



PLADS

LEGISLATIVE ADVISORY

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



DECEMBER 2022

We are pleased to share the December 2022 **PLADS Legislative Advisory**, featuring the latest paid and unpaid leave legislation as well as other regulatory updates.

TOP NEWS INSIDE

- State/other paid leave legislation: California, Colorado, Connecticut, Hawaii, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Washington and Washington, D.C.
.....
- State/other leave legislation: Federal: Civilian Reservist Emergency Workforce Act (S 2293); Illinois: Family Bereavement Leave Act.
.....

STATE/OTHER PAID LEAVE LEGISLATION

Summary of 2023 Paid Statutory Leave Changes

The following is a summary of the Statutory Disability and Paid Leave changes for 2023.

The following summary is not all-inclusive but you can refer to Aflac’s Statutory Disability and Paid Family Medical Leave Guide for more information. You can locate the guide at: <https://mygroupplifedisability.aflac.com/s/za-article?article-number=000001002> and by clicking “download brochure.”

CALIFORNIA

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none">Maximum Benefit: \$1,620 per week.Funding: The contribution rate for 2023 is 0.9%. The taxable wage limit is \$153,164 for each employee per calendar year. The maximum to withhold for each employee is \$1,378.48.	None

CA VDI: edd.ca.gov/Disability/Disability_Insurance.htm **CA PFL:** edd.ca.gov/disability/paid-family-leave/

COLORADO

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none">Maximum Benefit: \$1,100 per week in 2024.Funding: CO PFML is funded by employee and employer contributions at a rate of 0.9% of wages. Employee contributions are capped at 0.45% up to the Social Security cap. The employer contributes the other 0.45%.	Employers should begin taking employee contributions starting Jan. 1, 2023. Employers are required to notify their employees about the FAML I program by Jan. 1, 2023. The Required Program Notice, Paycheck Stuffer, and the 2023 Handbook are located at: https://famli.colorado.gov/employers/famli-toolkit-for-employers .

STATE WEBSITE: <https://famli.colorado.gov/>

CONNECTICUT

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none">Maximum Benefit: \$840 per week began July 1, 2022, and \$900 per week beginning on June 1, 2023.	None

<ul style="list-style-type: none"> Funding: CT PL is funded 100% by employee contributions. Employee contributions are capped at 0.5% up to the Social Security cap of \$160,200 for 2023. 	None
---	------

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

HAWAII

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none"> Maximum Benefit: \$765.00 per week for 2023. Funding: The employer may pay for the entire cost of providing HI TDI coverage, or the employer may share the cost equally with the employees eligible for coverage. However, the employee's contribution cannot exceed 0.5% of the employee's weekly wages, nor the maximum weekly deduction. 	None

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

MASSACHUSETTS

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none"> Maximum Benefit: \$1,129.82 per week. Funding: The combined employee and employer contribution percentage 0.63% in 2023. 	<p>The 2023 posters are now on the MA DFML website. Please see https://www.mass.gov/info-details/pfml-workforce-notifications-and-rate-sheets-for-massachusetts-employers.</p>

STATE WEBSITE: <https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits>

NEW JERSEY

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none"> Maximum Benefit: \$1,025 per week. Funding: The employee contribution rate for NJ TDI is 0.0% and the employee contribution rate for NJ FLI is 0.06% for 2023. 	None

NJ TDI: <https://www.myleavebenefits.nj.gov/worker/tdi/> **NJ FLI:** <https://www.myleavebenefits.nj.gov/worker/fli/>

NEW YORK

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none">Maximum Benefit: \$1,131.09 per week in 2023 for NY PFL.Funding: NY DBL: An employee's contribution is calculated at the rate of one-half of one percent of his/her wages, but no more than sixty cents a week.NY PFL: In 2023, the employee contribution is 0.455% of an employee's gross wages each pay period. The maximum annual contribution is \$399.43.	Sibling has been added as a qualified family member starting Jan. 1, 2023.

NY DBL: <http://www.wcb.ny.gov/content/main/DisabilityBenefits/employee-disability-benefits.jsp>

NY PFL: <https://paidfamilyleave.ny.gov/>

OREGON

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none">Maximum Benefit: \$1,469.78 per week starting Sept. 3, 2023.Funding: 1%, shared by employers (40%) and employees (60%).	Employers should begin taking employee contributions starting Jan. 1, 2023. Employers are required to notify their employees about the FAML I program by Jan. 1, 2023. Model notification posters can be found at: https://paidleave.oregon.gov/Pages/resources.aspx .

