



ABSENCE ADVISORY

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



JUNE 2024

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

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UPCOMING WEBINAR ON STATUTORY PAID LEAVE

Aflac Group Life, Absence and Disability Solutions will be hosting a webinar highlighting the statutory paid leave updates focused on Delaware, Maine, Maryland and Minnesota. Join us on July 11, 2024, from 2-3 p.m. ET.

Clients can register at [Statutory Paid Leave Updates: What Employers Need To Know registration - Webex](#). A replay will be shared in our next July Aflac Advisory newsletter.

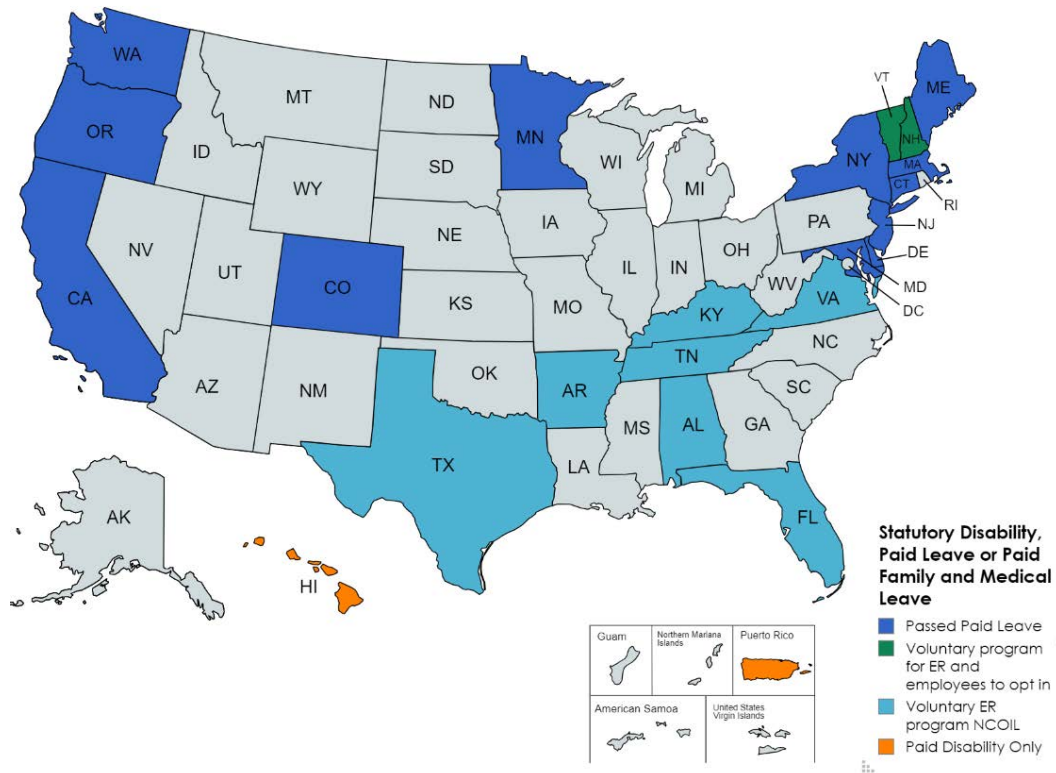
Join us as we:

- Explain the developments within the state paid leave landscape.
- Describe the key nuances of the emerging state paid leaves.
- Identify the important upcoming deadlines.
- Discuss the private plan vs. public plan options.

We will also have a moderated Q&A to answer any questions. Please feel free to send any questions to PLADSPRODUCT@AFLAC.COM ahead of time.

For more information, please reach out to your Aflac representative.

PAID STATUTORY LEAVE AND STATUTORY DISABILITY MAP



PAID FAMILY LEAVE/PAID FAMILY MEDICAL LEAVE

STATE	BENEFITS EFFECTIVE YEAR
CA PFL	2004
NJ FLI	2009
RI TCI	2014
NY PFL	2018
WA PFML	2020
DC UPL	2020

PAID FAMILY LEAVE/PAID FAMILY MEDICAL LEAVE (cont.)

