



# ABSENCE ADVISORY

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



JULY 2023

We are pleased to share the July 2023 Absence Advisory, along with information related to state and other paid leave legislation.

## TOP NEWS INSIDE

- [Paid leave updates webinar replay.](#)  
.....
- [2023 DMEC Employer Leave Management Survey.](#)  
.....
- [State/other paid leave legislation.](#)  
.....
- State/other leave legislation: [Oregon.](#)  
.....



## PAID LEAVE UPDATES WEBINAR REPLAY

In case you missed it, Aflac Group Life, Absence and Disability hosted a webinar for employers last month focused on the upcoming paid leave updates and provided important next steps and timelines.

During our webinar, we covered the following:

- CO FAMILI updates.
- OR Paid Leave reminders.
- Maryland PFML.
- Delaware PFML.
- Minnesota PFML.
- Private plan considerations.
- Timelines.

You can listen to the replay by clicking [here](#). If you would like more information about Aflac's Statutory Paid Leave private plan offerings or other information, please reach out to your Aflac representative.

## 2023 DMEC EMPLOYER LEAVE MANAGEMENT SURVEY

Aflac is a National Sponsor of the Disability Management Employer Coalition (DMEC). DMEC provides education and networking for more than 18,000 absence and disability management professionals. As part of its responsibilities, DMEC surveys employers of all sizes regarding leave types required by law (e.g., FMLA), company-specific leaves and paid leaves, and also explores the coordination with other types of time away from work benefits. As one of our absence/disability customers, we are sharing this opportunity with you to participate.

To take the survey, [click here](#).<sup>1</sup>

All responses are confidential and will be aggregated for analysis and research. Regardless of the coverage that you have with Aflac, we highly encourage you to participate.

As a participant of the survey, you will receive full survey results including information about the latest leave management policies and practices.

The approximate duration of the survey is dependent upon the party completing the survey; responses are saved so you do not need to complete the survey all at once. The survey must be completed no later than Aug. 31, 2023.

For more information, please visit [www.dmec.org](http://www.dmec.org).



## STATE/OTHER PAID LEAVE LEGISLATION

### Changes to Washington Paid Family Medical Leave (WA PFML) benefit

On June 28, 2023, the Employment Security Department that administers WA PFML announced an increase in the weekly maximum benefit amount. Beginning on Jan. 1, 2024, the maximum benefit will increase from \$1,427 to \$1,456. The minimum paid leave benefit will stay at \$100.

For more information, please see: <https://esd.wa.gov/newsroom/2022-average-annual-wage>.

### Washington Paid Family Leave to publish claim reports

On May 9, 2023, the governor signed legislation allowing certain interested parties to have access to information to PFML reports. The reports will include information such as:

- Type of leave being taken.
- Duration of leaves.
- Approval rates.
- Amount of benefits paid.

To administer internal employer leaves or modify benefit practices, *interested parties* is defined as an employee, current employer or a current employer's third-party administrator. The law goes into effect Jan. 1, 2024.

For more information, please see: <https://app.leg.wa.gov/>.

## Texas Paid Family Medical Leave

On June 12, 2023, Texas became the next state to allow employers to purchase a voluntary paid family medical leave policy from approved insurance carriers. The legislation creates a new line of insurance, known as paid family leave insurance. The statute chapter applies only to a family leave insurance policy, amendment or rider to a group disability policy issued in Texas by a life, health and accident insurance company, but does not cover policies purchased in another state.

For more information, please see: <https://legiscan.com/TX/bill/HB1996/2023>.

## Changes to Rhode Island Temporary Disability Insurance and Temporary Caregiver Insurance (RI TDI/TCI)

The Rhode Island Department of Labor and Training, which administers RI TDI and TCI, has announced an increase in the weekly maximum benefit amount. Beginning on July 1, 2023, the maximum benefit increased from \$1,007 to \$1,043. The minimum benefit has not changed from \$121.

For more information, please see: <https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance>.

# STATE/OTHER LEAVE LEGISLATION

## OREGON

### Oregon Family Leave Act amendments SB 999

On June 7, 2023, Governor Kotek signed Oregon Senate Bill 999 into law to amend the Oregon Family Leave Act (OFLA) and Paid Leave Oregon. The amendments include changes intended to promote alignment between the laws in verbiage and behavior.

The following are key changes effective Sept. 3, 2023:

#### Concurrency

When an absence is taken for OFLA that also qualifies under the Federal Family and Medical Leave Act (FMLA) or Paid Leave Oregon, the absence will run concurrent with the applicable law. This change prevents “stacking” of leave and the time taken will reduce the available entitlements under each law, as applicable.

#### Family members

Family members are defined as any of the following:

- The spouse of a covered individual.
- The child of a covered individual or the child’s spouse or domestic partner.
- A parent of a covered individual or the parent’s spouse or domestic partner.
- A sibling or stepsibling of a covered individual or the sibling’s or stepsibling’s spouse or domestic partner.
- A grandparent of a covered individual or the grandparent’s spouse or domestic partner.
- A grandchild of a covered individual or the grandchild’s spouse or domestic partner.

- The domestic partner of a covered individual.
- Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.

### **Reinstatement**

Under OFLA, an eligible employee is entitled to be restored to the position they held prior to the leave, as long as it exists. If the position no longer exists, the employee is entitled to be restored to an available equivalent position with equivalent benefits, pay and other terms and conditions. The amendment has expanded the geographical proximity of the location of the equivalent job if one is not available at the prior worksite. The proximity will increase from 20 miles of the job site to 50 miles.

### **OFLA 'one-year period'**

- The amendment redefines the one-year period to either of these two options:
- A period of 52 consecutive weeks beginning on the Sunday immediately preceding the absence start date (which is the method that Paid Leave Oregon applies).
- A consecutive 12-month period, such as a calendar year, a fiscal year or the 12-month period that begins on the date the employee begins family leave

Employers will have until July 1, 2024, to determine the new one-year period that they will adopt and make the adjustments to process, employer notices and training programs.

For more information: [SB0999 \(oregonlegislature.gov\)](https://www.oregonlegislature.gov/bills-laws/2024/sb0999).

Aflac is reviewing for internal systemic and process impacts.



<sup>1</sup> We are providing this survey as a convenience only. We do not endorse, nor are we responsible for the content, accuracy or accessibility of the content of this survey. Please review DMEC's terms of use and privacy policy located here, [www.dmec.org](https://www.dmec.org).

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 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.