



# PLADS

## LEGISLATIVE ADVISORY

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



APRIL 2022

We are pleased to share the April 2022 **PLADS Legislative Advisory**, information related to paid and unpaid leave legislation as well as other regulatory updates.

This month's edition highlights where to find the latest Aflac PLADS resources, information on our next webinar, the latest leave legislation and more.

### TOP NEWS INSIDE

- [New Aflac PLADS resources.](#)

- [Save the date for our next webinar.](#)

State/other paid leave legislation:

- [Colorado](#), [Oregon](#), [Maryland](#), [Vermont](#), [Washington](#), [Washington D.C.](#)

- State/other leave legislation: [Illinois](#)

- Other: [Virginia](#)

## NEW PLADS RESOURCES

Visit the [PLADS Resources page](#) on aflac.com to access timely information about paid and unpaid leave legislation and more, including our Legislative Advisories and webinar recordings. We're also pleased to make our [Statutory Disability and Paid Leave Guide](#) available to brokers/consultants and employers.

## SAVE THE DATE FOR OUR NEXT WEBINAR

Aflac hosts a quarterly webinar series to help employers and our broker/consultant partners stay on top of the ever-changing paid and unpaid leave landscape. Webinars are hosted by industry experts who highlight crucial legislative information, important timelines and equip employers with information they need to make informed decisions.

Our next webinar is scheduled for June 7, 2022. It will focus on ways employers can drive engagement in their programs to better support employee mental health and wellbeing. Registration details will be available in May.



## STATE/OTHER PAID LEAVE LEGISLATION

### COLORADO

#### Colorado FAMILI webinar series for employers

The Colorado Department of Labor and Employment recently rolled out its new webinar series to help employers better understand how Colorado's Family and Medical Leave Insurance (CO FAMILI) will work. The latest in the series reviewed how the new benefit will interact with other types of leave. The presentation included a background on CO FAMILI, a review of other types of federal and state leaves, what businesses can do to prepare for CO FAMILI, where to go for additional resources and a question-and-answer segment. For access to employer webinars and presentations, the new employer FAMILI Toolkit and more, please visit <https://famli.colorado.gov/employers>.

CO FAMILI, which will be administered by the Division of Family and Medical Leave Insurance, provides employees with up to 12 weeks of leave for the employee's own serious health condition, to bond with a new child or to care for a family member with a serious health condition. Those who experience pregnancy or childbirth complications will receive an additional four weeks. Both employers and employees contribute premiums for the program and employees will start to see premium contribution deductions on their pay stubs beginning Jan. 1, 2023.

## OREGON

### **Oregon Paid Family Medical Leave amends definition of benefit year**

On March 7, 2022, Governor Brown signed SB 1515 that amends the definition of “benefit year” under the Oregon Paid Family Medical Leave benefit plan. The new language defines “benefit year” to mean “Except as provided in paragraph (b) of this subsection, a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave, medical leave or safe leave commences.”

The change was made to reduce confusion among employers and employees, to maximize efficiency of the program and to align with other state PFML programs. For more information, visit: <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/SB1515>.

## MARYLAND

### **Paid Family Medical Leave passes in Maryland**

On April 9, 2022, the Maryland Senate and House voted to override the Governor’s veto for a paid family and medical leave bill, titled Time to Care Act. The act allows employees up to 12 weeks of job-protected, paid leave in a 12-month period to bond with a new child, care for a family member with a serious health condition, when an employee is unable to work for their own serious health condition, when there is a qualifying exigency arising out of a family member with military deployment and for “next of kin” to care for an injured service member. Under some circumstances, employees could also receive an additional 12 weeks of benefits during the same claim year.

Claim payments are slated to begin in 2025 with both part- and full-time employees being eligible for the benefit after working 680 hours over a 12-month period. Additionally, at least for 2025, employees will receive between \$50 and \$1,000 per week depending on the employee’s average weekly wage. The maximum paid benefit workers can receive will be evaluated annually.

The program will be administered through Maryland’s Department of Labor and funded through contributions from both employers and employees. However, the split between the two groups has not been determined. Contributions are slated to begin Oct. 1, 2023. The act does allow for private plans that must meet or exceed the rights, protections and benefits provided to a covered employee under the state plan.

Maryland is the ninth state, in addition to the District of Columbia, to establish a paid family and medical leave program. For additional information, please visit <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0275>.

## VERMONT

### **Vermont RFI for Voluntary Paid Family and Medical Leave Insurance**

On Jan. 24, 2022, the State of Vermont issued a Request for Information for a voluntary paid family and medical leave insurance program for employers and employees in the state. According to the RFI, the state is interested in exploring a phased approach to Family and Medical Leave Insurance that would begin by covering the approximately 8,100 Vermont state employees before eventually expanding to be available universally to all working-eligible Vermont residents. RFI responses were due March 4, 2022.

The deadline for questions was Feb. 11, 2022, with responses to questions to be released by Feb. 18, 2022. For more information, please visit: <http://www.vermontbusinessregistry.com/bidAttachments/56122/State%20of%20Vermont%20FMLI%20RFI%20-%202022%20FINAL.pdf>.

## WASHINGTON

### Washington Paid Family Medical Leave and Washington Cares Law updates

As reported in our last update, Governor Inslee signed a bill that delays the WA Cares implementation by 18 months meaning that premium collection for WA Cares will not begin until at least July 2023. What this means for employers is the following:

- Stop withholding WA Cares premiums from employee earnings.
- Reimburse employees for withheld WA Cares premiums as soon as possible. All premiums must be refunded to employees within 120 days.
- Continue to maintain copies of exemption-approval letters for workers who've provided them.

