

Absence management newsletter

2021 Issue 1



As you may know, we announced in December 2019 that New York Life, America's largest mutual life insurer, is acquiring Cigna's group life and disability insurance business (CGI). The acquisition closed on December 31, 2020 and our new name is New York Life Group Benefit Solutions. Within this newsletter and our future communications, you'll notice our new branding colors and format. Each company remains focused on delivering on commitments to our respective customers and clients. Having uninterrupted business with you is our top priority, and **please know that it is business as usual with no change to how we work together and our relationship.**

Massachusetts PFML is here.

Premium collections for the Massachusetts Paid Family and Medical Leave (MA PFML) program started on October 1, 2019. Most benefits under MA PFML became available on January 1, 2021, with the remainder becoming available on July 1, 2021.

As of January 1, 2021, covered employees are eligible to receive paid family and medical leave for the following reasons:

- To bond with a child during the first 12 months after the child's birth or after adoption or foster placement of a child;
- For exigencies relating to a family member's active duty or call to duty in the Armed Forces;
- To care for a family member who is a covered servicemember, or;
- To care for the individual's own serious health condition.

Beginning July 1, 2021, paid family leave benefits to care for a family member with a serious health condition will become available.

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Statutory Benefits Quick Reference

Click below to download our latest summary of State disability and paid family leave laws.

State Plan	Benefit Type	Replacement Rate	Waiting Period	Duration	Management	Funding	Notes
California State Disability Insurance (SDI) and Paid Family Leave (PFL)	Medical: new child bonding; care of a family member	70% for low income; 60% for middle to high income; up to \$1,217 per week	7 days for VDI; None for PFL	52 weeks for SDI; 6 weeks for PFL (no shared duration)	State plan with option for employees to purchase a private alternative	Employee payroll tax - 2.6% of income to \$128,250	VDI and PFL must be administered together
Columbia Paid Family Medical Leave (PFML) Family/Spouse effective 1/1/2024	Medical: new child bonding; care of a family member; military caregiver; sick leave	Up to 90% of the employee's base weekly earnings with a maximum benefit of \$4,100	TBD	Medical: 12 weeks. Up to 4 additional weeks available for complications (up to pregnancy and childbirth). Family/Bonding: Shared with leave with medical certification	State plan with option for employees to purchase a private alternative	0.90% shared by ER and EE	Premium collection begins on 1/1/2024 with other administrative changes beginning on 1/1/2024
Connecticut Paid Family Medical Leave (effective 1/1/2022)	Medical: new child bonding; care of a family member; military caregiver; sick leave	Up to 95% of the employee's base weekly earnings up to the state maximum wage. For the first part of 2022, the maximum benefit will be \$160.	TBD	Medical: 12 weeks total. Up to a 4th week available for complications (up to pregnancy and childbirth). Family/Bonding: Shared with leave with medical certification	State plan with option for employees to purchase a private alternative	Employee payroll tax - 0.3% - not to exceed the 5% contribution and benefit base	Private plans must be approved by majority vote of employees. Premium collection begins on 1/1/2022 with other administrative changes beginning on 1/1/2022.
Hawaii Temporary Disability Insurance (TDI)	Medical	If the employer's average weekly wage is more than \$20 (or equal to the next higher public duty) the employee is eligible to receive 50% of his or her average weekly wage. If the employer's average weekly wage is less than \$20, the weekly benefit is equal to the state average weekly wage but not to exceed \$14/week. Maximum weekly benefit is \$460.	7 days. Employees only need to satisfy the waiting period once per 52 week period.	26 weeks	Private plan only	% premium cost, but no more than 0.5% average weekly wage. Up to weekly maximum of \$151	No state plan available



Massachusetts released the claim form for employees to apply for benefits with the state and can be downloaded [here](#).

As a reminder, employers should confirm that they are in compliance with the various PFML requirements, including ensuring that employee handbooks and policies are updated. For more information on MA PFML, go to <https://www.mass.gov/orgs/department-of-family-and-medical-leave>.

First Coronavirus Response Act (“FFCRA”) Expiration.

COVID-19 continues to impact lives and the workplace and we expect this to continue throughout 2021. As a reminder, the legally mandatory benefits provided under Families First Coronavirus Response Act (“FFCRA”) expired on December 31, 2020. However, the COVID Relief Bill, signed on December 27, 2020, allows employers to voluntarily continue to provide the same sick and family leave benefits as provided under the FFCRA through March 31, 2021. If an employer elects to do so, it will be entitled to the same payroll tax credits for providing such paid leave as was available under the FFCRA. We are closely monitoring any changes to this leave law with the Biden administration now in office.

New Bill Affecting Washington Paid Family Leave.

Per the Washington Department and Labor Industries, tens of thousands of complaints continue to flood into the state about unsafe work conditions. In response, Senator Karen Keiser, (D–Des Moines, Chair of the Senate Labor & Commerce Committee) introduced a bill on January 11, 2021 titled the “Health Emergency Labor Standards Act.” The bill seeks to provide protection against retaliation or

discrimination for those who raise reasonable concerns and change worker safety standards for workplace infectious diseases. In addition, it establishes new employment standards during a declared public health emergency and lowers the eligibility threshold for paid family and medical leave when the qualifying period includes a public health emergency.

The bill also will require employers to:

- Establish new employment standards during declared public health emergencies for front line workers;
- Accommodate employees with PPE for voluntary use or provide PPE if the employer requires use;
- Report to Labor & Industry when more than 5% of their workforce becomes infected (applicable to employers of 50 or more employees);
- Provide emergency pay at 25% above the state minimum wage for each hour worked for certain frontline employees;
- Provide up to 80 hours of paid sick leave for an employee who is infected or exposed and unable to work or telework, and;
- Provide 12 weeks of emergency paid child care leave when schools or childcare centers are closed (applicable to employers of 50 or more employees).

We will continue to keep you updated as we receive additional information.



Oregon Proposed Regulations for Paid Family and Medical Leave.

The Oregon Employment Department has released a first set of draft rules to govern the paid family and medical leave benefit. The proposed regulation provides the definition of "wages," and public comments were accepted until December 31, 2020.

Considered wages:

- Bonuses, fees, and prizes if paid to an employee as compensation;
- Commissions or guaranteed pay;
- Disability payments and accident compensation. The continuation of wages paid during periods of disability, or, that are over and above the amount of workers' compensation benefits paid to an employee;
- Dividends paid to corporate officers and shareholders, to the extent they are considered compensation for services performed for the corporation;
- Remuneration other than cash. The value of non-cash remuneration provided to employees (e.g., room and board) as payment for services;
- Severance, vacation, holiday, and sick pay;
- Tips or gratuities.

Not considered wages:

- Cafeteria plans;
- Employee incidental expenses such as meal and travel reimbursements;
- Gifts;
- Jury pay including the value of jury-related meals and lodging;
- Lump sums or special compensation for a work-related accidents, and;
- Pensions payments.

The Oregon Employment Department plan to release additional rules in 2021. For more information, please visit <https://www.oregon.gov/employ/PFMLI/Pages/PFMLI-Administrative-Rules.aspx>

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