STATE WEBSITE: <https://paidleave.oregon.gov/Pages/default.aspx>

RHODE ISLAND

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none">Maximum Benefit: \$1,007 per week which began on July 1, 2022. This does not include the dependency allowance.Funding: 0.1% of the first \$81,500 an employee earns.	The duration of the Rhode Island Caregiver benefit has increased to 6 weeks for 2023

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

WASHINGTON

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none">Maximum Benefit: \$1,427 per week for 2023.Funding: 0.8% of each employee's gross wages, not including tips, up to the 2023 Social Security cap of \$160,200. Of this, employers with 50 or more employees will pay up to 27.24% and employees will pay 72.76%.	None

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

WASHINGTON, D.C.

MAX BENEFIT/FUNDING UPDATE	ADDITIONAL INFORMATION
<ul style="list-style-type: none">Maximum Benefit: \$1,049 per week for 2023.Funding: 100% employer paid. 0.26% of the covered individual's wages.	<p>The duration of DC PFL benefits have increased in 2022:</p> <ul style="list-style-type: none">Medical leave: 12 weeksParental leave: 12 weeksFamily leave: 12 weeksPre-natal leave: 2 weeks <p>Additionally, there is no waiting period for claims filed after July 25, 2022. Lastly, fully insured STD policies (claims) cannot offset DC UPL from the STD benefit. Self-funded STD plans can take the offset for DC UPL from their claims.</p>

STATE WEBSITE: <https://dcpaidfamilyleave.dc.gov/>

STATUTORY DISABILITY AND PAID LEAVE PROGRAMS

State Law	Benefit Type	Replacement Rate	Waiting Period	Benefit Duration	Employee Eligibility	Covered Family Members	Job Protection
California State Disability Insurance (SDI) and Paid Family Leave (PFL)	Medical: new child bonding, care of a family member, military exigency	70% for low income; 60% for middle to high income, up to \$1,620 per week	7 days for SDI None for PFL Family Leave (PFL)	52 weeks for SDI 8 weeks for PFL (no shared duration)	The employee must have earned at least \$300 that is subject to SDI deductions during the base period. The base period includes wages which were paid approximately 5 to 18 months before the first date of the leave. Citizenship and immigration status do not affect eligibility.	Employee, child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner	No – SDI and PFL do not provide job protection, just paid benefits.
Colorado Family Medical Leave Insurance (FAMLI)	Medical; new child bonding, care of a family member, military exigency; safe leave	Up to 90% of the employee's base weekly earnings with a max benefit of \$1,100	None	Medical: 12 weeks. Up to 4 additional weeks available for complications due to pregnancy and childbirth Family/Bond: Shared entitlement with medical	For job protection, an employee must have worked at least 180 days for their employer. A Colorado employee must have earned at least \$2,500 in wages during the base period or alternative base period. Base period means the first four of the last five completed calendar quarters immediately preceding the first day of the employee's benefit year. Alternative base period means the last four completed calendar quarters immediately preceding the benefit year.	Employee, child, parent, spouse, domestic partner, grandparent, grandchild, sibling, in loco parentis, "any other individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship"	Yes
Connecticut Paid Leave (PL)	Medical; new child bonding; care of a family member; military exigency; safe leave	If the employee's wages are less than or equal to the CT minimum wage multiplied by 40 – 95% of the State's AWW. If an employee's wages exceed the CT minimum wage multiplied by 40 – 95% of the state AWW plus 60% of the employee's AWW. \$840.00 beginning July 1, 2022 \$900.00 beginning on June 1, 2023	None	12 weeks total. Up to 2 additional weeks available for complications during pregnancy Safe leave: 12 days Family/Bond/Safe: Shared entitlement with medical	Employees must have earned wages of at least \$2,325 in the highest quarter of the first four of the five most recently completed quarters and are currently employed, or have been employed within the last 12 weeks, or are self-employed, a sole proprietor and a Connecticut resident enrolled in the program.	Employee, spouse, child, parent, sibling, grandchild, grandparent, in loco parentis, "individual related to the employee by blood or whose close association to the employee is the equivalent of those family relationships"	No – CT PL does not provide job protection, just paid benefits.