Additionally, employers do not need to include WA Cares information on their quarterly report submissions but do still need to report for Paid Family Medical Leave. Of note, employers will need to eventually report for WA PFML and WA Cares Fund at the same time, and the Washington Employment Security Department (WA ESD) has released new file specifications, but this new report format will not begin until 2023. For additional information, please visit the WA Cares website at [WA Cares website](#) and the WA PFML reporting website to [learn more](#).

The WA Employment Security Department has also submitted a CR-101 that allows them to begin the rulemaking process regarding a bill that passed modifying the Washington PFML benefit. The new modifications provide the following:

- That an allowable purpose for family leave is any leave taken by an employee during the seven calendar days following the death of the family member for whom the employee would have qualified to take medical leave, or for the birth of their child, which would have qualified for family bonding leave.
- Specifies that leave taken by certain employees in the first six weeks after giving birth must be medical leave unless the employee chooses to use family leave.
- Expires the collective bargaining agreement exception contained in the Paid Family and Medical Leave (PFML) program.
- Requires the WA ESD to publish a list of employers with approved voluntary plans on its website.
- Contains provisions on short- and long-term actuarial services assessing the financial condition of the PFML program to maintain financial stability of the family and medical leave insurance account.
- Creates a legislative task force on PFML program premiums and requires a Joint Legislative Audit and Review Committee report.

For more information, visit [Second Substitute Senate Bill 5649](#) and the program's [Rulemaking](#) site where draft rules and meeting notices will be posted.

**Washington D.C. Universal Paid Leave updates**

The D.C. Universal Paid Leave updates went into effect July 1, 2020, which provides eligible workers paid family leave for prenatal care, bonding with a new child, to care for a family member with a serious health condition or for an employee to care for their own serious health condition.

As part of their requirements, the Office of the Chief Financial Officer must assess and determine the current financial plan under the D.C. Universal Paid Leave Fund each March. Based on their findings, the office concluded on March 1, 2022, that there is sufficient funding for solvency of the program and will enact changes effective July 1, 2022.

Here is a snapshot of the changes:

<b>Leave type</b>	<b>Current with a maximum leave for any combination of leave of 8 weeks in a 52-week period</b>	<b>Increase effective July 1, 2022, with a maximum leave for any combination of leave of 12 weeks in a 52-week period</b>
Bonding with a new child	8 workweeks	12 workweeks
Family leave (care for a family member with a serious health condition)	6 workweeks	12 workweeks
Medical leave (employee with a serious health condition)	6 workweeks	12 workweeks
Prenatal leave	2 workweeks	2 workweeks

In addition, the employer contribution will decrease from 0.62% to 0.26%. For more information, please visit <https://dcpaidfamilyleave.dc.gov/>.



# STATE/OTHER LEAVE LEGISLATION

## ILLINOIS

### Illinois expands bereavement leave

On March 20, 2022, both Houses passed SB 3120, which amends the existing Bereavement Leave Act. The law will give two weeks (10 workdays) of unpaid bereavement leave to include additional covered family members and not only the death of a child. Covered family members now include an employee's:

- child.
- stepchild.
- spouse.
- domestic partner.
- sibling.
- parent.
- mother-in-law.
- father-in-law.
- grandchild.
- grandparent.
- stepparent

The amendment also expands to include absence from work due to:

- a miscarriage.
- an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure.
- a failed adoption match or an adoption not finalized because it is contested by another party.
- a failed surrogacy agreement.
- a diagnosis that negatively impacts pregnancy or fertility.
- stillbirth.

We will keep you updated as information becomes available. For additional information, please visit <https://ilga.gov/legislation/BillStatus.asp?DocNum=3120&GAID=16&DocTypeID=SB&LegID=137815&SessionID=110>.

## VIRGINIA

### Failed Virginia Senate Bill 407

On Feb. 22, 2022, Virginia Senate Bill (SB) 407 was referred to the Committee on Commerce and Energy and the bill failed to pass on March 8, 2022. SB 407 would have amended the previously enacted SB 567. SB 567 requires a minimum length of 12 weeks in which benefits are required to be paid for disabilities arising from childbirth for fully insured, short-term disability plans effective July 1, 2021, and later.

Under SB 567, the Virginia Code reads:

§ [38.2-3407.11:4](#). Disability arising out of pregnancy or childbirth; minimum benefit.

A. Each insurer proposing to issue individual or group accident and sickness insurance policies providing disability income protection coverage and whose policies provide coverage for disability arising out of pregnancy or childbirth, shall provide coverage for a payable benefit of at least 12 weeks for such a disability.

B. The provisions of this section shall apply to any policy delivered, issued for delivery, or renewed in the Commonwealth on and after Jan. 1, 2021.

If SB 407 had been passed, the legislation would have removed “for such disability” language that would have removed the disability determination or medical necessity requirement.

As a reminder, here are a few additional points related to SB 567 that are in effect:

- This applies to STD-insured policies with a situs state of Virginia. Self-insured plans are not impacted.
- Effective July 1, 2021, any new policies issued in Virginia are required to include language to comply with VA SB 567.
- Employees covered under a Virginia group who reside outside of Virginia are also eligible for this additional benefit.
- Conversely, employees covered under a policy outside of Virginia, but residing in Virginia, are NOT eligible for this benefit.

There are no impacts to existing Aflac PLADS group short-term disability policies.

You can read more about Virginia SB 407 by visiting the state legislative information system at <https://lis.virginia.gov/cgi-bin/legp604.exe?221+cab+SC20208SB0407+RCSB1>.



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.

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