



PLADS

LEGISLATIVE ADVISORY

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



EDITION 4

We are pleased to share the fourth edition of the **PLADS Legislative Advisory**, information related to paid and unpaid leave legislation as well as other regulatory updates.

Keeping up to date with the ever-changing unpaid and paid statutory leave laws can be difficult. This edition focuses on reminders regarding many of the upcoming leave, benefit and funding updates in 2022.

TOP NEWS INSIDE

- [2022 Changes: Connecticut Paid Family and Medical Leave.](#)

- [2022 Expansion: Oregon Family Leave Act.](#)

State/other paid leave legislation.

- **What's new in 2022:** [California](#), [Connecticut](#), [Hawaii](#), [Massachusetts](#), [New Jersey](#), [New York](#), [Puerto Rico](#), [Rhode Island](#), [Washington, D.C.](#) and [Washington](#).

What's coming: [2022 \(New Hampshire\)](#), [2023 \(Oregon\)](#), [2024 \(Colorado\)](#).

- State/other leave legislation: [Washington, D.C.](#)

2022 CHANGES: CONNECTICUT PAID FAMILY AND MEDICAL LEAVE

For Connecticut Paid Family and Medical Leave to run concurrently with job protection provided by CT FML, changes went into effect Jan. 1, 2022.

Covered employers: Applies to companies with one or more employees.

Eligible employees: Employees will be eligible if they have been employed for the three months prior to a claim. There are no minimum hours required.

Job protection: Begins after employees have been employed for three months.

Length of time employees can take: Up to 12 weeks in a 12-month period.

There are two exceptions:

- Military caregivers who can qualify for 26 weeks of leave.
- Two additional weeks are available due to a serious health condition resulting in incapacitation that occurs during a pregnancy.

There is an expansion in the definition of family members.

Use of PTO: While employers can require the use of accrued PTO, they must allow employees to retain at least two weeks of PTO.



2022 EXPANSION: OREGON FAMILY LEAVE ACT

Effective Jan. 1, 2022, protection under Oregon Family Leave Act (OFLA) was expanded to alter the length of time employees are required to be employed, change the hours required and to protect employees reemployed after a separation of service or after returning from a temporary work cessation within 180 days.

The amended law includes expanding eligibility to take OFLA leave for any qualifying reason during a period of public health emergency to all employees of a covered employer if:

- The employer has employed them for at least 30 days immediately before the leave begins.
- They worked an average of at least 25 hours per week during the 30 days immediately preceding the leave.

In addition, the amendment expands the list of qualifying reasons to include care of a child due to a school's or childcare provider's closure. OFLA amendments remove gendered language from provisions related to pregnancy- and childbirth-related leave.

STATE/OTHER PAID LEAVE LEGISLATION

What's new in 2022

CALIFORNIA

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none">Weekly benefit max – \$1,540.Employee contribution rate – 1.1%.Employee annual max contribution – \$1,601.60.Employee taxable wage cap – \$145,600.	None

STATE WEBSITE: <https://www.edd.ca.gov/disability/>

CONNECTICUT PAID LEAVE

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none">Weekly benefit max – \$780.Employee contribution rate – 0.5% of the employee's total wages.Employee taxable wage cap – \$147,000.	Starting July 1, 2022, the max benefit will be \$840 and on June 1, 2023, the max benefit will be \$900.

STATE WEBSITE: https://ctpaidleave.org/s/?language=en_US

HAWAII TDI

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none">Weekly benefit max – \$697.Employee contribution rate – one-half premium cost but no more than 0.5% average weekly wage.Employee max contribution – \$6 per week.Employee taxable wage cap – Maximum of \$1,200.30.	None

STATE WEBSITE: <https://labor.hawaii.gov/dcd/home/about-tdi/>

STATE/OTHER PAID LEAVE LEGISLATION

What's new in 2022

MASSACHUSETTS PFML

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none">Weekly benefit max – \$1,084.31.Employee max contribution – the combined employee and employer contribution rate is 0.68%.Employee taxable wage cap – \$147,000.	<p>All Massachusetts employers must display a workplace poster prepared or approved by the Department of Family and Medical Leave (DFML) that explains the benefits available to your workforce under the PFML law.</p> <p>You must post this poster at your workplace in a location where it can be easily read. It can be found here: https://www.mass.gov/doc/2022-paid-family-and-medical-leave-mandatory-workplace-poster/download.</p>

STATE WEBSITE: <https://www.mass.gov/orgs/department-of-family-and-medical-leave>

