

Absence Management

A newsletter from New York Life Group Benefit Solutions

We review the Supreme Court’s decision on the vaccine mandate in this issue. We also share findings from The State of Grief Report, provide updates on the PFML program for CT, and review updated quarantine guidance in NY.



Vaccine Mandate: Supreme Court Decision Leaves Open Questions for Employers

In a 6-3 decision, the Supreme Court blocked the Occupational Safety and Health Administration’s (OSHA) emergency temporary standard (ETS). The ETS would have required businesses with more than 100 employees to require COVID-19 vaccines or regular testing which would have impacted 80 million workers. However, the court’s ruling did not overturn the Centers for Medicare and Medicaid Services’ vaccination mandate for healthcare workers.¹

President Biden agreed with the Supreme Court’s decision to uphold the requirement for healthcare workers and stated that it will “save lives.”¹ The majority justices reasoned that Congress intended to give OSHA the power to address hazards that are confined to the workplace setting but concluded that the rule was overreaching.

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Opponents of the mandate argued that Congress did not authorize OSHA with the power to make this rule and also that it made no distinction between hazards that are confined to the workplace and those that exist outside of it. The underlying question posed to the Supreme Court was: **Who decides how much and what kind of protection American workers need from Covid-19?** The Court was left to decide if the appropriate answer to that question was an agency with expertise in workplace health and safety, Congress, the President, or even a court. Ultimately, the majority concluded that a global pandemic did not allow a federal agency, OSHA, to exercise powers that Congress had not specifically granted to it, thereby striking the workplace vaccine mandate.¹

Since OSHA is still considering an ETS-like permanent rule, employers should take careful consideration when determining how to proceed.

On January 26, 2022, OSHA withdrew the COVID-19 Vaccination and Testing ETS. So what does this mean for Employers? Since OSHA is still seeking an ETS-like permanent rule that may be limited to specific industries or high-risk workplaces, employers should take consideration when determining how to proceed.¹

HR resource provider XpertHR recommends the following:

- 1 Consider continuing taking steps to comply with the ETS
- 2 Determine whether to implement a mandatory COVID-19 vaccination policy
- 3 Note that some employees may request exemptions from COVID-19 vaccine requirements
- 4 Consider health and safety requirements for unvaccinated employees
- 5 Encourage vaccinations with incentives²

While COVID-19 has redefined the workplace as we know it, U.S. government agencies and courts are working to redefine workplace risk. That leaves employers and workers to create their own guidelines for worker safety as they manage their organizations into the future.



Connecticut Paid Family and Medical Leave Program Update

On January 25, the Connecticut (CT) Legislature's Regulations Review Committee approved revised regulations concerning the appeals process for the new PFML program. Employees who applied for CT Paid Leave Insurance benefits and were denied may file an appeal with the Connecticut Department of Labor Appeals Division.

- › The appeal must be provided in writing. The preferred submission process is the secure [CT DOL appeals portal](#), though you may also provide appeals through mail, fax, or delivery in person.
- › The appeals process is used whether the state is the benefit administrator or coverage is being provided through a private plan.
- › This appeal method should be used only after an employee has received a final denial letter for their claim.

CT has provided an [explanation of the appeals process](#) and a guide of [how to file an appeal](#) through their [portal](#).

New York State changes its guidance for quarantine and isolation orders

The New York State (NYS) Department of Health recently provided [updated guidance](#) with regard to isolation and quarantine for COVID-19. Previously there were several circumstances, including when filing for New York Paid Family Leave COVID-19 benefits, which required orders of quarantine or isolation from the Department of Health. Now, most individuals may use the new self-attestation forms for [quarantine](#) or [isolation](#) instead of an individual order from the NYS Department of Health or County Commissioner of Health.

The NYS Department of Health has released an [updated website](#) summarizing the guidance, as well as links to forms and FAQs.



New York Life Foundation 2021 report reveals that 71% of U.S. adults want to talk about grief and loss.

