

2020 Compliance Updates and New Paid Family & Medical Leave Laws

Prepared for:



Northern NJ Chapter

Agenda

1. Key updates to federal, state and local leave laws
2. Managing federal and state laws when they intersect
3. Top 5 employer leave challenges
4. Leave Administration Solutions
5. ACA and Healthcare Compliance Updates
 - 2020 return of ACA health insurance tax
 - NJ Individual Mandate for health insurance

Paid Leave Across the United States

Current snapshot of in-force and passed legislation



Family and Medical Leave Insurance

- California
- New Jersey
- Rhode Island
- New York
- **Washington (2020)**
- **Washington DC (2020)**
- **Massachusetts (2021)**
- **Connecticut (2022)**
- **Oregon (2023)**



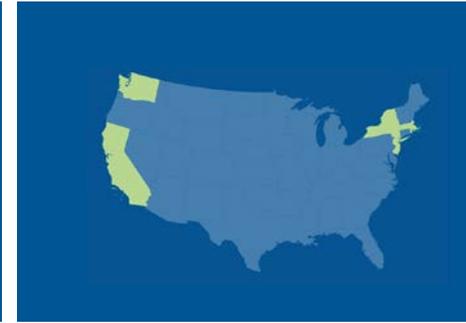
State Employer-Mandated Paid Leave

- California
- Oregon
- Connecticut
- Massachusetts
- Washington
- Washington DC
- Rhode Island
- Vermont
- Arizona
- Maryland
- New Jersey
- Michigan
- **Maine (1/1/21)**
- **Nevada (1/1/20)**



Local Employer-Mandated Paid Leave

- 20+ municipality laws including:
- San Francisco
 - Seattle
 - San Diego
 - NYC



State Accrued Paid Leave

- California
- Georgia
- Illinois
- Maine
- Maryland
- Minnesota
- Oregon
- Washington
- New Mexico

The Different Types of Paid Family Leave (PFL)

Know the difference

Accrued paid leave laws

Laws passed by states that mandate if an employer provides paid leave, it must allow the employee to take it for enumerated reasons and it must be job protected.

Paid family and medical leave insurance

Benefits administered by the state or an insurance company. Typically, the employee pays into a fund through payroll deduction, and the employee files for benefits with the state/insurance company. These may or may not provide job protection.

Employer mandated paid leave

These are laws passed by states, counties or municipalities that mandate that employers provide paid leave to their employees for enumerated reasons.

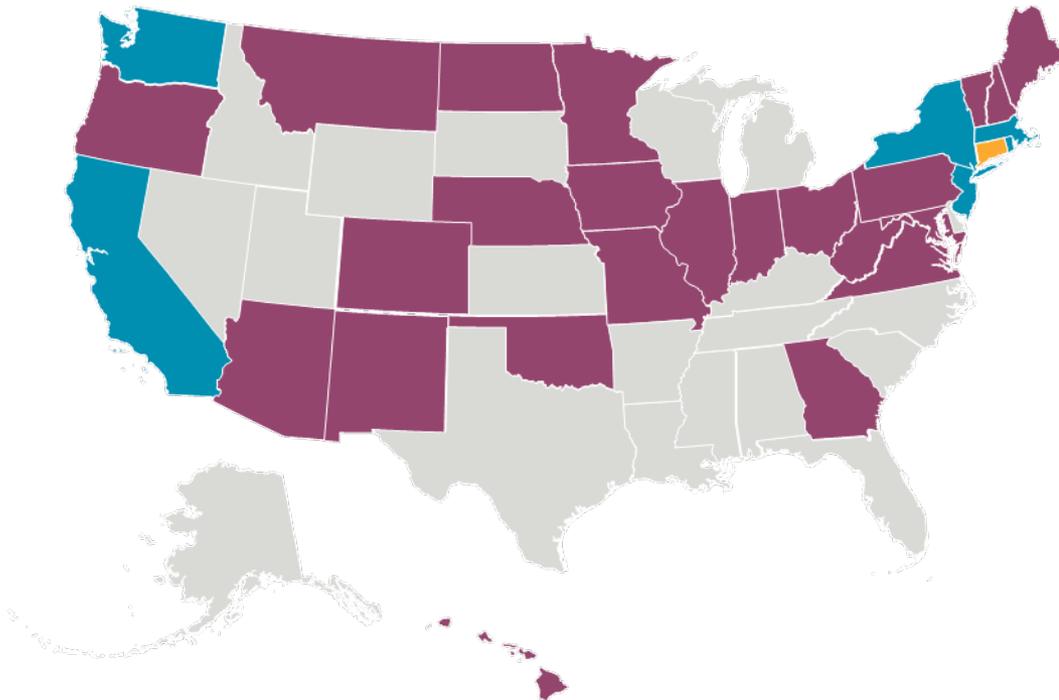
Voluntary employer-provided leave policies

Many employers choose to provide paid leave when not legally required, e.g., paid parental or caregiver leave.

the information in this deck is accurate as of 9/11/19

State Paid Family & Medical Leave Laws

7 States and D.C. have passed/enacted paid family & medical leave laws...more are on the way



Washington

Effective 2019 (premiums)
Effective 2020 (benefits)

Connecticut

Effective 2021

Massachusetts

Effective 2019 (contributions)
Effective 2021 (benefits)

Washington D.C.

