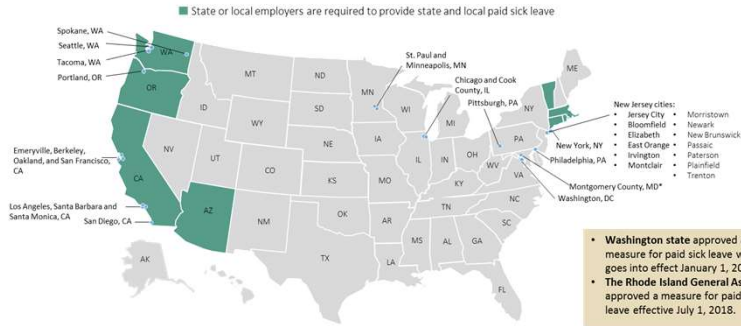


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State and local paid sick leave laws, by administrative district Requirements vary by jurisdiction



Source: Work Place Fairness, "State and local paid sick leave laws," *Your Rights*, 2017; "Paid sick leave," *National Conference of State Legislatures*, February 8, 2017; *National Partnership for Women and Families*, 2017.

2017-2018
Public Policy Agenda
Labor and Employment

- Bills to mandate paid leave introduced in Congress, but action unlikely:
 - Healthy Families Act (S.636 & H.R. 1516) – Requires employers with 15 or more employees to provide up to 56 hours of paid sick leave.
 - FAMILY Act (S.397 & H.R.947) – Creates a paid family leave insurance fund through a payroll tax to provide partial wage replacement for FMLA qualifying events.

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Tomorrow's Workplace Doesn't Work By Today's Rules





Rep. Mimi Walters (R-CA)

**H.R. 4219, Workflex in
the
21st Century Act of 2017**
Labor and Employment

- Representative Mimi Walters introduced SHRM-developed legislation that would expand paid leave and workplace flexibility opportunities for all employees:
 - Employers that **choose to participate** by offering a minimum threshold of paid leave and a flexible work option to *all employees* will benefit from pre-emption of all state and local paid sick leave law requirements.
 - Amends ERISA, giving employers flexibility and predictability through a federal framework to design workplace flexibility offerings, rather than a patchwork of conflicting government mandates.

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- Amends ERISA by adding to the definition of an ERISA plan a “Qualified Flexible Work Arrangement Plan” (QFWA) that must include 2 components for all employees: compensable leave and a workflex option.
- Compensable leave defined as paid time off, sick leave, personal leave, or vacation.
- Number of compensable days available to employee determined by employer size and employee tenure.
- Compensable leave is available to full-and part-time employees with leave prorated for part-time employees based on a calculation subject to the employer’s full-time designation.
- Employees will begin to accrue leave upon employment but may be prohibited from using the leave in their first 90 days of employment.

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“Number of employees employed by an employer	Minimum number of compensable days of leave per plan year	
	Employees with 5 or more years of service with the employer as of the beginning of the plan year:	Employees with fewer than 5 years of service with the employer as of the beginning of the plan year:
1000 or more	20 days	16 days
250 to 999	18 days	14 days
50 to 249	15 days	13 days
less than 50	14 days	12 days

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- A Flexible Work Arrangement (FWA) must be offered to each eligible employee (individuals employed for 12 months and that have worked 1,000 hours during the previous 12-month period) and may include:
 - Compressed work schedule;
 - Biweekly work program;
 - Telecommuting program;
 - Job-sharing program;
 - Flexible scheduling; or
 - Predictable scheduling
- Employers may specify which employee positions can participate in a particular FWA and employee participation is voluntary.
- Participation of union employees will be determined by the collective bargaining process.
- Federal contractors that offer this ERISA workflex plan would satisfy the executive order on paid sick leave.



EXPRESS YOUR SUPPORT

for the Workflex in the 21st Century Act (#WorkFlexBill) on Instagram, Twitter and/or Facebook.

Post a photo of yourself holding a copy of the accompanying template.

Feel free to personalize the message with the name of your chapter or organization (e.g., SHRM Northern California supports the #WorkFlexBill). Make sure to use the hashtag #WorkFlexBill in your post to be part of the online conversation.

Use a photo caption to share details on why you support the measure or why it's important to the workplace.

