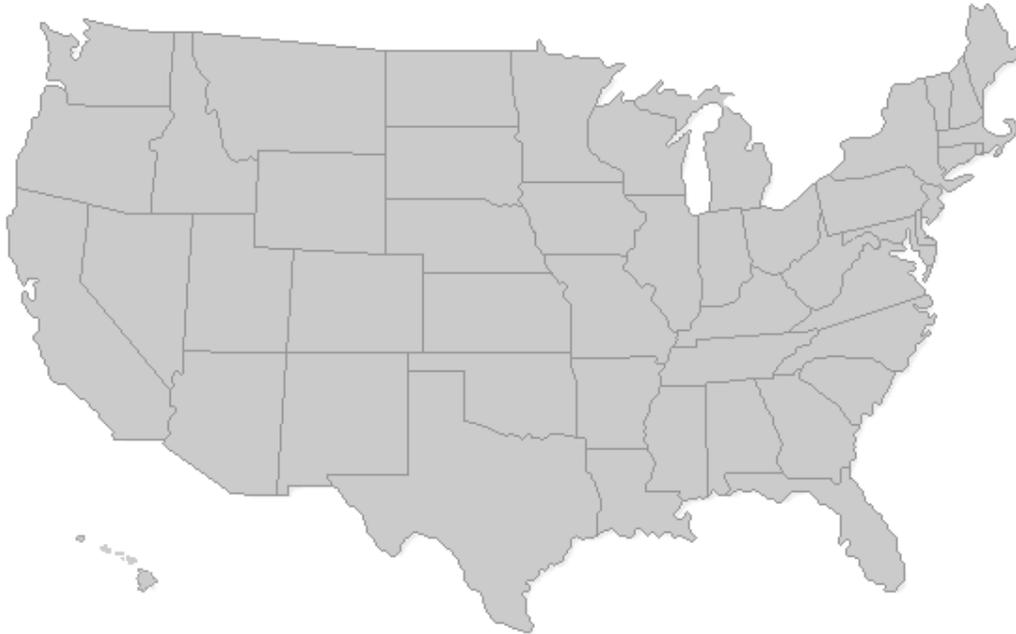


# Where Families Matter:

## State Progress Toward Valuing America's Families



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## **About the National Partnership for Women & Families**

The National Partnership for Women & Families is dedicated to promoting public policies and business practices that expand opportunities for women and improve the well-being of our nation's families.

For more than 35 years we have played a critical role in enacting landmark policy from prohibiting pregnancy discrimination to giving 60 million Americans family and medical leave. Today, we promote fairness in the workplace, access to quality and affordable health care, and policies that help women and men meet the dual demands of work and family.

Through education, outreach, and legislative action, the National Partnership has achieved unparalleled effectiveness as an advocate for more than 100 million women and families.

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## Where Families Matter: State Progress Toward Valuing America's Families

### Why Paid Leave Matters

Too often, workers in America have little or no access to income when they need to take leave from work due to a personal or family health crisis. Too often they must choose between paying the bills and taking care of their loved ones. No worker should have to make this choice. We need policies that will support the millions of women and men in today's workforce who want to be responsible workers *and* care for family members in times of need. Paid leave laws are essential to building a nation where families matter.

### Two Federal Laws Protect Working Families

Two federal laws, the Pregnancy Discrimination Act of 1978 (PDA) and the Family and Medical Leave Act of 1993 (FMLA) have helped millions of workers hold on to their jobs. Both laws have helped make our workplace more family friendly—but both fall short of providing the full scope of protections needed in today's workforce.

Before the passage of the Pregnancy Discrimination Act, women were routinely fired because they were pregnant. The PDA made it illegal for employers to fire, refuse to hire, or deny a woman a promotion because she is pregnant. Under the law, employers must extend the same benefits to pregnant women that they offer to sick or disabled employees. The PDA has helped combat discrimination against millions of pregnant women, but it does not guarantee job protection or needed time off for pregnancy or to care for a new baby.

The Family and Medical Leave Act of 1993 helps working people fulfill both their work and family responsibilities. It guarantees covered employees 12 weeks of unpaid leave each year to care for a new child or seriously ill family member, or to recover from their own serious health conditions. The FMLA has allowed more than 60 million Americans to care for their loved ones without risking losing their jobs or health insurance.

But the FMLA leaves too many working Americans behind. To be covered by the FMLA, a worker must have been with the same employer for at least one year. The FMLA does not cover part time employees, nor does it cover employees at companies with less than 50 workers. As a result of these restrictions, nearly 40 percent of the workforce is not eligible for the job-protected leave the FMLA provides.

## **Working Families, Our Communities, and Our Economy Will Benefit from Paid Leave**

Working women and men across the country need paid leave options. For low-income workers, the need is especially urgent: two in five low wage workers have *no paid leave of any kind*—no paid family leave, paid sick days, paid vacation, or paid personal days. More than three in four employees (78%) who have needed but have not taken family or medical leave say they could not afford to take it.<sup>1</sup>

Working men and women are not the only ones who benefit from paid leave. Employers have much to gain when employees can attend to health and family care needs and return ready to work, instead of returning sick at an average cost of \$255 per employee per year in productivity. Employees without paid leave are more likely to leave work for good, and employee turnover is enormously costly—up to 25% of total compensation.<sup>1</sup> And, not surprisingly, studies show that employee morale and company loyalty increase when workers have access to paid leave. Healthier and more productive workplaces mean healthier state economies and a healthier economy for the nation.

### **Where Families Matter: A Report on State Responses**

To address the needs of today's working families, state legislators and advocates across the nation are advancing paid leave initiatives. This report is a guide to these efforts. The first section of the report provides an overview of the paid leave movement nationwide, including the status of public support for these efforts, past successes in passing paid leave laws, and the highlights of current paid leave initiatives. The second section provides a comprehensive review of paid leave bills introduced and considered in state legislatures in 2006, including information on the provisions of the bills and their status. We hope that the report will be a valuable resource to all who care about working families and that it will foster greater determination to extend paid leave benefits to all Americans.

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<sup>1</sup> Walter E. Johnson and Dan M. Tratensek, *Employee Turnover, Do-It-Yourself Retailing* 180, June 2001.

## Glossary of Terms

Below is a glossary of terms used frequently in this report.

### **At-Home Infant Care (AHIC)**

At-Home Infant Care is a program that exists in some states that allows low income-eligible parents to receive subsidies to care for their own infants at home in lieu of using those subsidies to compensate professional or family child care providers.

### **Baby UI / Unemployment Insurance (UI)**

A number of states have pursued proposals to amend state Unemployment Insurance (UI) laws to allow qualified employees to collect unemployment compensation while they are caring for a newborn or newly adopted child. Such proposals use UI to help workers quickly return to the workforce – and ideally the same job – after taking parental leave. This approach received a lot of attention after the Clinton Administration issued a regulation allowing states to use UI funds to create parental leave programs. Unfortunately in 2003, the Department of Labor rescinded the “Baby UI” regulation. While UI experts hold that a Department of Labor regulation explicitly permitting states to use UI funds is not legally necessary, the repeal of the regulation and current rates of unemployment have, for the moment, chilled this approach.

### **Family Leave for School Activities**

This type of bill addresses the needs of working families to take short-term leave for school activities, such as a parent/teacher conference. Proposals include leave allotments of between four and 40 hours annually. Under these bills, employers are generally required to pay employees or allow them to use some paid time off for these purposes.

### **Family Leave Insurance / Paid Family Leave**

Family leave insurance programs are very similar to state disability insurance programs but provide employees who need to take time off to care for a new child or an ill family member with partial or complete income replacement while on leave. To date, just one state, California, has a family leave insurance program.

### **Leave Donation Banks / Leave Transfer Programs**

Leave donation programs allow employees to donate accrued paid leave days – most often, sick and annual leave – to co-workers who have exhausted their own leave. The donated leave can sometimes be used for paid family and medical leave. In transfer programs, employees with accrued paid leave donate leave days to a *particular* co-worker in need. In leave bank programs, employees donate paid leave days to a general pool from which co-workers in need can draw.

### **Paid Leave Studies / Legislative Commissions**

This type of bill establishes legislative commissions to produce studies on paid leave assign study projects to government agencies to research a particular paid leave policy model.

### **Paid Sick Days / Sick Leave**

Paid sick days initiatives address the need for some paid time off for short-term illnesses, routine medical appointments, and to care for sick family members. There are two paid sick day models: a **minimum standard** that ensures employees are guaranteed a certain number of paid sick days

and a **flexibility standard** that allows employees to use accrued sick days to care for sick family members. States have successfully enacted legislation that guarantees employees the right to use their accrued paid sick leave or other paid leave to care for sick family members. Bills that aim to establish *both* flexibility and a minimum standard are gaining traction.

### **State Disability Insurance / Temporary Disability Insurance / Paid Medical Leave**

This type of insurance program provides employees who must take leave from work because they are “temporarily disabled” for non-work-related reasons, including pregnancy and childbirth, with partial or complete income replacement while on leave. Five states (NY, NJ, RI, CA, and HI) and Puerto Rico have such programs, and Delaware has a program for state employees. Some states that provide this type of disability insurance are considering expanding the program to cover employees who need to take family leave. For example, California has expanded its state disability insurance program to include family leave.

## **Methodology**

This report includes information on the content and status of paid leave bills introduced and considered in the state legislatures. Specifically, this report tracks bills that include provisions for one or more of the following: at-home infant care, family leave for school activities, paid leave studies, paid sick days, paid leave donation banks, family leave insurance, temporary disability insurance and unemployment insurance. Bills that would provide unpaid family and/or medical leave are not included unless they feature provisions relating to the use of paid leave.

Unlike past years’ reports, which included information on every year since we began tracking legislation in 2001, this year’s report only includes information on developments that occurred in 2006. We have also included updates on the developments of the 2005-2006 legislative sessions for those states with biennial legislative sessions where legislation carries over.

This report primarily highlights bills that affect the statewide workforce, but also covers bills that affect local workers or subdivisions of state employees. We track all bills whose legislative intent is to alter paid leave, or whose explicit outcome affects paid leave, including those that affect domestic partnerships or expand marriage to the gay and lesbian community. We also include any unpaid leave bills that would allow workers to elect to substitute paid leave during the unpaid leave guaranteed in the legislation.

To collect the information in this report, researchers conducted a state-by-state key term search and contacted committee staff, legislative staff, legislators themselves, or legislative services to identify potentially relevant bills, as well as to verify accuracy of summaries. After the report was drafted, it was circulated to key advocates for verification and feedback. **The information in this report is up-to-date as of February 2007, and is accurate to the best of our knowledge.** Readers who find errors or have further updates should not hesitate to contact the National Partnership for Women & Families.

## **Paid Leave Today: An Overview**

### **Americans Support Paid Leave**

Surveys consistently find that most Americans support paid leave programs.

