

REFERENCE TITLE: family and medical leave; paid.

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2858

Introduced by
Representatives Terán: Andrade, Bolding, Cano, DeGrazia, Fernandez,
Friese, Hernandez A, Hernandez M, Jermaine, Meza, Pawlik, Powers Hannley,
Rodriguez, Salman, Sierra, Stahl Hamilton

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
8.2; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 2, Arizona Revised Statutes, is
3 amended by adding article 8.2, to read:

4 ARTICLE 8.2. FAMILY AND MEDICAL LEAVE

5 23-382. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ABUSE" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-371.

8 2. "APPLICATION YEAR" MEANS THE TWELVE-MONTH PERIOD BEGINNING ON
9 THE FIRST DAY OF THE CALENDAR WEEK IN WHICH AN INDIVIDUAL FILES AN
10 APPLICATION FOR FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS.

11 3. "AVERAGE WEEKLY WAGE" MEANS ONE-THIRTEENTH OF THE COVERED
12 INDIVIDUAL'S TOTAL WAGES FOR COVERED WORK PAID DURING THE QUARTER OF THE
13 PERSON'S BASE PERIOD IN WHICH SUCH TOTAL WAGES WERE HIGHEST.

14 4. "BASE PERIOD" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-605.

15 5. "COMMISSION" MEANS THE INDUSTRIAL COMMISSION OF ARIZONA.

16 6. "COVERED INDIVIDUAL" MEANS ANY PERSON WHO MEETS ALL OF THE
17 FOLLOWING REQUIREMENTS:

18 (a) MEETS ONE OF THE FOLLOWING:

19 (i) HAS BEEN PAID WAGES FOR COVERED WORK DURING THE INDIVIDUAL'S
20 BASE PERIOD EQUAL TO AT LEAST ONE AND ONE-HALF TIMES THE WAGES PAID TO THE
21 INDIVIDUAL IN THE CALENDAR QUARTER OF THE INDIVIDUAL'S BASE PERIOD IN
22 WHICH THE WAGES WERE HIGHEST, AND THE INDIVIDUAL HAS BEEN PAID WAGES FOR
23 COVERED WORK IN ONE CALENDAR QUARTER OF THE INDIVIDUAL'S BASE PERIOD EQUAL
24 TO AN AMOUNT THAT IS EQUAL TO AT LEAST THREE HUNDRED NINETY TIMES THE
25 MINIMUM WAGE PRESCRIBED BY SECTION 23-363 THAT IS IN EFFECT WHEN THE
26 INDIVIDUAL FILES A CLAIM FOR BENEFITS.

27 (ii) HAS BEEN PAID WAGES FOR COVERED WORK DURING AT LEAST TWO
28 QUARTERS OF THE INDIVIDUAL'S BASE PERIOD AND THE AMOUNT OF THE WAGES PAID
29 IN ONE QUARTER WOULD BE SUFFICIENT TO QUALIFY THE INDIVIDUAL FOR THE
30 MAXIMUM WEEKLY BENEFIT AMOUNT PAYABLE UNDER THIS ARTICLE AND THE TOTAL OF
31 THE INDIVIDUAL'S BASE-PERIOD WAGES IS EQUAL TO OR GREATER THAN THE TAXABLE
32 LIMIT FOR UNEMPLOYMENT INSURANCE AS SPECIFIED IN SECTION 23-622,
33 SUBSECTION B, PARAGRAPH 1.

34 (iii) IS SELF-EMPLOYED, ELECTS COVERAGE AND MEETS THE REQUIREMENTS
35 OF SECTION 23-382.12.

36 (b) MEETS THE ADMINISTRATIVE REQUIREMENTS OUTLINED IN THIS ARTICLE
37 AND IN RULES ADOPTED PURSUANT TO THIS ARTICLE.

38 (c) SUBMITS AN APPLICATION.

39 7. "DIRECTOR" MEANS THE DIRECTOR OF THE COMMISSION.

40 8. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION
41 23-371.

42 9. "EMPLOYEE" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-362.

43 10. "EMPLOYER" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-371,
44 EXCEPT THAT AN EMPLOYER ALSO INCLUDES THIS STATE.

1 11. "FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS" MEANS THE
2 BENEFITS PROVIDED UNDER THIS ARTICLE.

3 12. "FAMILY MEMBER" HAS THE SAME MEANING PRESCRIBED IN SECTION
4 23-371.

5 13. "HEALTH CARE PROVIDER" MEANS ANY PERSON LICENSED UNDER FEDERAL
6 LAW OR THE LAWS OF THIS STATE TO PROVIDE MEDICAL OR EMERGENCY SERVICES,
7 INCLUDING TO DOCTORS, NURSES AND EMERGENCY ROOM PERSONNEL, OR CERTIFIED
8 MIDWIVES.

9 14. "QUALIFYING EXIGENCY LEAVE" MEANS LEAVE BASED ON A NEED ARISING
10 OUT OF A COVERED INDIVIDUAL'S FAMILY MEMBER'S ACTIVE DUTY SERVICE OR
11 NOTICE OF AN IMPENDING CALL OR ORDER TO ACTIVE DUTY IN THE ARMED FORCES,
12 INCLUDING ANY OF THE FOLLOWING:

13 (a) PROVIDING FOR THE CARE OR OTHER NEEDS OF THE MILITARY MEMBER'S
14 CHILD OR OTHER FAMILY MEMBER.

15 (b) MAKING FINANCIAL OR LEGAL ARRANGEMENTS FOR THE MILITARY MEMBER.

16 (c) ATTENDING COUNSELING.

17 (d) ATTENDING MILITARY EVENTS OR CEREMONIES.

18 (e) SPENDING TIME WITH THE MILITARY MEMBER DURING A REST AND
19 RECUPERATION LEAVE OR FOLLOWING RETURN FROM DEPLOYMENT.

20 (f) MAKING ARRANGEMENTS FOLLOWING THE DEATH OF THE MILITARY MEMBER.

21 15. "RETALIATORY PERSONNEL ACTION:

22 (a) MEANS DENIAL OF ANY RIGHT GUARANTEED UNDER THIS ARTICLE,
23 INCLUDING EITHER OF THE FOLLOWING:

24 (i) ANY THREAT, DISCHARGE, SUSPENSION, DEMOTION OR REDUCTION OF
25 HOURS OR ANY OTHER ADVERSE ACTION AGAINST AN EMPLOYEE FOR THE EXERCISE OF
26 ANY RIGHT GUARANTEED IN THIS ARTICLE.

