

# Absence Management

A newsletter from New York Life Group Benefit Solutions

Check out our eighth issue for OSHA’s COVID 19 Emergency Temporary Standard regulations, Oregon and Maine PFML updates, Louisiana Pregnancy Accommodation, Rhode Island TCI legislation, plus insight from New York Life’s latest Wealth Watch survey.



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## Federal OSHA Emergency Temporary Standard regulations.

On June 21, 2021, Occupational Safety and Health Administration (OSHA) officially published the COVID-19 Emergency Temporary Standard (ETS), under 29 CFR 1910.502, Subpart U, applicable to Healthcare employers with 11 or more employees.

Under OSHA ETS, employers must provide employees with protected paid leave and benefits if an employee is unable to work due to actual or suspected COVID-19 diagnosis or COVID-19 exposure, regardless of whether the employee was exposed at work or outside of the work place.

OSHA has developed a flow chart outlining this new requirement titled “ETS Guidance for Employees- Notification to Employer and Paid Medical Removal for COVID-19” and it can be found [here](#).

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**The benefit amount and duration is dependent upon the number of employees.**  
See the below grid for more information.

<b>Who it applies to:</b>	ETS applies to all settings where any employee provides “healthcare services” and “health care support services.” Healthcare services are those provided by professional healthcare practitioners such as doctors, nurses, emergency medical personnel, etc. Healthcare support services are those that facilitate the provision of healthcare such as intake/admission, food service, facility maintenance, housekeeping, waste handling, etc.
<b>Exempt from ETS:</b>	<ul style="list-style-type: none"> <li>• First aid by a non-licensed healthcare provider;</li> <li>• Pharmacists in retail settings;</li> <li>• Non-hospital ambulatory care settings where all non-employees are screened for COVID-19 and people with suspected or confirmed COVID-19 are not permitted;</li> <li>• Hospitals where all employees are fully vaccinated, all non-employees are screened prior to entry and people with suspected or confirmed COVID-19 are not permitted;</li> <li>• Home healthcare settings where all employees are fully vaccinated, all non-employees are screened prior to entry and people with suspected or confirmed COVID-19 are not permitted;</li> <li>• Healthcare support services not performed in a healthcare setting (off-site laundry, off-site medical billing); and</li> <li>• Telehealth services where no direct patient care occurs.</li> </ul>
<b>Paid leave reasons:</b>	Benefits are payable if an employee is unable to work due to confirmed or suspected COVID-19 diagnosis or COVID-19 exposure, regardless of where the exposure occurred.
<b>Benefit amount:</b>	<p><b>Employers with 11-499 employees:</b> Employees must be provided with protected paid leave and benefits at their regular rate, up to a maximum of \$1400 per week. If an employee is out for more than two weeks, the benefit is reduced to 2/3 regular pay, up to \$200 per day beginning in the third week.</p> <p><b>Employers with 500 or more employees:</b> Employees must be provided with protected paid leave and benefits at their regular rate, up to a maximum of \$1400 per week during the entire period of removal.</p>
<b>Concurrency with other benefits:</b>	Regardless of employer size, the employer may reduce the amount of paid leave by however much the employee receives from an outside source.
<b>Concurrency with other laws:</b>	May run concurrent with FMLA or similar leaves.
<b>Other important notes:</b>	Multiple legal challenges have been filed, but the rule remains in place until a court decides otherwise.

## OR PFML program delayed.



Due to the COVID-19 pandemic, the Oregon Employment Department, which will run the Oregon Paid Family Medical Leave (PFML) program, was overwhelmed with a record number



of unemployment claims. Though preparations for Oregon PFML have proceeded since the Oregon legislature passed

it in 2019, much of the staff slated to work on the PFML benefit were diverted to handle new and expanded federal unemployment benefit programs since the onset of the Coronavirus pandemic in March 2020.

Additionally, the Oregon Employment Department also sought the delay because it intends to integrate collections of employer and employee contributions into its computer modernization project in which the first phase started in July 2021. The first phase also involves updating

the collection of payroll taxes that employers pay into the State Unemployment Trust Fund for benefits.

As a result, the Oregon Paid Family and Medical Leave Insurance (PFMLI) Advisory Committee determined they could not meet the legislative timeline defined in the law. In June, the Committee submitted a bill that would delay the program for eight months with employee contributions beginning January 1, 2023 and benefit administration beginning September 3, 2023. The Oregon House and Senate both approved the bill, and on June 25th, the bill was sent to Governor Kate Brown for her signature, which she signed on July 27, 2021.



## Maine PFML Commission.

**In July, Maine's Governor, Janet Mills, signed a proposal to create a commission tasked with proposing a paid family medical leave (PFML) program for the state.**

The Commission will spend time collecting feedback from workers, caregivers, and employers. Their duties will include studying PFML programs in other states, program funding, education and outreach needs, oversight and structure of the program, and the relationship between the state government, employers, and employees participating in the program. The Commission will also solicit and consider public comment, develop a plan to implement the program, and contract for and complete an actuarial study to determine start-up costs and ongoing costs. Currently, the Commission's recommendations are due by January 15, 2022.

