

Absence Management

A newsletter from New York Life Group Benefit Solutions

Paid family and medical leave is dominating the news cycle in this edition of Absence Management. We'll examine a summary of state legislative activity, COVID-19 impacts in WA, important dates in CT, delays in MA, and much more.



Free webinars for NYL GBS clients.



Did you know that every month My Secure Advantage™ (MSA), hosts financial wellness webinars which are free for NYL GBS customers and their households?

The webinars are presented the second Tuesday at noon ET (9am PT) and the fourth Thursday at 3pm ET (12pm PT). The upcoming webinars include:

Thursday, March 25

[Dreaming of Retirement](#)

Tuesday, April 13

[It's my Budget and I'm Sticking to it!](#)

Your employees and their household members can register for upcoming events and watch past events anytime through the MSA website.

[View the full 2021 MSA calendar of events.](#)

If you also have Group Benefits 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.

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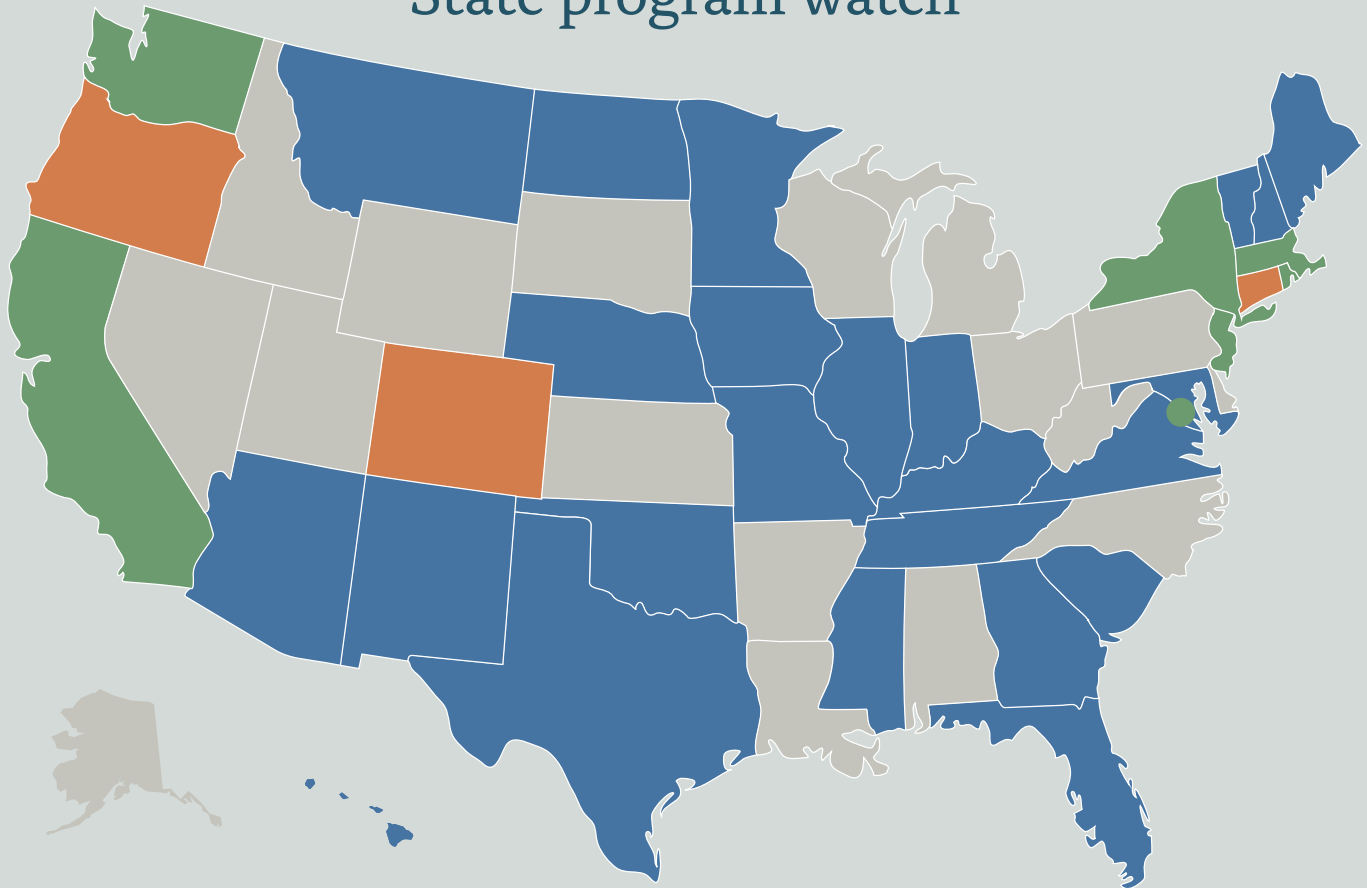
Paid family and medical leave continue to sweep our nation as states join the trend in proposing new programs.

You might want to consider how it impacts your disability insured policies and self-insured plans. NYL GBS is in the process of updating the "Other Income Benefit" provision within our insured policies to better align our policy language with our existing claim adjudication practices around paid leave.

This prevents employees from receiving more than their intended disability benefit while they are disabled and absent from work. State paid family and medical leave benefits received by employees are an offset from an insured policy's disability benefit. The updated language strengthens the previous contract language that exists in our policies today.

For self-insured plans, employers have the option to amend their plan documents. For more information, please reach out to your New York Life Group Benefit Solutions representative.