- 89% of parents of young children and 84% of all adults support expanding disability or unemployment insurance as a vehicle for paid family leave.<sup>2</sup>
- 82% of all employees between the ages of 18 and 34 support expanding the FMLA to provide paid leave.<sup>3</sup>
- Four out of five Americans believe employers must provide paid sick days.<sup>4</sup>
- Nearly all working women (93%) report that paid sick days are an important benefit. When given a list of 10 employment benefits, they ranked only health insurance as more important.<sup>5</sup>
- A September 2006 poll of 26,000 working women found that working women are very worried about the economy, and four in five are worried about jobs lacking benefits.<sup>6</sup>
- Even when presented with an opposing argument, seven in ten New York City residents across income lines believe there should be a law that requires employers to provide full-time workers at least seven paid sick days annually.<sup>7</sup>
- Nine out of ten Maryland voters believe that every full-time worker should have paid sick days. Similarly, 85 percent support allowing paid sick days to be used by workers to care for children and parents who are ill.<sup>8</sup>
- 71% of Washington state voters support establishing family leave insurance for Washington workers and support a new three-cent-per-hour payroll tax shared by workers to fully fund it.<sup>9</sup>
- 84 percent of likely voters in San Francisco say that employers should be required by law to provide workers paid sick days.<sup>10</sup>

### **Solutions Exist: Paid Leave Laws in the States**

Building on this broad public support, a number of states have successfully enacted paid leave laws. The following programs allow employees to take certain types of leave while receiving some pay:

- California has the country's most comprehensive paid family and medical leave insurance program. Over 13 million workers can receive partial pay (55-60% of wages) while taking up to six weeks of leave a year to care for a new child or for a seriously ill family member. California employees can receive up to 50 weeks of leave a year to recover from their own serious illness, including pregnancy- or birth-related disability.

- Five states (California, Hawaii, New Jersey, New York, and Rhode Island) and Puerto Rico have state-administered Temporary Disability Insurance (TDI) systems or require employers to offer TDI. Delaware has a Disability Insurance Program for its state employees. TDI provides partial wage replacement to employees who are temporarily disabled for medical reasons, including pregnancy- or birth-related medical reasons. State-administered TDI benefits are generally funded through an employee/employer shared payroll tax.
- Minnesota, Montana, and New Mexico have laws or pilot initiatives establishing At-Home Infant Care (AHIC) programs. AHIC-style programs provide eligible, lower income working parents with some wage replacement to provide care for their newborns or newly adopted children.
- Wisconsin employees covered by and eligible for the state's family and medical leave law may elect to substitute any type of accrued paid leave for the job-protected leave specified under the law.
- State employees in every state except for Louisiana and Virginia may use some accrued sick leave to care for certain sick family members.
- At least seven states have laws requiring private-sector employers to allow employees to use their paid sick days to care for certain sick family members (California, Connecticut, Hawaii, Maine, Minnesota, Washington, and Wisconsin).
- In San Francisco, California, all workers are guaranteed a minimum number of paid sick days each year.

### **Noteworthy Developments and Victories in 2006 State Legislative Sessions**

The paid leave movement made significant strides in state legislatures around the country in 2006:

- In 2006, paid leave bills were introduced in at least 21 states.
- In Arizona, state employees can now transfer accumulated annual leave to other employees if they or a member of their immediate family has a serious, incapacitating and extended disability caused by pregnancy or childbirth.
- Delaware passed two bills that clarified aspects of their new Disability Insurance Program for state employees, which provides paid family and medical leave benefits to workers.
- Georgia Board of Education employees are now allowed to donate paid sick days to their spouses, if the spouse is also an employee of the local board of education, for maternity leave, illness, or illness or death of a family member.

- Hawaii established a joint legislative commission on family caregiving and urged the Governor to convene a Work-Family Task Force, building on a 2005 victory that granted private sector employees to use Temporary Disability Insurance sick leave benefits in excess of the minimum statutory TDI requirements for family leave purposes.
- In Rhode Island, domestic partners are now covered in statutes governing health insurance coverage, family leave, and income tax.
- Tennessee state employees with children enrolled in schools can now take off up to one day a month from work to participate in their children's schools.
- Washington state agencies and departments now have sick leave pools for employees to donate their sick leave to a participating employee who has used all of her or his paid leave.
- In Wyoming, the state employee sick leave donation program has been expanded to allow donations across different governmental branches.

### **Policy Innovation and Action in the States**

The bills considered in state legislatures in 2006 varied widely in what they provided, and how they provided it. State-level advocates, researchers, and legislators introduced a range of proposals offering workers paid time away from work to recover from illness or care for a family member. Following are some highlights from these efforts. The bills and legislative history are described in greater detail later in the report.

#### **At-Home Infant Care (AHIC)**

- **Expand options for low-income families with infants:** Extend a program to allow parents eligible for child care subsidies to provide at-home infant care (Iowa).

#### **Family Leave for School Activities / Advocacy**

- **Time away from work for school activities:** Allow parents to use accrued paid leave to attend their children's educational activities (Colorado, Illinois, Iowa, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, West Virginia, Wisconsin).
- **Tax credits for allowing time away for school activities:** Establish tax credits for employers who allow additional paid leave per year for school conferences (South Carolina).
- **Time away from work for advocacy:** Provide leave to allow employees to participate in advocacy activities addressing the important needs of a changing family structure (Nebraska).

#### **Family Leave Insurance/ Paid Family Leave**

- **Family and medical leave savings accounts:** Establish independent family and medical leave savings accounts (New York), or set aside funds to be used when taking leave under the FMLA (Nebraska).

- **Paid leave for female law enforcement:** Give female law enforcement officers at least six weeks of paid leave for maternity leave, or to care for a newborn or newly adopted child (Arizona).
- **Tax credits for family-friendly businesses:** Provide tax credits or incentives to companies who provide family and medical leave to their employees (Massachusetts, Pennsylvania, Oklahoma).
- **Access to paid leave for adoptive parents:** Amend current law to ensure that employers treat adoptive and birth parents the same with respect to paid leave benefits (Massachusetts).
- **Options for substitution of paid leave:** Provide employees with the option to substitute accrued paid leave, including vacation, personal, or family leave, for any part of the four-week period of family leave provided under Hawaii law (Hawaii).
- **Paid sick days for teachers who are new parents:** Provide teachers with 10 days of sick leave per year for birth, adoption or placement for adoption, or for foster care of a child (Illinois).
- **Access to leave for state employees:** Remove the requirement that state employees and appointed officers must use an accrued personal or compensatory leave day for an absence due to illness or injury before using major medical leave (Mississippi).

#### **Leave Donation Banks / Leave Transfer Programs**

- **Transfer of paid leave:**
  - Allow employees to transfer accrued paid sick days, annual leave, or personal days to any state employee in need of paid leave for an illness (Washington)
  - Allow employees to transfer accumulated leave to other employees in the event of disability caused by pregnancy (Arizona) or for maternity leave (South Carolina) or if a spouse or partner is on active military duty (New Jersey)
  - Allow transfers between family members who are state employees in different agencies (Wyoming) or employees on the same board of education (Georgia)
  - Mandate that county boards of education establish personal leave banks which allow board employees to donate personal leave (West Virginia)
  - Make the contribution process more open or equitable to all state employees (Alabama, California, Connecticut, Delaware)
  - Make the donation access process easier and more equitable (Massachusetts)
  - Establish or extend the leave donation policy to school employees (New Jersey).

#### **Paid Leave Studies / Legislative Commissions**

- **Investigation of state paid leave practices:** Authorize the legislative research commission to study the feasibility of the state providing family leave for employees, and study state policies relating to the voluntary sick leave bank for employees of public schools (North Carolina).

- **Study of sick leave policies:** Establish that the Commissioner of Health will study the use of public and private sick leave policies to care for an employee's parent (Minnesota).
- **Establishment of task force:** Urge the Governor to convene a Work-Family Task Force (Hawaii).
- **Establishment of committee:** Establish a legislative committee on family caregiving to develop comprehensive public policy to strengthen support for family caregivers providing unpaid, information assistance to persons age 60 or older with physical or cognitive disabilities (Hawaii).

### **Paid Sick Days / Sick Leave**

- **Flexible use of paid sick days:** Allow employees to use some accrued and available paid sick days or other paid leave to care for family members, and/or expand the definition to allow use for birth or adoption (Connecticut, Iowa, New Jersey, New York, West Virginia).
- **Expansion of use of paid sick days:** Extend the current sick leave flexibility law to include more types of family members (Minnesota).
- **Minimum standards for paid sick days:** Guarantee that employers provide a minimum number of paid sick days for employees (Massachusetts, Vermont, Washington, as well as San Francisco, CA and Madison, WI).
- **Safeguarding access to paid sick days:** Make it unlawful for employers to discharge or discipline employees for lawful use of their accrued and available sick leave (Hawaii).
- **Time away from work for medical appointments:** Grant employees time away from work to take children or elderly relatives to routine medical or dental appointments, with the option of substituting paid leave (Rhode Island).

### **State Disability Insurance / Temporary Disability Insurance / Paid Medical Leave**

- **Extension of existing Temporary Disability Insurance:** Extend temporary disability insurance systems, where they exist, to cover some or all types of family and medical leave (New Jersey, New York).
- **New Temporary Disability Insurance funds:** Establish a new temporary disability and/or family leave insurance fund to finance family leave benefits (Arizona, Delaware, Illinois, Massachusetts, Pennsylvania, Washington).

### **Domestic Partnership Bills**

- **Extension of rights of same-sex partners:** Authorize same-sex domestic partnerships, civil unions, or marriages, and extend the right to family leave benefits or protections to same-sex partners (Colorado, Hawaii, Iowa, New York, Rhode Island, Vermont, Wisconsin).

### **Noteworthy Unpaid Leave Options**

- Finally, a few states considered noteworthy unpaid family and medical leave bills. These bills would accomplish the following:
  - Broaden the scope of the state’s unpaid, job-protected family and medical leave law, the California Family Rights Act, by expanding the definition of “family member” for purposes of care-giving leave to include independent adult child, grandparent, sibling, or domestic partner (California).
  - Expand the definition of “family member” for purposes of care-giving leave (Washington).
  - Extend family and medical leave coverage to employers with 20 or more (Massachusetts).
  - Establish a state-level Family and Medical Leave Act, protecting rights to unpaid leave (Tennessee, Washington).

## The Legislative Process in the States

Every state legislature is slightly different. Some meet every year, while others meet every other year. Like Congress, most states have two houses that debate and vote on legislation. In most state legislatures, a legislator – alternately called a “Representative,” “Assembly Member,” “Delegate,” or “Senator” – introduces some form of legislation. In this case, the legislator is generally referred to as the “author” or “sponsor” of the bill.

You can generally tell if the representative who introduced the measure is in the Senate or the House by a bill’s identification number. For example, “SB 100” was introduced by a state senator, whereas “HB 100” was introduced by a house member. These are abbreviations for “Senate Bill” and “House Bill.” Alternately, bills are sometimes labeled “HF” and “SF,” for “House File” or “Senate File.” Legislatures can also pass “Resolutions.”

