



# What types of leaves do we administer?

- Short Term & Long Term Disability
- Family Medical Leave Act (FMLA) Federal and State leaves
  - Military: Uniformed Services Employment and Reemployment Rights Act (USERRA)
  - Jury Duty
  - Company leaves
- State Mandated leaves (NY PFL and NY DBL, NJ TDB, MA PFML, CT PFML, OR PFML, (CO PFML 1-1-24)
- Comprehensive ADA services

<sup>1</sup> 2021 Guardian Absence Management Activity Index & Study

“ Eight in ten employers (82%) report that keeping up with changes to federal and state leave laws is a challenge.”<sup>1</sup>



# New Jersey

## Family Leave Insurance (FLI) & Temporary Disability Benefits (TDB)



### Leave types covered & duration

<b>Maximum length of paid family leave</b>	<ul style="list-style-type: none"><li>• Bonding -12 weeks</li><li>• Care of family member – 12 weeks</li><li>• Individual or family member being victim of domestic or sexual violence – 12 weeks</li></ul>
<b>Max length of paid medical leave</b>	<b>26 weeks</b>
<b>Combined maximum length of paid leave</b>	N/A

### Covered family member

- Child
- Parent / Parent of Spouse/DP
- Spouse / DP
- Grandparent
- Grandchild
- Sibling
- Individual related by blood
- Person equivalent to a family relationship

### Special rules

- Definition of family member includes "any individual with a close association with employee, equivalent to a family relationship"
- Intermittent leave allowed

### Employee eligibility

- EEs who worked 20 calendar weeks of covered NJ employment earning at least \$240 or more each week, or must have earnings of \$12,000 or more in such employment during the base year, per week during the 52 weeks preceding claim

# New Jersey

## Family Leave Insurance (FLI) & Temporary Disability Benefits (TDB)

Benefit amount	
Waiting period	FLI: None TDB: 7 calendar days (if disability extends beyond 3 consecutive weeks, EE is paid for those 7 days); None, for organ or bone marrow donations
Wage replacement percentage	Up to 85%
Benefit percentage	85% of average weekly salary to a max of 70% of state's AWW
Maximum weekly benefit	\$1,025/week

### Funding

Employee Maximum Contribution Rate	<ul style="list-style-type: none"><li>• FLI – 0.06% of EE's wages up to annual taxable wage cap</li><li>• TDB – 0.00% of EE's wages up to annual wage cap; ER rate varies</li></ul>
EE/ER funding	<ul style="list-style-type: none"><li>• FLI is 100% EE funded</li><li>• TDB is jointly funded (EE pays percentage of taxable wages, as dictated by NJ, ER pays balance)</li></ul>
Special rules	<ul style="list-style-type: none"><li>• ERs can choose to pay some or all of EE premium</li></ul>

### Private plan option

- Private plans are allowed
- Guardian offering?  
YES; TDB only

### Timing

- TDB implemented in 1948
- FLI implemented in 2009

### Employer participation

- All private and public employers covered by the NJ Unemployment Compensation Law that have eligible employees working in NJ, with the exception of some government ERs



# New York

## Paid Family Leave (PFL) & Disability Benefits Law (DBL)



### Leave types covered & duration

<b>Maximum length of paid family leave</b>	Bonding – <b>12</b> weeks Care of family member – <b>12</b> weeks Qualifying military exigency – <b>12</b> weeks
<b>Max length of paid medical leave</b>	<b>26</b> weeks
<b>Combined maximum length of paid leave</b>	<b>26</b> weeks

### Covered family member

- Child
- Parent / Parent of Spouse/DP
- Spouse / DP
- Grandparent
- Grandchild
- Sibling

### Special rules

- Intermittent leave allowed
- Leave for PFL is job-protected
- Leave for DBL is not more protected than under FMLA or NY PFL

### Employee eligibility

#### DBL:

- Full-time employees: eligible after completing 4 consecutive weeks of NY employment, unless eligibility was previously satisfied.
- Part-time employees: eligible on the 25th day of regular NY employment, unless eligibility was previously satisfied.