Effective 2020

New York

Effective 2018

California

Effective 2004
Expanded in 2017
Expansion in 2020

Rhode Island

Effective 2014

New Jersey

Effective 2009

Coming Soon?

Arizona, Colorado, Georgia, Hawaii, Illinois, Indiana, Iowa, Maine, Maryland, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Vermont, Virginia, West Virginia

Paid Family Leave Insurance

Benefits administered by the state or through a private/voluntary plan, typically in which the employee pays into a fund through payroll deduction and files for benefits with the state or employer/insurance company. These may or may not provide job protection.



What/who it covers

- All cover family-related absences (family member illness and bonding)
- WA, DC, MA, CT and OR cover employee illness
- NY, WA, DC, MA and CA ('21) and CT cover qualifying FMLA events relating to a family member on active duty
- MA and CT cover military caregiver leave
- OR covers absences relating to domestic violence

Who has it

- Currently state mandated in CA, NJ, NY and RI
- DC and WA begin in 2020, MA begins in 2021, CT begins in 2022, OR begins in 2023
- Many states are looking at it

How it works

- Government-provided paid leave is typically part of the state disability plan
- As more states mandate it, plan design variation will increase

Updates to Federal/State and Local Leave laws

- Updates to New Jersey's leave laws
 - Enactment of Assembly Bill 3975, 2/19/19, amended:
 - New Jersey Family Leave Act (“NJFLA”);
 - New Jersey Security and Financial Employment Act (“NJSAFE”); and
 - New Jersey Family Leave Insurance program (“NJFLI”)



New Jersey Family Leave Act Update

- NJFLA entitles eligible employees to take up to 12 weeks of job protected leave in a 24 month period for:
 - The birth of a child of the employee;
 - The placement with the employee of a child for adoption or foster care;
 - To care for the employee’s family member with a serious medical condition.
- Prior to 6/30/19 - NJFLA applied to employers with more than 50 or more employees for 20 or more calendar weeks in the current or immediately preceding calendar year.



New Jersey Family Leave Act Update

- After 6/30/19:
 - The NJFLA will apply to employers that employ at least 30 employees during the same time period.
 - So, the NJFLA now varies with the FMLA.
 - The definition of “family member” was expanded:
 - From child (minor or disabled), parent or spouse or civil union partner,
 - To include a child (regardless of age) sibling, parent-in-law, grandparent, grandchild, domestic partner or any individual related by blood to the employee, as well as any individual with whom the employee has a “close association” which is the “equivalent of a family relationship.”
 - The definition of child was amended to include a child who becomes the child of a parent pursuant to an agreement between the parent and a gestational carrier.



New Jersey Family Leave Act Update

- The amended law expands the period during which reduced leave may be taken from 24 consecutive weeks to 12 consecutive months.
- Intermittent Bonding Leave –
 - Prior to the amendment employers had the discretion of granting employees NJFLA intermittent leave to bond with a newborn or newly adopted or placed foster child. This was consistent with the FMLA.
 - Now, employers must afford intermittent NJFLA leave for the birth, adoption or placement of a child if the employee requests it.
 - This is no longer consistent with the FMLA.



NJSAFE UPDATE

- NJSAFE provides qualifying employees with up to 20 days of unpaid leave in a 12 month period relating to circumstances stemming from domestic violence or sexual assault/offense concerning the employee or a family member.
 - Pre-amendment – “Family member” was defined as child, parent, spouse, domestic partner or civil union partner
 - Post-amendment – “Family member” now also includes FLA expanded definition: child (regardless of age) sibling, parent-in-law, grandparent, grandchild, domestic partner or any individual related by blood to the employee, as well as any individual with whom the employee has a “close association” which is the “equivalent of a family relationship.”



NJSAFE UPDATE

- Pre-amendment – Employers could require an employee to use accrued paid time off (vacation, personal, sick) during a period of NJSAFE leave. In such a case, the SAFE unpaid leave and paid leave would run concurrently.
- Post-amendment –
 - Employer cannot require an employee to use their accrued paid leave concurrently. However, employee can elect to do so.
 - Employees can now request compensation benefits under NJFLI.



NJFLI UPDATE

- In 2009, NJFLI enacted to provide up to 6 weeks of benefits in any 12 month period to protect individuals against wage loss suffered due to the need to participate in providing care for a family member with a serious health condition or to bond with a newborn or newly adopted child.
- On or after 7/1/20,
 - Employees will be able to apply for up to 12 weeks of benefits.
 - The number of days of benefits available on an intermittent basis will also increase from 42 to 56 days.
 - The weekly benefit calculation will increase from 66.66% to 85% and the maximum benefit will increase from \$696 to \$881/week.



NJFLI UPDATE

- Effective 7/1/19 –
 - One week waiting period is eliminated and benefits are payable immediately.
 - Employer can no longer require employees to use accrued paid time off during the first 2 weeks of the FLI period. Previously, employers could require those 2 weeks to apply to the 6 weeks of benefits.
 - The definition of family member, child and parent is now consistent with NJFLA.



NJFLI UPDATE

- Covered employees will now be able to receive NJFLI benefits on an intermittent basis during a period of leave to bond with a newborn, adopted or newly placed foster child.
 - But the employee must provide the employer with at least 15 days' advance notice (unless an emergency exists) and must make a reasonable effort to schedule the leave so it does not unduly disrupt operations.