In many cases, the idea for a particular bill has been brought to a legislator by an organization or concerned citizen. In many cases a legislator works closely with organizations that are concerned about the issue. In this document, these organizations are listed in the right hand column under “Contacts” for the various states.

Once a measure is “introduced,” the legislature generally holds a hearing about the bill in a policy committee. Policy committees are comprised of a group of legislators, known as committee members, who collectively review and debate bills related to specific policy areas. For example, most legislatures have an insurance committee that reviews all bills related to insurance. A committee may decide not to review a bill assigned to it. If it does decide to consider the bill, then it typically holds a hearing on it. After a committee holds a hearing on a bill, in general, it then votes on it. Committee members must vote on whether or not to “pass” a bill “out” of the committee and on to the full body of a house for consideration. If a bill is “passed out of committee,” it generally then goes to the full body of the house for consideration and a vote (often referred to as the “floor vote”). Generally, if the bill calls for action that costs money, it is referred to a finance committee of some kind as well before it is voted on by the full body. This finance committee may or may not hold a hearing on the bill and/or a vote on the bill. If they do, and if they “pass the bill out of committee,” then in general the full body of the house hears the bill and votes on it. If a vote is taken and the vote is favorable, the bill then is passed over to the second house for consideration. Generally, in the second house, a policy committee also holds a hearing on the bill, and then votes on it. Occasionally, bills can have hearings in more than one policy committee if they relate to multiple subjects.

If a bill passes through the appropriate committee hearings of both houses, and is approved on the floor by the majority of members from both houses, the Governor has the option of signing the measure. If she or he signs it, it then becomes state law.

## State-By-State Profiles of Legislative Activity

The following state-by-state description of paid leave efforts to date was compiled by the National Partnership for Women & Families' Campaign for Paid Leave Benefits.<sup>11</sup>

### Alabama

#### **CURRENT LAW**

State employees may use their accrued sick leave to recover from their own illness or to care for certain sick family members. State employees may donate their accrued sick leave to other employees to use to recover from illness.

#### **2006 Session**

Representative Hall and Senator Ross introduced companion bills, HB 577 and SB 426, to amend the existing leave donation code to allow state employees to receive leave donations from fellow employees in equal, higher, or lower pay grades, and prohibit a cap on the number of hours an employee may donate or receive. The bills would also provide that all leave donated to an employee remain in effect for 12 months after donation or until used by said employee, whichever occurs first.

On February 16, the bill was reported out of committee with a substitute, which restored an original bill provision that grants leave donations from employees in equal pay grades. The bill was then read for the second time and placed on the calendar. On March 29, Representative Hall offered an amendment on the floor, which established that all leave donated to an employee will remain in effect for 12 months after donation or until used by the employee, whichever occurs first, provided that said employee remains employed by the State of Alabama. The amendment passed with a roll call vote of 100-0.

On February 7, 2006, the Senate companion bill, SB 426, was introduced by Senator Ross, read for the first time and referred to the Senate committee on Governmental Affairs. On February 28, the bill was reported out of committee, and amended twice to match the House version, and both amendments passed with roll call votes of 28-0. On April 17<sup>th</sup>, it passed the Senate with a roll call vote of 33-0. The Governor failed to sign the bill into law before the end of the legislative session and thus effectively vetoed it.

### Arizona

#### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees may use a direct donation program and are provided temporary disability insurance through a contribution plan.

#### **2006 Session**

Three varieties of paid leave legislation were introduced in Arizona in 2006. In January Representative Konopnicki introduced HB 2231, which would require the Arizona Department of Administration's (ADOA) Personnel Board, which regulates all state employee benefit plans, to allow for employees to transfer accumulated annual leave to other employees if they or a

member of their immediate family has a serious, incapacitating and extended disability caused by pregnancy or childbirth. The bill was referred to the House Committee on Government Reform & Government Finance Accountability, as well as the House Rules Committee. The bill was reported out of committee on January 23 with three pending amendments. On March 1, the bill was discussed on the floor of the House and the amendments passed. The bill was brought to a vote, which passed overwhelmingly, 52-1.

On March 6, the bill was transferred to the Senate and referred to the Senate Government Committee and the Senate Rules Committee. The bill brought to a vote on March 13, which passed 29-0. The bill was transmitted to the Governor on March 20 and signed into law on March 24.

Senator Garcia and Representative Lopes introduced a family leave insurance bill, SB 1204 and HB 2422, on January 19, 2006. The bill would guarantee a maximum of five weeks of job-protected paid leave to employees to care for a newborn or adopted or foster child, an ill family member, or to recover from a serious health condition. Full-time employees would receive \$250 per week. Employees would have to take a minimum of 8 hours of leave at a time.

HB 2422 was referred to the House Human Services, Appropriations and Rules Committees on January 19, where no further action was taken. SB 1204 was referred to the Senate Family Services, Commerce and Economic Development, Appropriations and Rules Committees, where no further action was taken.

Senator Brotherton introduced SB 1377 on January 26, 2006, which would provide female law enforcement officers in Arizona at least six weeks of paid leave for maternity leave, to care for either a newborn or an adopted child. The bill was referred to the Government, Commerce and Economic Development, and Rules Committees in the Senate. The bill was withdrawn on February 1.

## **California**

### **CURRENT LAW**

Employees who are temporarily disabled for medical reasons (including pregnancy and childbirth) can receive partial wage replacement through a temporary disability insurance program, known in California as State Disability Insurance. California workers can receive income replacement to care for a new child or seriously ill family member for up to six weeks per year through an expansion of the State Disability Insurance program. Employees who work for an employer with more than 24 employees can take up to 40 hours per year, no more than 8 hours a month, to participate in a child's school activities. Eligible employees are required to use existing vacation, personal leave, or compensatory time for such leave. State employees who contribute to the State Disability Insurance Program are eligible for the same family and medical leave benefits as workers in the private sector. State employees may use a direct leave donation program. In California law, domestic partners have the same rights and responsibilities as spouses.

## **2005-2006 Session**

In 2005, Senator Kuehl introduced SB 300, which would broaden the scope of the state's unpaid, job-protected family and medical leave law, the California Family Rights Act, by expanding the definition of "family member" for purposes of care-giving leave to include independent adult child, grandparent, sibling, or domestic partner. Though the leave provided in this Act is unpaid, under current law covered employees can elect to substitute paid leave to cover their family and medical leave. The bill passed the Senate (21-15) and the Assembly Labor and Employment Committee in 2005, but no further action was taken in 2006.

Assembly Member Blakeslee introduced AB 747 on February 17, 2005, which removes the distinction between certain state employees who are "excluded" from receiving leave donation from other state employees. Under the bill, both "excluded" and "rank and file" employees can transfer annual, vacation, and holiday leave, though not sick leave, to each other in the event an employee has exhausted all leave due to a catastrophic illness. The bill was introduced on February 17, 2005 and referred to the Public Employees, Retirement and Social Security Committee. It received a unanimous favorable recommendation on April 20, 2005 and was referred to the Appropriations Committee, where it also received a unanimous favorable recommendation. It unanimously passed a floor vote in the General Assembly on May 5, 2005. The bill moved to the Senate and was referred to the Public Employment and Retirement Committee, where it was amended and received a unanimous recommendation in favor of passage on June 21, 2005. It passed the Senate on a third reading with a vote of 38-2. The Assembly concurred with the Senate amendments with a vote of 77-0, and the Governor approved the bill on October 5, 2005.

In November, San Francisco, California became the first city in the nation to enact a paid sick days minimum standard. Proposition F covers all employees working in the city/county of San Francisco, and all employers, public or private. Workers accrue one hour of paid sick leave for every 30 hours worked, and the accrual is capped at no more than nine paid sick days per year for full-time employees who work for employers with 11 or more employees. Full-time employees who work for employers with 10 or fewer employees can accrue up to five paid sick days per year. The efforts to pass Proposition F were supported by a broad coalition of organizations and individuals, led by the union Young Workers United. Proposition F was on San Francisco's November ballot, and a large majority of voters elected to pass the initiative.

## **Colorado**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees may use a direct donation program and are provided temporary disability insurance.

### **2006 Session**

Senator Groff introduced SB 66, which would allow an employee of an employer with 10 or more employees to take unpaid leave to attend parent-teacher conferences or other academic activities related to the educational advancement of the employee's child. The bill provided that employees may elect to substitute accrued paid vacation, personal or other paid leave for such leave. On February 9, the Senate Committee on Education passed the bill unamended to the Senate Committee of the Whole. The bill was introduced in the House on March 1st and

Assigned to Business Affairs and Labor. After the Senate considered proposed amendments by the House several times in April and May, the bill was laid over. No further action was taken.

HB 1344, a bill authorizing domestic partnerships by same-sex couples, passed the legislature but was rejected by voters. The bill would have extended the right to family leave benefits and protections to same-sex partners.

## **Connecticut**

### **CURRENT LAW**

Employees who work for employers with more than 75 employees can use up to two weeks of accrued paid sick days to care for a child, spouse, or parent suffering from a serious health condition, or to care for a new baby. State employees may use some accrued sick leave to care for certain sick family members. State employees can access a paid sick day pool if all paid leave is exhausted.

### **2006 Session**

Two paid leave bills were introduced in Connecticut's 2006 legislative session. HB 5649, introduced in the Labor and Public Relations Committee, would permit a state employee to donate her or his vacation or personal leave to any other state employee regardless of job classification or membership in a collective bargaining agreement. The bill was referred to the Joint Committees on Labor and Public Employees, Government Administration and Elections, and the Offices of Legislative Research and Fiscal Analysis and received favorable reports from all Committees. The Labor and Public Employees Committee voted in favor of the bill by 12-1 on March 14, and the Government Administration and Elections Committee voted in favor 18-1 on March 22. The last action on the bill was a referral to the House Committee on Appropriations. No further action was taken.

SB 23 was introduced by Senator Prague, Chairperson of the Labor and Public Relations Committee, amending state law to allow state employees to use up to two weeks of accrued sick leave for family and medical leave for the birth or adoption of a child, or to care for a seriously ill child, spouse or parent. The bill was heard by the Joint Committee on Labor and Public Employees and received a favorable vote of 10-3 on March 7. The bill was referred to the Offices of Legislative Research and Fiscal Analysis and the Senate Committee on Appropriations, and received favorable reports from both. On April 25, the Senate adopted the amendment and recommitted the measure to the Labor and Public Employees Committee. No further action was taken.

## **Delaware**

### **CURRENT LAW**

State employees may use some of their accrued sick leave for the birth or adoption of a child or to care for certain sick family members. State employees may use a direct donation program and a sick leave pool under certain circumstances.