NEW JERSEY TDI AND FLI

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none">Weekly benefit max – \$993.Employee contribution rate – 0.14%.Employee annual max contribution – \$212.66.Employee taxable wage cap – \$151,900.	None

STATE WEBSITE: <https://www.myleavebenefits.nj.gov/>

NEW YORK DBL AND PFL

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<p>DBL</p> <ul style="list-style-type: none">Weekly benefit max – \$170.Employee contribution rate – 0.5%.Employee max contribution – \$0.60 per week.Employee taxable wage cap – No more than \$0.60 per week. <p>PFL</p> <ul style="list-style-type: none">Weekly benefit max – \$1,068.36.Employee contribution rate – 0.511%.Employee max contribution – \$423.71 annually.	<p>PFL Intermittent time: Intermittent leave benefit will be calculated by multiplying the average number of days per week that the employee works by 12 weeks (e.g., an employee who works 6 days per week may receive up to 84 days of intermittent leave).</p> <p>Change to the definition of family member in 2023 to include siblings.</p>

STATE WEBSITE:

DBL: <http://www.wcb.ny.gov/content/main/DisabilityBenefits/employee-disability-benefits.jsp> | PFL: <https://paidfamilyleave>.

STATE/OTHER PAID LEAVE LEGISLATION

What's new in 2022

PUERTO RICO SINOT*

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none"> Weekly benefit max – \$113 (\$55 for agricultural workers). Employee contribution rate – 0.3%. Employee max contribution – \$27 annually. Employee taxable wage cap – \$9,000. 	None

STATE WEBSITE: <https://www.trabajo.pr.gov/>

RHODE ISLAND TDI AND TCI**

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none"> Weekly benefit max – \$978. Employee contribution rate – 1.1%. Employee max contribution – \$896.50 annually. Employee taxable wage cap – \$81,500. 	Temporary caregiver benefits will increase to five weeks in a benefit year starting Jan. 1, 2022, and will increase to six weeks in a benefit year beginning Jan. 1, 2023.

STATE WEBSITE: <https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance>

WASHINGTON, DC UPL **

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none"> Weekly benefit max – \$1,009. 100% Employer paid – 0.62% of annual reported salary. Employee max contribution – N/A. Employee taxable wage cap – N/A. 	<p>Elimination period waived through July 24, 2022.</p> <p>2021 regulations now prevent an insurer from offsetting or reducing short-term disability benefits based on the employee's assumed or actual receipt of universal paid leave benefits. The law does not apply to self-insured employers or insurers who are acting on behalf of a self-insured employer as a third-party administrator for the self-insured employer.</p> <p>The duration of DC UPL increased:</p> <ul style="list-style-type: none"> 8 workweeks of qualifying parental leave. 6 workweeks of qualifying family leave. 6 workweeks of qualifying medical leave. 2 workweeks of prenatal leave.

STATE WEBSITE: <https://does.dc.gov/page/dc-paid-family-leave/>

*Benefit is not managed by Aflac.

**State run program only. No private plan option available.

STATE/OTHER PAID LEAVE LEGISLATION

What's new in 2022

WASHINGTON PFML

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL UPDATES FOR 2022
<ul style="list-style-type: none"> Weekly benefit max – \$1,327. Employee contribution rate – 73% of 0.6% of wages up to SS wage base (\$147,000). Employee max contribution – shared contribution between employee and employer. Employee taxable wage cap – \$147,000. 	<p>Change to the definition of family member: Means a child, grandchild, grandparent, parent, sibling or spouse of an employee, and includes any individual who regularly resides in the employee’s home or where the relationship creates an expectation that the employee cares for the person and that the individual depends on the employee for care.</p>

STATE WEBSITE: <https://paidleave.wa.gov/>

COMING SOON...

2022: New Hampshire PFML

No later than March 31, 2022: A request for proposals will be issued to select a carrier to administer benefits under the Granite State Paid Family Leave state plan.

January 1, 2023: coverage must be in place for state employees and available for purchase by private employers, non-state public employers and individuals.

Coverage:

- Mandatory: State employees.
- Voluntary: Private employers and non-state public employers may opt in.
- Voluntary: Individuals who work for an employer that does not opt to voluntarily provide coverage through the Granite State Paid Family Leave Plan can purchase their own coverage through the individual pool.

Leave reasons:

For state employees:

- Birth of the employee’s child.
- Adoption/foster care placement of a child with the employee.

- To care for a family member with a serious health condition.
- Qualifying exigency.