NJFLI UPDATE

- Anti-retaliation provisions –
 - Prohibiting employers from discharging, harassing or otherwise discriminating or retaliating against an employee for requesting or taking NJFLI benefits including “retaliation by refusing to restore the employee following a period of leave.”
 - The law also provide for a private right of action for violation of the anti-retaliation provision with all common law tort remedies available as well as civil fines, injunctive relief, reinstatement, compensation for lost wages and benefits and payment of reasonable attorney’s fees and costs.
 - This converts the NJFLI from a benefit compensation statute to a job protection/ leave restoration statute.



NY PAID LEAVE UPDATE

- Commencing 1/1/18 – eligible employees could obtain paid leave benefits.
- Benefits are fully funded through employee payroll deductions and administered by the state disability program.
- Employees who regularly work
 - At least 20 hours/week will be eligible for paid family leave after 26 weeks of employment,
 - Fewer than 20 hours/week will be eligible after 175 days.



NY PAID LEAVE UPDATE

- New parents can use the leave for baby bonding in the first year after a child's birth, adoption or foster placement;
- Employees can use the paid leave when a family member has a serious health condition or is called to active military duty.
 - Leave for an employee's own illness is not covered which is covered by Short Term Disability.
- Family members under the new law includes spouses, domestic partners, children, parents, grandparents and grandchildren.



NY PAID LEAVE UPDATE

- The program is being phased in over 4 years: January 1st of 2018 – 2021.
 - From 8 -12 weeks of leave and Pay recovered from 50-67%.
- The maximum benefit is capped at the rate that an employee earning the state's average weekly salary would receive through the program. So, in 2021 it will be capped at 67% of the state's average weekly salary.
- Employees can use eligible paid time off concurrently with paid family leave in order to receive full salary.



District of Columbia Paid Family Medical Leave Update

- Prior to 2017, D.C. offered unpaid protected family medical leave to eligible employees.
 - 16 weeks of leave every 24 months
- In 2017, D.C. passed the Universal Paid Leave Amendment Act
 - Provides all employees access to paid leave.
 - 8 weeks a year for qualifying parental leave,
 - 6 weeks of qualifying family leave,
 - 2 weeks of qualifying medical leave.



District of Columbia Paid Family Medical Leave Update

- UPLA provides 100% of the employee's wage up to \$1,000/week,
- Paid leave is administered by D.C. and funded by a payroll tax to private employers of .62% of wages of each covered employee.
- The payroll tax went into effect July 1, 2019
- Payment of benefits commence July 1, 2020.
- No job restoration protection for employers with less than 20 employees.



MANAGING FEDERAL AND STATE LEAVE LAWS WHEN THEY INTERSECT

- Various overlapping leave and benefit laws
 - FMLA, NJFLA, NJFLI, NJSAFE, NJ Sick Leave Law, Worker's Compensation, NJLAD
- Chart/map out the benefits
- Be sure to understand the distinction between leave and benefits
- Provide the maximum leave/benefit
- Document all efforts/interactions



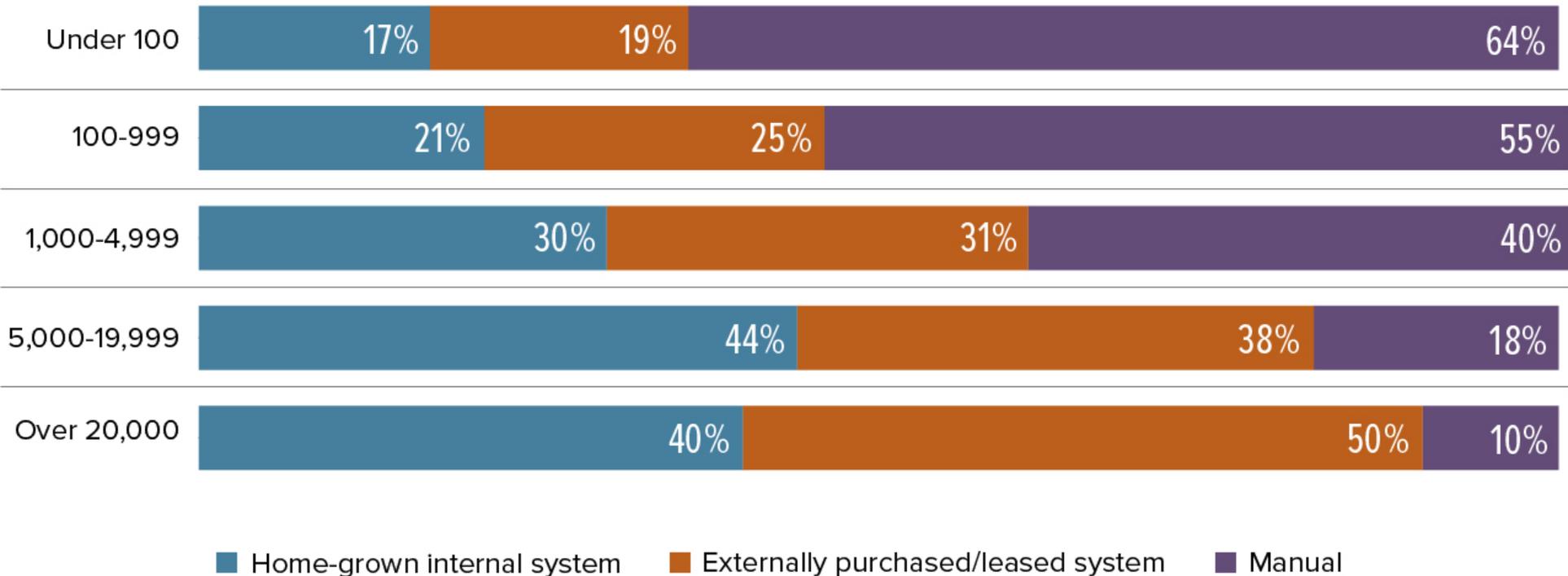
TOP 5 EMPLOYER LEAVE CHALLENGES

- Keeping up to date on the myriad of changes in the law
- Managing the intersection of federal/state/local leave and benefit laws and regulations
- Tracking leave usage
- Preventing employee abuse
- Ensuring appropriate staffing and performance
 - Telecommuting requests