27 (ii) REPORTING OR THREATENING TO REPORT AN EMPLOYEE'S SUSPECTED
28 CITIZENSHIP OR IMMIGRATION STATUS OR THE SUSPECTED CITIZENSHIP OR
29 IMMIGRATION STATUS OF A FAMILY MEMBER OF THE EMPLOYEE TO A FEDERAL, STATE
30 OR LOCAL AGENCY.

31 (b) INCLUDES INTERFERENCE WITH OR PUNISHMENT FOR IN ANY MANNER
32 PARTICIPATING IN OR ASSISTING AN INVESTIGATION, PROCEEDING OR HEARING
33 UNDER THIS ARTICLE.

34 16. "SAFE LEAVE" MEANS, NOTWITHSTANDING SECTION 13-4439, ABSENCE
35 NECESSARY DUE TO DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING, IF
36 THE LEAVE IS TO ALLOW THE COVERED INDIVIDUAL TO OBTAIN FOR THE COVERED
37 INDIVIDUAL OR THE COVERED INDIVIDUAL'S FAMILY MEMBER ANY OF THE FOLLOWING:

38 (a) MEDICAL ATTENTION NEEDED TO RECOVER FROM PHYSICAL OR
39 PSYCHOLOGICAL INJURY OR DISABILITY CAUSED BY DOMESTIC VIOLENCE, SEXUAL
40 VIOLENCE, ABUSE OR STALKING.

41 (b) SERVICES FROM A DOMESTIC VIOLENCE OR SEXUAL VIOLENCE PROGRAM OR
42 VICTIM SERVICES ORGANIZATION.

43 (c) PSYCHOLOGICAL OR OTHER COUNSELING.

44 (d) RELOCATION OR TAKING STEPS TO SECURE AN EXISTING HOME DUE TO
45 THE DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING.

1 (e) LEGAL SERVICES, INCLUDING PREPARING FOR OR PARTICIPATING IN ANY
2 CIVIL OR CRIMINAL LEGAL PROCEEDING RELATED TO OR RESULTING FROM THE
3 DOMESTIC VIOLENCE, SEXUAL VIOLENCE, ABUSE OR STALKING.

4 17. "SERIOUS HEALTH CONDITION" HAS THE SAME MEANING PRESCRIBED IN
5 SECTION 101 OF THE FAMILY AND MEDICAL LEAVE ACT OF 1993 (P.L. 103-3; 107
6 STAT. 6; 29 UNITED STATES CODE SECTION 2611).

7 18. "SEXUAL VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION
8 23-371.

9 19. "STALKING" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-371.

10 20. "STATE AVERAGE WEEKLY WAGE" MEANS THE AVERAGE MONTHLY WAGE, AS
11 CALCULATED UNDER SECTION 23-1041, SUBSECTION E, DIVIDED BY 4.5.

12 23-382.01. Eligibility for benefits

13 BEGINNING JANUARY 1, 2024, FAMILY AND MEDICAL LEAVE INSURANCE
14 BENEFITS ARE PAYABLE TO AN INDIVIDUAL WHO BOTH:

15 1. MEETS THE DEFINITION OF COVERED INDIVIDUAL UNDER THIS ARTICLE.

16 2. MEETS ONE OF THE FOLLOWING REQUIREMENTS:

17 (a) BECAUSE OF BIRTH, ADOPTION OR PLACEMENT THROUGH FOSTER CARE, IS
18 CARING FOR A NEW CHILD DURING THE FIRST YEAR AFTER THE BIRTH, ADOPTION OR
19 PLACEMENT OF THAT CHILD.

20 (b) IS CARING FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION.

21 (c) HAS A SERIOUS HEALTH CONDITION THAT MAKES THE COVERED
22 INDIVIDUAL UNABLE TO PERFORM THE FUNCTIONS OF THE POSITION OF SUCH
23 EMPLOYEE.

24 (d) QUALIFIES FOR QUALIFYING EXIGENCY LEAVE ARISING OUT OF THE FACT
25 THAT THE FAMILY MEMBER OF THE COVERED INDIVIDUAL IS ON ACTIVE DUTY OR HAS
26 BEEN NOTIFIED OF AN IMPENDING CALL OR ORDER TO ACTIVE DUTY IN THE ARMED
27 FORCES.

28 (e) IS IN NEED OF SAFE LEAVE.

29 23-382.02. Duration of benefits

30 A. THE MAXIMUM NUMBER OF WEEKS DURING WHICH FAMILY AND MEDICAL
31 LEAVE INSURANCE BENEFITS ARE PAYABLE TO A COVERED INDIVIDUAL IN AN
32 APPLICATION YEAR IS AS FOLLOWS:

33 1. UNDER SECTION 23-382.01, PARAGRAPH 2, SUBDIVISION (c),
34 TWENTY-SIX WEEKS.

35 2. UNDER SECTION 23-382.01, PARAGRAPH 2, SUBDIVISION (a), (b), (d)
36 OR (e), TWENTY-FOUR WEEKS.

37 B. A COVERED INDIVIDUAL IS ELIGIBLE FOR TWENTY-SIX WEEKS OF LEAVE
38 UNDER SUBSECTION A, PARAGRAPH 1 OF THIS SECTION AND TWENTY-FOUR WEEKS OF
39 LEAVE UNDER SUBSECTION A, PARAGRAPH 2 OF THIS SECTION IN AN APPLICATION
40 YEAR.

41 C. THE FIRST PAYMENT OF BENEFITS MUST BE MADE TO A COVERED
42 INDIVIDUAL WITHIN TWO WEEKS AFTER THE CLAIM IS FILED AND SUBSEQUENT
43 PAYMENTS MUST BE MADE EVERY TWO WEEKS THEREAFTER.

1 23-382.03. Amount of benefits

2 A. THE WEEKLY AMOUNT OF FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS
3 IS DETERMINED AS FOLLOWS:

4 1. IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS EQUAL TO OR
5 LESS THAN ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE, THE BENEFIT AMOUNT IS
6 EQUAL TO NINETY PERCENT OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE.

