



## ABSENCE ADVISORY

REGULATORY UPDATES FROM  
AFLAC'S LIFE, ABSENCE AND  
DISABILITY SOLUTIONS DIVISION

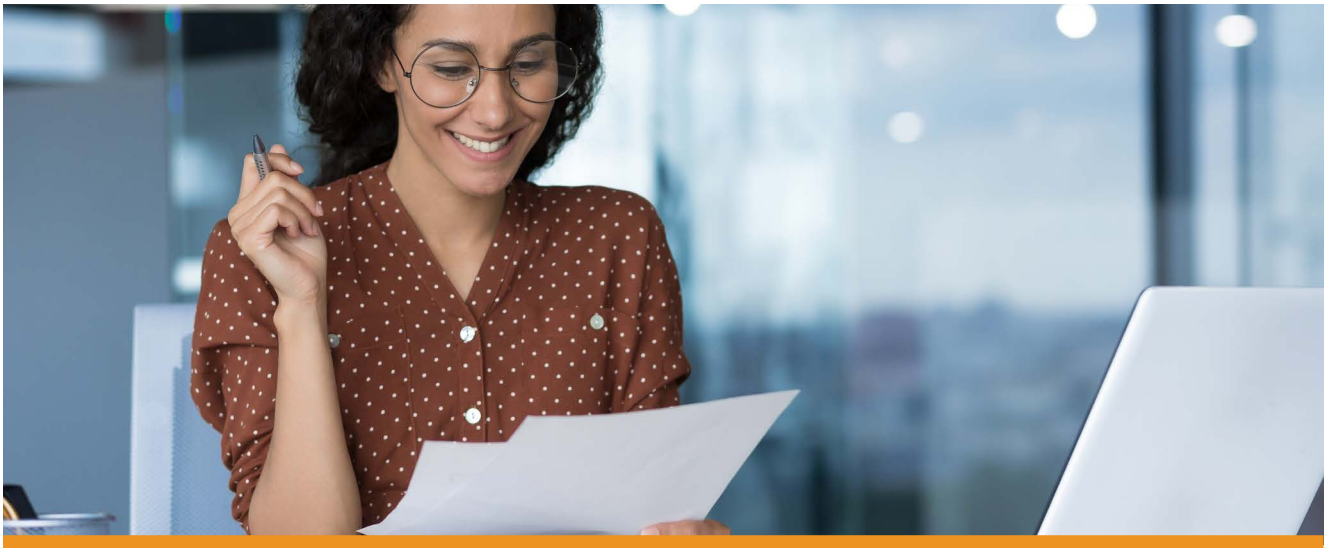


JANUARY 2024

We are pleased to share the January 2024 Absence Advisory, along with information related to state and other paid leave legislation.

### TOP NEWS INSIDE

- State/other paid leave legislation: [Massachusetts](#), [Washington](#), [Oregon](#), [Illinois](#).
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## STATE/OTHER PAID LEAVE LEGISLATION

### MASSACHUSETTS

#### **Massachusetts Paid Family Medical Leave publishes 2024 employer notices**

The Massachusetts Department of Family and Medical Leave (DFML) who oversees the Massachusetts Paid Family and Medical Leave (MA PFML) benefit has published 2024 MA PFML posters and notices. All Massachusetts employers (including employers with private or self-insured benefits plans) are required to provide certain information to their covered employees under the MA PFML laws. Employers must distribute notices and display a workplace poster that explains MA PFML.

#### **Notice requirements**

- Employers must provide any newly hired employees with a notice about MA PFML contribution rates within 30 days of hire.
- For current employees, employers must provide information on the new contribution rate 30 days in advance of the rate change. The notice may be provided electronically.

#### **Posters**

- Employers must display the poster at their workplace(s) in a location where it can be easily read. If the workforce is working remotely, employers should follow their company policy regarding the display of employment posters.
- If five or more employees have a primary language other than English, and the DFML has provided translations for that language, employers must display those versions as well. The employer is responsible for providing translation with regard to any language not provided by DFML.

For more information and to locate the new notices and posters, please use this link: <https://www.mass.gov/info-details/pfml-workplace-poster-notices-and-rate-sheets-for-massachusetts-employers>.

## WASHINGTON

### **Washington Paid Family Medical Leave changes coverage exclusion for employees with collective bargaining agreements**

Beginning Jan. 1, 2024, employees who were previously excluded from Washington Paid Family Medical Leave (WA PFML) because they were covered by a collective bargaining agreement (CBA) may now be eligible if the employee meets all of the following criteria:

- The employee is currently covered by a CBA, and
- The employee works in Washington state (not including federal employees or employees of a tribally-owned business on tribal land), and
- The employee's CBA was in effect before Oct. 19, 2017, and
- The employee's CBA has remained in place without being re-opened, renegotiated or expiring since that time.