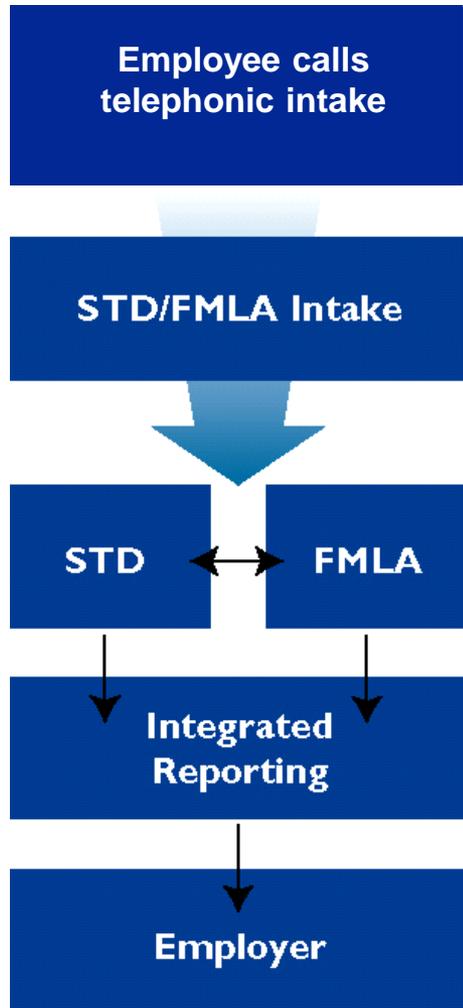
Using Technology to Manage FMLA Leave

The use of technology to internally manage—instead of outsource—leave taken under the federal Family and Medical Leave Act (FMLA) increases with employer size. Although over half of employers with fewer than 1,000 employees still rely on manual methods, larger companies are more likely to use home-grown or externally purchased/leased systems.



Source: Disability Management Employer Coalition.

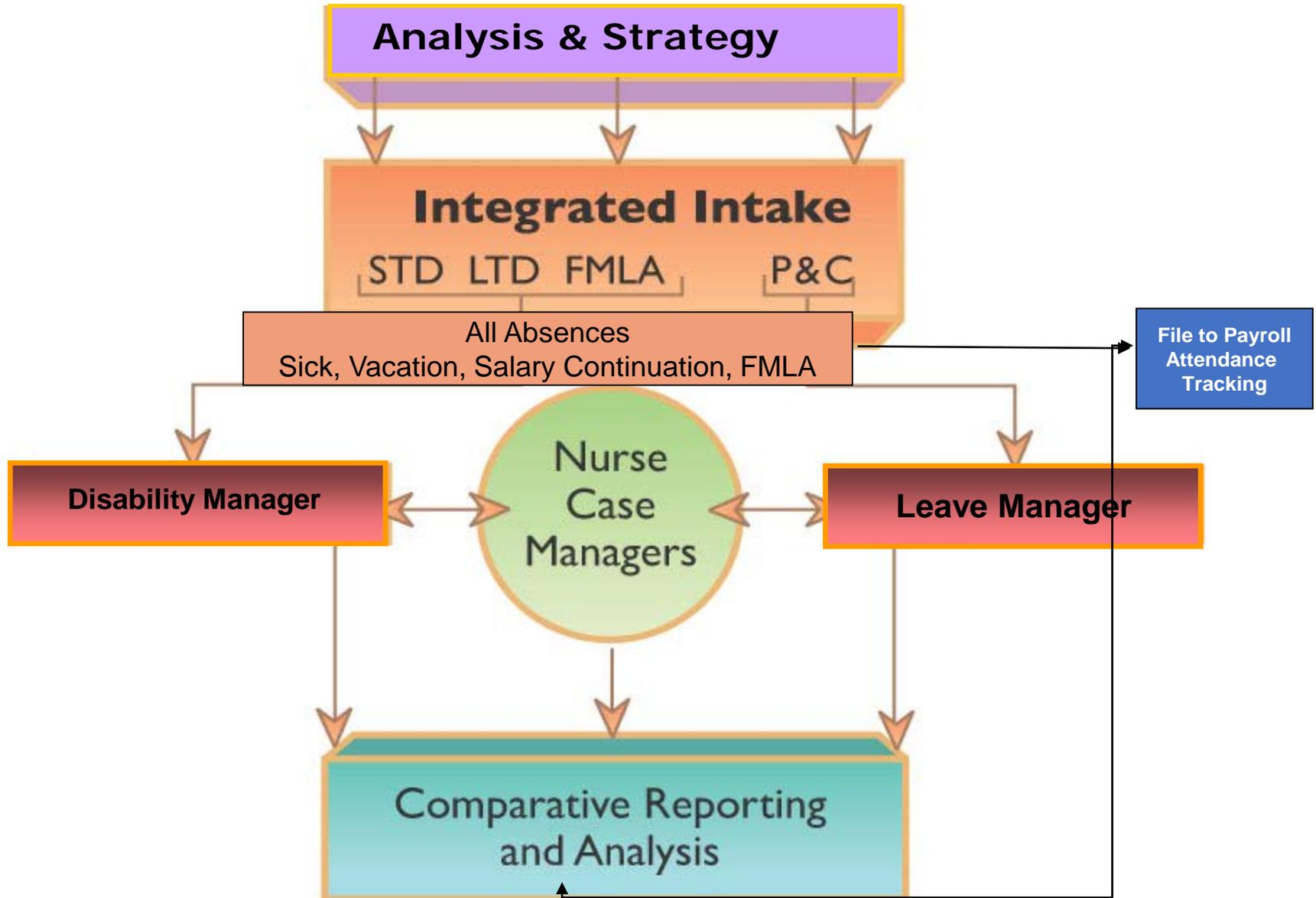
Leave Administration integrating STD and FMLA



