

# Absence Management

A newsletter from New York Life Group Benefit Solutions

In this tenth issue, we share survey results that show an upward trend in challenges relating to mental health. We also provide updates relating to leave and disability legislation in CA, DC, CT, NJ, plus PFL and PFML rate changes in NY, MA and WA.

## Disability prevention calls for increased focus on mental health.



In the wake of recent social and economic events exacerbated by COVID-19, over half of our New York Life Wealth Watch survey respondents say they're thinking more about finances, physical health, and mental health.<sup>1</sup>

Even before COVID-19, the prevalence of mental illness among adults was increasing. (In 2017-2018, 19% of adults experienced

a mental illness, an increase of 1.5 million people over the prior year's dataset.<sup>2</sup>) But that number has skyrocketed since the onset of the pandemic.<sup>3</sup>

According to the 2021 State of Mental Health in America Report<sup>2</sup>, we are seeing the highest levels of anxiety and depression reported since the pandemic hit the U.S. in March 2020.

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They attribute this troubling trend as being fueled by loneliness and isolation. The number of people with moderate to severe symptoms of depression and anxiety has continued to increase

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As employers may have observed, we've seen an increase in reported mental health claims as compared to pre-pandemic volumes in 2019.

throughout 2020 and remains higher than prior to COVID-19. In September 2020, the rate of moderate to severe anxiety peaked, with over 8 in 10 people with moderate to severe symptoms.

While the rollout of vaccines across the U.S. has given people some hope for protection against the virus, it is clear that the threats we face continue to go beyond physical health. This is an unprecedented upheaval for young people, in particular. In a national poll of America's 18-to-29 year olds<sup>4</sup>, survey respondents reported that they had little energy (68%); they had trouble with sleep (59%); found little pleasure in doing things (52%); 48% had trouble concentrating (48%); and had thoughts of self-harm (28%).

As employers may have observed, we've seen an increase in reported mental health claims as compared to pre-pandemic volumes in 2019. There was a 10% increase in 2020 and close to a 20% increase in 2021<sup>5</sup> and that's likely leading to a decrease in overall workforce productivity. When employees struggle with mental health, it's difficult for them to focus, maintain motivation and function at full capacity. While these trends are troubling, we believe increased attention to mental health issues can make a real difference.

New York Life Group Benefit Solutions (NYL GBS) deploys teams of coaches and certified clinical resources to provide personalized support and help employees quickly (and safely) return to health.



In a national poll of 18-to-29 year olds, respondents said:

68% had little energy.

59% had trouble with sleep.

52% found little pleasure in doing things.

We also work with employers to help provide tools and training needed to help better identify, understand and respond to signs of mental illness, as well as combat stigma around mental health. From webinars to vocational counseling services and certification programs, we are committed to helping people overcome challenges at work because of an illness or injury.

To learn more about workplace disability prevention and how you can help identify at-risk employees before a disability occurs, tune into our latest podcast: Workplace Disability Prevention – Mental Health <https://www.newyorklife.com/group-benefit-solutions/employers/insights/podcast-plus>.



## California Disability Insurance waiting week update.

For California Disability Insurance (CA DI) claims with a start date of January 24, 2020, the one-week unpaid waiting period was waived for COVID-19 related disability claims. Employees could collect benefits during the first week they were out of work. The one-week unpaid waiting period is now restored for COVID-19 related disability claims with a start date of October 1, 2021, therefore, benefits become payable on the eighth day the employee is out of work.

# DC UPL and FMLA.

On August 23, 2021, the Mayor of Washington, DC signed an emergency act that created temporary changes to the DC Universal Paid Leave Act (DC UPL) and DC Family and Medical Leave Act (DC FMLA). The changes went into effect immediately upon the Mayor's signature, and due to a companion bill signed by the Mayor on September 28, 2021, the changes will become permanent.



Employees are now required to submit a claim within 30 calendar days after a qualifying leave event.



For claims filed after October 1, 2021 and before the 365<sup>th</sup> day after the end of the Public Health Emergency (defined as the COVID-19 public health emergency), the new average weekly wage calculation is the total wages subject to contribution for the four quarters that the employee's wages were the highest out of the 10 quarters immediately preceding the qualifying leave event, divided by 52. This new definition will effect employee eligibility determinations as average weekly wage is part of that test as well.

Employees are now required to submit a claim within 30 calendar days after a qualifying leave event, but the 30 calendar day limitation can be waived if the employee is unable to apply for the paid-leave benefits in that time frame due to exigent circumstances. It also includes additional leave reasons clarifying that miscarriage and stillbirth are covered as a qualifying medical leave events, introduces a definition of "pre-natal medical care," and adds a new entitlement for pre-natal medical care.