For more information, please see: [https://paidleave.wa.gov/CBA/?utm\\_medium=email&utm\\_source=govdelivery](https://paidleave.wa.gov/CBA/?utm_medium=email&utm_source=govdelivery).

## OREGON

### **Oregon contribution rate to remain at 1% for 2024**

The Oregon Paid Leave contribution rate for 2024 will stay the same as 2023 at 1% of each employee's wages, up to \$168,600. This is the Social Security taxable maximum wage amount for 2024. Contributions for Oregon Paid Leave are divided between employees and employers, with 60% of the rate paid by employees and 40% by large employers. This information is also posted in employers' Frances Online account.

### **Delays with Oregon Paid Leave**

According to a recent Oregon Paid Leave (OPL) press release, the public may have seen some media coverage focusing on employees who are experiencing delays with their claims. The Oregon Employment Department, who oversees the administration of OPL benefits, has confirmed these delays were not unexpected and are working to resolve the issues. They made the following recommendations for employees:

- Failure to respond to a letter received in the mail – even if an employee chooses electronic communication, some customers will receive a letter through the mail that asks for more information. Please continue to check both the Frances Online account and physical mailboxes. It is important that employees exactly follow the instructions in the letter. If employees don't do this, the claim may be denied.
- Failure to upload the correct documents for the leave type – Please review the OPL checklist and Employee Guidebook on the employee toolkit webpage, which tells employees what they need to apply. OPL highly recommends using the official Paid Leave forms to make sure all required information is submitted.
- Incorrectly submitting critical information – such as date of birth, name, employer name, Social Security Number, etc.

In addition, OPL encourages people to apply and notify their employer 30 days in advance, if possible. This will help speed up the process.

Lastly, OPL has added additional customer service staff to help with phones and to process claims. They also have staff working weekends to resolve complicated claims with pending issues.

For more information, please see: <https://paidleave.oregon.gov/bulletins/2023-12-19/december-2023-bulletin/>.

## ILLINOIS

### Chicago Paid Leave and Paid Sick and Safe Leave Ordinance delay

In December's Advisory, we informed the audience that on Nov. 9, 2023, Chicago's City Council enacted the Chicago Paid Leave and Paid Sick and Safe Leave Ordinance. The ordinance was set to amend the existing Chicago Paid Sick Leave Ordinance to provide eligible employees with the ability to accrue up to 40 hours of paid leave and an additional 40 hours of paid sick leave every 12 months. On Dec. 13, 2023, Chicago City Council enacted an ordinance that both delays the ordinance effective date from January 1, 2024, to July 1, 2024, and also amends the previously enacted Ordinance No. 02023-2980.

### What's changed

#### Covered employees

The definition of a covered employee has been amended from employees who, in any particular two-week period, work at least two hours of work for an employer while physically present within the geographic boundaries of Chicago to an employee who works at least 80 hours for an employer within any 120-day period, while physically present within the geographic boundaries of the City. Once the employee reaches 80 hours of employment, the employee will remain a covered employee for the remainder of the time the employee works for the employer.

#### Administrative details

Originally, medium employers (51 to 100 employees) were required to pay out 16 hours of unused paid leave at separation between Jan. 1, 2024, to Dec. 31, 2024. Then as of Jan. 1, 2025, the requirement is to pay out all accrued and unused paid leave at separation. The dates have shifted and the payout of 16 hours of unused paid leave is now from Jan. 1, 2024, to June 30, 2025. Then effective July 1, 2025, the requirement will be to pay out the monetary equivalent of all accrued and unused paid leave at separation.

#### Employer notice requirements

The ordinance also modifies the requirements for employer notices to include that the employer must provide its written paid time off policy to each of their covered employees in their primary language.

To review additional details of Chicago Paid Leave and Paid Sick and Safe Leave modifications, please visit: [eb993f4c-9591-4af4-91e9-967c1627dd41.pdf \(usgovcloudapi.net\)](https://usgovcloudapi.net/eb993f4c-9591-4af4-91e9-967c1627dd41.pdf).





Please note, Aflac does not administer Paid Sick Leave programs on behalf of our clients, however we encourage employers to review and update their systems, processes, internal policies, provide timely and appropriate updates/training to management to implement the laws as it applies to your company.



These are educational materials only. Employers should consult their own counsel for obligations for state-mandated leave and disability programs. Products and services are provided by Continental American Insurance Company. In California, coverage is offered by Continental American Life Insurance Company. In New York, products and services are provided by American Family Life Assurance Company of New York. Products may not be available in all states and may vary depending on state law.

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