Additional Leave Administration Outsourcing can include:

- FMLA
- State leave laws
- Sick
- Vacation/paid time off (PDO/PTO)
- Military
- Short Term Disability
- State Mandated Short Term Disability
- Jury Duty
- Bereavement
- Personal leaves
- Medical leave
- Sabbatical

Leave Administration - Total Absence Management



Disability and Paid Leave Insurance Options

Trend toward private insurance carriers

- Massachusetts state fund requires employees tax withheld during 2020 for 2021 benefits. Alternatively, employers can opt out of state fund for a private carrier and employee tax withholdings not required until 2021
- NJ TDB: Employers can more easily transition to a private carrier in 2020
 - Form AC-174.1: The rate notice will no longer be mailed to employers. Employers will be responsible for pulling their rate notice using the Tax Web Enabled System. Employers will be responsible for calculating their own rates and payments.
 - <https://nj.gov/labor/handbook/formdocs/FormIntroAC1741.html>

2020 Return of ACA Taxes

2020 Health Insurance Provider Fee, also known as the Health Insurance Tax

The tax was designed to help fund the federal and state marketplace exchanges.

The one-year moratorium is set to lapse in 2020 (estimated \$16 billion fee in 2020).

- To recoup the cost of the tax, insurers are expected to increase premiums 2-3%
- Impacts all fully insured health plans.
- The fees are based on insurance premiums and insurers' tax is roughly proportional to their market share.

Thank you!

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Appendix

Recap of What's New in 2018-2019

1. NJ dramatically expanded its Family Leave Insurance Program
2. NJ's state Employer-Mandated Paid Leave Law preempted 13 municipal leave laws in NJ
3. NY PFL- 2020 contribution rate will increase 76% to .270% (maximum of \$196.72 per year)
4. WA, MD, RI, NJ, MI, NM, NV and ME passed Employer-Mandated Paid Leave Laws
5. WA, DC, MA, CT and OR passed Family and Medical Leave Insurance Programs
6. CA removed the waiting period for PFL
7. CA increased PFL benefits to 8 weeks effective July 2020
8. CA added Qualifying Exigency leave to its PFL program for 2021
9. All states with Family and Medical Leave Insurance Programs issued new contribution and benefit rates
10. Several municipalities passed Employer-Mandated Paid Leave Laws; some have been enjoined due to legal challenges. Westchester County passed its second paid leave bill.



NEW JERSEY FAMILY LEAVE INSURANCE

NJ FLI – Effective July 1, 2009

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS
<p>Employer coverage</p> <p>All employers are covered — can use state or private plan (must be approved by state)</p> <p>Employee eligibility</p> <p>Employee must have either:</p> <ul style="list-style-type: none"> • Worked 20 calendar weeks in New Jersey in the base year, earning \$172 or more each week; OR • Earned \$8,600 or more in the last year before the start of family leave 	<p>Care for a seriously ill family member (child [including a foster child or child conceived through a gestational carrier agreement], spouse, registered domestic partner, civil union partner, parent, <i>parent-in-law, sibling, grandparent, grandchild, or any other individual related by blood or whose close association is equivalent of a family relationship</i>)</p> <p>To bond with a new child due to birth, <i>foster care</i> or adoption within the first year of the birth/placement</p> <p><i>For reasons related to domestic or sexual violence against employee or family member</i></p>	<p>Employees are entitled to up to <u>6 weeks (42 days)</u> of paid leave in any 12-month period, or until benefits equal to 1/3 of total wages during the base year is received, whichever is less</p> <p>Employees receive 66% of their average weekly wage, up to the maximum amount payable</p> <p>Maximum weekly benefit 2019: \$650</p> <p><i>Effective 7/1/2020, benefits increase to 12 weeks at up to 85% of the employee's AWW (capped at 70% of the SAWW). Max benefit will be approximately \$860</i></p>	<p><i>Provides job protection</i></p> <p><i>The 7-day waiting period was eliminated on February 18, 2019</i></p> <p><i>Employees can choose to use PTO but cannot be required to do so</i></p> <p><i>Amendments effective February 2019</i></p> <p>Contributions (EE only) = .08% wages for the first \$34,400 in covered wages, max yearly deduction \$27.52</p>