For the private employers, public non-state employers and individuals who opt in:

- Birth of the employee’s child.
- Adoption/foster care placement of a child with the employee.
- To care for a family member with a serious health condition.
- Qualifying exigency.
- Own serious health condition (*only covered if the condition is not work-related and the employer doesn’t offer short-term disability insurance*).

Duration:

- Benefits will be payable for a maximum of six weeks per year.
- Premium amounts will be a percentage of wages or the “state rate.” This state rate will be determined by the carrier who administers the Granite State Paid Family Leave Plan.

In addition, the state will require rates to be filed for approval with the insurance commissioner.

COMING SOON...

2023: Oregon PFML

Program effective Sept. 3, 2023 (delayed by OR HB 3398).

Annual premium and benefit rate announcements are expected once the program goes live.

State-run or private plan exemption (“equivalent plan”).

Leave reasons:

- Employee’s own serious health condition.
- Bonding with a newly born, adopted or fostered child.
- Care for a family member with a serious health condition.
- Safe leave for an employee experiencing issues related to domestic violence, harassment, sexual assault or stalking.

Duration:

- Medical leave: 12 weeks.
- Family leave: 12 weeks.
- An employee is eligible for an additional two weeks of leave for a pregnancy that results in incapacity.
- Overall family and medical leave duration: In rare situations, up to 18 weeks may be taken in a benefit year, though four of those weeks may be unpaid.

2023 contribution rate: 1% of wages up to the Social Security wage cap. Contributions can be split between the employer (40%) and the employee (60%).

2024: Colorado PFML

Program effective Jan. 1, 2024.

Annual premium and benefit rate announcements are expected once the program goes live.

State-run or private plan exemption. (The state has not yet released details as to process and options for private plans.)

Leave reasons:

- Employee’s own serious health condition.
- Bonding with a newly born, adopted or fostered child.
- Care for a family member with a serious health condition.
- Assist loved ones when a family member is deployed abroad or on active military service (military exigency).
- Safe leave for an employee experiencing issues related to domestic violence, harassment, sexual assault or stalking.

Duration:

- Medical leave: 12 weeks.
- Family leave: 12 weeks.
- An employee is eligible for an additional two weeks of leave for a pregnancy that results in incapacity.

2023 contribution rate: 0.9% of wages up to the Social Security wage cap. Contributions are split between the employer (.45%) and the employee (.45%) equally.

STATE/OTHER LEAVE LEGISLATION

WASHINGTON, D.C.

COVID Vaccination Leave Emergency Amendment for the District of Columbia

Enacted and effective on Nov. 18, 2021, the District of Columbia has amended its leave of absence laws to provide paid time off for COVID-19 vaccinations as well as unpaid time off to accommodate employees and their family members impacted by COVID-19.

Employers must provide paid leave to employees for absences related to the employee or for the employee's child to receive the COVID-19 vaccination or booster. The paid time includes leave taken for the employee or the employee's child to recover from side effects of receiving the vaccine or booster.

Below are some highlights.

Eligibility: 15 days of employment for their employer.

Benefits:

- Two hours for the vaccine injection.
- Up to eight hours per injection for recovery, to be taken within the 24-hour period immediately following the injection.
- Maximum of 48 hours per year.

In addition, the new law provides unpaid leave under the District's Family and Medical Leave Act.

If eligible, the employee may take up to 16 weeks of unpaid leave in the two-year period after the effective date of the COVID Vaccination Leave Emergency Amendment Act of 2021 if the employee cannot work because of one of the following:

- The employee has tested positive for COVID-19 and must quarantine under Department of Health guidelines.
- The employee is caring for a family member or individual with whom the employee shares a household who has tested positive for COVID-19 and must quarantine under Department of Health guidelines.
- The employee has been recommended to quarantine by a health care provider or employer due to COVID-19. This includes quarantine because the employee or an individual with whom the employee shares a household is at high risk for serious illness from COVID-19.
- The employee must provide care for a family member or an individual with whom the employee shares a household who is quarantining due to Department of Health guidance, a health care provider's recommendation, or the order or policy of the individual's school or childcare provider.
- The employee must provide care for a child whose school or place of care is closed or whose childcare provider is unavailable due to COVID-19.

For more information, please see the [District of Columbia B24-0404-Signed_Act.pdf \(dccouncil.us\)](#).





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 or American Family Life Assurance Company of Columbus on behalf of Zurich American Life Insurance Company. In New York, products and services are provided by American Family Life Assurance Company of New York.

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