STATE	BENEFITS EFFECTIVE YEAR
MA PFML	2021
CT PL	2022
OR PFML	2023
CO PFML	2024
MD PFML	7/1/2026
DE PFML	1/1/2026
MN PFML	1/1/2026
ME PFML	5/1/2026

DISABILITY

STATE	BENEFITS EFFECTIVE YEAR
RI TDI	1942
CA SDI	1946
NJ TDB	1948
NY DBL	1949
PR SINOT	1968
HI TDI	1969

IMPORTANT DATES

DELAWARE

While Delaware Paid Leave currently has some outstanding legislation that will amend the original statute, there are some important dates in which employers should make note.

May 11, 2022 - Delaware Paid Leave (Paid Family and Medical Leave Insurance program) was signed into law.

July 11, 2023 - The regulations for Delaware Paid Leave went into effect.

March 11, 2024 - Second round of PFML regulations becomes effective.

September 1, 2024 to December 1, 2024 - Opt-in/Opt-out opens for employers who wish to use a private plan to opt-out and for small groups to opt-in to Delaware Paid Leave.

January 1, 2025 - Payroll deductions for employers that require their employees to share in the cost of the plan begins.

April 30, 2025 - First due date for PFML contributions.

January 1, 2026 - Employees can begin to submit claim applications for payment.

For those employers considering a private plan, please note the dates in which to apply for one are from Sept. 1, 2024, through Dec. 1, 2024. If employers do not apply for private plans during this time, they will need to wait until Sept. 2025. For more information, please see <https://labor.delaware.gov/delaware-paid-leave-is-coming/>.

MINNESOTA

A paid leave bill proposed by Minnesota's Department of Employment and Economic Development has been passed by the legislature and signed by the governor. The bill provides clarity around concepts critical to successful implementation. These are primarily technical edits, not changes to the fundamentals of the program. However, there are some important dates in which employers should make note.

The first wage detail reports will be due on Oct. 31, 2024, and will be based on wages paid between July 1, 2024, and Sept. 30, 2024. Employers will need to provide the first and last name, Social Security number, wages paid and hours worked for each employee. This is identical to information provided to the Unemployment Insurance Division. There is more information on wage detail reporting on the updated pages to submit and adjust wage detail reports on the Unemployment Insurance website.

Payroll deductions can start on Jan. 1, 2026.

The first premiums will need to be submitted to the State of Minnesota's Department of Employment and Economic Development by April 30, 2026. Premiums will apply for wages earned between Jan. 1, 2026, and March 31, 2026. For more information, please see <https://mn.gov/deed/paidleave/employers/faq/>.



CONNECTICUT

WHEN IS A NEW PRIVATE PLAN APPLICATION REQUIRED IN CONNECTICUT?

Connecticut Paid Leave has recently published an article in their monthly newsletter describing when employers need a new private plan application.

Employers with an approved private plan are required to submit a new private plan application under the following circumstances:

- When the initial approval period expires, and the employer would like to continue with their private plan.
- When there is a “material change” to the existing private plan.

When applying for a private plan, employers are required to provide employees with two full weeks to review the Plain Language Guide and the policy or plan document. Following the two-week review period, employees are then allowed to vote. The two-week review period equals 14 calendar days, no matter what day of the week the employees are provided with the instructions.

For a complete list of what qualifies as a “material change,” please go to www.ctpaidleave.org. Examples of a material change include, but are not limited to:

- Changes to the plan design related to benefit amounts or durations.
- Changes to the insurance carrier or claims administrator.
- Changes to the class of covered employees, including eligibility rules and waiting period for coverage.
- Changes to the rate of contribution for the employee.
- Changes to the method of determination of the 12-month benefit period.
- Changes in how accruals (paid time off, sick bank, etc.) are utilized.

