

REFERENCE TITLE: family and medical leave; coverage

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **HB 2767**

Introduced by  
Representatives Salman: Butler, Fernandez B, Hernandez M, Liguori, Powers  
Hannley

**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).

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, 2025, 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) IS PREGNANT OR RECOVERING FROM CHILDBIRTH OR HAS AN ILLNESS,  
22 INJURY, IMPAIRMENT OR PHYSICAL OR MENTAL CONDITION THAT INVOLVES INPATIENT  
23 CARE IN A HOSPITAL, HOSPICE OR RESIDENTIAL MEDICAL CARE FACILITY OR  
24 CONTINUING TREATMENT BY A HEALTH CARE PROVIDER AND THAT MAKES THE COVERED  
25 INDIVIDUAL UNABLE TO PERFORM THE FUNCTIONS OF THE EMPLOYEE'S POSITION.

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

30 (e) IS IN NEED OF SAFE LEAVE.

31 23-382.02. Duration of benefits

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

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

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

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

43 C. THE FIRST PAYMENT OF BENEFITS MUST BE MADE TO A COVERED  
44 INDIVIDUAL WITHIN TWO WEEKS AFTER THE CLAIM IS FILED AND SUBSEQUENT  
45 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, 2025, 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, 2024, 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 2024 AND 2025, THE COMMISSION SHALL DO SO  
35 BASED ON SOUND ACTUARIAL PRINCIPLES.

36           2. FOR CALENDAR YEAR 2024 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 PARAGRAPH 2, SUBDIVISION (b) OF THIS SUBSECTION, THE COURT SHALL ORDER THE  
44 EMPLOYER TO PAY AT LEAST \$1,000 PER VIOLATION TO THIS 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 A. THE COMMISSION SHALL ESTABLISH AND ADMINISTER A FAMILY AND  
34 MEDICAL LEAVE INSURANCE PROGRAM AND, ON OR BEFORE JANUARY 1, 2025, SHALL  
35 PAY FAMILY AND MEDICAL LEAVE INSURANCE BENEFITS AS SPECIFIED IN THIS  
36 ARTICLE.

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

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

44 D. THE COMMISSION SHALL USE INFORMATION SHARING AND INTEGRATION  
45 TECHNOLOGY TO FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR

1 RECORDS, IF AN INDIVIDUAL CONSENTS TO THE DISCLOSURE AS REQUIRED UNDER THE  
2 LAWS OF THIS STATE.

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

9 F. THE DIRECTOR SHALL ADOPT RULES AS NECESSARY TO IMPLEMENT THIS  
10 ARTICLE.

11 23-382.14. Federal income tax

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

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

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

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

23 4. THAT THE INDIVIDUAL IS ALLOWED TO CHANGE A PREVIOUSLY ELECTED  
24 WITHHOLDING STATUS.

25 23-382.15. Family and medical leave insurance fund

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

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

40 23-382.16. Annual report

41 BEGINNING SEPTEMBER 1, 2025 AND EACH SEPTEMBER 1 THEREAFTER, THE  
42 COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR, THE PRESIDENT OF THE  
43 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND SHALL PROVIDE  
44 A COPY OF THE REPORT TO THE SECRETARY OF STATE, THAT INCLUDES ALL OF THE  
45 FOLLOWING:

- 1           1. THE PROJECTED AND ACTUAL PROGRAM PARTICIPATION BY SECTION
- 2 23-382.01 CATEGORY.
- 3           2. THE GENDER OF THE BENEFICIARIES.
- 4           3. THE PREMIUM RATES.
- 5           4. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND BALANCES.
- 6           5. OUTREACH EFFORTS.
- 7           6. FOR LEAVE TAKEN UNDER SECTION 23-382.01, PARAGRAPH 2,
- 8 SUBDIVISION (b), THE FAMILY MEMBERS FOR WHOM LEAVE WAS TAKEN TO PROVIDE
- 9 CARE.

10           23-382.17. Public education

11           THE COMMISSION SHALL CONDUCT A PUBLIC EDUCATION CAMPAIGN TO INFORM

12 EMPLOYEES AND EMPLOYERS REGARDING THE AVAILABILITY OF FAMILY AND MEDICAL

13 LEAVE INSURANCE BENEFITS. OUTREACH INFORMATION SHALL BE AVAILABLE IN

14 ENGLISH, SPANISH AND OTHER LANGUAGES SPOKEN BY MORE THAN FIVE PERCENT OF

15 THIS STATE'S POPULATION. THE COMMISSION SHALL USE MONIES FROM THE FAMILY

16 AND MEDICAL LEAVE INSURANCE FUND ESTABLISHED BY SECTION 23-382.15 TO

17 FINANCE THE PUBLIC EDUCATION CAMPAIGN.

18           23-382.18. Sharing technology

19           THE COMMISSION IS ENCOURAGED TO USE STATE DATA COLLECTION AND

20 TECHNOLOGY TO THE EXTENT POSSIBLE AND TO INTEGRATE THE FAMILY AND MEDICAL

21 LEAVE INSURANCE PROGRAM WITH EXISTING STATE POLICIES.

22           Sec. 2. Rulemaking

23           All rules necessary to implement this act shall be adopted within

24 one hundred twenty days after the effective date of this act.

25           Sec. 3. Severability

26           If a provision of this act or its application to any person or

27 circumstance is held invalid, the invalidity does not affect other

28 provisions or applications of the act that can be given effect without the

29 invalid provision or application, and to this end the provisions of this

30 act are severable.

31           Sec. 4. Emergency

32           This act is an emergency measure that is necessary to preserve the

33 public peace, health or safety and is operative immediately as provided by

34 law.