



# ABSENCE ADVISORY

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



MARCH 2026

We are pleased to share the  
March 2026 Absence Advisory,  
along with information related to state  
and other paid leave legislation.

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# GENERAL FRAUD REMINDERS

Employers play a key role in preventing insurance fraud. If an employer receives a state or carrier form requesting information about an employee’s hours worked or wages earned – among other elements – but has not been notified that the employee is on leave or intends to take leave, be sure to confirm the leave with the employee or employee’s manager. This helps public and private administrators verify that an employee is eligible for the benefits.

State agencies are strengthening fraud detection methods and applying them to new and existing claims of individuals’ identity. Many states require claimants to upload identification as part of the application process. Another way they are combating fraud is to also send requests for information through the mail or on online portals in which the employee can set up multifactor authentication.

STATE	CONTACT INFORMATION	PHONE NUMBER
California	<a href="https://askedd.edd.ca.gov/">https://askedd.edd.ca.gov/</a> (Select the Report Fraud category.)	866-229-6297
Colorado	<a href="https://famli.colorado.gov/individuals-and-families/get-help-from-famli/report-famli-fraud">https://famli.colorado.gov/individuals-and-families/get-help-from-famli/report-famli-fraud</a>	866-263-2654
Connecticut	For employer fraud: <a href="https://www.ctpaidleave.org/contactus">https://www.ctpaidleave.org/contactus</a> (In the Contact Reason drop-down menu, select Report Suspected Fraud.)	877-499-8606
Hawaii	Hawaii District Office State Office Building 75 Aupuni St., Room 108 Hilo, HI 96720	808-586-8947 or 808-586-9200
Massachusetts	<a href="https://www.mass.gov/info-details/reporting-paid-family-and-medical-leave-benefits-fraud">https://www.mass.gov/info-details/reporting-paid-family-and-medical-leave-benefits-fraud</a>	857-366-7201
New Jersey	<a href="https://www.nj.gov/labor/myleavebenefits/help/contact/">https://www.nj.gov/labor/myleavebenefits/help/contact/</a>	609-292-7060
New York	<a href="https://ig.ny.gov/workers-comp-complaint">https://ig.ny.gov/workers-comp-complaint</a>	800-367-4448
Oregon	<a href="https://paidleave.oregon.gov/resources/fraud">https://paidleave.oregon.gov/resources/fraud</a>	833-854-0166
Puerto Rico (may not have a dedicated address or phone number)	Department of Labor and Human Resources PO Box 195540 San Juan, PR 00919-5540	787-754-5850
Rhode Island	<a href="https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance/tditci-fraud">https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance/tditci-fraud</a> Email: <a href="mailto:dlt.uitdifraud@dlt.ri.gov">dlt.uitdifraud@dlt.ri.gov</a>	401-462-1522
Washington	<a href="https://paidleave.wa.gov/app/uploads/2020/05/FraudComplaintForm_FINAL_032520.pdf">https://paidleave.wa.gov/app/uploads/2020/05/FraudComplaintForm_FINAL_032520.pdf</a> Email: <a href="mailto:paidleave@esd.wa.gov">paidleave@esd.wa.gov</a>	833-717-2273
Washington, D.C.	Email: <a href="mailto:does.opfl@dc.gov">does.opfl@dc.gov</a>	202-899-3700

If you have an Aflac private plan, please contact Aflac to report suspected fraud.

# MAINE

The Maine Department of Labor has made a change to the Maine Paid Family and Medical Leave (PFML) private plan application fee and administrative fee. Originally, employers were required to pay a \$250 application fee when applying for a private plan substitution and a subsequent \$250 administrative fee upon the approval of their application. Going forward, employers will pay an upfront fee of \$500 upon submitting their private plan substitution application and will receive a refund in the amount of \$250 if their application is denied. For more information on applying for a Maine PFML private plan substitution, please visit: <https://www.maine.gov/paidleave/>.

# NEW JERSEY

AB3451

On Jan. 17, 2026, New Jersey amended the New Jersey Family Leave Act (NJ FLA), New Jersey's Temporary Disability Insurance (NJ TDI) and New Jersey Family Leave Insurance (NJ FLI).

