

Absence Management

A newsletter from New York Life Group Benefit Solutions

In this issue, 2022 begins with a new ADA COVID-19 policy, Statutory Disability updates in California, Hawaii, and Rhode Island, and three Group Solutions Sit-Down Podcasts on the future of Absence Management.

Americans with Disabilities Act (ADA) and COVID-19.



In follow up to our article in November's issue titled "What Characterizes COVID-Long Haul Syndrome," we thought the following information would be insightful. The US Equal Employment Opportunity Commission (EEOC), has advised that an employee's or job applicant's COVID-19-related impairment may qualify as a disability under the Americans with Disability Act (ADA) even if the worker's initial COVID-19 illness was not covered.¹

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The EEOC's recently updated guidance, as of December 14, 2021, provides an additional resource for employees and workers facing the varied manifestations of COVID-19. The EEOC states that workers with disabilities stemming from COVID-19 are protected from employment discrimination and may be eligible for reasonable accommodations. This guidance is important because it expands ADA protections to specifically include COVID-19 as a covered disability. The EEOC noted that certain existing conditions can be caused or worsened by COVID-19. This is the first technical guidance which specifically delves into the legal protections for employees with long-haul COVID-19.¹

From this guidance, steps should be taken by employers to explore reasonable accommodations under the ADA. Possible work accommodations could include schedule changes,

physical modifications to the workplace, remote work and special or modified equipment.² It is recommended that employers review their policies to ensure that they include handling requests stemming from COVID-19 and long-haul COVID-19 including that employees with COVID-19 are not treated adversely under applicable policies. Employers may also want to ensure that supervisors are trained to refer all requests for accommodation to qualified members of management or human resources who can handle such requests appropriately and that cases of long-haul COVID-19 are flagged for possible protections under the ADA and the FMLA in terms of reasonable accommodations and job-protected leave.³ Individual assessment is necessary and it is important that employers stay up to date on the latest EEOC guidance as it may change as the pandemic evolves.⁴

Statutory Disability updates.

We wanted to provide you with information relative to changes regarding California State Disability Insurance (SDI), Hawaii Temporary Disability Insurance (TDI) and Rhode Island Temporary Disability (TDI) **effective January 1, 2022.**



California State Disability Insurance (SDI):

We wanted to provide you with information relative to changes regarding California State Disability Insurance (SDI) **effective January 1, 2022.**

What has changed?

- The maximum weekly benefit amount has increased from \$1,357.00 to **\$1,540.00** per employee.
- The maximum contribution has increased from \$1,539.58 to **\$1,601.60** per employee.
- The maximum annual benefit amount has increased from \$70,564.00 to **\$80,080.00** per employee.
- The employee contribution rate has decreased from 1.2% to **1.1%**.
Note - This percentage covers both disability and Paid Family Leave.
- The annual taxable wage ceiling has increased from \$128,298.00 to **\$145,600.00** per employee. Note - This is the maximum annual wage that is subject to disability and Paid Family Leave withholding.

What should I do now?

- Communicate the upcoming changes to employees.
- Update payroll deductions, as applicable.
- Review your leave of absence policies to ensure they remain compliant with the updated benefit structure for 2022.
- For more information go to https://edd.ca.gov/Payroll_Taxes/Rates_and_Withholding.htm

If you have any questions, please do not hesitate to reach out to your New York Life Group Benefit Solutions Account Representative.

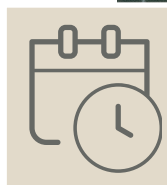
Hawaii Temporary Disability Insurance (TDI):

What has changed?

- The maximum weekly benefit amount has increased from \$640.00 to **\$697.00**.
- The maximum weekly wage base has increased from \$1,102.90 to **\$1,200.30**.
- The employee maximum weekly contribution rate has increased from \$5.51 to **\$6.00**.

What should I do now?

- Communicate the upcoming changes to employees.
- Update payroll deductions, as applicable.
- Review your leave of absence policies to ensure they remain compliant with the updated benefit structure for 2022.
- Employers are required to obtain form DC-50 directly from the Disability Compensation Division. This notice must be posted in the employer's place of business. The notice states that the employer has provided coverage for statutory disability coverage and advises employees of their right to appeal claim decisions to the Disability Compensation Division.
- For more information go to <https://labor.hawaii.gov/dcd/files/2019/11/newWBA.pdf>

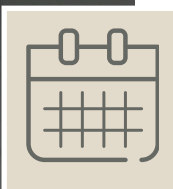


Statutory Benefits Quick Reference guide.

As we begin 2022 we want to remind you that you can access our Statutory Benefits Quick Reference guide [here](#).

This guide will continue to be updated throughout the year to reflect the latest in statutory updates.





Rhode Island Temporary Disability Insurance (TDI) – 2022 updates:

We wanted to provide you with information relative to changes regarding Rhode Island Temporary Disability Insurance (TDI) **effective January 1, 2022.**

What has changed?