7 2. IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS GREATER THAN
8 ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE, THE BENEFIT AMOUNT IS THE SUM
9 OF BOTH OF THE FOLLOWING:

10 (a) NINETY PERCENT OF ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE.

11 (b) FIFTY PERCENT OF THE DIFFERENCE OF THE COVERED INDIVIDUAL'S
12 AVERAGE WEEKLY WAGE AND ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE.

13 B. BEGINNING JANUARY 1, 2024, THE MAXIMUM WEEKLY BENEFIT AMOUNT
14 CALCULATED PURSUANT TO SUBSECTION A OF THIS SECTION IS NOT MORE THAN
15 \$1,000 PER WEEK, EXCEPT THAT ANNUALLY, NOT LATER THAN OCTOBER 1 OF EACH
16 YEAR THEREAFTER, THE COMMISSION SHALL ADJUST THE MAXIMUM WEEKLY BENEFIT
17 AMOUNT TO BE NINETY PERCENT OF THE STATE AVERAGE WEEKLY WAGE AND THE
18 ADJUSTED MAXIMUM WEEKLY BENEFIT AMOUNT SHALL TAKE EFFECT ON JANUARY 1 OF
19 THE YEAR FOLLOWING THE ADJUSTMENT.

20 C. THE MINIMUM WEEKLY BENEFIT MAY NOT BE LESS THAN \$100 PER WEEK,
21 EXCEPT THAT IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS LESS THAN
22 \$100 PER WEEK, THE WEEKLY BENEFIT SHALL BE THE COVERED INDIVIDUAL'S FULL
23 WAGE.

24 D. FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS ARE NOT PAYABLE FOR
25 LESS THAN EIGHT HOURS OF FAMILY AND MEDICAL LEAVE TAKEN IN ONE WORK WEEK.

26 23-382.04. Contributions

27 A. PAYROLL CONTRIBUTIONS ARE AUTHORIZED TO FINANCE THE PAYMENT OF
28 BENEFITS UNDER THE FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

29 B. BEGINNING JANUARY 1, 2023, PAYROLL CONTRIBUTIONS SHALL BE PAID
30 BY EMPLOYERS AND EMPLOYEES IN THE RATIO OF ONE TO ONE IN AN AMOUNT TO BE
31 DETERMINED BY THE COMMISSION.

32 C. NOT LATER THAN OCTOBER 1 OF EACH YEAR, THE COMMISSION SHALL FIX
33 THE CONTRIBUTION RATE FOR THE COMING CALENDAR YEAR AS FOLLOWS:

34 1. FOR CALENDAR YEARS 2023 AND 2024, THE COMMISSION SHALL DO SO
35 BASED ON SOUND ACTUARIAL PRINCIPLES.

36 2. FOR CALENDAR YEAR 2023 AND EACH CALENDAR YEAR THEREAFTER, THE
37 COMMISSION SHALL FIRST CERTIFY AND PUBLISH ALL OF THE FOLLOWING
38 INFORMATION:

39 (a) THE TOTAL AMOUNT OF FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS
40 PAID BY THE COMMISSION DURING THE PREVIOUS FISCAL YEAR.

41 (b) THE TOTAL AMOUNT REMAINING IN THE FAMILY AND MEDICAL LEAVE
42 INSURANCE FUND ESTABLISHED BY SECTION 23-382.15 AT THE CLOSE OF THE FISCAL
43 YEAR.

44 (c) THE TOTAL AMOUNT EQUAL TO ONE HUNDRED FORTY PERCENT OF THE
45 PREVIOUS FISCAL YEAR'S EXPENDITURES FOR FAMILY AND MEDICAL LEAVE INSURANCE

1 BENEFITS PAID AND FOR THE ADMINISTRATION OF THE FAMILY AND MEDICAL LEAVE
2 INSURANCE PROGRAM.

3 (d) THE AMOUNT BY WHICH THE TOTAL AMOUNT REMAINING IN THE FAMILY
4 AND MEDICAL LEAVE INSURANCE FUND ESTABLISHED BY SECTION 23-382.15 AT THE
5 CLOSE OF THE PREVIOUS FISCAL YEAR IS LESS THAN OR GREATER THAN ONE HUNDRED
6 FORTY PERCENT OF THE PREVIOUS FISCAL YEAR'S EXPENDITURES FOR FAMILY AND
7 MEDICAL LEAVE INSURANCE BENEFITS PAID AND FOR THE ADMINISTRATION OF THE
8 FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

9 (e) THE AMOUNT BY WHICH THE CONTRIBUTION RATE SHALL BE ADJUSTED TO
10 ENSURE THAT THE FAMILY AND MEDICAL LEAVE INSURANCE FUND ESTABLISHED BY
11 SECTION 23-382.15 MAINTAINS OR ACHIEVES AN ANNUALIZED AMOUNT OF NOT LESS
12 THAN ONE HUNDRED PERCENT OF THE PREVIOUS FISCAL YEAR'S EXPENDITURES FOR
13 FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS PAID AND FOR THE
14 ADMINISTRATION OF THE FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM. THE
15 CONTRIBUTION RATE ADJUSTMENT, IF ANY, MADE AS THE RESULT OF THE
16 COMMISSION'S CERTIFICATION AND REPORT UNDER THIS SUBSECTION SHALL
17 SUPERSEDE THE RATE PREVIOUSLY SET FORTH AND SHALL BECOME EFFECTIVE ON
18 JANUARY 1 OF THE FOLLOWING CALENDAR YEAR.

19 D. A SELF-EMPLOYED INDIVIDUAL WHO ELECTS COVERAGE UNDER SECTION
20 23-382.12 IS RESPONSIBLE FOR THE EMPLOYEE SHARE OF CONTRIBUTIONS SET FORTH
21 IN SUBSECTION B OF THIS SECTION ON THAT INDIVIDUAL'S INCOME FROM
22 SELF-EMPLOYMENT.

23 23-382.05. Reduced leave schedule

24 A. A COVERED INDIVIDUAL IS ENTITLED, AT THE OPTION OF THE COVERED
25 INDIVIDUAL, TO TAKE PAID FAMILY AND MEDICAL LEAVE ON AN INTERMITTENT OR
26 REDUCED LEAVE SCHEDULE IN WHICH ALL OF THE LEAVE AUTHORIZED UNDER THIS
27 ARTICLE IS NOT TAKEN SEQUENTIALLY. FAMILY AND MEDICAL LEAVE INSURANCE
28 BENEFITS FOR INTERMITTENT OR REDUCED LEAVE SCHEDULES SHALL BE PRORATED.