For claims filed after October 1, 2021, the new legislation eliminates the one-week waiting period for benefit payments and from October 1, 2021 through October 1, 2022 qualifying medical leave has increased from two to six weeks, and two weeks of pre-natal leave has also been added.

## The duration of DC UPL is as follows:

- › 8 workweeks of qualifying parental leave
- › 6 workweeks of qualifying family leave
- › 6 workweeks of qualifying medical leave
- › 2 workweeks of pre-natal leave

Also, an insurer cannot offset or reduce short-term disability benefits based on DC UPL benefits, but this provision does not apply to self-insured short-term disability benefits. Other areas affected by the legislation include notification requirements, contribution rates, and enforcement authority.

Lastly, this act also changed the determination of an eligible employee under the DC FMLA unpaid job-protected leave program. Now, an employee must be employed by the same employer for at least 12 consecutive or non-consecutive months in the seven years immediately preceding the date on which the period of family or medical leave is to commence.



CT employers will need to review each employee's continuous leave status as of January 1, 2022.



## CT FMLA guidance.

The Connecticut Department of Labor (CT DOL) administers the Connecticut Family and Medical Leave Act (CT FMLA), which provides unpaid job protection to eligible employees. The CT Paid Leave Authority (Authority) administers CT Paid Family and Medical Leave (CT PFML), which provides payment to eligible employees needing family or medical leave. These two laws are separate, and, depending on the circumstances, may or may not run concurrently.

Amendments made to the CT FMLA program go into effect on January 1, 2022 and the CT DOL has issued guidance on how the new amendments will work in practice. As of January 1, 2022, the duration of CT FMLA will change from 16 weeks in a 24 month period to 12 weeks in a 12 month period. As a result, employers need to understand how the change will effect employees currently using CT FMLA.

According to the CT DOL webpage, "if you start CT FMLA leave prior to January 2022, the duration of your CT FMLA leave would be capped at 12 weeks in the applicable 12-month period as of January 1, 2022, even if you were approved for, and commenced, 16 weeks of CT FMLA leave in 2021." In other words, an employer will need to review an employee's continuous leave status as of

January 1, 2022 under the new law and based on the measuring period the employer uses (i.e. rolling back, rolling forward, etc.).

The CT DOL also noted since it does not have the same legal authority of CT FMLA regulations, "if a complaint is filed in court, that court may have a different interpretation" than the CT DOL. The CT DOL has offered additional clarifying details that can be found at <https://portal.ct.gov/DOLUI/newfmlaguidance>.

### What should employers do next?

- › Review current/potentially affected CT FMLA leaves and determine how to administer them;
- › Communicate changes to impacted employees;
- › Revise communications, handbooks, and forms to reflect the new CT FMLA changes;
- › Make necessary changes to internal leave tracking systems;
- › Communicate CT FMLA changes company-wide.



## New Jersey TDI and FLI.

The New Jersey Department of Labor & Workforce Development (NJ DOL) has proposed an increase in the 2022 maximum weekly benefit for temporary disability insurance (NJ TDI) and family leave insurance (NJ FLI). The NJ DOL is proposing a maximum benefit of \$993 per week for both programs. The current benefit amount is \$903 per week. The proposal also increases the 2022 taxable wage base for contributions to \$151,900 for NJ TDI and NJ FLI. The base week amount required to qualify for benefits under these plans would increase from \$220 per week to \$240 per week.

## Rate changes.



### New York PFL rate change.

The 2022 New York Paid Family Leave (NY PFL) premium rate decision has been posted and while the 2022 rate is unchanged from 2021, the annual maximum employee contribution has increased from \$385.34 to \$423.71.

The current and 2022 premium rate is 0.511% of an employee's wages each pay period not exceeding an annual maximum employee contribution of \$423.71 for 2022. Additionally, the maximum benefit for New York PFL has increased from \$971.61 to \$1,068.36 in 2022.



### Massachusetts PFML rate change.

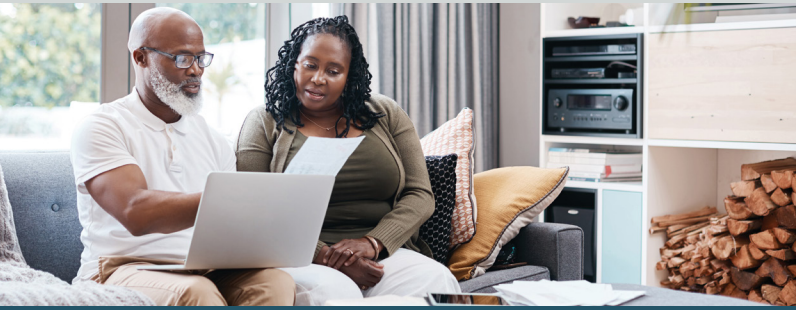
On October 1, 2021, the Massachusetts Department of Family Medical Leave (MA DFML) announced that the maximum benefit for Massachusetts Paid Family and Medical Leave (MA PFML) will increase to \$1,084.31 per week in 2022 from \$850.00 in 2021.