The New York Life Foundation surveyed Americans to better understand their views on COVID-19's impact on bereavement support. According to The State of Grief Report, the pandemic has spurred interest in a broader national conversation about grief, especially among those who lost someone to COVID-19.

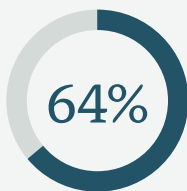
The pandemic has also heightened awareness for more responsive bereavement support at home, in schools and in the workplace. Workplaces have become critical for the delivery of bereavement support, but survey results indicate that few employees are familiar with their company's grief-related policies.

When asked what enhancements they would like to see to their workplace's bereavement efforts, respondents cited as their top choices:

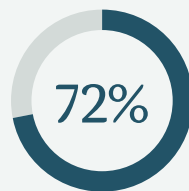
- › Paid bereavement leave (67%)
- › Extending leave for bereavement (66%)
- › Flexible bereavement leave (65%)

As workers express a greater need for bereavement support, New York Life Group Benefit Solutions can help employers design, communicate and deliver bereavement resources that can deliver peace of mind to their employees, and cultivate a more caring and supportive workplace. See the full report for more insight into COVID-19's impact on Americans' views of bereavement support.

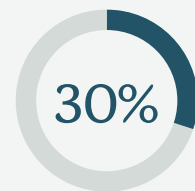
[Read The State of Grief Report: COVID-19's Impact on Bereavement Support in America »](#)



Nearly two-thirds of adults say the pandemic has greatly underscored the nation's need for more bereavement support.



Almost three-quarters of employed Americans are not familiar with the grief support and/or bereavement resources offered by their workplace.



Almost one-third of employed Americans are unsure of their workplace bereavement leave policy.



Statutory Benefits Reference Guide

In coordination with our [quick reference guide](#), we would like to provide you with an updated [detailed reference guide](#) summarizing state disability and paid family leave (PFL) programs including the following for each state:

- › The agency or department responsible for administration and oversight of the disability and PFL programs;
- › Eligibility requirements employees must meet;
- › Permissible reasons for leave and/or receipt of benefits;
- › Benefit amount and duration;
- › Funding; and
- › Other pertinent information.

Free Webinars for New York Life Group Benefit Solutions 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 a.m. PT) and the fourth Thursday at 3:00 p.m. ET (12:00 p.m. PT). The upcoming webinars include:

Tuesday, March 8

Women & Money

As the wealth gap narrows between women and men, there are still certain financial challenges that are unique to women. In this presentation, we empower you with action steps to create financial wellness and help you assess your history with money. We will discuss the importance of incorporating emotional intelligence as well as technical aspects of money management to help direct your finances to their highest potential.

[Register here: 9 a.m. PT](#) | [Register here: 12 p.m. PT](#)

Thursday, March 24

Sandwich Generation: Caught in the Middle

Navigating personal finances can be daunting for anyone, but if you not only support your children but aging parents or grandparents, you are likely facing much greater challenges than most. Help has arrived! In this class, we'll show you how to assess your financial and personal capacity and set realistic boundaries to help you through this stage of life. We'll talk about how to handle setbacks and remain resilient, and we'll provide resources and tools to help you manage your financial goals.

[Register here: 9 a.m. PT](#) | [Register here: 12 p.m. 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.

¹ Stanford Law School; A look at the Supreme Court Ruling on Vaccination Mandates, Michelle M. Mello, William B. Gould IV, Beth Duff & Sharon Mitchell, January 20, 2022. law.stanford.edu/2022/01/20/a-look-at-the-supreme-court-ruling-on-vaccination-mandates

² xperthr.com/editors-choice/the-osh-covid-19-ets-is-withdrawn-now-what/50501/?user=Z0JrdnlPWEtMVmtMTnZ4S3VMRXZVFDFUd0paSTYvZGw1SDE1MTgzNlBtOD0%3d&cmpid

*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.

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