29 B. THE COVERED INDIVIDUAL SHALL PROVIDE THE EMPLOYER WITH PRIOR
30 NOTICE OF THE SCHEDULE ON WHICH THE COVERED INDIVIDUAL WILL BE TAKING THE
31 LEAVE, TO THE EXTENT PRACTICABLE. PAID FAMILY AND MEDICAL LEAVE TAKEN
32 UNDER THIS SECTION MAY NOT RESULT IN A REDUCTION OF THE TOTAL AMOUNT OF
33 LEAVE TO WHICH AN EMPLOYEE IS ENTITLED BEYOND THE AMOUNT OF LEAVE ACTUALLY
34 TAKEN.

35 C. THIS SECTION DOES NOT ENTITLE A COVERED INDIVIDUAL TO MORE LEAVE
36 THAN REQUIRED UNDER SECTION 23-382.02.

37 23-382.06. Leave and employment protection; enforcement

38 A. ANY COVERED INDIVIDUAL WHO EXERCISES THE COVERED INDIVIDUAL'S
39 RIGHT TO FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS IS ENTITLED, ON THE
40 EXPIRATION OF THAT LEAVE, TO BE RESTORED BY THE EMPLOYER TO THE POSITION
41 HELD BY THE COVERED INDIVIDUAL WHEN THE LEAVE COMMENCED, OR TO A POSITION
42 WITH EQUIVALENT SENIORITY, STATUS, EMPLOYMENT BENEFITS, PAY AND OTHER
43 TERMS AND CONDITIONS OF EMPLOYMENT, INCLUDING FRINGE BENEFITS AND SERVICE
44 CREDITS, THAT THE COVERED INDIVIDUAL HAD BEEN ENTITLED TO AT THE
45 COMMENCEMENT OF LEAVE.

1 B. DURING ANY LEAVE TAKEN PURSUANT TO THIS ARTICLE, THE EMPLOYER
2 SHALL MAINTAIN ANY HEALTH CARE BENEFITS THE COVERED INDIVIDUAL HAD BEFORE
3 TAKING SUCH LEAVE FOR THE DURATION OF THE LEAVE AS IF THE COVERED
4 INDIVIDUAL HAD CONTINUED IN EMPLOYMENT CONTINUOUSLY FROM THE DATE THE
5 COVERED INDIVIDUAL COMMENCED THE LEAVE UNTIL THE DATE THE FAMILY AND
6 MEDICAL LEAVE INSURANCE BENEFITS TERMINATE, IF THE COVERED INDIVIDUAL
7 CONTINUES TO PAY THE COVERED INDIVIDUAL'S SHARE OF THE COST OF HEALTH
8 BENEFITS AS REQUIRED BEFORE THE COMMENCEMENT OF THE LEAVE.

9 C. THIS SECTION AND SECTION 23-382.07 SHALL BE ENFORCED AS FOLLOWS:

10 1. ON RECEIPT OF A WRITTEN COMPLAINT FROM AN EMPLOYEE, THE DIRECTOR
11 SHALL INVESTIGATE WHETHER THE EMPLOYER HAS VIOLATED THIS ARTICLE.

12 2. IF THE DIRECTOR DETERMINES THAT AN EMPLOYER HAS VIOLATED THIS
13 ARTICLE, THE DIRECTOR SHALL DO ANY OF THE FOLLOWING:

14 (a) WITH THE WRITTEN CONSENT OF THE EMPLOYEE, ATTEMPT TO INFORMALLY
15 RESOLVE ANY PERTINENT ISSUE THROUGH MEDIATION.

16 (b) WITH THE WRITTEN CONSENT OF THE EMPLOYEE, REQUEST THE ATTORNEY
17 GENERAL TO BRING AN ACTION ON BEHALF OF THE EMPLOYEE IN ACCORDANCE WITH
18 THIS ARTICLE.

19 (c) BRING AN ACTION ON BEHALF OF AN EMPLOYEE IN THE COUNTY WHERE
20 THE VIOLATION ALLEGEDLY OCCURRED.

21 3. AN EMPLOYEE MAY BRING A CIVIL ACTION IN A COURT OF COMPETENT
22 JURISDICTION AGAINST THE EMPLOYEE'S EMPLOYER FOR A VIOLATION OF THIS
23 ARTICLE REGARDLESS OF WHETHER THE EMPLOYEE FIRST FILED A COMPLAINT WITH
24 THE DIRECTOR.

25 4. AN ACTION BROUGHT UNDER PARAGRAPH 2 OR 3 OF THIS SUBSECTION
26 SHALL BE FILED WITHIN THREE YEARS AFTER THE OCCURRENCE OF THE ACT ON WHICH
27 THE ACTION IS BASED.

28 5. IF A COURT FINDS THAT AN EMPLOYER VIOLATED THIS ARTICLE IN AN
29 ACTION BROUGHT UNDER PARAGRAPH 2 OR 3 OF THIS SUBSECTION, THE COURT MAY
30 AWARD THE EMPLOYEE ALL OF THE FOLLOWING:

31 (a) THE FULL MONETARY VALUE OF ANY UNPAID FAMILY AND MEDICAL LEAVE
32 THAT THE EMPLOYEE WAS UNLAWFULLY DENIED. UNPAID FAMILY AND MEDICAL LEAVE
33 AWARDED PURSUANT TO THIS SUBDIVISION SHALL BE PAID TO THE EMPLOYEE WITHOUT
34 COST TO THE EMPLOYEE.

35 (b) ACTUAL ECONOMIC DAMAGES SUFFERED BY THE EMPLOYEE AS A RESULT OF
36 THE EMPLOYER'S VIOLATION OF THIS ARTICLE.

37 (c) AN ADDITIONAL AMOUNT NOT MORE THAN THREE TIMES THE DAMAGES
38 AWARDED UNDER SUBDIVISION (b) OF THIS PARAGRAPH.

39 (d) REASONABLE ATTORNEY FEES AND OTHER COSTS.

40 (e) ANY OTHER RELIEF THAT THE COURT DEEMS APPROPRIATE, INCLUDING
41 REINSTATEMENT OF EMPLOYMENT, BACK PAY AND INJUNCTIVE RELIEF.

