

Legislative Update

August 2014

Additional information will be forthcoming related to any required change in Matrix's process, practice, written or verbal employee communications as a result of these new laws.

Hawaii Provides Leave for Organ, Bone Marrow, or Stem Cell Donors

Act 161 SLH was signed into law and effective immediately on June 30, 2014. The law requires employers with 50 or more employees to provide seven (7) days of unpaid leave for bone marrow or peripheral stem cell donation, and thirty (30) days for organ donation, for each calendar year.

More specific information regarding the requirements of the law can be found at:

http://www.hecouncil.org/sites/default/files/docs/private/files/Leave_OrganStemCellBoneMarrowDonors_20140710.pdf

IMPACT TO YOUR PROGRAM WITH MATRIX: [This new leave law is programmed in our leave tracking system.](#)

San Diego, California – New Paid Leave Requirement

Beginning in 2015, employers will be required to provide five (5) days of paid sick leave per year. The change may have significant implications for employers, so employers should begin planning for the changes immediately. Sick pay will be accrued at 1 hour per 30 hours worked in city limits, with a 40 hour maximum (with annual carryover provisions). Sick leave may be taken in two (2) hour increments.

Violations may result in \$1,000 fines or other legal remedies.

More information about the changes can be found at: <http://blog.ogletreedeakins.com/city-san-diego-imposes-minimum-wage-hike-sick-pay-ordinance/>

IMPACT TO YOUR PROGRAM WITH MATRIX: [This is a pay practice not a leave of absence. This payment is not managed by Matrix. Matrix will manage any job protection under FMLA, CFRA, PDL, etc. associated with an absence and the employer will apply the appropriate sick pay to that absence.](#)

Allegheny County, Pennsylvania – Same-Sex Marriage Benefits Extended

In light of the ruling permitting same-sex marriage in Pennsylvania, Allegheny County, Pennsylvania, is now requiring all same-sex couples receiving benefits to provide proof of marriage. Previously, same-sex partners were eligible to receive benefits without proof of marriage. Allegheny County has now extended the deadline for couples to decide upon marriage until June 20, 2015.

For more information: <http://www.post-gazette.com/local/region/2014/07/02/County-extends-deadline-for-employees-getting-same-sex-benefits-to-marry/stories/201407020163> and <http://www.post-gazette.com/local/region/2014/06/24/County-adjusts-benefits-policy-to-include-same-sex-couples/stories/201406240220>

IMPACT TO YOUR PROGRAM WITH MATRIX: No Impact

EEOC Guidance on Pregnancy Discrimination

The EEOC recently issued its Enforcement Guidance on Pregnancy Discrimination and Related Issues. This is the first comprehensive update of the Commission's guidance regarding pregnant workers since 1983. According to the EEOC, "The guidance sets out the fundamental PDA requirements that an employer may not discriminate against an employee on the basis of pregnancy, childbirth, or related medical conditions; and that women affected by pregnancy, childbirth or related medical conditions must be treated the same as other persons similar in their ability or inability to work. The guidance also explains how the ADA's definition of "disability" might apply to workers with impairments related to pregnancy."

The guidelines provide greater protection for employees, and increase the obligations of employers. Pending Supreme Court litigation may significantly impact the usefulness of the guidelines.

More specific details regarding the guidelines can be found at:
<http://eoc.gov/eoc/newsroom/release/7-14-14.cfm>

IMPACT TO YOUR PROGRAM WITH MATRIX: No impact as this is more of an anti-discrimination/ accommodation law. Matrix will manage the federal, state laws and company policies contracted by the employer. Employers would be wise to review the recent guidelines to determine the potential impact upon current employment practices.

President Obama – Executive Order

President Obama has recently signed an Executive Order impacting federal workers and contractors. The Executive Order prohibits discrimination based upon sexual orientation or gender identity for companies receiving federal contracts.

For more information: <http://www.usatoday.com/story/news/politics/2014/07/21/obama-executive-order-lgbt-discrimination/12944523/>

IMPACT TO YOUR PROGRAM WITH MATRIX: No impact.

Notable EEOC Disability News:

EEOC v. Erie Strayer Company, at: <http://eeoc.gov/eeoc/newsroom/release/7-25-14.cfm>

EEOC v. Triple T Foods, at: <http://eeoc.gov/eeoc/newsroom/release/7-28-14.cfm>

EEOC v. Walgreens at: <http://eeoc.gov/eeoc/newsroom/release/7-2-14b.cfm>

Reminder! Maryland Parental Leave Law to Take Effect October 1st

Maryland employers will have to provide up to six (6) weeks of unpaid parental leave under newly signed legislation in Maryland. The legislation will take effect on October 1, 2014.

Reminder! Minnesota Employees Have a Right to Jury Trial under Minnesota Human Rights Act

Effective August 1, 2014, Minnesota employees will have a right to a jury trial for claims brought under the Minnesota Human Rights Act.

Notable Case

Young v. United Parcel Service

During its next term, the United States Supreme Court will decide the case of *Young v. United Parcel Service*. The decision may have major implications for employers. The question before the Court is whether, and in what circumstances, an employer providing work accommodations to non-pregnant employees, must provide to pregnant employees that are similar in their ability or inability to work? In plain English, should pregnant employees be entitled to a break?

Jurisdictions differ in the treatment of the issue, so the decision may provide significant national guidance to employers. In the case at bar, the employee requested a break from her heavy lifting job. In response, the employer advised her to take unpaid leave instead. The Court's analysis may provide guidance under the Americans with Disabilities Act, as well as the Pregnancy Discrimination Act. Employers would be wise to pay attention to the pending decision.

More information can be found at: <http://www.supremecourt.gov/orders/14grantednotedlist.pdf> and <http://www.forbes.com/sites/ashleaebeling/2014/07/09/supreme-court-takes-up-ups-pregnancy-discrimination-case/>

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What You Need to Do:

Reliance Standard and Matrix are committed to keeping our clients informed and in compliance. We will provide updates on meaningful changes - and how they may affect our clients – as necessary. In the interim, for more information on how to manage productivity in the face of this and other employee leave legislation, contact your sales representative or account manager.

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