

THE LAST 60 DAYS OF ACTION IN EMPLOYMENT LAW
Part III of VI – Leave and Accommodation Laws

February 4, 2020

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California

California amended its organ donation leave law, effective January 1, 2020, to provide eligible employees with an additional 30 days of unpaid leave (for a total of 60 days) in a one-year period for the purpose of donating an organ to another person. See Cal. Labor Code § 1510.

California amended its lactation accommodation law, effective January 1, 2020, to require that an employer provide break time each time an employee needs to express milk. See Cal. Lab. Code § 1030.

Colorado

The Colorado Department of Labor and Employment clarified, in a rule effective December 19, 2019, that earned but unused vacation time must be paid to an employee upon separation from employment. See 7 CCR 1103-7, Rule 2.15. Employers still may determine whether paid vacation time exists at all; the amount of paid vacation time that an employee may accrue; whether the accrual occurs all at once or proportionally over some period of time; and whether to impose a cap on the accrual of paid vacation time.

Illinois

Effective January 1, 2020, Illinois amended its Organ Donors Leave Act to prohibit retaliation against an employee for requesting or obtaining a leave of absence pursuant to the Act. See 2019 Ill. HB 2847.

Nevada

Nevada enacted a law requiring private employers to provide employees with paid sick leave. Effective January 1, 2020, the law applies to private employers in Nevada with 50 or more employees. Although employees must give notice of their desire to use leave as soon as practicable, employees do not need to provide a reason for its use. Employers cannot deny employees the right to use paid leave, require an employee to find a replacement worker while on paid leave, or retaliate against an employee for using accrued paid leave. See 2019 Nev. SB 312.

New Jersey

On January 21, 2020, New Jersey amended its Temporary Disability Benefits Law, effective May 20, 2020, to provide job

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protection for an individual who takes leave for “a period of disability” resulting from the donation of any organ or bone marrow. See 2018 NJ A.B. 1449.

To discuss any of these changes, contact Patricia Tsipras at 610.408.2029 or ptsipras@rubinformunato.com

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