42 6. IF THE ACTION WAS BROUGHT BY THE ATTORNEY GENERAL UNDER
43 SUBSECTION C, PARAGRAPH 2, SUBDIVISION (b) OF THIS SECTION, THE COURT
44 SHALL ORDER THE EMPLOYER TO PAY AT LEAST \$1,000 PER VIOLATION TO THIS
45 STATE.

1 23-382.07. Retaliatory personnel actions prohibited

2 A. IT IS UNLAWFUL FOR AN EMPLOYER OR ANY OTHER PERSON TO INTERFERE
3 WITH, RESTRAIN OR DENY THE EXERCISE OF, OR THE ATTEMPT TO EXERCISE, ANY
4 RIGHT PROTECTED UNDER THIS ARTICLE.

5 B. AN EMPLOYER, TEMPORARY HELP COMPANY, EMPLOYMENT AGENCY, EMPLOYEE
6 ORGANIZATION OR OTHER PERSON MAY NOT TAKE RETALIATORY PERSONNEL ACTION OR
7 OTHERWISE DISCRIMINATE AGAINST A PERSON BECAUSE THE PERSON EXERCISED
8 RIGHTS PROTECTED UNDER THIS ARTICLE. THESE RIGHTS INCLUDE ALL OF THE
9 FOLLOWING:

10 1. REQUESTING, FILING FOR, APPLYING FOR OR USING BENEFITS OR LEAVE
11 PROVIDED FOR UNDER THIS ARTICLE.

12 2. COMMUNICATING TO THE EMPLOYER OR ANY OTHER PERSON OR ENTITY AN
13 INTENT TO FILE A CLAIM, A COMPLAINT WITH THE COMMISSION OR COURTS OR AN
14 APPEAL.

15 3. TESTIFYING, PLANNING TO TESTIFY OR ASSISTING IN ANY
16 INVESTIGATION, HEARING OR PROCEEDING UNDER THIS ARTICLE AT ANY TIME,
17 INCLUDING DURING THE WAITING PERIOD AND THE PERIOD IN WHICH THE PERSON
18 RECEIVES FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS UNDER THIS ARTICLE.

19 4. INFORMING ANY PERSON ABOUT ANY EMPLOYER'S ALLEGED VIOLATION OF
20 THIS ARTICLE.

21 5. INFORMING ANY PERSON OF A PERSON'S RIGHTS UNDER THIS ARTICLE.

22 C. IT IS UNLAWFUL FOR AN EMPLOYER'S ABSENCE CONTROL POLICY TO COUNT
23 PAID FAMILY AND MEDICAL LEAVE TAKEN UNDER THIS ARTICLE AS AN ABSENCE THAT
24 MAY LEAD TO OR RESULT IN DISCIPLINE, DISCHARGE, DEMOTION, SUSPENSION OR
25 ANY OTHER ADVERSE ACTION.

26 D. THE PROTECTIONS OF THIS SECTION APPLY TO ANY PERSON WHO
27 MISTAKENLY BUT IN GOOD FAITH ALLEGES VIOLATIONS OF THIS ARTICLE.

28 E. THERE IS A REBUTTABLE PRESUMPTION THAT AN EMPLOYER HAS VIOLATED
29 THIS ARTICLE IF THE EMPLOYER TAKES ADVERSE ACTION AGAINST AN EMPLOYEE
30 WITHIN NINETY DAYS AFTER THE EMPLOYEE DOES ANY OF THE FOLLOWING:

31 1. FILES A COMPLAINT WITH THE DIRECTOR ALLEGING A VIOLATION OF THIS
32 ARTICLE OR BRINGS A CIVIL ACTION UNDER THIS ARTICLE.

33 2. INFORMS A PERSON ABOUT THE EMPLOYER'S ALLEGED VIOLATION OF THIS
34 ARTICLE.

35 3. COOPERATES WITH THE DIRECTOR OR ANOTHER PERSON IN THE
36 INVESTIGATION OR PROSECUTION OF THE EMPLOYER'S ALLEGED VIOLATION OF THIS
37 ARTICLE.

38 4. OPPOSES A POLICY OR PRACTICE OF THE EMPLOYER OR AN ACT OF THE
39 EMPLOYER THAT IS PROHIBITED UNDER THIS ARTICLE.

40 5. TAKES OR REQUESTS LEAVE OR BENEFITS UNDER THIS ARTICLE.

41 F. AN EMPLOYER MAY OVERCOME THE REBUTTABLE PRESUMPTION ESTABLISHED
42 PURSUANT TO SUBSECTION E OF THIS SECTION WITH CLEAR AND CONVINCING
43 EVIDENCE OF ALL OF THE FOLLOWING:

44 1. THAT THE EMPLOYER'S ACTION WAS NOT RETALIATION AGAINST THE
45 EMPLOYEE.

1 2. THAT THE EMPLOYER HAD SUFFICIENT INDEPENDENT JUSTIFICATION FOR
2 TAKING THE ACTION.

3 3. THAT THE EMPLOYER WOULD HAVE IN FACT TAKEN THE ACTION IN THE
4 SAME MANNER AND AT THE SAME TIME THE ACTION WAS TAKEN, REGARDLESS OF THE
5 EMPLOYEE'S EXERCISE OF PROTECTED RIGHTS UNDER THIS ARTICLE.

6 23-382.08. Coordination of benefits

7 A. LEAVE TAKEN WITH WAGE REPLACEMENT UNDER THIS ARTICLE THAT ALSO
8 QUALIFIES AS LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993
9 (P.L. 103-3; 107 STAT. 6) SHALL RUN CONCURRENTLY WITH LEAVE TAKEN UNDER
10 THE FAMILY AND MEDICAL LEAVE ACT OF 1993 (P.L. 103-3; 107 STAT. 6).

