. The employer is required to maintain any health insurance plan for an employee while the employee is on leave. *Wash. Rev. Code § 49.76.050*

Reasonable Safety Accommodation: An employer must make a reasonable safety accommodation if requested by an employee who is a victim of domestic violence, sexual assault, or stalking, unless the employer can show that the accommodation would impose an undue hardship on its business, meaning it would require significant difficulty or expense to provide. A reasonable safety accommodation may include, but is not limited to:

- A transfer or reassignment
- A modified work schedule
- A changed work phone number or email
- A changed workstation
- Installing locks
- Implementing a safety procedure -or-
- Any other adjustment to a job structure, workplace facility, or work requirement in response to actual or threatened domestic violence, sexual assault, or stalking. *2018 Wa. ALS 47, § 2(3).*

Notice to Employees of Leave Policy: Employers are required to display, in conspicuous places, posters that summarize the protections for victims of domestic violence, sexual assault, or stalking. *Wash. Rev. Code § 49.76.130.*

Enforcement Mechanisms (Including Private Right of Action): The director of the Washington Department of Labor and Industries administers and enforces the

	<p>provisions regarding victims of domestic violence, sexual assault, or stalking. <i>Wash. Rev. Code §§ 49.76.070-49.76.080.</i></p> <p>An employee aggrieved by a violation of the provisions regarding victims of domestic violence, sexual assault, or stalking may file a complaint with the director of the Washington Department of Labor and Industries. <i>Wash. Rev. Code § 49.76.070.</i></p> <p>The employee also has a private right of action. <i>Wash. Rev. Code § 49.76.100(1).</i></p>
Voting Time Off	No State Law
School-Related Leave	No State Law
Bereavement Leave	No State Law

- West Virginia -

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	No State Law
Pregnancy Leave	<p>The West Virginia Pregnant Workers Fairness Act requires covered employers to provide reasonable accommodations to employees affected by pregnancy, childbirth, or related medical conditions, which may include leave. <i>W. Va. Code Ann. § 5-11B-2.</i></p> <p>A covered employer means the state or any political subdivision, and any person employing 12 or more persons within the state for 20 or more calendar weeks in the calendar year in which the act of discrimination allegedly took place, or the preceding calendar year. A private club is not a covered employer. <i>W. Va. Code Ann. § 5-11-3(d); W. Va. Code Ann. § 5-11B-5(3).</i></p> <p>The Pregnant Workers Fairness Act (PWFA) requires an employer to provide reasonable accommodations to an employee with a known limitation related to pregnancy, childbirth, or a related medical condition unless the employer can show that providing the accommodation would impose an undue hardship on the employer. <i>W. Va. Code Ann. § 5-11B-2(1).</i></p> <p>Reasonable accommodations may include, but are not limited to:</p> <ul style="list-style-type: none"> • Job restructuring • Part-time or modified work schedules • Bathroom breaks • Breaks for increased water intake • Periodic rest • Assistance with manual labor 	

	<ul style="list-style-type: none"> • Providing time off for prenatal medical appointments • Modified work policies or procedures • Temporary transfers to less strenuous or less hazardous work • Allowing more time or more frequent eating • Allowing time for taking prescribed medications –and– • Providing access to existing facilities that are more convenient and usable by a pregnant woman. <i>W. Va. CSR § 77-10-2; W. Va. CSR § 77-10-3.</i> 	
Family and Medical Leave or Flexible Leave Requirements	No State Law	<p>Covered employees are entitled to 12 weeks of unpaid family leave for</p> <ul style="list-style-type: none"> • the birth of a child; • the adoption of a child; or • to take care of a child, spouse, parent, or dependent who has a serious medical condition. <p>A covered employee, with certain enumerated exclusions, is any individual, hired for permanent employment, who has worked for at least 12 consecutive weeks performing services for pay for any department, division, board, bureau, agency, commission, or other unit of state government, or any county board of education in West Virginia. <i>W. Va. Code Ann. § 21-5D-2(c)(1).</i></p>
Military Family Leave	No State Law	
Criminal Victim Leave	No State Law	
Domestic Violence Victim Leave	No State Law	
Voting Time Off	<p>West Virginia law requires covered employers to provide employees with voting time off. <i>W. Va. Code Ann. § 3-1-42.</i></p> <p><u>Amount of Time:</u> West Virginia law requires employers to give employees up to three hours off with pay to vote. <i>W. Va. Code Ann. § 3-1-42.</i></p> <p>Employers that provide essential services, such as hospital services, can schedule when the employees may leave to vote, but the time off must be sufficient and convenient to vote. <i>W. Va. Code Ann. § 3-1-42.</i></p>	