#### PFL:

- Employees who work 20 or more hours per week: eligible after 26 consecutive weeks of employment.
- Employees who work less than 20 hours per week: eligible after completing 175 workdays (doesn't need to be consecutive)

# New York

## Paid Family Leave (PFL) & Disability Benefits Law (DBL)

Benefit amount	
Waiting period	PFL: None DBL : 7 calendar days
Wage replacement percentage	Up to 67%
Benefit percentage	<ul style="list-style-type: none"><li>• PFL: 67% of average weekly salary, up to weekly maximum</li><li>• DBL: 50% of employee's average weekly wage, up to weekly maximum</li></ul>
Maximum weekly benefit	<ul style="list-style-type: none"><li>• PFL: \$1,131.08/week</li><li>• DBL: \$170/week</li></ul>

### Funding

Contributions	<ul style="list-style-type: none"><li>• PFL – 0.455% of employee's wages up to annualized statewide AWW; \$399.43 annual maximum</li><li>• DBL - 0.50 of 1% of wages up to 60 cents per week</li></ul>
EE/ER funding	<ul style="list-style-type: none"><li>• PFL is 100% EE funded</li><li>• DBL is jointly funded (EE pays percentage of wages, ER pays balance)</li></ul>
Special rules	<ul style="list-style-type: none"><li>• ERs can choose to pay some or all of EE premium</li></ul>

### Private plan option

- Private plans are allowed
- Guardian offering? YES

### Timing

- DBL implemented in 1949
- PFL program implemented in 2018

### Employer participation

- All private ERs with one or more eligible EEs working in NY.
- Self-employed and certain public ERs (other than the state government) can voluntarily opt in

# MA PFML 2023 overview

Benefit amount	
Waiting period	7 Calendar days
Wage replacement percentage	Individuals earning <\$80k will receive equal to or higher wage replacement percentage than under a typical STD plan (60%)
Benefit percentage	<ul style="list-style-type: none"><li>• The first 50% of an employee's AWW* equal or less than 50% of the <b>SAWW</b> is paid at 80%</li><li>• The portion of AWW above 50% of <b>SAWW</b> is paid at 50%</li></ul>
Maximum weekly benefit	<b>\$1,129.82</b> ; Adjusted to 64% of state AWW; no more than 80% income replaced

## Covered family member

- Child (incl. step-child)
- Parent / Parent of Spouse/Domestic Partner
- Spouse / Domestic Partner
- Grandparent
- Grandchild
- Sibling



## Effective 1/1/23:

- Maximum weekly benefit went from \$1,084.31/week to \$1,129.82/week
- SAWW went from \$1,694.24 to \$1,765.34

# MA PFML 2023 overview

## Leave types covered & duration key

<b>Maximum length of paid family leave</b>	Bonding - <b>12</b> weeks Care of Family Member – <b>12</b> weeks Qualifying Military Exigency – <b>12</b> weeks Care of Service Member - <b>26</b> weeks
<b>Max length of paid medical leave</b>	<b>20</b> weeks
<b>Combined maximum length of paid leave</b>	<b>26</b> weeks

## Funding

<b>Contributions</b>	<ul style="list-style-type: none"><li>• Deduction = <b>0.63%</b> of wages capped at SSA base wage limit</li><li>• <b>0.52%</b> of wages is for PML</li><li>• <b>0.11%</b> of wages is for PFL</li></ul>
<b>EE/ER funding</b>	<ul style="list-style-type: none"><li>• May be shared between employer &amp; employee<ul style="list-style-type: none"><li>– Family leave may be 100% employee paid</li><li>– Medical leave may be up to 40% employee paid</li></ul></li></ul>
<b>Special rules</b>	<ul style="list-style-type: none"><li>• Employers with &lt; 25 MA EEs are not required to pay the employer portion</li></ul>

## Effective 1/1/22:

- The employee contribution rate is reducing from 0.68% of an employee's eligible wages (2022) to 0.63% (2023).
- The SSA base wage limit was at \$160,200 for 2023 and is subject to change annually



# CT PFML overview

## Leave types covered & duration

<b>Maximum length of paid family leave</b>	Bonding - <b>12</b> weeks Care of Family Member – <b>12</b> weeks Qualifying Military Exigency – <b>12</b> weeks Organ & bone marrow donation - <b>12</b> weeks Family violence issues – <b>12</b> days
<b>Max length of paid medical leave</b>	<b>12</b> weeks (+2 weeks if incapacitated due to pregnancy complications)
<b>Combined maximum length of paid leave</b>	<b>12</b> weeks (+2 weeks if incapacitated due to pregnancy complications)
<b>Intermittent leave allowed</b>	<b>Yes</b>

## Covered family member

- Child
- Parent / Parent of Spouse/DP
- Spouse / DP
- Grandparent
- Grandchild
- Sibling
- Person with close association equivalent to those family members

## Employer participation

- All employers with at least 1 employee must provide coverage to employees working in Connecticut
- Mandatory participation

## Employee eligibility

- Employed 3 months prior to leave request
- Earned \$2,325 in 1 of the last 5 quarters prior to coverage
- No minimum hour's requirement
- Former EEs covered (12 weeks post-term)