WASHINGTON DC UNIVERSAL PAID LEAVE

Effective July 1, 2020

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS
<p>Employer coverage</p> <p>All (non-government) private-sector employers — exception for employers that are exempt from DC taxes by federal law or treaty</p> <p>A self-employed individual who has opted into the paid leave program</p>	<p>Care or companionship for a family member with a serious health condition (child any age, spouse, domestic partner, parent, grandparent, sibling)</p> <p>Care for an employee’s own serious health condition</p> <p>To bond with a new child due to birth, adoption, foster care placement or legal guardianship within the first year of the birth/placement</p>	<p>Combined duration of paid leave cannot exceed 8 weeks total in a 52-week period</p> <p><u>Family caregiver leave</u>: 6 weeks</p> <p><u>Medical leave</u>: 2 weeks</p> <p><u>Parental leave</u>: 8 weeks</p> <p>Employee’s weekly wage is ≤150% of the DC minimum wage (\$15.00/hour in 2020): 90% average weekly wage rate</p> <p>Employee’s weekly wage is >150% of the DC minimum wage: 90% of 150% of the DC minimum wage + 50% of the amount by which the average weekly wage rate exceeds 150% of the DC minimum wage</p> <p>Maximum weekly benefit: \$1,100</p> <p>Payments will be funded by an additional 0.62% employer payroll tax from private-sector employees starting on July 1, 2019</p>	<p>Does not provide job protection</p> <p>1-week waiting period per 52-week period</p>
<p>Employee eligibility</p> <p>Employee who:</p> <ul style="list-style-type: none"> • Has worked over 50% of time in DC in the 52 calendar weeks immediately preceding the leave; or • Regularly spends a substantial amount of time working in DC and does not spend more than 50% of their work time in another jurisdiction 			



NEW YORK PAID FAMILY LEAVE

NY PFL – Effective January 1, 2018

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS																				
<p>Employer coverage</p> <p>All employers are covered</p> <p>DBL carrier must administer PFL or ER can self-insure</p> <p>Employee eligibility</p> <p>Employee scheduled 20+ average hours per week: 26 consecutive weeks of employment</p> <p>Employee scheduled less than 20 average hours per week: 175 days worked</p>	<p>Care for a family member with a serious health condition (child any age, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild)</p> <p>To bond with a new child due to birth, adoption or foster care placement within the first year of the birth/placement</p> <p>Qualifying military events related to a family member on active duty (same qualifying exigency reasons as FMLA)</p> <p>Employer is not required to permit more than one employee to use same period of PFL to care for same family member</p>	<p>Combined DBL and PFL duration cannot exceed 26 weeks within 52-week period</p> <p><u>Weekly leave:</u> 10 weeks within 52-consecutive-week period</p> <p><u>Daily leave:</u> based on average number of days/week for 8-week period prior to leave (capped at 60 days per year if scheduled 5+ days/week, after fully implemented)</p> <p><u>Weekly benefit rate:</u> At least 55% of employee’s or state average weekly wage, whichever is less</p> <p><u>Daily benefit rate:</u> Employee’s average weekly wage divided by the average number of scheduled days per week</p> <p>Maximum benefit: 2019 = \$746.41 2020 = \$840.70</p>	<p>PFL provides job protection</p> <p>No waiting period</p> <p>Payment does not cover partial intermittent absences</p> <p>Contributions (EE only) – 2019 = .153% 2020 = .27%</p> <div data-bbox="1425 868 1796 1063"> <p>Paid Family Leave starts January 1, 2018 and phases in over four years</p> <table border="1"> <tr><th>Year</th><th>Weeks</th></tr> <tr><td>2018</td><td>8</td></tr> <tr><td>2019</td><td>10</td></tr> <tr><td>2020</td><td>10</td></tr> <tr><td>2021</td><td>12</td></tr> </table> </div> <div data-bbox="1425 1110 1796 1299"> <p>Benefits provide the employee a percentage of their average weekly wage</p> <table border="1"> <tr><th>Year</th><th>Percentage</th></tr> <tr><td>2018</td><td>50%</td></tr> <tr><td>2019</td><td>55%</td></tr> <tr><td>2020</td><td>60%</td></tr> <tr><td>2021</td><td>67%</td></tr> </table> </div>	Year	Weeks	2018	8	2019	10	2020	10	2021	12	Year	Percentage	2018	50%	2019	55%	2020	60%	2021	67%
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2021	67%																						



MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE

MA PFML – Effective January 1, 2021

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS
<p>Employer coverage</p> <p>All employers are covered – can use state or private plan (must be approved by state)</p>	<p>Care for a family member with a serious health condition (child, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling)</p>	<p>Combined maximum of 26 weeks total of paid leave per benefit year</p>	<p>Employers must provide continuation of health insurance benefits and restore an employee to his/her previous or equivalent position</p>
<p>Self-employed individuals may elect coverage under certain conditions</p>	<p>Care for an employee’s own serious health condition</p>	<p><u>Family leave:</u> 12 weeks</p>	<p>There is a 7-calendar- day waiting period</p>
<p>Employee eligibility</p>	<p>To bond with a new child due to birth, adoption or foster care placement within the first year of the birth/placement</p>	<p><u>Medical leave:</u> 20 weeks</p>	<p>Employees receive 80% of employee’s wages up to 50% of the state average weekly wage, and then 50% of his/her wages above that amount</p>
<p>Employee must have made \$4700 and 30x the UI benefit in last 4Q, former EEs for 26 weeks; 1099s who work for a company that has a workforce of 50% 1099; self-employed can opt in</p>	<p>Qualifying military events related to a family member on active duty</p>	<p><u>Military caregiver leave:</u> 26 weeks</p>	<p>Maximum weekly benefit: \$850</p>
	<p>To care for a for a family member who is a covered service member with a serious injury or illness incurred or aggravated in the line of duty</p>		