School-Related Leave	No State Law
Bereavement Leave	No State Law

- Wisconsin -

	<u>Private</u>	<u>Public</u>
Sick Leave	Cities, villages, towns, and counties may not enact or administer ordinances that require employers to provide employees with paid or unpaid sick leave. <i>Wis. Stat. § 103.10(1m)(c)</i> .	
Pregnancy Leave	<p>The Wisconsin Family and Medical Leave Act (WFMLA), <i>Wis. Stat. § 103.10</i>, provides employees with leave for the birth of a natural child, <i>Wis. Stat. § 103.10(3)(b)</i>, and has been interpreted to provide sick leave for pregnancy-related morning sickness as a serious health condition under <i>Wis. Stat. § 103.10(1)(g)</i>, <i>Haas v. Department of Industry, Labor & Human Relations, etc.</i>, 166 Wis. 2d 288, 479 N.W.2d 229, 1991 Wisc. App. LEXIS 1607 (<i>Wis. Ct. App.</i> 1991).</p> <p>Additionally, under the Wisconsin Fair Employment Act (WFEA), <i>Wis. Stat. § 111.31 et seq.</i>, employers that provide leave for employees with other temporary disabilities must provide leave to employees with disabilities caused or contributed to by pregnancy, childbirth, and related medical conditions. <i>Wis. Stat. § 111.36(1)(c)</i>; see also <i>General Tel. Co. v. Labor & Indus. Review Commission & Communication Workers</i>, 1981 Wisc. App. LEXIS 3625, 1 (<i>Ct. App.</i> 1981).</p> <p>For purposes of leave following a child’s birth or adoption and leave for morning sickness under the Wisconsin Family and Medical Leave Act (WFMLA), <i>Wis. Stat. § 103.10</i>, a covered employer:</p> <ul style="list-style-type: none"> • is a person engaging in any activity, enterprise or business in Wisconsin • employs at least 50 individuals on a permanent basis • includes the state and any office, department, independent agency, authority, institution, association, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts. <i>Wis. Stat. § 103.10(1)(c)</i>. <p>The WFMLA does not apply to an individual employed by his or her parent, spouse, domestic partner, or child. <i>Id.</i></p> <p>To be eligible for the protections of <i>section 103.10</i>, an employee must have been employed by the same employer for more than 52 consecutive weeks and have worked for the employer for at least 1,000 hours during the preceding 52-week period. <i>Wis. Stat. § 103.10(2)(c)</i>.</p> <p>In a 12-month period, an eligible employee may take up to six weeks of family leave following the birth or adoption of a child if the leave begins within 16 weeks of the child’s birth or placement. <i>Wis. Stat. § 103.10(3)(b)(1), (2)</i>. In a 12-month period, the combined leave available to an employee under <i>section 103.10(3)(b)</i> may not exceed eight weeks.</p>	

	<p><u>Intermittent Leave and Reduced Schedules:</u> An employee who takes family leave following a child’s birth or adoption or leave for morning sickness under the WFMLA as a partial absence from employment must schedule all partial absence so it does not unduly disrupt the employer’s operations. <i>Wis. Stat. § 103.10(3)(d)</i>. Except as provided in (3)(d), an employee must schedule leave after reasonably considering the employer’s needs. <i>Id. at (3)(c)</i>.</p> <p><u>Employee Rights upon Return:</u> Upon an eligible employee’s return from family leave following the birth or adoption of a child, the employer must return the employee to the same position, if vacant, or to an equivalent position with equivalent compensation, benefits, working shift, hours of employment and other terms and conditions. <i>Wis. Stat. § 103.10(8)(a)</i>.</p> <p>No employer may, because an employee received leave, reduce or deny an employment benefit which accrued to the employee before his or her leave began or, consistent with <i>Wis. Stat. § 103.10(9)</i>, accrued after his or her leave began. <i>Wis. Stat. § 103.10(8)(b)</i>.</p> <p>Returning employees are not entitled to a right, employment benefit or employment position the employee would have been entitled to absent the leave taken, or to the accrual of any seniority or employment benefit during leave. <i>Wis. Stat. § 103.10(9)(a)</i>.</p> <p>All employers must post, in one or more conspicuous places where notices to employees are customarily posted, a notice in a form approved by Wisconsin’s Department of Workforce Development setting forth employees’ rights under <i>Wis. Stat. § 103.10</i>. <i>Wis. Stat. § 103.10(14)(a)</i>.</p> <p>An employee who believes his or her employer has violated the prohibitions against interference with, restraining or denying the exercise of any right provided under <i>Wis. Stat. § 103.10</i> or the prohibitions against discharging or in any other manner discriminating against any individual for opposing a practice prohibited under <i>section 103.10</i> may file a complaint with the Wisconsin Department of Workforce Development (Department) alleging the violation. <i>Wis. Stat. § 103.10(12)(b)</i>.</p> <p>An employee or the Department may bring an action in circuit court against an employer to recover damages caused by a violation of <i>Wis. Stat. § 103.10(11)</i> after the completion of an administrative proceeding, including judicial review, concerning the same violation. <i>Wis. Stat. § 103.10(13)(a)</i>.</p>
<p>Family and Medical Leave or Flexible Leave Requirements</p>	<p>The Wisconsin Family and Medical Leave Act (WFMLA), <i>Wis. Stat. § 103.10</i>, requires certain employers to provide employees with up to six weeks of family leave. <i>Wis. Stat. § 103.10</i>.</p> <p>The Wisconsin Family and Medical Leave Act (WFMLA), <i>Wis. Stat. § 103.10</i>, defines "employer" as a person engaging in business in the state who employs 50 or more individuals on a permanent basis. "Employer" also includes the state and its departments and agencies, including the legislature and the courts. <i>Wis. Stat. § 103.10(1)(c)</i>.</p> <p>To be eligible for leave under the WFMLA, an employee must have worked for the employer for more than 52 consecutive weeks and for at least 1,000 hours during the preceding 52-week period. <i>Wis. Stat. § 103.10(2)(c)</i>.</p>