## **2005-2006 Session**

On June 15, 2005, Senator Cook introduced SB 178, which would create a new short- and long-term Disability Insurance Program for state employees. The new program provides income replacement at 75 percent of an employee's wages after a 20-day waiting period, in the event that the employee is mentally or physically incapacitated from performing essential functions of his or her job, including pregnancy disability. The new program provides long-term disability benefits of up to 60 percent of wages if an employee receiving short-term disability benefits is disabled for more than six months. The bill was referred to the Senate Finance Committee where it was substituted by SS1 for SB 178. It was introduced, amended and adopted in lieu of SB 178 and passed out of the Senate on June 23. Representatives DiPinto and Wagner introduced SS1 for SB 178 in the House on June 28 and it was referred to the Appropriations Committee. It was reported out of Committee and passed by the House on June 30. The Governor signed SS1 for SB 178 on July 12.

The program went into effect on January 1, 2006. On January 17, 2006 Senator Cook introduced SB 243, to clarify several aspects of the Disability Insurance Program for state employees. Senator Cook's bill clarified that the program allows employees to use earned annual, sick, compensatory or donated leave to supplement an employee's short-term disability payment. The bill also stipulated that state employees will receive health insurance while on disability leave. SB 243 was referred to the Senate Finance Committee and substituted by SS 1 for SB 243. On January 18, it was passed by the Senate. On the House side of the legislature, SS 1 for SB 243 was introduced by Representatives DiPinto and Wagner on January 19 and referred to the House Appropriations Committee. It was reported out of Committee with a favorable recommendation and passed on the House floor on January 24. The Governor signed the bill into law on January 26.

On June 27, 2006, Senator Cook introduced S 395, which further clarified outstanding technical issues with the state's new Disability Program for state employees. S 395 was reported out of the Senate Finance Committee with a favorable recommendation and one pending amendment. On July 28, the bill passed on the floor of the Senate. Representatives DiPinto and Wagner introduced the bill in the House on June 29 and it was referred to and reported out of the House Appropriations Committee on the same day. On July 1, S 395 passed out of the House and was signed into law by the Governor.

HB 30 was introduced by Representative Williams on January 26, 2005 and was referred to the House Administration Committee. The provisions of the bill seek to effect the same change as those contained in HB335 in 2004, easing the restrictions on the donation and use of sick leave banks. The bill was immediately re-assigned to the House Education Committee. It was reported out of committee on March 23, 2005, but no further action was taken in the 2005-2006 session.

## **District of Columbia**

### **CURRENT LAW**

District of Columbia employees may take a total of 24 hours of unpaid leave and may elect to use available paid leave during any 12-month period to participate in a child's school-related events. District of Columbia government employees may use some accrued sick leave to care for

certain family members. State employees can access a paid sick day pool if all paid leave is exhausted and are provided temporary disability insurance as an optional benefit.

**2006 Session**

No action was taken this session.

## **Florida**

**CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. Certain state employees may use temporary disability insurance.

**2006 Session**

No action was taken this session.

## **Georgia**

**CURRENT LAW**

State employees may use some of their accrued sick leave to care for certain sick family members. State employees are provided temporary disability insurance at their own expense.

**2005-2006 Session**

HB 543, introduced by Representative Casas, would amend the voluntary sick leave pool for teachers and other public school personnel. The bill would allow an employee of a local board of education to donate 10 sick days to his or her spouse who is also an employee of the local board of education for maternity leave, illness, and illness or death of a family member. Previously, there was no direct donation provision. In 2005, the bill passed the House (139-9) and was sent to the Senate. On March 15, 2006, the bill unanimously passed the Senate (51-0) with an amendment and sent to the House for agreement. The House voted unanimously to pass the amendment (151-0) and the bill was signed into law by the Governor on April 28, and is effective as of July 1, 2006.

## **Hawaii**

**CURRENT LAW**

Employees who are temporarily disabled for medical reasons (including pregnancy and childbirth) receive partial wage replacement in the form of temporary disability insurance benefits. Employers of 100 or more employees who provide sick leave must allow employees to use up to 10 days of their accrued and available sick leave to care for a child, parent, spouse, or reciprocal beneficiary with a serious health condition, or to care for a new child. State employees may use some accrued sick leave to care for certain sick family members. State employees may use a direct leave donation program and are provided temporary disability insurance. State employees may use up two hours of paid leave on no more than two occasions per year per child to attend parent-teacher conferences or parent-caregiver conferences.

### **2005-2006 Session**

Representative Arakaki and Senator Chun Oakland introduced resolutions urging the Governor to convene a Work-Family Task Force. On March 15, 2006, HCR 182 and HR 136 were introduced and referred to the House Human Services and Finance Committees, and SR160 was also introduced and referred to the Senate Human Services, Labor and Ways and Means Committees. House resolution 136 and House concurrent resolution 182 were simultaneously recommended to the Human Services Committee on March 28, where no further action was taken. Senate Resolution 160 and Senate Concurrent Resolution 13 received a public hearing with favorable testimony. In the Human Services and Labor Committees the resolutions were brought to a vote and then sent to the House. The concurrent resolution passed unanimously in the House, and was sent back to the Senate on April 24. On April 25, the resolution was adopted in final form.

Representative Caldwell introduced HB 2696 on January 25, 2006 and referred to House Committees on Labor and Public Employment and Finance. The bill would make it unlawful for an employer to discharge or otherwise discipline an employee for lawful use of the employee's accrued and available sick leave, and establish procedures for filing a complaint against an employer who retaliates against an employee for lawfully utilizing sick leave. On February 14, the Labor Committee held a public hearing and then reported the bill with amendments with a recommendation for passage. On February 24, the Finance Committee held a public hearing and recommended passage of the bill. The bill was sent to the Finance Committee on March 7; no further action was taken.

Three companion bills, HB 335, SB 535, and HB 1306, were introduced in 2005 to prohibit an employer from discriminating against an employee who uses accrued and available sick leave as provided by the terms of a sick leave policy or valid collective bargaining agreement. No action was taken on these bills in 2006.

Representative Caldwell introduced HB 2954 on January 25, 2006, which would amend existing law to provide employees with the option to substitute accrued paid leave, including vacation, personal, or family leave, for any part of the four-week period of family leave provided under Hawaii law. It was read and referred to the Labor and Finance Committees, where no further action was taken.

A similar bill, SB 2210, was introduced by Senator Kanno on January 25, 2006, and would amend existing law to provide employees with the option to substitute accrued paid leave (including vacation, personal, or family leave) for any part of the four-week period of family leave provided under the law. The bill was referred to the Labor and Judiciary and Hawaiian Affairs Committees. The Labor Committee held a public hearing on February 1 and subsequently recommended the measure be passed. The bill was referred to Judiciary and Hawaiian Affairs on February 17, where no further action was taken.

Senator Chun Oakland introduced SB 3253 on January 25, 2006, which would establish a joint legislative committee on family care giving to develop comprehensive public policy to strengthen support for family caregivers providing unpaid, information assistance to persons age 60 or older with physical or cognitive disabilities. The committee would also consider providing support for financial incentives and balancing work and care giving, among other categories, and

submit a final report before the 2007 legislative session. The bill referred to the Senate Human Services and Ways and Means Committees on January 27<sup>th</sup>. Human Services held a public hearing on February 14, and then recommended that the measure be passed. On February 17<sup>th</sup>, it was referred to Ways and Means, which also passed the bill. The Senate passed the bill on March 7, and it was transmitted to the House.

SB 3253 was first read in the House on March 9<sup>th</sup>, and was referred to the Human Services and Health Committees, the Legislative Management and Finance Committees. The Human Services and Healthy Committees held hearings and recommended passage. The bill was then referred to the House Committee on Legislative Management. Legislative Management passed the bill on March 22<sup>nd</sup>, and it was sent to the Finance Committee, where it was passed on March 30<sup>th</sup>. The House passed the bill and sent it back to the Senate. A Conference Committee met, amended the bill, and passed it on April 28<sup>th</sup>. The House and Senate both passed the final version on May 2<sup>nd</sup>. It was enrolled to the Governor on May 8<sup>th</sup>, and became law on July 7.

HB 1231 and SB 545 were introduced to establish civil unions and confer all state-level spousal rights and responsibilities on parties to a civil union. No further action was taken in 2006.

Three bills were introduced in 2005, and carried over into 2006. SB 533, An Act Relating to Family Leave, and its companion HB1130, sought to close a loophole created by 2003 enactments to the family leave law by amending the definition of “sick leave.” These bills also sought to allow the use of sick leave in excess of the statutory minimum amount for temporary disability benefits for family leave benefits. The House bill was referred to the Labor Committee which failed to act. The measure has been carried over to the 2006 Regular Session.

The Senate version, SB 533, was introduced on January 24, 2005, and first referred to the Labor Committee, which held a hearing on February 4, 2005. Representatives from the following organizations testified in favor: Hawaii State AFL-CIO, the United Public Workers, AFSCME Local 646, AFL-CIO, the Hawaii State Teachers Association, and ILWU Local 142. Opposition was offered by the Society for Human Resource Management (SHRM). The committee voted in favor, 2-1 (1 excused) with Senator Slom voting against. The Ways & Means Committee held a public hearing on February 24, 2005, which also resulted in a 13-2 recommendation to pass the bill. The bill passed on its third reading in the Senate on March 8, 2005, with a vote of 18-6 (1 excused). It was sent to the House, and referred to the Labor Committee on March 10, 2005. No action was taken, and this measure has been carried over to the 2006 Regular Session.

The third bill, HB 325, introduced January 24, 2005, allows private sector employees to use Temporary Disability Insurance sick leave benefits, in excess of the minimum statutory TDI requirements, for family leave purposes. The Labor and Public Employment Committee had a hearing on February 4, 2005, at which supporting testimony was offered by the Hawaii Credit Union League, Society of Human Resource Management-Hawaii Chapter, Watson Wyatt Worldwide, Waikiki Beach Marriott Resort & Spa, The Sultan Company, Queen Kapiolani Hotel, and other concerned individuals. Further comment was offered by the Department of Labor and Industrial Relations, and the Department of Human Resources Development. The bill left the committee with a pass recommendation: 6-1 (2 excused).

The Finance Committee reviewed the measure on February 24, 2005, with representatives of the Hawaii State Teachers Association, ILWU Local 142, and Hawaii State AFL-CIO supporting the

bill. As in the Labor Committee, the Departments of Labor & Industrial Relations and Human Resources Development commented upon the bill. The bill emerged from Finance with a Pass recommendation, 15-1 (3 excused) (Representative Moses voting against). HB 325 passed a floor vote with only 3 votes against and proceeded to the Senate. After review by the Labor and Ways and Means Committees, the bill was slightly amended, then passed the Senate with a 19-6 vote. Upon return to the lower chamber, the House refused to accept the Senate amendments. The ensuing Conference Committee met on April 22, 2005, and recommended that the bill be passed with amendments. It passed its Final Reading in the Senate, 18-7, and also passed its Final Reading in the House. It was subsequently transmitted to the Governor and became law without the Governor's signature on July 12, 2005.