Despite an increase to the maximum benefit, the MA DFML also announced that employer costs for the states' paid leave program will go down. For every \$100 in eligible employee wages, the state will be owed sixty-eight cents (\$0.68) for the MA PFML program. That is a reduction from \$0.75 and this rate also applies to businesses that have opted for a private plan.



### Washington PFML rate change.

As of this writing, the 2022 rate proposal is pending approval, but the Washington Paid Family Medical Leave Advisory Committee has announced that the maximum benefit for Washington Paid Family Medical Leave (WA PFML) will increase from \$1206.00 in 2021 to \$1327.00 in 2022.



## Free webinars for NYL GBS clients.



As a reminder, My Secure Advantage (MSA)\*, hosts financial wellness webinars\*\* every month, which are free for New York Life Group Benefit Solutions' clients.

The webinars are presented the scheduled Tuesdays at 12:00 p.m. ET (9:00 a.m. PT) and at 3:00 p.m. ET (12:00 p.m. PT). The upcoming webinars include:

**Tuesday, November 9th**

### Identity Theft: Prevention, Protection & Resolution »

Every two seconds someone becomes a victim of identity theft. This class is designed to help you understand how personal data gets compromised, what you can do to prevent it, and the first steps to take if you become a victim. Everyone can use an annual reminder of best practices since identity theft is always evolving.

**Tuesday, November 16th**

### Caring for our Elders »

Find out more about the aging process and how to both practically and emotionally care for elderly relatives. If you also have Group Benefit Solutions' Life Assistance Program (LAP), ask your Account Manager to provide you with the quarterly calendar of LAP webinars, which also includes the MSA webinars.

\*My Secure Advantage is NOT insurance and does not provide reimbursement for financial losses. Program is provided through a third party vendor who is solely responsible for their products and services. Full terms, conditions and exclusions are contained in the applicable client program description, and are subject to change. Program availability may vary by plan type and location, and is not available where prohibited by law. This program is not available under policies insured by New York Life Group Insurance Company of NY.

\*\*Seminars are provided through a third party vendor who is solely responsible for their products and services. Terms and conditions are contained in the client program description, and are subject to change. Program availability may vary by plan type and location, and is not available where prohibited by law.

## The Group Solutions Sit-Down Podcast

Closing the life insurance gap: creating financial security for families.

Life insurance should give employees value at every stage of life, starting now. We're here to help.

In this episode we discuss how the COVID-19 pandemic has heightened people's focus around the importance of life insurance and creating financial security and protection for those they love.

**Listen now to hear from industry experts on:**

› Life insurance benefit options to consider

› Employer best practices for keeping up with the evolving market

› Practical ways to help employees better understand their benefits and become more financially secure

[Click here](#) to view and listen to our Group Solutions podcast series.

# 55%

of Americans said this past year was the first time they spoke with a loved one about life insurance.<sup>6</sup>



Sources:

1. New York Life Wealth Watch Survey, New York Life, June 2021
2. The 2021 State of Mental Health in America report, Mental Health America Org, March 2021, [The State of Mental Health in America | Mental Health America \(mhanational.org\)](https://mhanational.org/research-reports/covid-19-and-mental-health-growing-crisis)
3. Covid-19 and Mental Health: A Growing Crisis, Mental Health America, October 2020, <https://mhanational.org/research-reports/covid-19-and-mental-health-growing-crisis>  
[COVID-19 and Mental Health: A Growing Crisis | Mental Health America \(mhanational.org\)](https://mhanational.org/research-reports/covid-19-and-mental-health-growing-crisis)
4. A Harvard Youth Poll, Harvard University, April 2021, <https://iop.harvard.edu/youth-poll/spring-2021-harvard-youth-poll>
5. New York Life Group Benefit Solutions Book of Business data - STD claim volume report, September 2021. (Comparison across 2019, 2020 and YTD volumes in 2021).
6. Life's New Appreciations Study, Life Happens, February 2021.

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123603 a 0821 SMRU 1917101 Exp. Date 09.30.2022