CONNECTICUT PAID FAMILY AND MEDICAL LEAVE

Effective January 1, 2022

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS
<p>Employer coverage</p> <p>All employers except: Federal government; state, municipalities, or local/ regional boards of education (unless employees are “covered public employees”); Nonpublic elementary or secondary schools</p> <p>Can use state or private plan (must be approved by state and a majority vote of the employer’s employees)</p> <p>Self-employed can enroll</p> <p>Employee eligibility</p> <ul style="list-style-type: none"> •Earned at least \$2,325 during the highest earning quarter within the base period (first 4 of the five most recently completed quarters), and •is either presently employed by an employer or has been employed by an employer in the previous 12 weeks 	<p>Care for a family member with a serious health condition (any relation by blood, marriage or close affinity)</p> <p>Care for an employee’s own serious health condition</p> <p>To donate bone marrow or an organ</p> <p>To bond with a new child due to birth, adoption or foster care within the first year of the birth/ placement</p> <p>Qualifying military events related to a family member on (or called to) active duty</p> <p>Care for a family member injured in the line of duty (additional unpaid leave available under CT FMLA if eligible)</p>	<p>Combined maximum of 12 weeks total of paid leave per benefit year (14 if the employee was disabled due to pregnancy)</p> <p><u>Family leave</u>: 12 weeks</p> <p><u>Medical leave</u>: 12 weeks (14 if the employee was disabled due to pregnancy)</p> <p>Employees receive 95% of employee’s wages on a sliding scale</p> <p>Maximum weekly benefit = 60x current state minimum wage, estimated ~\$780</p>	<p>Job and benefit protection same as under existing CT FMLA – eligibility for CT FMLA updated to 3 months tenure</p> <p>Intermittent and reduced schedule leave allowed when medically necessary</p> <p>Contributions effective January 1, 2021 (employee funded only, amount TBD but not to exceed 0.5% of wages, capped at Social Security max)</p>



OREGON PAID FAMILY AND MEDICAL LEAVE

Effective January 1, 2023

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS
<p>Employer Coverage</p> <p>Any employer with one or more employees working in the state (excludes federal government) - can use state or private plan (must be approved by state)</p> <p>Tribal government and self-employed can opt in</p> <p>Employee Eligibility</p> <p>Employee who:</p> <ul style="list-style-type: none"> •Contributed to the PFML Insurance Fund during the base year (first 4 of the last 5 completed calendar quarters) •Has earned at least \$1,000 in wages during the base year or during the alternate base year (last 4 completed calendar quarters preceding the benefit year) 	<p>Care for a family member (child of any age, spouse, domestic partner, parent, sibling, grandparent, grandchild, or any other relation by blood or close affinity) with a serious health condition</p> <p>Care for an employee's own serious health condition</p> <p>Safe leave for victims of domestic violence, harassment, stalking or sexual assault</p> <p>To bond with a new child due to birth, adoption or foster care within the first year of the birth/placement</p>	<p>12 weeks of paid leave per benefit year (14 if employee was disabled due to pregnancy)</p> <p>*No more than 16 total weeks of leave (paid or unpaid) when combined with leave taken under Oregon Family Leave Act (18 weeks if disabled by pregnancy)</p> <p>Employees receive up to 100% of their average weekly wages on a sliding scale</p> <p>Maximum weekly benefit = 120% of the state average weekly wage *(based on 2019 SAWW, max weekly = \$1,253.28)</p> <p>Minimum weekly benefit = 5% of the average weekly wage</p>	<p>Employers must provide continuation of health insurance benefits and restore an employee to previous or equivalent position if employed at least 90 days before taking leave</p> <p>Benefits must be prorated to increments that are equivalent to one work day and must be paid in increments that are equivalent to one work week</p> <p>Contributions and posting requirements effective January 1, 2022 (amount TBD but not to exceed 1% of wages, capped at Social Security max; employers pay 40%, employees pay 60%)</p> <p>*employers with less than 25 employees do not have to pay employer portion Rules to be developed by September 1, 2021</p>