State program watch



Currently available:

- California*
- Massachusetts
- New Jersey*
- Rhode Island*
- New York*
- Washington
- Washington, DC**

Enacted into law:

- Connecticut 2022
- Oregon 2023
- Colorado 2024

Legislative interest:

- | | | |
|------------|-----------------|------------------|
| - Arizona | - Maine | - New Mexico |
| - Florida | - Maryland | - North Dakota |
| - Georgia | - Missouri | - Oklahoma |
| - Hawaii | - Minnesota | - South Carolina |
| - Illinois | - Mississippi | - Tennessee |
| - Indiana | - Montana | - Texas |
| - Iowa | - Nebraska | - Vermont |
| - Kentucky | - New Hampshire | - Virginia |

*Have separate paid family leave and disability programs

**Titled as PFL, but program includes 2 week disability benefit

Note: State action may have resulted in a change since the map has last been updated. Last updated March 2021.

WA PFML emergency rule: localization considerations due to COVID-19.

An emergency rule clarifying what service is considered “localized” as it relates specifically to the temporary physical reassignment of employees due to COVID-19, went into effect on January 29, 2021. The rule indicates an employee is still considered localized in Washington and thus subject to the WA PFML contributions if:

- The employee was considered localized in Washington prior to March 23, 2020; and,
- Was temporarily reassigned to work from home in a location that was not in the state of Washington; but,
- Once the temporary reassignment is lifted, will again work exclusively or mostly in Washington.

In summary, if an employer intends to have telecommuting workers return to the office and work primarily in the state of Washington, the employer should continue to withhold contributions from the employee’s paycheck and remit them to the EDD.



[Read the full emergency rule >](#)

Utah’s lapse notice requirements.

Utah Senator Wayne Harper reintroduced language from last year’s session regarding lapse notice mailings. Utah Senate Bill 79 passed unanimously in a Senate vote on February 9, 2021, and was received in the House. An amendment was recently presented to the House Committee and passed the amendment language. The amendment needs to be reconsidered by the Senate.

This amendment requires insurers to send notice to the policyholder’s last known address and any third party designee with proof of delivery at least 30 days before the day on which insurer terminates coverage. New York Life’s Office of Governmental Affairs will continue to monitor the legislation and provide updates as they become available.



Insurers would be required to send notice to the policyholder’s last known address and any third party designee with proof of delivery at least 30 days before the day on which insurer terminates coverage.



Connecticut Paid Family and Medical Leave.

Two important reminders:

Don't miss out and potentially be subject to a fine! As of the end of January, Andrea Barton Reeves, CEO of the Connecticut Paid Family and Medical Leave Insurance reported that only 40% of employers have registered with the state. Starting on April 1, 2021 employers who have not registered may receive a fine. Whether you are intending to utilize a private plan or go through the state, you must register.

For those employers who are filing for an exemption and applying for a CT private plan:

In order to qualify for an exemption from making contributions to the CT Paid Leave Authority, employers must apply and be approved for a private plan. While the Authority will accept applications for a private plan on a rolling basis, the deadline to apply for a plan to avoid first quarter 2021 contributions is quickly approaching.

According to the CT Paid Leave Authority, employers seeking an exemption, must apply and be approved by March 31, 2021. As you may remember, the original filing date was February 28, 2021, but the Authority has extended the deadline. The Authority has also confirmed there will be no additional extensions for first quarter.

If you or your clients are considering a private plan which would need to be dated back to January 1, 2021, please ensure you are following the application process and submitting a complete application by March 31, 2021. If you fail to withhold contributions, and do not have an approved private plan, you will be held liable for your employees' contributions and cannot collect them retroactively from your employees.

To assist in filing, we have a step by step checklist, employee documents, sample plan documents, and more. Please reach out to your account service representative if you have any questions or need further assistance.

Starting on April 1, 2021 employers who have not registered with the state may receive a fine.

Massachusetts Paid Family and Medical Leave delays.

During a February 11th and 18th webinar, the DFML confirmed the state has been experiencing high volumes of claims and as a result, have “experienced delays in claims or payments being processed.” They went on to indicate, “Timelines are longer than originally estimated for a variety of reasons and we appreciate claimant patience as we work to process all claims in a timely manner.”

The DFML recommended some tips to assist employees in facilitating the claims process:

1

An application will not move forward until ALL documents are received from the claimant.

2

Once the information is received, the DFML will contact the employer to review and approve. The employer has 10 days to respond to the DFML’s request.

3

After the employer’s reply is received, the DFML will review the claim and adjudicate. If the claim is approved, the employee, benefit amount, and duration are entered into the payment system.

4

Payment is sent (the DFML has 2 weeks to issue payments under the regulations).

Under normal circumstances, the DFML does have approximately 35 days to issue payment, but again, you should be aware they are experiencing delays longer than originally expected.



Pending legislation watch.

We understand the challenges of staying on top of the potential legislative changes across the country. Recent activity includes three states introducing paid family and medical leave programs:

- Arizona (HB 2858): The bill proposes 24-26 weeks of paid family and medical leave.
- Missouri (SB 416): This bill proposes 6 weeks of paid family and medical leave.
- North Dakota (HB 1441): The bill proposes 12 weeks of paid family and medical leave.

In addition, other activity includes:

- Hawaii Senate Bill 679 is an amendment to their existing plan, Hawaii Temporary Disability Insurance, and proposes new definitions for family members and some other minor changes.
- New York Senate Bill S2928 proposes changes to the definition of sibling for paid family leave.
- Washington HB1074 proposes minor changes to the definition of a family member.
- New York Assembly 5513 proposes to extend paid family leave benefits to construction workers.
- New York Senate Bill S3291 proposes to change the number of hours that a domestic worker must work to become eligible for New York disability benefits from 40 to 20.

We will continue to update you as we receive new information.

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