Examples of nonmaterial changes include, but are not limited to:

- Cosmetic changes to the plan (logos, fonts, branding).
- Changes to the legal name or legal address of the employer, assuming no changes to the actual ownership of the employer.
- Changes to the contact information or method for filing claims.
- Changes that are the result of changes in an employee’s status.
- Changes to correct grammatical or typographical errors.

For more information, please see https://www.ctpaidleave.org/resources-and-guides/frequently-asked-questions?language=en_US.

PAID SICK LEAVE EXPANSION HB 5005

Currently, Connecticut requires covered employers to provide paid sick leave at an accrual rate of one hour of paid sick leave for every 40 hours worked, up to a maximum of 40 hours per year to eligible service workers. Connecticut has amended the state’s paid sick leave law and incorporates multiple changes that impact the definition of a covered employer, adds allowable reasons, expands the covered relationships and more that will take effect on Jan. 1, 2025.

Covered employers

The current definition of a covered employer is an employer that employs 50 or more individuals in Connecticut. The amendment takes a staggered approach over the course of three years to expand mandated coverage for nearly all private sector employers.

EFFECTIVE DATE	NUMBER OF EMPLOYEES IN CONNECTICUT
January 1, 2025	Employers with 25 or more employees
January 1, 2026	Employers with 11 or more employees
January 1, 2027	Employers with at least one employee

Covered employees

The existing definition of a covered employee applies to an employee who meets the definition of a “service worker.” Currently and for the remainder of 2024, this definition does not include per diem or temporary employees. As of Jan. 1, 2025, all private sector employees will be eligible except for seasonal employees (defined as those who work 120 days or less in any year) and certain unionized construction workers.

Accrual rates

As mentioned previously, the present accrual of paid sick leave is one hour for every 40 hours worked. The accrual rate has been changed to one hour for every 30 hours worked, in one-hour increments up to a maximum of 40 hours per year.

An employee who is exempt from overtime will be considered to work 40 hours each work week for accrual purposes. Employees whose work week is less than 40 hours will accrue based on the hours worked in the normal work week.

Employers may choose to provide a more generous policy.

Covered relationships

The amendment greatly expands the covered relationships to the following as of Jan. 1, 2025:

RELATIONSHIP	DEFINITION
Child (expanded definition)	A biological, adopted or foster child, stepchild or legal ward of an employee, a child of an employee standing in loco parentis or an individual to whom the employee stood in loco parentis when the individual was a child.
Spouse (expanded definition)	A person who is legally married to an employee under the laws of any state or a domestic partner of an employee registered under the laws of any state or political subdivision.
Parent (expanded definition)	A biological, foster or adoptive parent, stepparent, parent-in-law, legal guardian of an employee or an employee’s spouse, (B) an individual standing in loco parentis to an employee or (C) an individual who stood in loco parentis to the employee when the employee was a child.

RELATIONSHIP	DEFINITION
Grandchild (new)	A grandchild related to a person by blood, marriage, adoption by a child of the grandparent or foster care by a child of the grandparent.
Sibling (new)	A brother or sister related to an employee by blood, marriage or adoption by a parent of the employee or by foster care placement.
<p>New: Grandparent and an individual related to the employee by blood or affinity whose close association the employee shows to be equivalent to those family relationships have also been added.</p>	

Allowable reasons

Beginning Jan. 1, 2025, employees may use paid sick time for additional reasons and employers may no longer require an employee to provide documentation if the absence is taken for the following reasons:

- The employee’s own illness, injury or health condition, the medical diagnosis, care, treatment or preventive care of a mental or physical illness, injury or a mental health wellness day.
- The employee’s family member’s illness, injury or health condition, the medical diagnosis, care, treatment or preventive care of a mental or physical illness, injury or a mental health wellness day.
- Where an employee or an employee’s family member is a victim of family violence or sexual assault, for the medical care or psychological or other counseling for physical or psychological injury or disability, obtaining services from a victim services organization, relocating due to such family violence or sexual assault, or participating in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.
- **New:** Closure by order of a public official, due to a public health emergency, of either an employer’s place of business or a family member’s school or place of care.
- **New:** Determination by a health authority having jurisdiction, an employer of the employee, an employer of a family member or a health care provider, that such employee or family member poses a risk to the health of others due to such employee’s or family member’s exposure to a communicable illness, whether or not the employee or family member contracted the communicable illness.