11 B. A COVERED INDIVIDUAL IS NOT REQUIRED TO USE ANY ACCRUED PAID
12 SICK, VACATION OR ANNUAL LEAVE, INCLUDING SICK LEAVE UNDER SECTION 23-373,
13 OR OTHER PAID TIME OFF TO WHICH THE COVERED INDIVIDUAL IS ENTITLED BEFORE
14 OR WHILE RECEIVING FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS, PROVIDED,
15 HOWEVER, THAT IF THE EMPLOYER AND THE COVERED INDIVIDUAL AGREE, A COVERED
16 INDIVIDUAL MAY ELECT TO USE ACCRUED PAID SICK, VACATION OR ANNUAL LEAVE OR
17 OTHER PAID TIME OFF TO SUPPLEMENT FAMILY AND MEDICAL LEAVE INSURANCE
18 BENEFITS UNDER THIS ARTICLE IN ORDER TO RECEIVE FULL PAY WHILE ON LEAVE.

19 C. AN EMPLOYER MAY REQUIRE THAT PAYMENT MADE PURSUANT TO THIS
20 ARTICLE BE MADE CONCURRENTLY OR OTHERWISE COORDINATED WITH PAYMENT MADE OR
21 LEAVE ALLOWED UNDER THE TERMS OF DISABILITY OR FAMILY CARE LEAVE UNDER A
22 COLLECTIVE BARGAINING AGREEMENT OR EMPLOYER POLICY. THE EMPLOYER MUST
23 GIVE EMPLOYEES WRITTEN NOTICE OF THIS REQUIREMENT.

24 D. THIS ARTICLE DOES NOT DIMINISH AN EMPLOYER'S OBLIGATION TO
25 COMPLY WITH ANY OF THE FOLLOWING THAT PROVIDE MORE GENEROUS LEAVE:

- 26 1. A COLLECTIVE BARGAINING AGREEMENT.
- 27 2. EMPLOYER POLICY.
- 28 3. ANY OTHER LAW.

29 E. AN INDIVIDUAL'S RIGHT TO LEAVE UNDER THIS ARTICLE MAY NOT BE
30 DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO OR RENEWED,
31 OR AN EMPLOYER POLICY ADOPTED OR RETAINED, AFTER THE EFFECTIVE DATE OF
32 THIS ARTICLE. ANY AGREEMENT BY AN INDIVIDUAL TO WAIVE THE INDIVIDUAL'S
33 RIGHTS UNDER THIS ARTICLE IS VOID AS AGAINST PUBLIC POLICY.

34 23-382.09. Notice; civil penalty

35 A. EACH EMPLOYER SHALL PROVIDE WRITTEN NOTICE THAT COMPLIES WITH
36 THIS SECTION:

- 37 1. TO EACH EMPLOYEE ON HIRING AND ANNUALLY THEREAFTER.
- 38 2. TO AN EMPLOYEE WHEN THE EMPLOYEE REQUESTS LEAVE UNDER THIS
39 ARTICLE.
- 40 3. TO AN EMPLOYEE WHEN THE EMPLOYER ACQUIRES KNOWLEDGE THAT THE
41 EMPLOYEE'S LEAVE MAY BE FOR A QUALIFYING REASON UNDER SECTION 23-382.01.

42 B. ANY NOTICED PROVIDED UNDER THIS SECTION SHALL INCLUDE ALL OF THE
43 FOLLOWING:

- 44 1. THE EMPLOYEE'S RIGHT TO FAMILY AND MEDICAL LEAVE INSURANCE
45 BENEFITS UNDER THIS ARTICLE AND THE TERMS UNDER WHICH IT MAY BE USED.

- 1 2. THE AMOUNT OF FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS.
2 3. THE PROCEDURE FOR FILING A CLAIM FOR BENEFITS.
3 4. THE RIGHT TO JOB PROTECTION AND BENEFITS CONTINUATION UNDER
4 SECTION 23-382.06.
5 5. THAT DISCRIMINATION AND RETALIATORY PERSONNEL ACTIONS AGAINST A
6 PERSON FOR REQUESTING, APPLYING FOR OR USING FAMILY AND MEDICAL LEAVE
7 INSURANCE BENEFITS IS PROHIBITED UNDER SECTION 23-382.07.
8 6. THAT THE EMPLOYEE HAS A RIGHT TO FILE A COMPLAINT FOR VIOLATIONS
9 OF THIS ARTICLE.
10 7. THE CONTACT INFORMATION FOR THE COMMISSION WHERE QUESTIONS ABOUT
11 RIGHTS AND RESPONSIBILITIES UNDER THIS ARTICLE CAN BE ANSWERED.
12 C. AN EMPLOYER SHALL ALSO DISPLAY AND MAINTAIN A POSTER IN A
13 CONSPICUOUS PLACE ACCESSIBLE TO EMPLOYEES AT THE EMPLOYER'S PLACE OF
14 BUSINESS THAT CONTAINS THE INFORMATION REQUIRED BY THIS SECTION IN
15 ENGLISH, SPANISH AND ANY LANGUAGE THAT IS THE FIRST LANGUAGE SPOKEN BY AT
16 LEAST FIVE PERCENT OF THE EMPLOYER'S WORKFORCE, PROVIDED THAT SUCH NOTICE
17 HAS BEEN PROVIDED BY THE COMMISSION. THE DIRECTOR MAY ADOPT RULES TO
18 ESTABLISH ADDITIONAL REQUIREMENTS CONCERNING THE MEANS BY WHICH EMPLOYERS
19 SHALL PROVIDE SUCH NOTICE.
20 D. IN ANY CASE IN WHICH THE NECESSITY FOR LEAVE UNDER THIS ARTICLE
21 IS FORESEEABLE, THE EMPLOYEE SHALL PROVIDE THE EMPLOYER WITH AT LEAST
22 THIRTY DAYS' NOTICE BEFORE THE DATE THE LEAVE IS TO BEGIN, OR, IF SUCH
23 NOTICE IS NOT POSSIBLE, THE EMPLOYEE SHALL PROVIDE SUCH NOTICE AS IS
24 PRACTICABLE. IN ANY CASE FOR WHICH THE NECESSITY FOR LEAVE UNDER THIS
25 ARTICLE IS NOT FORESEEABLE, THE EMPLOYEE SHALL PROVIDE SUCH NOTICE AS IS
26 PRACTICABLE.
27 E. THE AMOUNT OF FAMILY AND MEDICAL LEAVE AVAILABLE TO AN EMPLOYEE
28 AND THE AMOUNT OF FAMILY AND MEDICAL LEAVE TAKEN BY AN EMPLOYEE TO DATE IN
29 THE YEAR SHALL BE RECORDED IN, OR ON AN ATTACHMENT TO, THE EMPLOYEE'S
30 REGULAR PAYCHECK.
31 F. ANY EMPLOYER THAT VIOLATES THE RECORDKEEPING, POSTING OR OTHER
32 REQUIREMENTS THAT THE COMMISSION ESTABLISHES UNDER THIS SECTION IS SUBJECT
33 TO A CIVIL PENALTY OF AT LEAST \$250 FOR A FIRST VIOLATION, AND AT LEAST
34 \$1,000 FOR EACH SUBSEQUENT OR WILFUL VIOLATION AND, IF THE COMMISSION OR
35 COURT DETERMINES APPROPRIATE, MAY BE SUBJECT TO SPECIAL MONITORING AND
36 INSPECTIONS.
37 23-382.10. Benefits appeals
38 A. THE DIRECTOR SHALL ESTABLISH A SYSTEM FOR APPEALS IN THE CASE OF
39 A DENIAL OF FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS.
40 B. JUDICIAL REVIEW OF ANY DECISION WITH RESPECT TO FAMILY AND
41 MEDICAL LEAVE INSURANCE BENEFITS IS ALLOWED IN A COURT OF COMPETENT
42 JURISDICTION AFTER A PARTY AGGRIEVED BY THE DECISION HAS EXHAUSTED ALL
43 ADMINISTRATIVE REMEDIES ESTABLISHED BY THE DIRECTOR.

