

FEDERAL LAW

Family and Medical Leave Enhancement Act of 2009

A bill named the Family and Medical Leave Enhancement Act of 2009 (H.R. 824) has been introduced to Congress. The bill seeks to amend the FMLA to allow private and federal employees to take additional leave under the Act for parental involvement and family wellness. The proposed legislation would allow eligible employees under the FMLA to take time off from work to participate in or attend their children's or grandchildren's school or community organization activities

(e.g., parent/teacher conferences, scouting or sports events) and meet routine family medical care needs, including medical and dental appointments of the employee's son, daughter, spouse or grandchild or to attend to the care needs of elderly individuals who are related

to the eligible employee, including visits to nursing homes and group homes.

The bill would also expand the definition of "eligible employee" to apply to employer's 25 or more employees within a 75 mile radius, not 50 or more as it is under current law. In addition, an eligible employee would be permitted to take parental involvement or family wellness leave under Act for up to 4 hours of leave in any 30-day period, not to exceed 24 hours during any 12-month period. This leave is in addition to other types of permissible leave. An eligible employee may elect, or an employer may require the employee, to substitute any of their accrued paid vacation leave, personal leave, or family leave for parental involvement and family wellness leave under the Act. In addition, an employee would be required to provide their employer with at least 7 days notice or as much notice as is practicable

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STATE / CITY LAW CHANGES

Colorado

Healthy Families and Workplaces Act

A bill requiring private employers in Colorado to provide paid sick leave was introduced in the state house on January 29. The "Healthy Families and Workplaces Act" would require employers to provide paid sick leave to their employees, with various leave entitlements based on the number of employees and the number of hours worked

Parental Involvement in K-12 Education Act

The Colorado House has passed a bill (HB 1057) named "Parental Involvement in K-12 Education Act." The bill requires an employer, who employs at least 10 employees in the state of Colorado, to provide their employees unpaid

parental leave for the purpose of attending parent-teacher conferences or other academic activities (i.e., special education services, dropout prevention, attendance, truancy, disciplinary issues)

The bill limits the unpaid leave to 6 hours per month and 40 hours in any academic year. It also allows an employer to require the employee to take leave in no greater than 3 hour increments and to provide written verification from the school or school district.

An employee needs to provide the employer with at least 3 days' notice of the leave except in emergency situations where the employee is not aware of the need for leave 3 days in advance.

The bill is now in the Colorado Senate.

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before the date the leave is to be taken. An employer may require certification.

The bill has been referred to House Committees on Education and Labor, Oversight and Government Reform and Administration.

The Airline Flight Crew Technical Corrections Act

The US House of Representatives voted to adopt the Airline Flight Crew Technical Corrections Act. This bill amends the Family and Medical Leave Act of 1993 with respect to hours-of-service requirements airline flight crews must meet to qualify for leave under the FMLA law.

According to this bill a flight attendant or flight crewmember will be considered to meet the requirements if s/he has been paid for or has worked 60% of the employer's monthly hour or trip guarantee, or the equivalent annualized over the preceding 12-month period.

As it stands now, it is difficult for airline workers to meet the minimum number of hours an employee is required to work under FMLA in order to be eligible to take leave

because of the unique method in which their hours are calculated. The Airline Flight Crew Technical Corrections Act, H.R. 2744, would close that loophole which has excluded a number of air crew workers from FMLA protections.

The bill now goes on to be voted on in the Senate. A similar measure was introduced last year but it died because the Senate did not consider it.

The Family Fairness Act

Family Fairness Act of 2009 (H.R. 389) – Amends the Family and Medical Leave Act of 1993 to make an employee eligible for coverage if that employee has been employed for at least 12 months by a covered employer with respect to whom such leave is requested. The proposed bill eliminates the “hours of service” requirement, but not the 12 months of employment, so that both part- and full-time workers would qualify for FMLA leave. Under current law the employee must have served at least 1,250 hours during the 12-month period before the leave request qualify for 12 weeks of unpaid leave (26 weeks if related to military service).

Wisconsin

Milwaukee Paid Sick Leave Ordinance – on hold.

A Milwaukee County circuit judge has issued a temporary injunction on February 6, 2009. The injunction halted enforcement of the Milwaukee's paid sick-day ordinance 4 days before the measure was scheduled to go into effect

The hearing on a permanent injunction is set for May 11. Meanwhile, the ordinance will remain on hold.

As noted in the previous FMLA update, the ordinance would require all employers within Milwaukee city limits to provide a full-time employee a minimum of an hour of paid sick time for every 30 hours worked, or nine days a year, and businesses with 10 or fewer employees to provide 5 days a year of paid sick time to full-time employees.

The paid leave would be taken for illness or medical care for the employee or the employee's child, parent or other relative. The time would also be used to attend to medical and legal issues resulting from domestic violence, sexual assault, or stalking.

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Connecticut

A measure named ‘An Act Concerning Updates to the Family and Medical Leave Act’ (Raised S.B. 710) has been introduced to the Connecticut legislature. The purpose of the proposed amendment is to amend the Family and Medical Leave Act to allow for additional time for family members to help injured soldiers, prevent supervisors from viewing employee medical records, and prevent family and medical leave and light duty work from running concurrently.

The proposed bill makes some significant changes to the state FMLA law. The bill, if passed, would make Connecticut's FMLA more in line with the revised federal FMLA.

The bill is now referred to the Office of Legislative Research and Office of Fiscal Analysis

Reminder

Reed Group recommends that employers review their employee handbook, leave and FMLA policies in order to ensure they are in compliance with the revised and new regulations.