	<p>The WFMLA also grants an employee up to two weeks of medical leave in a 12-month period for a serious health condition that makes the employee unable to perform his or her duties. <i>Wis. Stat. § 103.10(4)</i>.</p> <p><u>Intermittent Leave and Reduced Schedules:</u> An employee may take family leave under the WFMLA as a partial absence from employment. <i>Wis. Stat. § 103.10(3)(d)</i>. The employee must schedule all partial absence so it does not unduly disrupt the employer’s operations, except as provided in (3)(d), an employee must schedule leave after reasonably considering the employer’s needs. <i>Id. at (3)(c)</i>.</p> <p>An employer must maintain group health insurance coverage for an employee on a leave under the WFMLA. An employee must continue making his or her premium payments to continue to participate in the group health insurance plan while on a leave. <i>Wis. Stat. § 103.10(9)(b)</i>.</p> <p>Employers are required to post a notice in a form approved by the Wisconsin Department of Workplace Development that states employees' rights under the WFMLA in a conspicuous place where notices to employees are customarily placed. <i>Wis. Stat. § 103.10(14)(a)</i>.</p>
Military Family Leave	No State Law
Criminal Victim Leave	<p>Wisconsin law requires covered employers to provide leave to employees who are victims of crime and who receive subpoenas to testify in a proceeding pertaining to a crime or an action under the Children's Code, <i>Wis. Stat. ch. 38</i>, or the Juvenile Justice Code, <i>Wis. Stat. ch. 938</i>. <i>Wis. Stat. § 103.87</i>.</p> <p><u>Employee Eligibility:</u> Wisconsin law requires employers to provide crime victim leave to eligible employees, and if a person is subpoenaed to testify in a covered action or proceeding involving a crime, as defined in <i>Wis. Stat. § 950.02(1m)</i>, against the person’s employer or an incident involving the person during the course of his or her employment, the employer may not decrease or withhold the employee’s pay for any of the time lost as a result of compliance with the subpoena. <i>Wis. Stat. § 103.87</i>.</p> <p><u>Employee Rights Upon Return:</u> No employer may discharge an employee because he or she is subpoenaed to testify in a covered action or proceeding. <i>Wis. Stat. § 103.87</i>. If a person is subpoenaed to testify in a proceeding as a result of a crime against the employer or an incident involving the employee in the course of his or her employment, the employer cannot withhold or decrease the employee's pay for any time lost in complying with the subpoena. <i>Id.</i></p>
Domestic Violence Victim Leave	Wisconsin has no law that requires employers to provide leave to employees who are victims of domestic violence, unless they receive a subpoena to testify in a proceeding pertaining to a crime or an action under the Children's Code or the Juvenile Justice Code pursuant to <i>Wis. Stat. § 103.87</i> .
Voting Time Off	<p>Wisconsin law requires covered employers to provide employees with voting time off. <i>Wis. Stat. §§ 6.76, 12.07</i>.</p> <p><u>Amount of Time:</u> An employer may dictate the time of day for the employee’s voting time off leave. <i>Wis. Stat. § 6.76(1)</i>.</p>

	<p>All employers in Wisconsin must permit eligible employees to be absent from work while the polls are open for up to three successive hours on an election day, at a time of day designated by the employer. <i>Wis. Stat. § 6.76(1)</i>.</p> <p>An employer who violates <i>Wis. Stat. § 12.07</i> may be subject to:</p> <ul style="list-style-type: none"> • A fine of up to \$1,000 • Imprisonment for up to six months –or– • Both. <i>Wis. Stat. § 12.60(1)(b)</i>.
School-Related Leave	No State Law
Bereavement Leave	No State Law