1 C. THE DIRECTOR SHALL IMPLEMENT PROCEDURES TO ENSURE
2 CONFIDENTIALITY OF ALL INFORMATION RELATED TO ANY CLAIMS FILED OR APPEALS
3 TAKEN TO THE MAXIMUM EXTENT ALLOWED BY APPLICABLE LAWS.

4 23-382.11. Erroneous payments and disqualification for
5 benefits

6 A. A COVERED INDIVIDUAL IS DISQUALIFIED FROM FAMILY AND MEDICAL
7 LEAVE INSURANCE BENEFITS FOR ONE YEAR IF THE INDIVIDUAL IS DETERMINED BY
8 THE DIRECTOR TO HAVE WILFULLY MADE A FALSE STATEMENT OR MISREPRESENTATION
9 REGARDING A MATERIAL FACT, OR WILFULLY FAILED TO REPORT A MATERIAL FACT,
10 TO OBTAIN BENEFITS UNDER THIS ARTICLE.

11 B. IF FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS ARE PAID
12 ERRONEOUSLY OR AS A RESULT OF WILFUL MISREPRESENTATION, OR IF A CLAIM FOR
13 FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS IS REJECTED AFTER BENEFITS ARE
14 PAID, THE COMMISSION MAY SEEK REPAYMENT OF BENEFITS FROM THE RECIPIENT.
15 THE DIRECTOR SHALL EXERCISE THE DIRECTOR'S DISCRETION TO WAIVE, IN WHOLE
16 OR IN PART, THE AMOUNT OF ANY SUCH PAYMENTS FOR GOOD CAUSE.

17 23-382.12. Elective coverage

18 A. A SELF-EMPLOYED PERSON, INCLUDING A SOLE PROPRIETOR, PARTNER OR
19 JOINT VENTURER, MAY ELECT COVERAGE UNDER THIS ARTICLE FOR AN INITIAL
20 PERIOD OF NOT LESS THAN THREE YEARS. THE SELF-EMPLOYED PERSON MUST FILE A
21 NOTICE OF ELECTION IN WRITING WITH THE DIRECTOR, AS REQUIRED BY THE
22 COMMISSION. THE ELECTION BECOMES EFFECTIVE ON THE DATE THE SELF-EMPLOYED
23 PERSON FILES THE NOTICE. AS A CONDITION OF ELECTION, THE SELF-EMPLOYED
24 PERSON MUST AGREE TO SUPPLY ANY INFORMATION CONCERNING INCOME THAT THE
25 COMMISSION DEEMS NECESSARY.

26 B. A SELF-EMPLOYED PERSON WHO HAS ELECTED COVERAGE MAY WITHDRAW
27 FROM COVERAGE WITHIN THIRTY DAYS AFTER THE END OF THE THREE-YEAR PERIOD OF
28 COVERAGE, OR AT SUCH OTHER TIMES AS THE DIRECTOR MAY PRESCRIBE BY RULE, BY
29 FILING WRITTEN NOTICE WITH THE DIRECTOR. THE WITHDRAWAL SHALL TAKE EFFECT
30 NOT SOONER THAN THIRTY DAYS AFTER THE SELF-EMPLOYED PERSON FILES THE
31 NOTICE.

32 23-382.13. Family and medical leave insurance program; rules;
33 program termination

34 A. THE COMMISSION SHALL ESTABLISH AND ADMINISTER A FAMILY AND
35 MEDICAL LEAVE INSURANCE PROGRAM AND, ON OR BEFORE JANUARY 1, 2024, SHALL
36 PAY FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS AS SPECIFIED IN THIS
37 ARTICLE.

38 B. THE COMMISSION SHALL ESTABLISH REASONABLE PROCEDURES AND FORMS
39 FOR FILING CLAIMS FOR BENEFITS UNDER THIS ARTICLE AND SHALL SPECIFY THE
40 SUPPORTING DOCUMENTATION THAT IS NECESSARY TO SUPPORT A CLAIM FOR
41 BENEFITS, INCLUDING ANY DOCUMENTATION REQUIRED FROM A HEALTH CARE PROVIDER
42 FOR PROOF OF A SERIOUS HEALTH CONDITION.

43 C. THE COMMISSION SHALL NOTIFY THE EMPLOYER WITHIN FIVE BUSINESS
44 DAYS AFTER A CLAIM IS FILED PURSUANT TO THIS ARTICLE.

1 D. THE COMMISSION SHALL USE INFORMATION SHARING AND INTEGRATION
2 TECHNOLOGY TO FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR
3 RECORDS, IF AN INDIVIDUAL CONSENTS TO THE DISCLOSURE AS REQUIRED UNDER THE
4 LAWS OF THIS STATE.