State Law	Benefit Type	Replacement Rate	Waiting Period	Benefit Duration	Employee Eligibility	Covered Family Members	Job Protection
Delaware Paid Family Medical Leave (PFML)	Medical; new child bonding, care of a family member, military exigency; military caregiver	Employees may receive up to 80% of their average weekly wage with a minimum of \$100 per week, unless the employee earns less than \$100, then the minimum benefit is the employee's full wage. The maximum will be \$900 for 2026 and 2027	TBD	Employees who work in the state of Delaware; an employee must also have been employed by the employer for at least 12 months and performed 1,250 hours of service for the employer during the previous 12-month period.paid medical leave in an application year. There are additional restrictions around leave duration.	The employee must have earned at least \$300 that is subject to SDI deductions during the base period. The base period includes wages which were paid approximately 5 to 18 months before the first date of the leave. Citizenship and immigration status do not affect eligibility.	Employee, child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner	No – SDI and PFL do not provide job protection, just paid benefits.
Hawaii Temporary Disability Insurance (TDI)	Medical	If the employee's average weekly wage is more than \$26 (rounded to the next higher dollar), they're eligible to receive 58% of their average weekly wage. If the employee's average weekly wage is less than \$26, the weekly benefit amount is equal to the average weekly wage but not to exceed \$14/ week. Maximum weekly benefit is \$765.00	7 days Employees only need to satisfy the waiting period once per 52- week period.	26 weeks	14 weeks of Hawaii employment during each of which the employee was paid for 20 hours or more and earned not less than \$400 in the 52 weeks preceding the first day of disability. The 14 weeks do not need to be consecutive or with only one employer. The employee must also be in current employment to be eligible.	Employee	No – HI TDI does not provide job protection, just paid benefits.
Maryland Paid Family Medical Leave (PFML)	Medical; new child bonding; care of a family member; military exigency; military caregiver	Employees may receive up to 90% of their average weekly wage with a minimum of \$50 per week and a maximum of \$1,000.	TBD	12 weeks in a benefit year to care for themselves or a family member. Certain employees may be eligible for up to 24 weeks of paid leave if they take 12 weeks off to care for a child and then become eligible to take 12 weeks for their own serious health condition and vice versa.	Employees who have worked at least 680 hours over 12 month period immediately preceding the first date of the leave	Employee (for employee's own condition); employee's child, grandchild; spouse; parent, grandparent, parent-in-laws; sibling; next of kin; in loco parentis	Yes

STATUTORY DISABILITY AND PAID LEAVE PROGRAMS CONTINUED

State Law	Benefit Type	Replacement Rate	Waiting Period	Benefit Duration	Employee Eligibility	Covered Family Members	Job Protection
Massachusetts Paid Family Medical Leave (PFML)	Medical; new child bonding; care of a family member; military exigency; military caregiver	80% of wages below 50% of state average wage, 50% of wages exceeding 50% of state average, maximum of 64% of state average wage. The maximum weekly benefit will be \$1,129.82 for 2023.	7 days but waived for bonding if bonding immediately follows medical leave. Durations include the waiting period.	Medical: 20 weeks Bonding: 12 weeks Family Member: 12 weeks Military Exigency: 12 weeks Military Caregiver: 26 weeks Shared entitlement with medical. Combined maximum is 26 weeks in a benefit year.	There is no eligibility distinction for part-time vs full-time employees. Once an employee meets earnings requirements, they are eligible. Localization of employment impacts employee eligibility (i.e. must work in MA).	Employee, spouse, domestic partner, child, parent, in loco parentis, sibling, grandparent, grandchild	Yes
New Jersey Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI)	Medical; new child bonding; care of a family member	85% of average weekly wage up to \$1,025 for 2023	TDI - Benefits are payable on the eighth day with a rollback to day one if the disability exceeds 21 days. None for PFL	TDI: 26 weeks FLI: 12 weeks	For 2022, the employee must have at least 20 calendar weeks in covered New Jersey employment in which they earned \$240 or more (called base weeks) or have earned \$12,000 or more in such employment during the "base year" period.	Employee, parents, spouse, domestic partner, child, parent-in-law, grandparent, grandchild, any other individual related by blood, any other individuals the employee considers to be family	No – NJ TDI and FLI do not provide job protection, just paid benefits.
New York Disability Benefits Law (DBL) and Paid Family Leave (PFL)	Medical; new child bonding; care of a family member; military exigency	DBL: 50% average weekly wage, max weekly \$170 PFL: 67% state average weekly wage max weekly \$1,131.08	7 days DBL None for PFL	DBL – 26 weeks PFL – 12 weeks An employee cannot take more than a total of 26 weeks of leave within a 52 week period for combined NY PFL and NY DBL reasons.	NY DBL: Worked at least 4 consecutive weeks for any covered employer(s). NY PFL: Employees with a regular work schedule of 20 hours per week are eligible after 26 weeks of consecutive employment. Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.	Employee, spouse, domestic partner, child/stepchild, parent/stepparent, parent-in-law, grandparent, grandchild, sibling, in loco parentis	Yes and no. NY DBL does not provide job protection, just paid benefits. NY PFL provides both job protection and paid benefits.