The amendments to NJ FLA impact the covered employer thresholds as well as the employee eligibility requirements.

These changes take effect on July 17, 2026:

TOPIC	CURRENT STATE	FUTURE STATE – JULY 17, 2026
<b>Covered employer</b>	Employers with 30 or more employees for each working day during 20 or more calendar weeks in the current calendar year or the prior year.	Employers with 15 or more employees will be covered.
<b>Covered employee</b>	An employee who has worked for their employer for at least 12 months and has worked at least 1,000 hours in the previous 12 months.	An employee who has worked for their employer for at least three months and has worked at least 250 hours in the previous 12 months.

In addition to these changes, employees will also have the right to choose whether to use state NJ TDI/NJ FLI-paid benefits or use paid sick leave during a qualifying period of NJ FLA. Also, if the employee is eligible for both paid sick leave and NJ TDI/NJ FLI, they may choose the order in which to take these concurrent with NJ FLA. An employee cannot receive more than one kind of paid leave simultaneously during any period.

The bill also introduces amendments that directly impact employers that offer NJ TDI and/or NJ FLI. The bill tightens job-protection risk by adding an explicit job restoration requirement tied to the receipt of NJ wage-replacement benefits. Any covered individual who takes leave under NJ TDI or NJ FLI is entitled to job-restoration upon returning from their leave.

With these changes, employers that may not have previously been designated as a covered employer as well as those that are currently covered, should review and update their internal policies, provide timely and appropriate updates/training to management and update administrative systems as they apply to their company. Aflac will be assessing impacts to NJ FLA and NJ TDI/NJ FLI administration. For details, please visit [NJ Legislature](#).

# WASHINGTON

Washington has updated its Paid Family and Medical Leave rules to clarify the rights of employees to have their jobs restored after approved PFML leave. Employees who meet the program's reinstatement criteria are entitled to return to their position or a comparable role at the conclusion of leave. Employers can deny reinstatement only if they prove the employee's role would have ended regardless of the leave. Washington laws, also revised in 2025, govern mass layoffs and business closures, and any such determination must adhere to them. These requirements are now reflected in WAC 192-700-010 and apply to both state and approved private PFML plans.

Employers are encouraged to revise their existing policies and handbooks to clearly state how leave restoration procedures are to be handled.

Additional guidance is available through the Washington paid Family and Medical Leave program found at [Rulemaking – Washington State's Paid Family and Medical Leave](#).

## FAMILY MEDICAL AND LEAVE ACT

### *DOL Opinion Letters*

On Jan. 5, 2026, the U.S. Department of Labor's (DOL) Wage and Hour Division published six new opinion letters, two of which issue guidance for FMLA.

#### *FMLA2026-1*

The DOL issued an opinion that outlined when an employee uses a partial week of FMLA leave and when a school closure does not count against FMLA leave unless the employee was scheduled to work during the closure.

As an example, the DOL opinion provided the following example: "If an eligible employee needs FMLA leave each Tuesday afternoon for physical therapy, but the school is closed all day on Tuesday due to inclement weather and the employee is not required to report for duty, the employer school should not deduct time for that day from the employee's FMLA entitlement."

The opinion further reiterated that when an employee uses a full workweek of FMLA during a week when the employer closed for a partial week, the closure would have no impact on the employee's FMLA usage. A full week of leave would reduce FMLA entitlement.

#### *FMLA2026-2*

The second FMLA opinion letter discusses whether FMLA leave may be used for time spent traveling to and from medical appointments from two angles. The first concept that is addressed is that an employee's travel time to and from treatments/appointments, for their own serious health condition or that of a family member, is covered under FMLA. The DOL opinion also highlighted that any travel time or detours spent on unrelated activities is not protected by the FMLA.

The second concept is that a health care provider's statement does not need to encompass the travel time as part of the certification. That type of information cannot be required of the medical provider, and lack of

documentation of the travel time on a health care provider certification may not be positioned as an incomplete document.

To review the entirety of the DOL opinion letters, please review [Microsoft Word - FMLA2026-1 \(Public\).docx](#) and [Microsoft Word - FMLA2026-2 \(Public\).docx](#)



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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