## **Illinois**

### **CURRENT LAW**

State employees may use some of their accrued sick leave to care for certain sick family members. State employees can access a paid sick day pool if all paid leave is exhausted and are provided temporary disability insurance. Certain state employees may be eligible for paid family and medical leave.

### **2005-2006 Session**

Senator Garret introduced SB 2784 on February 28, 2006, which would provide teachers with ten days of sick leave per year for birth, adoption or placement for adoption, or for foster care of a child. The bill was passed out of the Senate Education Committee, after it was amended to delete the foster care provision. The bill passed the Senate unanimously (50-0) and was sent to the House. Representative Sommer introduced the bill on February 27, 2006; it was then referred to the Rules Committee, where no further action was taken.

In 2005, Representative Hamos introduced HB 3470 to create a family leave insurance program and provide paid family leave for employees to recover from their own serious health condition, or to care for a new child or a family member with a serious health condition. The bill was considered by the Rules Committee but no further action was taken in 2006.

In 2005, Representative Franks introduced a bill to create the Illinois Family and Medical Leave Act, similar to the federal Family and Medical Leave Act, but expanded to cover caretaking for a son-in-law, daughter-in-law, father-in-law, or mother-in-law who has a serious health condition. No further action was taken on the bill in 2006.

In 2005, SB 6 was introduced by Senator Martinez, and would require that employers provide employees with up to 24 hours of unpaid leave during the school year for school conferences and activities, provided only after employees exhaust all accrued paid vacation leave before becoming eligible. The bill passed the Senate in 2005, but it remained in the House Rules Committee throughout 2006, and no further action was taken.

## **Indiana**

### **CURRENT LAW**

State employees may use some of their accrued sick leave to care for certain sick family members. State employees are provided temporary disability insurance.

### **2006 Session**

No action was taken this session.

## **Iowa**

### **CURRENT LAW**

State employees may use some of their accrued sick leave to care for certain sick family members. State employees may use a direct leave donation program.

### **2005-2006 Session**

Four paid leave bills were considered by the Iowa Legislature in its 2005-2006 session, all during 2006. The Iowa Department of Human Rights and the Iowa Commission on the Status of Women proposed SSB 3034, an at-home infant care bill, to give parents who have an infant and are eligible for state child care assistance the option to receive their subsidy to care for the infant at home. The bill was introduced on January 23, 2006 and sent to the Senate Human Resources Committee on the February 15, where it saw no further action.

HF 2118, introduced by Representative Lensing on January 25, 2006, would allow state employees to utilize at least one week of accrued sick leave for the birth or adoption of a child. It was referred to State Government Committee, where no further action was taken.

SSB 3110 was introduced by Senator Connolly, and Representative Hogg introduced its House companion bill, HF 2603, on March 2, 2006. The bills would provide unpaid leave for employees attending school functions, and would allow employees the option of substituting any paid vacation or paid time off to cover their leave. The co-chair of the Senate Education Committee, Senator Connolly, requested a study bill, but no further action was taken. On the House side, HF 2603 was referred to the Commerce, Regulation, and Labor committee on March 2, but saw no further action.

Representative Hunter introduced HF 2242 to permit marriage for same-sex couples and recognize foreign marriages of same-sex couples. The bill was introduced by on February 3, 2006 and referred to Human Resources, where no further action was taken.

## **Kansas**

### **CURRENT LAW**

State employees may use some of their accrued sick leave to care for certain sick family members. State employees may use a direct leave donation policy.

**2006-2007 Session**

No action has been taken thus far this session. The session continues into 2007.

**Kentucky****CURRENT LAW**

State employees may use some of their accrued sick leave to care for certain sick family members. State employees may use a direct leave donation program.

**2006 Session**

No action was taken this session.

**Louisiana****CURRENT LAW**

Louisiana has no paid leave policies for state employees.

**2006 Session**

No action was taken this session.

**Maine****CURRENT LAW**

State employees may use some of their accrued sick leave to care for certain sick family members. As of September 2005, public or private employers with 25 or more employees must allow an employee with paid leave to use the paid time off to care for a sick family member.

**2005-2006 Session**

No action was taken in 2006.

**Maryland****CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees can access a paid sick day pool if all paid leave is exhausted.

**2006 Session**

No action was taken this session.

## Massachusetts

### **CURRENT LAW**

Employees covered by the FMLA may take a total of 24 hours of unpaid leave or may elect to use available paid leave per year to participate in their child's school activities. State employees may use some accrued sick leave to care for certain sick family members. State employees can access a paid sick day pool if all paid leave is exhausted and certain employees are provided temporary disability insurance at their own expense.

### **2005-2006 Session**

Senator Tolman and Representative Paulsen introduced the Paid Sick Days Act, SB 1130 and HB 3788, respectively. The bill would set a standard for a minimum of seven paid sick days per year to all employees in the state to recover from their own illness or to care for an ill family member. Both bills were referred to the Committee on Labor and Workforce Development and a hearing was held on May 4, 2006. Both bills were referred to study.

Senate President Travaglini introduced SB 2535, to provide up to 12 weeks of paid family and medical leave program for Massachusetts's employees, increase tax deductions for working families, and establish a work-family council. In June of 2006, the bill was referred to the Committee on Children and Families, and then to Labor and Workforce Development, where a hearing was held. It did not pass from the Senate, however, and no further action was taken after a final referral to the Committee on Senate Ethics and Rules.

Representative Cabral introduced HB 3944, which would establish a six-week paid family and medical leave program for Massachusetts workers. The bill was referred to the Committee on Labor and Workforce Development. It received a hearing on October 12, 2005. On January 26, 2006, it was accompanied by a study order (H4651).

Senator Jehlen and Representative Fargo introduced SB 581 and HB 3121, respectively, to establish family temporary disability insurance for up to 12 weeks to care for a family member with a serious health condition or for the birth, adoption, or placement of a foster child. Workers would receive 66 percent of their average weekly wage, not to exceed 57.5 percent of the state average weekly wage. The bill was introduced in both chambers and referred to Financial Services in the Senate. No further action was taken.

SB 1519 was introduced by Senator McGee, to allow any public employee who has exhausted all paid leave and who is a participant in a sick leave bank, the ability to access paid sick leave from their respective bank to provide care for immediate family members who are diagnosed with a terminal illness. On April 27, 2006, the bill was accompanied by a study order.

Representative Driscoll introduced a bill to amend current law to provide that if an employer pays an employee who gives birth, the employer shall also pay an employee who adopts. On April 27<sup>th</sup>, 2006 the bill was accompanied by a study order (H4911) and reported favorably by committee and referred to the committee on Joint Rules. The bill was discharged to the committee on House Rules, where no further action was taken.

In 2005, Representative Koczera introduced HB 3771, which would require employers with 20 or more to provide unpaid family and medical leave (currently, employers with 50 or more are

covered under law). Employees could choose to substitute accrued paid leave for the unpaid leave provided. The bill was referred to the Committee on Labor and Workforce Development, accompanied by a study order (H4651) and reported favorably by committee. It was then discharged to the committee on House Rules, where no further action was taken.

In 2005, Representative Paulsen introduced HB 3827 to provide tax incentives to companies who provide birth and adoption benefits to their employees. On March 29, 2006, it was reported from the Committee on Revenue and accompanied a study order (H4814); it was discharged to the Committee on House Rules and saw no further action.

## **Minnesota**

### **CURRENT LAW**

Employees are entitled to 16 hours of unpaid leave or may elect to use available paid leave in a 12 month period to attend their child's school-related activities. Employers with 21 or more employees must allow employees to use accrued paid sick days to care for sick or injured children. Parents who meet certain income requirements may receive some income replacement to care for infants through the At-Home Infant Care (AHIC) program. State employees may use some accrued sick leave to care for certain sick family members. State employees are provided temporary disability insurance at their own expense.

### **2005-2006 Session**

The Minnesota legislature considered several bills regarding paid leave during its most recent legislative session. On March 1, 2006, Representatives Abeler and Greiling introduced HF 2927, which would amend the state's current sick leave flexibility law to include spouses, siblings, parents, grandparents or stepparents as family members who can be cared for using accrued paid sick days. Currently, the law is restricted to caring for sick children. The bill also contained other provisions, including the establishment of an internet-based caregiver support system. It was referred to the Jobs and Economic Opportunity Policy and Finance Committees. No further action was taken. Senator Kiscaden introduced the companion bill SF 2565. The bill was introduced referred to the Senate Health and Family Security Committee, where no further action was taken on the bill.

Senator Kiscaden introduced SF 2618, which would amend the current sick leave flexibility law to include spouses, siblings, parents, grandparents, stepparents or any other dependent residing in the employee's household as family members who can be cared for with accrued paid sick days. The bill was referred to the State and Local Government Operations Committee on March 1, 2006. On March 13th, it was withdrawn and re-referred to the Jobs, Energy and Community Development Committee. The Committee recommended passing it with amendments. It received a second reading in the Senate on March 20. No further action was taken.

Representative Samuelson and Senator Berglin introduced HF 3481 and SF 3059 on March 13, 2006. The bills included several provisions, including one that would amend the current paid sick days flexibility law to include spouses, siblings, parents, grandparents, stepparents or any other dependent residing in the employee's household as family members who can be cared for with accrued paid sick days. The Senate bill was referred to the Health and Family Security Committee. On April 3, the Committee passed the bill with amendments. On May 1, there was a

Special Order in the Senate, and the bill was brought to a vote, when it passed 57-9. The House received the bill from the Senate on May 2 and referred it to the House Health Policy and Finance Committee. No further action was taken.

HF1249 was introduced by Representative Hansen on February 22, 2005 and referred to the Health, Policy, & Finance Committee. The bill directed the commissioner of health to prepare a study on the use of sick leave to care for an employee's parent and submit a report to the legislature by January 1, 2007. The report is to cover federal, state, and local policies of both public and private employers. No action was taken on the bill, however, and it died at the end of the legislative session in 2006.

HF61 and SF378 are companion bills which expand the use of caregiver sick leave benefits beyond children to spouses, siblings, parents, stepparents and grandparents. This legislation also establishes an internet-based caregiver support program and a home care tax credit of up to \$200/month to offset expenses incurred by the caregiver. HF61 was introduced and referred to the Health, Policy & Finance Committee on January 10, 2005, where it had a hearing on March 30, 2005. Sponsor Representative Thissen discussed the importance of caregiver support, as the cost to the state would be enormous should family members be unable or unwilling to perform these services for each other. A representative of the Alzheimer's Association – Minnesota, North Dakota testified. The bill received a pass recommendation, but was re-referred to the Commerce and Financial Institutions Committee. On April 14, 2005, it was re-referred to the Taxes Committee. There was no further action on the bill in 2006.