State Law	Benefit Type	Replacement Rate	Waiting Period	Benefit Duration	Employee Eligibility	Covered Family Members	Job Protection
Oregon Paid Family Medical Leave (PFML)	Medical; new child bonding; care of a family member; safe leave	100% for employees paid 65% or less than state average weekly wage; all others 65% of state average weekly wage + 50% of wages above that amount. The maximum weekly benefit is to be determined.	None	Medical: 12 weeks total. Up to 2 additional weeks for limitations related to pregnancy, childbirth or related medication, including, but not limited to, lactation. Shared entitlement with medical. Employee may take an additional 4 weeks unpaid for a total of 16 weeks per benefit year (18 weeks if the employee has limitations related to pregnancy, childbirth, or related medication, including but not limited to lactation).	The employee must have earned \$1,000 or more in the previous year and work is localized in Oregon.	Employee, child, spouse, domestic partner, parent, sibling, grandparent, grandchild, family members of a spouse or domestic partner, in loco parentis, "any individual related by blood or with a family-like relationship to the employee"	Yes
Puerto Rico Seguro por Incapacidad No Ocupacional Temporal (SINOT)	Medical	The weekly benefit is 65% of the employee's average weekly wage with a benefit maximum of \$113 (\$55 for agricultural workers). The minimum benefit is \$12/week, which includes agricultural workers. Employers must continue full pay (100% of wages) during maternity leave, including leave taken for adoption. These benefits are provided under the Working Mothers Act and are therefore outside of the SINOT law itself. Employees can take maternity leave for 8 weeks according to the Working Mothers Act and there is no offset against amounts paid as wages by the employer during maternity leave. SINOT does not cover maternity leave only complications before or after the delivery. The maximum weekly benefit is \$113 (\$55 for agricultural workers).	7 days or 1st day of hospitalization if hospitalized	26 weeks	The employee must have earned at least \$150 in wages during the base year. Base year means in any one of the first four of last five consecutive calendar quarters immediately preceding date on which application for benefits is filed.	Employee	No – PR SINOT only provides paid benefits
Rhode Island Temporary Disability Insurance (TDI) and Temporary Caregiver Insurance (TCI)	Medical; new child bonding; care of a family member	60% up to \$114.00 and \$1007.00 effective July 1, 2022 which does not include the dependency allowance	TDI and FLI - Benefits are payable as of the first day, but an employee must be out of work for seven consecutive days or more to receive benefits.	TDI: 30 weeks FLI: 6 weeks (shared entitlement with TDI) condition and vice versa.	\$13,800 in base period wages; or \$2,300 in one of the base period quarters and total base period wages of at least 1.5 times the highest quarter earnings, and total base period earnings of at least \$4,600.	Employee, child, parent, spouse, domestic partner, parent-in-law or grandparent	No – RI TDI and TCI only provides paid benefits.