WASHINGTON PAID FAMILY AND MEDICAL LEAVE

WA PFML – Effective January 1, 2020

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS
<p>Employer coverage</p> <p>All employers are covered – employed and tribes can opt-in</p> <p>Employee eligibility</p> <p><u>State plan</u>: Employee must have been employed for at least 820 hours in the qualifying period</p> <p>Voluntary Plan: <u>Must</u> have worked 340 hours in the last 12 months (employee can collect benefits under the state plan until becoming eligible under VP or employer can waive requirement)</p>	<p>Care for a family member with a serious health condition (child of any age, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling)</p> <p>Care for an employee’s own serious health condition</p> <p>To bond with a new child due to birth, adoption or foster care within the first year of the birth/placement</p> <p>Qualifying military events related to a family member on active duty</p>	<p>Combined duration of own condition and care of family member cannot exceed 16 weeks total per year (18 if employee was disabled due to pregnancy)</p> <p><u>Family leave</u>: 12 weeks</p> <p><u>Medical leave</u>: 12 weeks (14 weeks if pregnancy that results in incapacity)</p> <p>Employee’s average weekly wage = 50% or less than state average weekly wage: 90% AWW</p> <p>Employee’s AWW > 50% of SAWW: 90% AWW up to 50% of SAWW, plus 50% AWW for the AWW that is greater than 50% SAWW</p> <p>Maximum benefit: \$1,000/week</p> <p>Minimum benefit: \$100/week or full AWW if less</p>	<p>PFML state plan provides job protection for employees who have 12 months tenure, 1250 hours worked in the 12 months immediately preceding leave and work for an employer who has 50+ employees; health benefits only maintained if required by FMLA concurrently</p> <p>Voluntary plans provide job protection for employees who have 9 months tenure and 965 hours worked in the 12 months preceding leave; must also maintain health benefits</p> <p>1-week waiting period except for bonding leave</p> <p>Contributions = .4% of wages up to social security max (employers with <50 employees don’t have to pay their portion)</p>



CALIFORNIA PAID FAMILY LEAVE

CA PFL – Effective July 1, 2004

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS
<p>Employer coverage</p> <p>All private-sector employers — can self-insure and opt in</p> <p>Some public-sector employers</p>	<p>Care for a seriously ill family member (child any age, spouse, registered domestic partner, parent, parent-in-law, grandparent, grandchild, sibling)</p> <p>To bond with a new child due to birth, adoption or foster care placement within the first year of the birth/placement</p>	<p>Employees are entitled to up to <u>6 weeks</u> of paid leave in any 12-month period</p> <p>Employees receive either 60 or 70% of pay, depending on income</p> <p>Maximum weekly benefit 2019 (for both family and disability): \$1,252</p>	<p>Does not provide job protection</p> <p><i>No waiting period (effective January 1, 2018), but employer may require the use of 2 weeks of unused vacation/PTO (not including sick leave) prior to receiving PFL benefits</i></p> <p>Contributions (EE only) = 1% of wages (SDI and PFL)</p>
<p>Employee eligibility</p> <p>An employee must have:</p> <ul style="list-style-type: none">• Contributed to the SDI program during the previous 18 months; and• Earned at least \$300 in gross wages during the base period from which SDI deductions were taken	<p><i>Qualifying exigency (effective January 1, 2021)</i></p>	<p><i>(Bill passed to increase entitlement to 8 weeks effective 7/1/20 and establish PFML program by January 1, 2024)</i></p>	



RHODE ISLAND TEMPORARY CAREGIVER INSURANCE

RI TCI – Effective January 5, 2014

WHO IS COVERED?	REASONS FOR LEAVE	BENEFIT AMOUNT	OTHER PROTECTIONS AND PROVISIONS
<p>Employer coverage</p> <p>All private-sector employers</p> <p>Some public-sector employers</p>	<p>Care for a seriously ill family member (child any age, spouse, registered domestic partner, parent, parent-in-law, grandparent)</p>	<p>Combination of RI TDI and TCI cannot exceed 30 weeks</p> <p>Employees are entitled to <u>4 weeks</u> of paid leave in any 12-month period</p>	<p>TCI provides job protection and requires maintenance of health benefits while on leave</p> <p>Leave must last 7 or more consecutive days to be eligible for benefits</p>
<p>Employee eligibility</p> <p>Employee must have:</p> <ul style="list-style-type: none"> • Been paid wages in Rhode Island and have paid into the TDI/TCI fund; and • Been paid at least \$12,600 in the base period or earned at least \$2,100 in one quarter with total taxable wages at least 1.5x of the highest quarter of earnings and base period taxable wages equal to at least \$4,200 	<p>To bond with a new child due to birth, adoption or foster care placement within the first year of the birth/placement</p>	<p>Employee receives 4.62% of wages paid in highest base period quarter</p> <p>Maximum weekly benefit: \$852</p>	<p>Contributions (EE only) = 1.1% wages for the first \$71,000 in wages</p>
<p>Base period = first 4 of the last 5 completed calendar quarters before the start of claim</p>			

WHAT'S ON THE HORIZON?

What's on the Horizon

Federal legislation

- ❖ A federal solution would be efficient and equitable for multistate employers who would benefit from predictability and uniformity if it preempted state and municipal laws
- ❖ Proposals from Senators Gillibrand (Family and Medical Insurance Leave Act), Rubio (Economic Security for New Parents Act) and Ernst/Lee (Cradle Act) have been introduced and discussions are ongoing
- ❖ Representative Rosa DeLauro and Senator Patty Murray reintroduced Healthy Families Act (March 14, 2019)
- ❖ President Trump's State of the Union address; lawmakers are working on legislation; President Trump confirmed he supports 6 weeks of PFL
- ❖ On July 30, 2019 a bipartisan bill was introduced to allow new parents to finance job-protected FMLA parental leaves by using the child tax credit

Proposed State PFML Legislation 2019

Programs currently in effect:

- ❖ CA, NY, NJ – Proposed or passed bills to expand the state’s existing programs
- ❖ MA – Passed bill to delay implementation

Proposed new programs – 2019

- ❖ 32 states (including CA, NY, NJ, MA) proposed PFML legislation in 2019
- ❖ 2 bills passed to create study (CO, HI) which will likely lead to program bills
- ❖ 3 bills came close to passage and will likely have additional activity in 2020 (IN, ME, MN)

Of the states with no PFML activity this session, 65% had Republican Senate, House and Governor