SF378 was introduced by Senator Kiscaden and referred to the Health and Family Security Committee on January 19, 2005. On February 17, 2005, it had a hearing and received a pass recommendation, and was referred to the Jobs, Energy & Community Development Committee. It again received a pass recommendation and was referred to the Finance Committee on March 14, 2005. No further action was taken on the bill in 2006.

## **Mississippi**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees may use a direct leave donation program under certain circumstances.

### **2006 Session**

HB 87, introduced by Representative Fleming on January 3, 2006, would remove the requirement that state employees and appointed officers must use an accrued personal or compensatory leave day for an absence due to illness or injury before using major medical leave. The bill was referred to the Appropriations Committee and no further action was taken.

## **Missouri**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees can access a paid sick day pool if all paid leave is exhausted.

**2006 Session**

No action was taken this session.

**Montana****CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees can access a paid sick day pool if all paid leave is exhausted, may use a direct donation leave program, and temporary disability insurance is provided to certain state employees.

An At-Home Infant Care (AHIC) Program was established in law in 2003, following an agency AHIC pilot program. The program is currently unfunded; however, the law provides that funding may be available by an appropriation added to the general appropriations act or by a budget amendment. This has not yet occurred.

**2006 Session**

No action was taken this session.

**Nebraska****CURRENT LAW**

State law allows public employees with sick leave to use this leave to care for certain sick family members. State employees may use a direct donation leave program and are provided temporary disability insurance at their own expense.

**2005-2006 Session**

No action was taken during 2006 in this session.

In 2005, LB 413 was introduced by Senator Price, and is effectively the same as LB 37 from 2003. The Wage Replacement Savings Act would allow workers to set aside funds to be used when taking leave under the FMLA. This time, the bill was referred to the Revenue Committee on January 14, 2005 and had a hearing on February 23, 2005, where testimony was offered by Senator Price, Senator Redfield, Lisa Good of the Nebraska Commission on the Status of Women, Tom Vickers of the Nebraska Nurses Association, and Ken Mass of the Nebraska AFL-CIO. The Committee voted to indefinitely postpone the measure by a vote of 6-2 on March 9, 2005, effectively killing it.

Senator Price also introduced LB 661 in 2005, the Advocacy Leave Act, which would grant employees up to 24 hours leave in a 12-month period, assuming their employer had 15 or more employees, for the purpose of participating in advocacy activities addressing the important needs of a changing family structure. The "Statement of Intent" related to the bill states that the leave is to be paid, however, the transcript of the hearing in the Business and Labor Committee taking place on March 14, 2005, indicates significant confusion on this point, where witnesses state the

leave is unpaid. The conflict is not resolved, and the bill remains stalled in the committee. No further action was taken in 2006.

## **New Hampshire**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees can access a supplemental paid sick day plan if all paid leave is exhausted.

### **2005-2006 Session**

No action was taken this session.

## **New Jersey**

### **CURRENT LAW**

Employees who are temporarily disabled for medical reasons (including pregnancy and childbirth) receive partial wage replacement in the form of temporary disability insurance benefits. State employees may use some accrued sick leave to care for certain sick family members. State employees may use a direct donation leave program and are provided temporary disability insurance.

### **2006-2007 session**

The New Jersey legislature has considered around a dozen paid leave measures in its session thus far, and will likely consider others before the session concludes. Assemblywoman Oliver introduced A 1518 on January 10, 2006, to establish a Family Leave Insurance program. The paid leave could be used for up to 12 weeks to care for an ill family member or newborn or newly adopted child. The benefits to care for ill family members would be paid from the temporary disability insurance program, and benefits for newborn or adopted children would be paid from unemployment insurance. The bill was introduced and referred to the Assembly Labor Committee; no further action has been taken.

Assemblywoman Blee introduced A 748, to allow state employees to receive donated sick and vacation leave for family or household care if the employee is the spouse or domestic partner of a member of the reserve component of the Armed Forces or National Guard who is in active duty. The bill was introduced on January 10, 2006 and referred to the Assembly State Government Committee. No further action has been taken.

Senator Kean introduced S 673, to allow state employees to receive donated sick and vacation leave for family or household care if the employee is the spouse or domestic partner of a member of the reserve component of the Armed Forces or National Guard who is in active duty. The bill was introduced on January 10, 2006, and referred to the Senate State Government Committee; no further action has been taken.

Assemblymen Van Drew and Diegnan and Senator Buono introduced A 1195 and S 992 on January 10, 2006 and January 17, 2006, respectively. The bill would expand the definition of sick leave to allow use for birth or the placement for adoption of a child. The bills were referred

to the Assembly Labor Committee and Senate Education Committee respectively, but no further action has been taken thus far.

Assemblymen Conaway and Van Drew and Senator Ciesla introduced A 1607 and S 1443 on January 10, 2006. The bill would allow parents and guardians of children with special needs up to 24 hours of family leave per year to attend conferences, meetings, or other functions with school administration or teachers. The bill requires employers with 50 or more employees to provide full pay and benefits. The bill was referred to the Assembly and Senate Labor Committees respectively. The Senate bill was reported out of the Senate Labor Committee with amendments on November 13 and referred to the Senate Budget and Appropriations Committee. No further action has been taken.

Assemblywoman Oliver introduced A 2427 on February 6, 2006, a bill which would provide benefits for family temporary disability leave. The bill was referred to the Assembly Labor Committee, which has taken no further action on the measure.

Senator Rice introduced S 1382, which would require that employees be provided with eight hours of paid family leave, with benefits, per year to attend school conferences, meetings, or functions. The bill was introduced on February 9, 2006 and referred to the Senate Labor Committee. No further action has been taken.

Senators Sweeney and Buono introduced S 2249 on October 16, 2006, a bill which would extend the state's Temporary Disability Insurance program to provide family leave benefits for workers to care for sick family members, and newborn or newly adopted children. As of December 2006, the bill was still in the Senate Labor Committee.

Senator Smith and Assemblyman Kean introduced S 548 and A 2532, respectively, to establish a sick leave bank program for school employees. The bill was introduced in the Senate on January 10, 2006 and referred to the Senate Education Committee, which passed it with amendments. The Senate passed the bill on February 27, 2006, when it was referred to the Assembly. The measure was referred to the Assembly Education Committee, where no further action has been taken.

Assemblyman Carroll introduced a similar bill to establish sick leave banks for school employees on March 6, 2006; it was referred to the Assembly Education Committee, where no further action has been taken.

Assemblywoman Oliver introduced A 2437, which would provide for school and medical family leave. The bill would apply to employers with 75 or more employees, and would give employees 48 hours in a given year to attend or participate in school functions or activities of their children, or to accompany their children to routine medical or dental appointments. A 2437 was referred to the Assembly Labor Committee, and no further action has been taken.

## **New Mexico**

### **CURRENT LAW**

State employees may use an unlimited amount of accrued sick leave to care for certain sick family members. State employees may use a direct leave donation program and are provided temporary disability insurance. Eligible lower income parents may receive partial income replacement to care for infants through a pilot At-Home Infant Care (AHIC) program in one county of New Mexico.

### **2006**

No action was taken this session.

## **New York**

### **CURRENT LAW**

Employees who are temporarily disabled for medical reasons (including pregnancy and childbirth) receive partial wage replacement in the form of temporary disability insurance benefits. State employees may use some accrued sick leave to care for certain sick family members. State employees may also use a direct leave donation program and are provided temporary disability insurance (usually relying on their paid sick day policy).

### **2005-2006 Session**

Senator Flanagan and Assemblyman Kolb introduced the Family and Medical Leave Independent Savings Account Act, A10142/ S2836, which would amend the New York Labor and State Tax Laws to establish an independent family and medical leave savings account. The bill would apply to all employers and permit employees to defer part of their compensation tax-free to a savings account to assist them during periods of approved family and medical leave. The tax-deferred individual savings account would be 100% employee-funded, though employers could match contributions. On March 2, 2006, A 10142 was referred to the Labor Committee and no further action was taken. On January 4, S 2836 was also referred to the Labor Committee in the Senate. No further action was taken.

Companion bills A1301-A and S1501-B, introduced by Assemblywoman Nolan and Senator Morahan, would establish the Families in the Workplace Act. This bill would amend the New York Worker's Compensation Law for Temporary Disability Insurance (TDI) and extend coverage for employees taking family leave as defined in the FMLA, including employees who have been granted FMLA leave from employers with 50 or fewer employees. Employees working for an employer with 10 or more employees would be able to use TDI and sick days to care for an immediate family or household member in medical situations not covered by the federal FMLA, such as routine illness, and for bereavement purposes for seven days per year. These workers would also be permitted to use TDI and paid sick days to attend meetings with their children's teachers and administrators for up to three days per child per year, capped at 10 days per year.

Though the Assembly passed A1301-A in 2005, S1501-B died in the Senate on January 4, 2006, and was then returned to the Assembly and committed to the Rules Committee. The bill was read in Rules as well as the Labor Committee, but no further action was taken.

A2673, introduced by Assemblywoman Glick, would amend the labor law to allow employees in companies of 50 or more employees to use sick leave to care for immediate family, household members, and domestic partners for medical situations not covered by the federal Family and Medical Leave Act. In addition, employees taking federal FMLA leave would be permitted to use their sick leave for such leave. After a favorable report and Assembly vote in 2005, the bill, lacking a Senate companion bill, did not pass the Senate. The bill returned to the Assembly and was committed to the Rules Committee on January 4. The bill emerged with an encouraging report and passed the Assembly 99 – 33 on February 28. The bill was delivered to the Senate and referred to the Labor Committee where no further action was taken.

A3408, the “No Parent Left Outside Act,” was introduced by Assemblyman Miller and would require employers to grant 20 hours of leave to their employees per year for school conferences and activities. The would allow leave to be taken after the employee has exhausted all accrued leave and any leave that may be granted, with the exception of sick and disability leave. It would provide reimbursement to eligible employees for lost wages up to \$7.15 per hour by the state education department. The bill was referred to the Labor Committee on January 4, and no further action was taken.

Bills A7463 and SB5156 would validate marriages between individuals of the same sex and allow marriage licenses to be issued to same-sex couples. A7463 was introduced by Assemblyman Gottfried on April 18<sup>th</sup>, 2005, and was referred to the Judiciary Committee. It was again referred to judiciary on January 4, 2006. S5156, introduced by Senator Duane, went through the same procedure on the Senate side. No further action was taken.

A3693, introduced by Assemblywoman Glick, and its companion bill, S1887, introduced by Senator Schneiderman, would allow employees to use sick leave to care for domestic partners. The bills were introduced in 2005, and referred to the Judiciary Committees of their respective chambers, then re-referred to Judiciary in January 2006, where no further action was taken.

A8749, introduced by Assemblyman Englebright, was introduced in 2005 and sent to the Assembly Committee on Government Employees, where it saw no further action in 2005 or 2006. The bill would have provided state employees with up to 30 days of paid leave to care for elderly parents or relatives.