STATUTORY DISABILITY AND PAID LEAVE PROGRAMS CONTINUED

State Law	Benefit Type	Replacement Rate	Waiting Period	Benefit Duration	Employee Eligibility	Covered Family Members	Job Protection
Washington Paid Family Medical Leave (PFML)	Medical; new child bonding; care of a family member; military exigency; child bereavement	90% up to 50% of state average wage, plus 50% of wages in excess of 50% of state average wage up to 90% of state average wage. The maximum benefit is \$1,427.	The waiting week is required for some types of leave. There is no waiting week for parental bonding leave, medical leave taken during the “postnatal period” and military exigency. The 7 day waiting period is not embedded in the duration of leave.	Medical: 12 weeks total. Up to 2 additional weeks available for complications due to pregnancy and childbirth. Shared entitlement with medical; however, combined annual maximum is 16 weeks. An employee may be eligible for 18 weeks if the employee had complications due to pregnancy or childbirth. Child loss bereavement: 7 calendar days.	To be eligible for benefits under a private plan, an employee must: Work 820 hours during the “qualifying period” and have at least 340 hours of employment with the employer, or Have been covered by an approved voluntary plan with their previous employer. Employees working for an employer with a voluntary plan who have not yet met the voluntary plan eligibility requirements are eligible for benefits under the state plan if all other requirements are met. Under both options, employees must work or mostly work in Washington with some work done temporarily out of state.	Employee, spouses and domestic partners, child, parent, legal guardian, sibling, grandchild, grandparent, parent-in-law, son in law, daughter in law, “someone who has an expectation to rely on the employee for care whether they live together or not” Washington with some work done temporarily out of state	Yes
Washington DC Universal Paid Leave (UPL)	Medical; new child bonding; care of a family member	90% of wages up to 150% of DC minimum wage, plus 50% of wages over 150%, up to \$1,009 per week	7 days - medical only Employees only need to satisfy the waiting period once per 52 week period	Medical: 12 weeks Family Member: 12 weeks Bonding: 12 weeks Prenatal leave: 2 weeks Shared entitlement with medical. Combined duration per year is 12 weeks.	To be covered by the DC UPL law, an employee must: Spend more than 50% of work time in DC Be based in DC but spend less than 50% of work time in DC	Employee, spouse, domestic partner, child, legal ward, legal guardian, parent-in-law, grandparent, siblings	No – DC UPL only provides paid benefits.

You can access our past Legislative Advisories and webinars on our Legislative Advisory Broker page at:

<https://www.aflac.com/brokers/resources/plads-legislative-advisories/default.aspx>

STATE/OTHER LEAVE LEGISLATION

FEDERAL

Civilian Reservist Emergency Workforce Act (S 2293)

Congress enacted the Civilian Reservist Emergency Workforce Act of 2021, cited as the CREW Act. The CREW Act provides protections to Federal Emergency Management Agency (FEMA) reservists. Effective Sept. 29, 2022, the CREW Act extends USERRA employment and reemployment rights to FEMA reservists, that deploy to major disaster and emergency sites, regardless of if they provide their employee notice of the absence due to deployment or not. In addition, the requirement also extends to FEMA training periods.

For more information, please see:

[Employment and Reemployment Protections for Reservists FAQs | FEMA.gov](#)

<https://www.congress.gov/bill/117th-congress/senate-bill/2293/text>

<https://www.congress.gov/117/plaws/publ178/PLAW-117publ178.pdf>

The amendments are codified at title 38, section 4303, and title 42, section 5149, of the United States Code.

ILLINOIS

Family Bereavement Leave Act

In the April edition of the Legislative Advisory, we advised that on March 20, 2022, both Houses passed SB 3120, which amended the existing Chile Bereavement Leave Act, now known as the Family Bereavement Leave Act with an effective date to be determined. Since then, the amendment was enacted on June 9, 2022, with an effective date of Jan. 1, 2023.

The law requires covered employers to provide two weeks (10 workdays) of unpaid bereavement leave to eligible employees.

The definitions of a covered employer and eligible employee are the same as defined by the federal Family and Medical leave Act of 1993.

Covered family members now include an employee's:

- Child.
 - o Son or daughter who is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.
- Spouse.
- Domestic partner.
- Sibling.
- Parent, stepparent.
- Mother-in-law, father-in-law.
- Grandchild.
- Grandparent.

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.

To review the contents of SB3120, please visit [Illinois General Assembly - Full Text of SB3120 \(ilga.gov\)](https://www.ilga.gov/legislation/2019/bills/2019_03120.htm).

Please note, Aflac PLADS does not administer this program. We encourage employers to review and update their internal policies, provide timely and appropriate updates/training to management, and engage timekeeping and payroll partners 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 New York, products and services are provided by American Family Life Assurance Company of New York. In California, coverage is offered by Continental American Life Insurance Company. Products may not be available in all states and may vary depending on state law.

Continental American Insurance Company | Columbia, SC

Aflac New York | 22 Corporate Woods Boulevard, Suite 2 | Albany, NY 12211