5 E. INFORMATION CONTAINED IN THE FILES AND RECORDS PERTAINING TO AN
6 INDIVIDUAL UNDER THIS ARTICLE IS CONFIDENTIAL AND NOT OPEN TO PUBLIC
7 INSPECTION, OTHER THAN TO PUBLIC EMPLOYEES IN PERFORMING THEIR OFFICIAL
8 DUTIES. HOWEVER, THE INDIVIDUAL OR AN AUTHORIZED REPRESENTATIVE OF AN
9 INDIVIDUAL MAY REVIEW THE RECORDS OR RECEIVE SPECIFIC INFORMATION FROM THE
10 RECORDS ON THE PRESENTATION OF THE INDIVIDUAL'S SIGNED AUTHORIZATION.

11 F. THE DIRECTOR SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THIS
12 ARTICLE.

13 G. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2031
14 PURSUANT TO SECTION 41-3102.

15 23-382.14. Federal income tax

16 IF THE UNITED STATES INTERNAL REVENUE SERVICE DETERMINES THAT FAMILY
17 AND MEDICAL LEAVE INSURANCE BENEFITS UNDER THIS ARTICLE ARE SUBJECT TO
18 FEDERAL INCOME TAX, THE COMMISSION MUST ADVISE AN INDIVIDUAL FILING A NEW
19 CLAIM FOR FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS, AT THE TIME OF
20 FILING SUCH CLAIM, OF ALL OF THE FOLLOWING:

21 1. THAT THE UNITED STATES INTERNAL REVENUE SERVICE HAS DETERMINED
22 THAT BENEFITS ARE SUBJECT TO FEDERAL INCOME TAX.

23 2. THAT REQUIREMENTS EXIST PERTAINING TO ESTIMATED TAX PAYMENTS.

24 3. THAT THE INDIVIDUAL MAY ELECT TO HAVE FEDERAL INCOME TAX
25 DEDUCTED AND WITHHELD FROM THE INDIVIDUAL'S PAYMENT OF BENEFITS IN THE
26 AMOUNT SPECIFIED IN THE FEDERAL INTERNAL REVENUE CODE.

27 4. THAT THE INDIVIDUAL IS ALLOWED TO CHANGE A PREVIOUSLY ELECTED
28 WITHHOLDING STATUS.

29 23-382.15. Family and medical leave insurance fund

30 A. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND IS ESTABLISHED
31 CONSISTING OF CONTRIBUTIONS RECEIVED PURSUANT TO SECTION 23-382.04 AND ANY
32 OTHER MONIES. THE COMMISSION SHALL ADMINISTER THE FUND. EXPENDITURES
33 FROM THE FUND MAY BE USED ONLY FOR THE PURPOSES OF THE FAMILY AND MEDICAL
34 LEAVE INSURANCE PROGRAM, INCLUDING CONDUCTING THE PUBLIC EDUCATION
35 CAMPAIGN PURSUANT TO SECTION 23-382.17. ONLY THE DIRECTOR OR THE
36 DIRECTOR'S DESIGNEE MAY AUTHORIZE EXPENDITURES FROM THE FUND.

37 B. WHENEVER, IN THE JUDGMENT OF THE COMMISSION, THERE IS IN THE
38 FAMILY AND MEDICAL LEAVE INSURANCE FUND AN AMOUNT OF MONIES IN EXCESS OF
39 THE AMOUNT DEEMED BY THE COMMISSION TO BE SUFFICIENT TO MEET THE CURRENT
40 EXPENDITURES PROPERLY PAYABLE FROM THE FUND, THE STATE TREASURER MAY
41 INVEST, REINVEST, MANAGE, CONTRACT, SELL OR EXCHANGE INVESTMENTS ACQUIRED
42 WITH SUCH EXCESS FUNDS IN THE MANNER PRESCRIBED BY THE LAWS OF THIS STATE
43 ON NOTICE FROM THE COMMISSION.

1 23-382.16. Annual report

2 BEGINNING SEPTEMBER 1, 2024 AND EACH SEPTEMBER 1 THEREAFTER, THE
3 COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR, THE PRESIDENT OF THE
4 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND SHALL PROVIDE
5 A COPY OF THE REPORT TO THE SECRETARY OF STATE, THAT INCLUDES ALL OF THE
6 FOLLOWING:

7 1. THE PROJECTED AND ACTUAL PROGRAM PARTICIPATION BY SECTION
8 23-382.01 CATEGORY.

9 2. THE GENDER OF THE BENEFICIARIES.

10 3. THE PREMIUM RATES.

11 4. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND BALANCES.

12 5. OUTREACH EFFORTS.

13 6. FOR LEAVE TAKEN UNDER SECTION 23-382.01, PARAGRAPH 2,
14 SUBDIVISION (b), THE FAMILY MEMBERS FOR WHOM LEAVE WAS TAKEN TO PROVIDE
15 CARE.

16 23-382.17. Public education

17 THE COMMISSION SHALL CONDUCT A PUBLIC EDUCATION CAMPAIGN TO INFORM
18 EMPLOYEES AND EMPLOYERS REGARDING THE AVAILABILITY OF FAMILY AND MEDICAL
19 LEAVE INSURANCE BENEFITS. OUTREACH INFORMATION SHALL BE AVAILABLE IN
20 ENGLISH, SPANISH AND OTHER LANGUAGES SPOKEN BY MORE THAN FIVE PERCENT OF
21 THIS STATE'S POPULATION. THE COMMISSION SHALL USE MONIES FROM THE FAMILY
22 AND MEDICAL LEAVE INSURANCE FUND ESTABLISHED BY SECTION 23-382.15 TO
23 FINANCE THE PUBLIC EDUCATION CAMPAIGN.

24 23-382.18. Sharing technology

25 THE COMMISSION IS ENCOURAGED TO USE STATE DATA COLLECTION AND
26 TECHNOLOGY TO THE EXTENT POSSIBLE AND TO INTEGRATE THE FAMILY AND MEDICAL
27 LEAVE INSURANCE PROGRAM WITH EXISTING STATE POLICIES.

28 Sec. 2. Rulemaking

29 All rules necessary to implement this act shall be adopted within
30 one-hundred twenty days after the effective date of this act.

31 Sec. 3. Severability

32 If a provision of this act or its application to any person or
33 circumstance is held invalid, the invalidity does not affect other
34 provisions or applications of the act that can be given effect without the
35 invalid provision or application, and to this end the provisions of this
36 act are severable.

37 Sec. 4. Emergency

38 This act is an emergency measure that is necessary to preserve the
39 public peace, health or safety and is operative immediately as provided by
40 law.