A3964 was introduced by Assemblyman Sanders in 2005 and saw no further action in 2006. The bill would have provided paid leave parents of students disciplined for repeated disruptive activity for the purpose of attending counseling, parenting support, or other activities directed at curtailing such activity.

A3355, introduced by Assembly Member John, would add domestic partners to the worker’s compensation law governing who is included in an employer’s disability benefits insurance contract. The bill was introduced in 2005 and referred to the Labor Committee, then re-referred in January 2006. No further action was taken.

## **North Carolina**

### **2006 Session**

North Carolina State Senator Atwater and Representative Insko introduced S 2007 and H 2746 to authorize the legislative research commission to study the feasibility of the state providing family leave for employees, as well as state policies relating to the voluntary sick leave bank for employees of public schools. The bills were filed on May 25, 2006, and referred to the Committee on Rules and Operations of the Senate and the Committee on Rules, Calendar and Operations of the House. No further action was taken in either chamber.

## **North Dakota**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees may use a direct leave donation program.

### **2006 Session**

No action was taken this session.

## **Oklahoma**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees may use a direct leave donation program and are provided temporary disability as an optional benefit.

### **2005-2006 Session**

No action was taken during 2006 in this session.

In 2005, HB 1803, introduced by Representative Cargill and Senator Coates, was introduced as a tax credit bill benefiting employers who provide paid leave under FMLA for the birth or adoption of a child. It was referred to the Revenue and Taxation Committee, which passed it on February 23, 2005. It then passed the House unanimously, with 93 votes. It was sent to the Senate and referred to the Finance Committee where it received another favorable report, but was never put before the full Senate. Nothing further happened in 2006.

## **Oregon**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees are provided disability insurance at their own expense. The Oregon Family Leave Act requires that employers with 25 or more employees grant their employees unpaid job-protected leave in the event of the birth of a new child, the illness of a child or spouse, or the employee's own serious health condition.

## **2006 Session**

No action was taken this session.

## **Pennsylvania**

### **CURRENT LAW**

State law allows public employees to use sick leave to care for certain sick family members. State employees may use a direct leave donation program.

### **2005-2006 Session**

Representative Levdansky introduced HB 1764 (known as the Family Leave Enhancement Act) on June 21, 2005. The bill would grant any employee eligible to take leave under the Family and Medical Leave Act the right to take 24 hours of unpaid leave per year to participate in their children's school activities, or accompany a child or elderly relative to routine medical or dental appointments. Employees may choose, or employers may require the employee, to use any accrued paid leave to cover any part of the 24-hour period of leave. The bill was referred to the Committee on Labor Relations on June 21, 2005. No further action was taken on this bill in 2006.

The Paid Family and Medical Leave Tax Credit Act was introduced as HB 685 by Representative Frankel and referred to the Finance Committee. It would provide tax credits to employers who provide paid leave under FMLA. It received no further attention in 2005 or 2006.

“The Family Temporary Care Act” was introduced as HB 1459 by Representative Veon, and referred to the Finance Committee on May 2, 2005. It provides 12 weeks of wage replacement benefits per year while the employee cares for a newly born or adopted child, or a sick family member. The bill was referred to the Insurance Committee on May 2, 2005. No further action has been taken.

SB 314, introduced by Representative Stack, provides short-term family leave not to exceed four hours in any 30-day period to participate in school activities, attend to the child's routine medical or dental appointments, attend a family member's routine medical, dental, or professional services appointment, or to respond to a medical emergency involving the employee's child. The bill permits the employee, at his or her own discretion, to use accrued paid leave, including vacation and personal leave, for this time off. The bill was referred to the Labor and Industry Committee on February 16, 2005. No further action has been taken.

Representative Levdansky introduced HB 1764, the Family Leave Enhancement Act, on June 21, 2005. The bill would grant any employee eligible to take leave under the Family and Medical Leave Act the right to take 24 hours of unpaid leave per year to participate in their children's school activities, or accompany a child or elderly relative to routine medical or dental appointments. Employees may choose, or employers may require the employee, to use any accrued paid leave to cover any part of the 24-hour period of leave. The bill was referred to the Committee on Labor Relations on June 21, 2005. No further action was taken.

## **Rhode Island**

### **CURRENT LAW**

Employees who are temporarily disabled for medical reasons (including pregnancy and childbirth) receive partial wage replacement in the form of temporary disability insurance benefits. Employees who work for employers with 50 or more employees may use 10 hours of unpaid leave or may elect to use available paid leave in a 12 month period to attend the employee's child's school activities. State employees may use some accrued sick leave to care for certain sick family members. State employees can access a paid sick day pool if all paid leave is exhausted and are provided temporary disability insurance.

### **2005-2006 Session**

On January 10, 2006, Senator Tassoni introduced S 2037, which would grant employees who have worked for the same employer for one year up to 14 hours per year to take time away from work to take children or elderly relatives to routine medical or dental appointments. Employees would be able to substitute any accrued paid vacation and personal leave for such leave. The bill was referred to the Senate Labor Committee, and no further action was taken.

In January 2006, Representative Handy and Senator Perry introduced HB 6925 and SB 2149 respectively. These bills would broaden the definition of persons eligible to marry to include persons of the same gender. HB 6925 was scheduled for a hearing and/or consideration in April, but no further action was taken. SB 2149 was referred to the Senate Judiciary Committee where it was held for further study. No further action was taken.

On February 8, 2006 Representative Fox, introduced HB 7804, which would have amended statutes on health insurance coverage, family leave and income tax to include domestic partners. Specifically, it added domestic partner to the definition of "family" for purposes of the state Family and Medical Leave Act. The bill passed the House on March 30, 2006 by a 66-2 vote; a substitute bill passed in the Senate on June 8, 2006 by a 29-0 vote. The substitute version of the bill struck the family leave provision. The substitute was re-approved by the House on June 20 and the bill went into effect without Governor Cercieri's signature.

## **South Carolina**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees can access a paid sick day pool if all paid leave is exhausted.

### **2005-2006 Session**

Representative Talley introduced H 4533 on January 26, 2006. The bill would authorize state employees to transfer leave to a specific employee in the same agency to be used by that employee for extended maternity leave. The bill was read for the first time and placed on the calendar without a reference to committee. It was read a third time, and then ordered to be sent to the Senate. The bill was introduced and read for the first time in the Senate on February 1, and referred to the Committee on Finance. No further action was taken.

H 4229, introduced by Representative J.H. Neal, affords the employer an income tax deduction if it allows eight hours of additional paid leave per year for school conferences. The bill was referred to the Ways and Means Committee on May 26, 2005, but saw no action in the remainder of 2005 or 2006.

Representative Brown introduced H 3419, which would require that employers grant up to 12 hours of unpaid leave per year for employees to attend school or daycare conferences or activities. Employees would be able to substitute accrued vacation or other paid leave, other than sick leave, for such leave. The bill was pre-filed on December 8, 2004 and referred to the House Committee on Labor, Commerce and Industry. On January 11, 2005, it was considered in the House and referred to the Committee on Labor, Commerce and Industry. No further action was taken in 2005 or 2006.

## **Tennessee**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees may use a leave bank and a direct donation leave program under certain circumstances.

### **2005-2006 Session**

On June 14, 2006, Representative Brooks and Senator Burchett introduced companion bills HB 3123 and SB 3246. The legislation would have permitted state employees with children enrolled in schools to take off up to one day a month from work to voluntarily participate at their children's schools. The bill does not require employees to take time off nor does it require that any time taken off should be in the form of paid leave. Employees can currently use their accrued annual or compensatory leave upon departmental approval or approval of their immediate supervisor.

HB 3123 was introduced and referred to the House State & Local Government Committee, which recommended passage of the bill. The House amended the bill to include a provision that would require a school to provide documentation verifying the employee's participation in the educational and teaching process upon request of a state employee. Companion bill SB 3246 was introduced and referred to the State and Local Government Committee, which also recommended it for passage. SB 3246 passed the Senate on March 16 with a vote of 27-0. On May 10, 2006 the House substituted SB 3246 for HB 3123, adopted the aforementioned amendment and passed the bill. The bill was transmitted to the Governor for signature on June 2nd, 2006 and took effect on July 1, 2006.

A noteworthy unpaid family leave bill was also introduced in the Tennessee legislature in its most recent session. Senator Tracy and Representative Stanley also introduced SB 1312/ HB 0984, the Tennessee Family Medical Leave Act, to establish a state leave program almost identical to the federal Family and Medical Leave Act, on February 3, 2005. Leave under this bill would run concurrently with leave under federal law. This bill would require the Department of Labor and Workforce Development to adopt a regulation specifying the elements of a reasonable leave request.

SB 1312 was assigned to the General Subcommittee of Commerce, Labor & Agriculture on February 7, 2005. It was placed on the Committee Calendar, but no action was taken. On the House side, the bill was referred to Consumer & Employee Affairs in February of 2005. No further action was taken until March 17, 2006, when it was assigned to the Subcommittee of Employee Affairs. Then on March 29, 2006 the bill was taken off the calendar. The Committee took no further action on the bill.

## **Texas**

### **CURRENT LAW**

State law allows public employees to use up to eight hours of sick leave per year to attend parent-teacher conferences. State law allows public employees with sick leave to use this leave to care for certain sick family members. State employees may use a leave bank under certain circumstances and are provided temporary disability insurance at their own expense.

### **2006 Session**

No action was taken this session.

## **Vermont**

### **CURRENT LAW**

Eligible employees who work for employers with at least 15 employees may use up to 24 hours per year, not to exceed four hours in a 30-day period, of unpaid leave or may elect to use available paid leave to attend a child's school activities. State employees may use some accrued sick leave to care for certain sick family members. State employees may use a paid sick day pool under certain circumstances.

### **2005-2006 Session**

Representative Head introduced H 839, a paid sick days bill, on February 1, 2006. The bill would require that employers provide employees who work 30 or more hours weekly with seven paid sick days per year, and employees who work fewer than 30 hours weekly with a pro-rated number of paid sick days. Paid sick days could be used to cover absence from work due to an employee's physical or mental illness or injury, for obtaining health care, or for caring for a sick or injured child, parent, parent-in-law, grandparent, spouse, stepchild, foster child or ward of the employee who lives with the employee. The bill was introduced and referred to the Committee on General, Housing & Military Affairs on February 1, where no further action was taken.

Vermont Representative Larson of Burlington introduced HB 742, which would permit same-sex couples to marry. When the Legislature adjourned on June 11, 2006, the bill died.

## Virginia

### **CURRENT LAW**

State employees hired before 1999 can use some accrued sick leave to care for certain sick family members; employees hired after 1999 can only use their personal days to care for sick family members. State employees may use a direct leave donation program and are provided temporary disability insurance if hired after 1999.

### **2006**

No action was taken this session.

## Washington

### **CURRENT LAW**

Employees with paid leave can use this leave to care for a sick child, spouse, parent, parent-in-law, or grandparent. State employees may use a direct leave donation program.