- The maximum taxable Wage Base will increase from \$74,000.00 to **\$81,500.00.**
- The Employee Wage Deductions is changed from 1.3% of the first \$74,000.00 of wages to **1.1% of the first \$81,500.00 of wages earned.**
- The Eligibility – Monetary Base Period of Wages is increased from:
 - \$13,800.00, or one quarter of base period wages of at least \$2,300 and total base period of at least 1.5 times the highest quarter earnings, and total base period earnings of at least \$4,600.00 in 2021 to
 - **\$14,700.00, or one quarter of base period wages of at least \$2,450.00 and total base period wages of at least 1.5 times the highest quarter earnings, and total based period earnings of at least \$4,900.00 in 2022.**
- The Minimum Weekly Benefit Amount is increased from \$107.00 to **\$114.00.**

There is no change in the maximum weekly benefit amount of \$978.00 and the maximum weekly benefit amount of \$1,320.00 for employees with up to five (5) dependents.

What should I do now?

- Communicate the upcoming changes to employees.
- Update payroll deductions, as applicable.
- Review your leave of absence policies to ensure they remain compliant with the updated benefit structure for 2022.
- For more information go to <https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance>

If you have any questions, please do not hesitate to reach out to your New York Life Group Benefit Solutions Account Representative.



The Group Solutions Sit-Down Podcast. New series – The Future of Absence Management.

In this multi-part series on **The Future of Absence Management**, we're discussing how rapidly changing laws, regulations, and employee needs have made it critical that Absence Management solutions, strategies, and programming are not only built for today's workforce, but also with the ability to quickly evolve and be tailored to the unique business and employee needs of tomorrow.

[Join us for these important episodes](#) to hear industry experts outline ways that employers can build future forward Absence Management strategies and programming to help employees be their most healthy, engaged, and productive selves.

- **Producer Perspective: 16:09**
- **Next-Gen Absence Management PART 1: 13:10**
- **Next-Gen Absence Management PART 2: 20:50**





Free webinars for New York Life Group Benefit Solutions (NYL GBS) clients.



As a reminder, every month My Secure Advantage (MSA), hosts financial wellness webinars* which are free for clients of Life Insurance Company of North America. Seminars are not available to clients of New York Life Group Insurance Company of NY.

The webinars are presented the second **Tuesday at 12:00 PM ET (9:00 AM PT)** and the fourth **Thursday at 3:00 PM ET 12:00 PM PT**. The upcoming webinars include:

Tuesday, February 8

Understanding Tax Returns

For most of us, tax season can mean only one thing, "How much is my refund?" But before we get to the good part, a lot needs to be discussed in terms of how income tax is calculated, types of adjustments/deductions, ways to reduce taxation, and strategies to save. We will also review any tax law changes and explore some common mistakes that could be avoided with proper planning.

[Register here: 9 AM PT](#)

[Register here: 12 PM PT](#)

Thursday, February 24

Social Security & Your Retirement Plan

We contribute to the Social Security system through payroll deductions throughout our lives, but don't always know our options for receiving those distributions after retirement. In this presentation, we discuss how benefits are calculated and the factors to consider when determining when to start receiving distributions in retirement. We will also talk about spousal benefits, as well as factors that may influence whether you are taxed on the distributions you receive.

[Register here: 9 AM PT](#)

[Register here: 12 PM PT](#)

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 My Secure Advantage (MSA) webinars.

References:

1. <https://www.eeoc.gov/newsroom/eeoc-adds-new-section-clarifying-when-covid-19-may-be-disability-updating-technical>
2. Does "Long COVID" Qualify as a Disability Under the ADA? | News | Tools | XpertHR.com
3. www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Pages/EEOC-Clarifies-When-COVID-19-May-Be-an-ADA-Covered-Disability.aspx?utm_source=marketo&utm_medium=email&utm_campaign=editorial-HR%20Daily-NL_2021-12-16_HR-Daily&linktext=EEOC-Clarifies-When-COVID-19-May-Be-an-ADA-Covered-Disability&mktoid=94121461&mkt_tok=ODIzLVRXUy05ODQAAAGBYxHmTp8cHxQpKQhZSKr6ylwG7vclDouod5Y2B3ywRjvfkYIFyrTPiKKM0yQI9DTxYhMZEaJS4WQ_ketDUJyDgrafY3daHd5kTkx022fXRg
4. <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

*My Secure Advantage is NOT insurance and does not provide reimbursement for financial losses. Customers are required to pay the entire discounted charge for any discounted products or services available through these programs. Programs are 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.

*** Life Assistance Program (LAP) These programs are NOT insurance and do not provide reimbursement for financial losses. Some restrictions may apply. The Life Assistance Program products and services are provided exclusively by or through operating subsidiaries of Cigna Corporation, including Evernorth Behavioral Health, Inc. and Evernorth Care Solutions, Inc. Customers are required to pay the entire discounted charge for any discounted products or services available through these programs. Programs are provided through third party vendors who are 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 are not available where prohibited by law. These programs are not available under policies issued by New York Life Group Insurance Company of NY. Cigna Corporation and its subsidiaries are not affiliated with New York Life Insurance Company and its subsidiaries.

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New York Life Insurance Company

51 Madison Avenue
New York, NY 10010

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