# CT PFML overview

Benefit amount	
Elimination period	0 days (benefits start day 1)
Wage replacement percentage	Up to 95%
Benefit percentage	<ul style="list-style-type: none"><li>• 95% of earnings replaced up to 40 times the state minimum wage</li><li>• 60% of earnings over 40 times the state minimum wage</li></ul>
Maximum weekly benefit	60 times the state minimum wage

## Funding

Contributions	Deduction = 0.50% of wages
EE/ER funding	100% EE funded

## Private plan option

- Read the CT PFML Private Plan Requirements ([ctpaidleave.org](http://ctpaidleave.org))
- Host the employee vote
- File your private plan application with the state including your completed Declaration of Insurance ([ctpaidleave.org](http://ctpaidleave.org))

# OR PFMLI overview

## Leave types covered & duration

<b>Maximum length of paid family leave</b>	Bonding - <b>12</b> weeks Care of family member – <b>12</b> weeks Support for adopting/fostering A child - <b>12</b> weeks Family violence issues – <b>12</b> weeks
<b>Max length of paid medical leave</b>	<b>12</b> weeks (+2 weeks if pregnancy related complications)
<b>Combined maximum length of paid leave</b>	<b>14</b> weeks (+2 weeks if pregnancy related complications)
<b>Intermittent leave allowed</b>	<b>Yes</b>

## Covered family member

- Child
- Parent / Parent of Spouse/DP
- Spouse / DP
- Grandparent
- Grandchild
- Sibling
- Person with close association equivalent to those family members

## Employer participation

- All employers with at least 1 employee must provide coverage to employees working in OR
- Mandatory participation

## Employee eligibility

- Employees who work in OR
- Must make \$1,000 or more per year

## Special Rules

Oregon already has a Paid Sick and Safe Leave law in place – the new PFML law expressly states that the law will stay in place – OR will need to determine how the two laws work together and which program pays first

# OR PFML overview

Benefit amount	
Elimination period	None
Wage replacement percentage	Up to 100%
Benefit percentage	<ul style="list-style-type: none"><li>• 100% of earnings replaced if EE makes 65% or less of state AWW</li><li>• If EE makes more than 65% of state AWW, EE gets 65% of state AWW + 50% of the EE's AWW (that exceeds 65% of state AWW)</li></ul>
Maximum weekly benefit	120% of state AWW

## Funding

Contributions	1.00% of wages up to a taxable wage base of \$132,900, subject to change annually
EE/ER funding	Split contributions – 40% ER, 60% EE
Special rules	<ul style="list-style-type: none"><li>• Employers can choose to pay some or all the employee premium</li><li>• Under the state plan, employers with less than 25 employees do not need to pay the employer share of the premiums</li></ul>

## Private plan option

- Private plans are allowed
- Premium collection starts 1/1/23
- Benefit payments start 9/3/23



# CO PFML overview

## Leave types covered & duration

<b>Maximum length of paid family leave</b>	Bonding - <b>12</b> weeks Care of family member – <b>12</b> weeks Military exigency - <b>12</b> weeks Family violence issues – <b>12</b> weeks
<b>Max length of paid medical leave</b>	<b>12</b> weeks (+4 weeks if pregnancy related complications)
<b>Combined maximum length of paid leave</b>	<b>16</b> weeks (+4 weeks if pregnancy related complications)
<b>Intermittent leave allowed</b>	<b>Yes</b>

## Covered family member

- Child
- Parent / Parent of spouse/DP
- Spouse / DP
- Grandparent
- Grandchild
- Sibling
- Person with close association equivalent to those family members

## Employer participation

- All employers with at least 1 employee must provide coverage to employees working in CO
- Mandatory participation

## Employee eligibility

- Employees who work in CO
- Must make \$2,500 in wages that are subject to PFML contribution.

# CO PFML overview

Benefit amount	
Elimination period	TBD
Wage replacement percentage	Up to 90%
Benefit percentage	<ul style="list-style-type: none"><li>• 90% of earnings replaced up to 50% of AWW, plus</li><li>• 50% of wages that exceed the AWW</li></ul>
Maximum weekly benefit	\$1,100 (2024) 90% of state average weekly wage (2025 and thereafter)

## Funding

Contributions	0.9% of employee's wages up to the Social Security Wage Base (the rate is statutorily capped at 1.20%)
EE/ER funding	50/50 ER/EE split
Special rules	<ul style="list-style-type: none"><li>• ERs can choose to pay some or all the premium</li><li>• ERs with less than 10 CO EEs are exempt from ER premium</li></ul>

## Private plan option

- Private plans are allowed
- Premium collection starts 1/1/23
- Benefit payments start 1/1/24