### **2005-2006 Session**

On January 9, 2006, Representative Dickerson and Senator Keiser reintroduced HB 1173 and SB 5069, relating to family leave insurance. The bill would establish a program to provide parents with five weeks of annual paid leave (\$250 per week for full-time workers) to care for a newborn child or adopted or foster child, to care a family member who has a serious health condition, or for workers affected by a serious health condition that makes them unable to perform the functions of their position. Half of the amount paid to employees would come from the earnings of the worker, and half would come from the employer. For each individual, the employer would pay a premium of two cents per hour worked, up to a maximum of 40 hours per week, for deposit in the family leave insurance account. In both the House and the Senate, the bill was reintroduced by resolution and retained in its present status. No further action was taken.

Representative Dickerson also reintroduced HB 1626 on January 9, which would amend Washington's Family Care Act to include a domestic partner as a family member for whom the employee may take sick leave. The bill was reintroduced by resolution on January 9. The House Commerce and Labor Committee passed a substitute bill that removed domestic partners from the bill.

Representative Dickerson and Senator Keiser introduced HB 2777 and SB 6592, respectively, to require that employees are provided with at least 40 hours of paid sick leave for each six months of full-time employment (a minimum of 10 days per year), or a pro-rated amount for less than full-time work. The sick days could be used for worker illness, doctor visits, or family illness. Employees would be eligible for sick leave after six months working for an employer. The House bill referred to Commerce & Labor on January 13, and it received a public hearing on January 30. The following organizations testified in favor of the bill: Small Faces Child Care, Economic Opportunity Institute, St. Peter Providence Hospital, and the Renton PTSA Council. The following testified against the bill: Small Business Project, Washington Policy Center, Washington Retail Association, National Federation of Independent Business, Independent Business Association, Association of Washington Business, Associated General Contractors and the Washington Farm Bureau. The Committee took no further action on the bill.

In the Senate, the bill was first read on January 16, and then referred to Labor, Commerce, Research & Development, where it received a public hearing on January 30. The following testified on in favor before the Committee: Senator Keiser, Small Faces Child Care, University of Washington School of Public Health, Renton PTSA Council, and the Economic Opportunity Institute. Testifying against the bill: Small Business Project, Washington Policy Center, Washington Retail Association, National Federation of Independent Business, and the Association of Washington Business. No further action was taken.

SB 6059 was re-introduced by Senator Berkey on January 9, 2006, and would require state agencies and departments to create sick leave pools for employees to donate their sick leave to a participating employee who has used all of her or his paid leave. The sick leave pools would be voluntary, and sick leave could be used for personal illness, accident or injury. The Rules Committee read the bill a second time, and it passed a third reading on February 1 with a roll call vote of 47-1. The bill was sent to the House and read for a first time on February 2, and referred to the State Government Operations and Accountability Committee. On February 15, there was a public hearing in the Committee where favorable testimony was given. During an executive session, the Committee reported the bill out and recommended passage with amendments. On February 24, the bill passed to the Rules Committee for a second reading. The Rules Committee amended the bill and favorably reported it out. On March 2, the bill was read for a third time and put to a vote, which passed 95-0. The bill was sent to the Senate where it passed 48-0 on March 4. The Governor signed it into law on March 30 and it will go into effect on July 1, 2007.

Finally, Washington State passed a noteworthy unpaid bill in 2006: a state-level Family and Medical Leave Act protecting rights to unpaid leave, which was introduced by Representative Dickerson and Senator Keiser. As introduced, the bill would have extended FMLA protections to companies with 25 or more employees, and would have included domestic partners as covered family members. The substitute bill, however, modified the definitions of "employer" and "family member" to conform with the federal FMLA, under which only employers with 50 or more employees are covered, and domestic partners are not included in the definition of family member. The bill also codified in state law parts of federal regulations defining serious health condition and dealing with intermittent leave.

## **West Virginia**

### **CURRENT LAW**

State employees may use some accrued sick leave to care for certain sick family members. State employees are provided temporary disability insurance as an optional benefit.

### **2005-2006 Session**

West Virginia State Senator Foster introduced SB 666, a flexibility standard that would allow employees to use paid sick leave as paid family leave to care for a family member, on February 20, 2006. The bill was referred to the Senate Judiciary and then Finance Committees. On February 24 and 28, the bill was reported out of the Judiciary and Finance Committees respectively and then passed a floor vote. The bill was sent to the House, introduced on March 2 and referred to the House Judiciary and Finance Committees. On March 8, the bill was reported

out of the Judiciary Committee without a recommendation and slated for immediate consideration on the floor. The bill was taken up for consideration and then recommitted to the House Judiciary Committee, but no further action was taken.

On January 11, 2006, Delegate Staton introduced HB 2135, which would have mandated that county boards of education establish personal leave banks, which allow board employees to donate personal leave. HB 2135 was referred to the Committees on Education and Finance and filed for introduction. No further action was taken.

HB 2924, introduced by Delegate Caputo on March 7, 2005, allows state employees to take four hours paid leave per year to attend parent/teacher conferences at their children's school. It was referred to the Committee on Government Organization, then Finance, but no action was taken, either in the remainder of 2005 or in 2006.

## **Wisconsin**

### **CURRENT LAW**

State law specifies that employees covered by and eligible for the state's family and medical leave law may elect to substitute any type of accrued paid leave they may have for the job-protected leave specified under that law. State employees may use some accrued sick leave to care for certain sick family members. State employees are provided temporary disability insurance as an optional benefit.

### **2005-2006 Session**

The Wisconsin legislature considered no new relevant paid leave bills in 2006 of its most recent session. It considered three measures introduced in 2005, however. AB 796, introduced by Representative Black, would require employers with 50 or more workers to allow employees to take leave to attend school conferences and other school activities. The bill does not mandate paid leave, but does allow workers to use other paid or unpaid leave provided by employers. The bill was first read on October 31, 2005, and referred to the Committee on Labor. The bill saw no further action in 2006.

On October 21, 2005, Senators Risser and Carpenter introduced S 397, which would change the requirements for forming a legal relationship of domestic partner. On November 14, 2005, Representative Boyle introduced the companion bill in the House, AB 824. S 397 was introduced and referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care. The House bill was introduced and referred to the House Judiciary Committee. Both versions failed to pass in 2006 pursuant to Senate Joint Resolution 1.

On June 17, 2005 Representative Schneider introduced A 503, which would amend statutes defining marriage as between one man and one woman and establish domestic partnership; and provide coverage for domestic partners of University of Wisconsin System employees and annuitants under health care coverage plans and long-term care insurance policies offered by the Group Insurance Board. A 503 was referred to the House Committee on Insurance. The bill failed to pass pursuant to Senate Joint Resolution 1 in 2006.

The nation's first citywide paid sick day ordinance was introduced in Madison, Wisconsin in the fall of 2005, and was considered by the Madison City Council in the spring of 2006. The proposed ordinance covered all employees at private sector establishments with 5 or more employers in the city of Madison, Wisconsin, and would grant employees one hour of paid sick leave for every 30 hours worked in the calendar year, capped at 72 hours (roughly 9 days) of paid sick days per year. The bill narrowly lost the final City Council vote in May of 2006.

## Wyoming

### CURRENT LAW

State employees may donate up to 16 hours of their accrued sick leave to other employees to use to recover from illness, or to care for a new child, if the person seeking leave donations is given agency approval. State employees may use their accrued sick leave to recover from their own illness or to care for certain sick family members.

### 2006 Session

On February 13, 2006, SF 6 was introduced by the Management Council to allow state employees of different governmental entities or branches to donate sick leave to one another. The bill was referred to and reported out of the Senate Rules and Procedure Committee with a favorable recommendation. SF 6 passed out of the Senate with a roll call vote of 30-0. On February 22, the House introduced and referred SF 6 to the House Committee on Rules and Procedure, which reported it out on March 1 with a favorable recommendation. On March 7, SF 6 passed on the House floor with a roll call vote of 58-0. The Governor signed SF 6 into law on March 9.

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1 *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys*, U.S. Department of Labor, Washington D.C., 2000. (The most recent FMLA survey of employers and employees.)

2 *What Grown-Ups Understand About Child Development: A National Benchmark Survey, Zero to Three: The National Center for Infants, Toddlers and Families, Civitas, and the Brio Corporation*, October 2000.

3 *High Hopes, Little Trust: A Survey of Young Workers and Their Ups and Downs in the New Economy*, conducted for the AFL-CIO by Peter D. Hart Research Associates, September 1999.

4 *Struggling to Make Ends Meet: Public Polling of Low-Wage Worker*, Corporate Voices for Working Families, conducted by Peter D. Hart Associates and Wirthlin Worldwide, September 2004.

5 *2004 Ask A Working Woman Survey Report*, conducted for the AFL-CIO by Lake Snell Perry & Associates, February 2004.

6 *Ask A Working Woman: Survey 2006*, AFL-CIO, August 2006, [www.aflcio.org](http://www.aflcio.org).

7 *August 2006: Unheard Third 2006: Bringing the Voices of Low-Income New Yorkers to the Policy Debate*, conducted by the Community Service Society and Lake Snell Perry & Associates. Telephone interviews were conducted with 1,230 lower-income New York City residents and 500 moderate- to higher-income New Yorkers with an oversample of 158 immigrants. The margin of error is +/- 2.8% for the low-income sample and +/- 4.4% for the moderate and higher income sample; the margin of error is greater for subgroups. The survey was fielded July 16-August 3, 2006 and August 23-August 27, 2006.

The findings reflect very similar findings just two years prior, in the *The Unheard Third 2004: Bringing the Voices of Low-Income New Yorkers to the Policy Debate*, conducted by the Community Service Society and Lake Snell Perry & Associates. Telephone interviews were conducted with 1,300 New York City residents between July 14 and August 1, 2004.

8 *Maryland Statewide Poll, Job Opportunities Task Force*, August 2006. Conducted by Gonzales Research & Marketing Strategies. 843 regular

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voters were interviewed by telephone from August 18 to August 25, 2006 (error margin +/- 3.5).

9 *Young Workers United*, February 2006. City and County of San Francisco, Voter Survey, Summary of Quantitative Research with Cross-tabulation Tables. Conducted by David Binder Research, San Francisco, CA. 400 registered voters who voted in November 2004 and at least one other recent election where interviewed by telephone February 24-27, 2006 (error margin 4.9%).

10 *Young Workers United*, February 2006. City and County of San Francisco, Voter Survey, Summary of Quantitative Research with Cross-tabulation Tables. Conducted by David Binder Research, San Francisco, CA. 400 registered voters who voted in November 2004 and at least one other recent election where interviewed by telephone February 24-27, 2006 (error margin 4.9%).

11 For more information about the Campaign for Paid Leave, see our website, [www.nationalpartnership.org](http://www.nationalpartnership.org), or contact the National Partnership for Women & Families at (202) 986-2600.