



ABSENCE ADVISORY

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



AUGUST 2024

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

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MINNESOTA

UPDATES

Beginning July 1, 2024, Minnesota employers covered by the state's Paid Family and Medical Leave (PFML) law must electronically submit quarterly wage detail reports to the Department of Employment and Economic Development (DEED). This includes employers who paid no wages during the quarter. The reports must include the following information for each covered employee:

- First and last name.
- Social Security number.
- Total wages paid.
- Total hours worked.

The first report is due to the state by Oct. 31, 2024, and will cover wages paid between July 1, 2024, and Sept. 30, 2024. The definition of "wages" is the same as that used for unemployment insurance reporting.

Employers must also notify their employees about the program starting in late 2025 and submit premium payments beginning in January 2026.

[Learn more.](#)

WASHINGTON

PAID FAMILY MEDICAL LEAVE

The Washington Employment Security Department (WA ESD) that oversees the Washington PFML benefit updated their website and downloadable resources because of recent legislation and program improvements.

Medical certification forms

Health care providers must now return medical certification forms, like the ones used by PFML, within seven calendar days of receiving them.

Employees and employers can visit the Paid Leave Help Center to download certification forms with these updated instructions in English and Spanish. The WA ESD also updated the certification forms and dual-language instructions in the paper benefit application packets. These are available in 15 languages. Employees and employers can access the packets by scrolling to the footer of the Paid Leave website and selecting a language.

Transportation Network Company pilot program

A law recently passed by the Washington State Legislature gives rideshare drivers a way to opt in to paid leave through a pilot program for “employees” of Transportation Network Companies (TNC). A TNC, sometimes called a ridesharing company, is a company that uses a digital network to connect passengers with rideshare drivers to provide prearranged rides. If a person drives passengers for a TNC, that employee can opt in to the pilot. This means the earnings of employees of a TNC can be used to establish eligibility for taking paid leave benefits in the future. When the employee opts in, they must report their earnings and pay premiums every quarter. Rideshare drivers participating in this pilot will have their premiums reimbursed by their TNC.

[Learn more.](#)

MAINE

UPDATES

According to a press release issued on July 9, 2024, the public comment period for the proposed rules for Maine’s new Paid Family and Medical Leave program has ended, with the Maine Department of Labor receiving comments from nearly 300 individuals, both employers and workers, in a variety of sectors within Maine’s economy.

The release goes on to say, “The Department will now review and consider all comments submitted by the public. The Department may then make changes to the proposed rule based on the comments received and has the option to issue another version of the rule for further public comment.” The proposed rule for the program is required to be adopted by the department by Jan. 1, 2025.

[Read the press release.](#)



MASSACHUSETTS

UPDATES

According to a release from The Massachusetts Department of Family Medical Leave (MA DFML), two new languages have been added to the Massachusetts PFML program. Now, employees can apply online for PFML benefits and receive notices and email notifications in French or Vietnamese in addition to English, Spanish, Portuguese, Haitian Creole and Chinese.

“As part of our ongoing commitment to enhancing the health of the Massachusetts workforce, we are expanding language options to ensure that PFML is accessible to all eligible workers.” The DFML provides translated resources to help workers apply for PFML and manage their leave effectively.

[Learn more.](#)

OREGON

PAID LEAVE OREGON BENEFITS AND EMPLOYER-PROVIDED PAID TIME OFF

While the changes to Oregon Family Leave Act have dominated discussions when it comes to taking leave in Oregon, another change effective July 1, 2024, includes how employees can utilize their paid time off (PTO) while taking Paid Leave Oregon.

- Employees can use any of their accrued paid sick leave, vacation leave or any other paid leave offered by their employer at the same time they receive paid leave benefits.
- Employers can decide if employees can receive more than their full wage replacement when they use PTO and paid leave benefits at the same time.
- When employees have more than one type of PTO available, employers may also choose the order that employees use PTO. (This may be affected by collective or other agreements between the employer and employee.) For example, an employer may require an employee to use their vacation leave first and then their sick leave.

[Learn more.](#)

VERMONT

VERMONT PARENTAL AND FAMILY LEAVE (H.55)

Enacted and effective June 28, 2024, Vermont amended the term and definition of “serious illness” for Vermont’s unpaid Parental and Family Leave law.

The term “serious illness” was replaced with “serious health condition.” As part of the change, the definition of the term was amended as follows:

- In addition to an accident, disease, physical or mental condition, clarity was added that a serious health condition can be an illness or injury.
- The provision within the serious health condition definition for inpatient care in a hospital was expanded to include inpatient care at a hospice or residential medical care facility and simplified that the care could also be that which requires continuing treatment by a health care provider.
- Further, rehabilitation from an accident, illness, injury, disease, or physical or mental condition, including treatment for substance use disorder, was also added.

Lastly, the amendment added a definition of a health care provider that references the definition of a health care provider in the federal Family and Medical Leave Act, 29 C.F.R. § 825.125.

[Review additional details of Vermont’s H.55.](#)

PENNSYLVANIA

PITTSBURGH PAID SICK DAYS ACT FINAL RULES

The City of Pittsburgh has amended its guidelines for the city's paid sick leave ordinance that took effect on July 2, 2024.

The amendment stipulates that employers must adopt a policy that outlines paid sick time accrual that complies with the Paid Sick Days Act.

The number of required accrued hours that an employer must provide is dependent on the number of employees it has. To determine the number of employees, the employer must use the highest number of workers employed at any one time in the prior year.

Number of employees working	Accruals per calendar year
15 or more employees	Up to 40 hours of paid sick time
Fewer than 15 employees	Up to 24 hours of paid sick time

If an employer uses the accrual method to provide paid sick leave under the Act, an employee may carry over accrued and unused sick time to the next calendar year, limited to the accrual maximum for a covered employee.

Employers that choose to front-load the full amount of sick time (i.e., 40 hours) at the beginning of each calendar year would not be required to carry over unused time.

Also, the amendments clarified that the notice of rights for the Paid Sick days Act must be posted at all times. If it is not possible to display the notice because the work location varies or is remote, employers must provide the notice individually in a visible and accessible physical or electronic format.

Review the full details of the final rules and learn more about the Paid Sick Leave Act:

- [25054_Paid_Sick_Leave_Guidelines,_Proposed.pdf \(pittsburghpa.gov\)](#).
- [Pittsburgh Paid Sick Leave Guidelines | pittsburghpa.gov](#).

Employers should continue to review and update their internal policies and provide timely and appropriate updates/training to management to implement the laws as it applies to their 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 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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