- Wyoming -

	<u>Private</u>	<u>Public</u>
Sick Leave	No State Law	<p>Wyoming has sick leave requirements for public sector employers. <i>006-0010-6 Wyo. Code R. § 2</i>.</p> <p>Permanent employees, probationary employees, at-will employees, and temporary employees of the state are entitled to accrue paid sick leave. Executive employees, at-will employees at the governor's office, intermittent employees, emergency employees, student interns, and at-will contract employees do not accrue sick leave under <i>Code of Wyoming Rules 006-0010-6</i>. See <i>006-0010-6 Wyo. Code R. § 2(a)(i)</i>.</p> <p>State employees may use their accrued sick leave for one of the following reasons:</p> <ul style="list-style-type: none"> • If the employee is incapacitated by sickness or injury • Due to the employee's pregnancy, childbirth, or related medical conditions • For medical, dental, or optical examinations or treatment • Due to the death or illness of a member of the employee's or the employee's spouse's immediate family and other persons as approved by the agency head

		<ul style="list-style-type: none"> • If the employee has been exposed to a contagious disease and his or her attendance at work could jeopardize the health of others. <i>006-0010-6 Wyo. Code R. § 2(b)</i>.
Pregnancy Leave	No State Law	State employees may use their accrued sick leave for an absence due to pregnancy, childbirth, or related medical conditions. <i>006-0010-6 Wyo. Code R. § 2(b)</i> .
Family and Medical Leave or Flexible Leave Requirements	No State Law	<p>State agencies are covered employers for federal FMLA purposes without regard to the number of employees employed. <i>006-0010-6 Wyo. Code R. § 16(b)</i>.</p> <p>An eligible employee will receive a total of 12 workweeks of leave in a 12-month period for one or more of the following reasons:</p> <ul style="list-style-type: none"> • To give birth to and care for the employee’s child within one year of birth • For placement with the employee of a child for adoption or foster care and to bond with a newly placed child within one year of placement • To care for the employee's spouse, child, or parent with a serious health condition • For the employee’s serious health condition • For any qualifying exigency arising out of the military service of the employee’s spouse, child, or parent who is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. <i>006-0010-6 Wyo. Code R. § 16(a); 29 U.S.C. § 2612</i>. <p>Wyoming employers subject to the FMLA must post and keep posted, in conspicuous places where employees work, a notice explaining the provisions of the FMLA, <i>29 U.S.C. § 2601 et seq.</i>, and providing information about filing complaints of violations with the US</p>

		Department of Labor's Wage and Hour Division.
Military Family Leave	No State Law	
Criminal Victim Leave	<p>Wyoming law requires covered employers to provide leave to an employee who is the victim of a crime that has received a subpoena in a criminal case. <i>Wyo. Stat. Ann. § 1-40-209(a)</i>.</p> <p><u>Employee Eligibility:</u> An employee is eligible for crime victim leave if he or she has received a subpoena in a criminal case that requires the victim's presence during working hours. <i>Wyo. Stat. Ann. § 1-40-209(a)</i>.</p> <p><u>Employee Rights upon Return:</u> There is no civil cause of action for damages against an employer for failure to comply with crime victim leave law. <i>Wyo. Stat. Ann. § 1-40-210(a)</i>.</p>	
Domestic Violence Victim Leave	No State Law	
Voting Time Off	<p>Wyoming law requires covered employers to provide employees with voting time off. <i>Wyo. Stat. Ann. § 22-2-111(a)</i>.</p> <p><u>Amount of Time:</u> An employee is eligible for voting leave if he or she is eligible to vote and has less than three consecutive non-work hours to vote during the time the polls are open. <i>Wyo. Stat. Ann. § 22-2-111</i>.</p> <p>An employer who knowingly and willfully refuses to allow an employee paid leave to vote is guilty of a misdemeanor and subject to:</p> <ul style="list-style-type: none"> • Up to six months in county jail • A fine of up to \$1,000 –or– • Both. <i>Wyo. Stat. Ann. §§ 22-26-112(a)(v), 22-26-120</i>. 	
School-Related Leave	No State Law	
Bereavement Leave	No State Law	<p>Most state employees are entitled to the equivalent of three regularly scheduled workdays (not to exceed 24 hours) of bereavement leave upon the death of an immediate family member. An employee must use this leave for the purposes associated with the death of the family member and before the use of any other leave authorized for this purpose. <i>006-0010-6 Wyo. Code R. § 3</i>.</p>