Employer notice requirements

Employers continue to be required to post a notice, in English and Spanish, in a visible and accessible location to employees at the employer's work location(s). In addition, written notice is required to be sent to employees no later than Jan. 1, 2025, or at the time of hire, whichever is the later date.

To review additional details of the Connecticut's Paid Leave amendments, please visit [AN ACT EXPANDING PAID SICK DAYS IN THE STATE](#).

Employers should continue to review and update their internal policies and provide timely and appropriate updates/training to management to implement the paid sick leave laws as it applies to your company.

ILLINOIS

PAID LEAVE FOR ALL WORKERS ACT (56 IAC 200)

We previously wrote about the Illinois Paid Leave for All Workers Act that went into effect on Jan. 1, 2024, that mandates covered employers to provide one hour of paid leave for every 40 hours worked to eligible employees. Since then, the Illinois Department of Labor has released its final regulations for the implementation of the Paid Leave for All Workers Act. The published regulations provide the Act's requirements and clarity for multiple definitions. Examples of the clarified terms include but are not limited to "rate of pay," "frontload," "accrual/accrue," "employee," "employer," "foreseeable" and "unforeseeable."

Employers should review the final regulations carefully for any changes to their implemented programs. For example, the Act allows employers to administer the time using a frontloading method or an accrual method, and the following are a few highlights that the final regulations address:

- **Accrual method:** When an employer chooses the accrual method, the final regulation provides clarification that the calculation must be made by the minute or may be rounded up to the next 15 minutes. Employers may not round downtime worked. In addition, under the accrual method, the Act requires that the accrued and unused time must be carried over to the next 12-month period. A carryover cap may be imposed of 40 hours if the necessary information is outlined in a valid written policy.
- **Frontloading method:** When an employer chooses to apply the frontloading method, the final regulations provide clarity that the amount of time that is frontloaded may be reduced from 40 hours to account for part-time employees and employees hired mid-year at a prorated amount consistent with the employee's anticipated work schedule for that year. If employers use this method, the Act states that employees are not entitled to carry over unused paid leave time into the next 12-month period unless the employer permits it. Don't forget! The frontloading method requires a specific written notice to the employee that advises how many paid hours they are receiving on or before the first day of employment or on or before the first day of the initial 12-month period, and before the employer changes the amount of leave that the employee receives via frontloading.

To review the published regulations for Illinois Paid Leave for All Workers Act, please visit [56-200CD-A.pdf \(illinois.gov\)](#). Employers should continue to review and update their internal policies and provide timely and appropriate updates/training to management to implement the paid sick leave laws as it applies to your company.

NEW YORK

NEW YORK LABOR LAW, CHAPTER 31, ARTICLE 7 SECTION 206-C

Effective June 19, 2024, New York requires employers to provide employees with reasonable unpaid breaks to express breast milk for their nursing child each time the employee has a reasonable need to express. Also, an employer must also now provide employees with 30 minutes of paid break time in addition to allowing an employee to use their other paid breaks or mealtime for the same purpose. The employee may express breast milk for their nursing child for up to three years following childbirth. This is a change from the previous mandate to provide employees reasonable unpaid break time for breast milk expression at least once every three hours or as reasonably requested by the employee.

To review the New York Right of Nursing Employees to Express Milk, please visit [NYS Open Legislation | NYSenate.gov](#).

Employers should continue to review and update their internal policies and provide timely and appropriate updates/training to management to implement the law 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.

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