### The committee will consist of at least 11 members:

- 2** members of Senate
- 2** members of House
- 2** members appointed by President of Senate:
  - 1 member with experience in issues affecting labor and independent contractors, and
  - 1 employer with more than 50 employees
- 2** members appointed by Speaker of House:
  - 1 member with expertise in issues related to family and medical leave benefits, and
  - 1 employer with 50 or fewer employees
- 2** members appointed by governor:
  - 1 member with expertise in issues affecting maternity and postpartum care, and
  - 1 member with expertise in issues affecting elder care
- 1** Commissioner of Labor or Commissioner's designee

As more information becomes available, we will continue to update you on the Commission's progress or results.

## Rhode Island TCI expanded weeks.



Rhode Island Temporary Caregiver Insurance (TCI) went into effect in January 2014 and allows employees to receive benefits for up to four weeks of leave during a 52 calendar-week benefit year to care for a family member or bond with a newborn or newly placed child.

Senate Bill 688 was passed on July 6, 2021 and expands the coverage period to five weeks in 2022 and six weeks in 2023.

- › **Effective January 1, 2022, the maximum coverage period will increase to five weeks annually.**
- › **Effective January 1, 2023, the maximum coverage period will increase to six weeks annually.**

There are no other impacts to TCI under Senate Bill 688.

## Building better futures.

In the wake of social, political, and economic upheaval catalyzed and exacerbated by the COVID-19 pandemic, people's financial habits, sentiments, and goals have certainly changed – but that's not all. In New York Life's latest Wealth Watch survey of 2,200 American adults, more than half of respondents say they are thinking about their finances (54%) and physical health (58%) more than they were at this time last year, and 47% are shifting more focus to their mental health.<sup>1</sup>



48%

of employed Americans report feeling mentally and physically exhausted at the end of the workday.<sup>2</sup>

The renewed emphasis on well-being may be attributed to the fact that employees are feeling burned out, with nearly half (48%) of employed Americans reporting feeling mentally and physically exhausted at the end of the workday.<sup>2</sup> The toll has been significantly greater for women as they've taken on an increasing amount of responsibility at home and on-the-job. According to a recent survey by Deloitte, even when women tried to take action to alleviate their situation, many viewed the impact as negative. Nearly half of the surveyed women who have had to adjust their working hours because of increased caregiving responsibilities say they believe this has negatively affected their relationship with their employer.<sup>3</sup>

We've found that regardless of gender, this sentiment may hold true. Another survey shows that 29% of U.S. workers think there is a negative perception associated with taking leave. And 31% of U.S. workers say they are fearful of workplace repercussions such as getting fired, laid off, skipped over for a promotion/raise or reduced hours if they take leave.<sup>4</sup> Everyday financial, social, and environmental stresses can take a toll on your employees' health - keeping them from functioning at full capacity, dulling motivation and disrupting ability to focus. It's in employers' best interest to ensure their people have access to resources and support they need to achieve better health, improved productivity and faster recovery. [Click here](#) to read more about how you can address the constraints you face today without failing to think about "down the road."



In New York Life's Wealth Watch Survey of 2,200 American Adults:<sup>1</sup>

54% are thinking more about their **finances**

58% are more concerned with **physical health**

47% are shifting focus to their **mental health**

Sources:

1. New York Life Wealth Watch Survey, New York Life, June 2021
2. "Survey on the Health of U.S. Workers", Society for Human Resource Management, May 2021
3. "Women at Work, a Global Outlook" Deloitte, May 2021
4. 2021 Future of Benefits Study, The Hartford, April 2021

## Free webinars for NYL GBS clients.

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

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, September 14**

### [Leveraging Tax-Advantaged Benefits »](#)

Open enrollment can leave us with many questions about our benefits, specifically their tax implications. This class will explain high deductible health plans (HDHP), health savings accounts (HSA), and flexible spending accounts (FSA) to build your confidence around making informed decisions.

**Thursday, September 23**

### [A Holiday Planning Guide »](#)

Is the holiday season bringing you stress and debt? In this presentation, we will share best practices for planning, saving and spending. Technology has become a bigger part of our holiday shopping and planning experience, so we will discuss online ideas and sites, as well as important dates to remember, to help you this time of year!

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.

## Louisiana pregnancy accommodation.

On June 21, 2021, Louisiana Governor John Bel Edward signed into law Senate Bill 215, which provides reasonable accommodations to employees who become temporarily disabled due to certain pregnancy, childbirth and related medical conditions. The law went into effect on August 1, 2021 and applies to Louisiana employers with more than 25 employees.

Some examples of reasonable accommodations include, but are not limited to:

- › Making facilities used by such employees readily accessible to and usable by an employee (a permanent, dedicated space for expressing milk is not required);
- › Providing more frequent breaks;
- › Providing light duty, if available;
- › Assistance with manual lifting;
- › A temporary transfer of position; and
- › Modified work schedules and leave.

A reasonable period of time for leave means six weeks for a normal pregnancy and childbirth or the period of time during which the employee is disabled, provided that the leave may not exceed four months. An employee can use accrued leave during this period.

Employers can require advance notice of the date that the leave commences and expected duration. An employer may not discriminate on the basis of pregnancy in hiring, firing, promotion, compensation or other privileges of employment.

### **For NYL GBS Leave Solution clients:**

We have assessed the legislative impacts and will be making the appropriate adjustments as necessary to our leave offering.

\*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.

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