



Using the State PFML Administration? Here's What Employers Need to Know

Andrea Smith and Jennifer Pepin
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Legal Disclaimer

These are educational materials only. Employers should consult their own counsel for obligations for state-mandated leave and disability programs.

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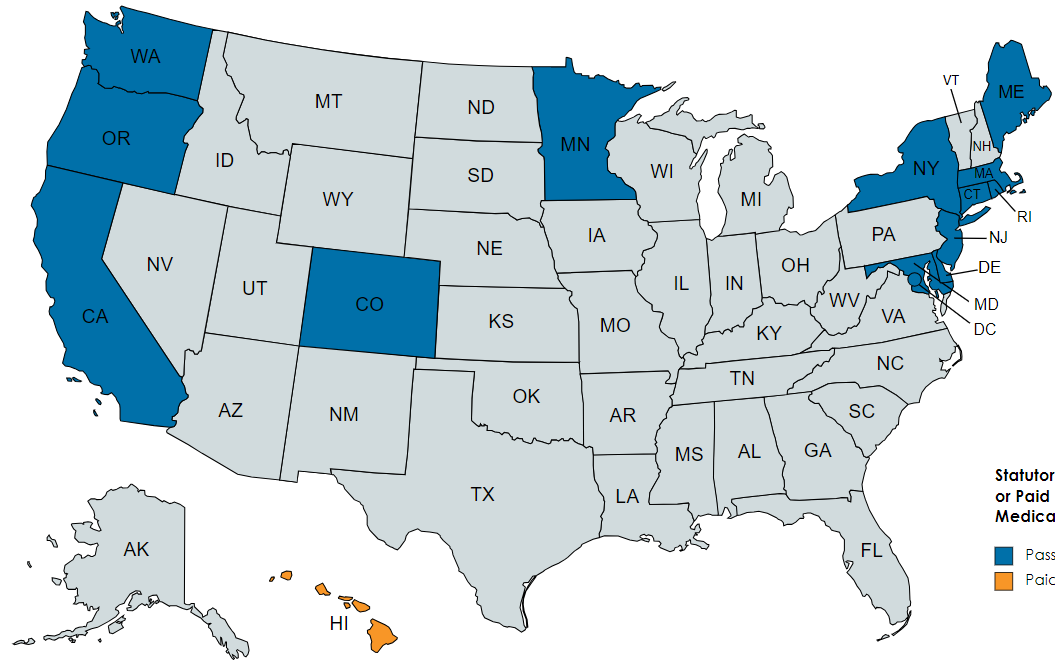
★ DMEC ★
ANNUAL CONFERENCE
Disability

Mandatory Statutory Disability and Paid Leave Programs

PFL/PFML

State	Effective Year
RI TDI	1942
CA SDI	1946
NJ TDB	1948
NY DBL	1949
PR SINOT	1968
HI TDI	1969

State	Benefits Effective Year
CA PFL	2004
NJ FLI	2009
RI TCI	2014
NY PFL	2018
WA PFML	2020
DC UPL	2020
MA PFML	2021
CT PL	2022
OR PFML	2023
CO PFML	2024
MD PFML	2026
DE PFML	2026
MN PFML	2026
ME PFML	2026



Statutory Paid Leave or Paid Family and Medical Leave

- Passed Paid Leave
- Paid Disability only



Poll Question #1

How many of you utilize state administration, or a/k/a public plan, for paid statutory leave?



Agenda

During this session, we will:

- Define Employer's responsibilities when a New PFML Law is Passed
- Discuss the definition of a Covered Employer, Covered Employee, and Contributions for each of the 4 PFML states
- Identify Employer's Reporting Requirements
- Explain the Benefit Coordination
- Summarize what you need to do


Poll Question 2

Where do you currently obtain most of your updates regarding paid statutory leave?

- a. Internal Legal
- b. Carrier/TPA
- c. Online subscriptions (i.e. Littler Mendelson, state websites, industry group)
- d. SHRM or other H/R Organization
- e. Google

State Resources

Home / Paid Family and Medical Leave



MAINE DEPARTMENT OF LABOR Paid Family and Medical Leave

On July 11, 2023, Governor Mills signed an historic budget that includes the creation of a paid family and medical leave program, making Maine the 13th state to establish one. Beginning in 2026, eligible workers in the private and public sector will have 12 weeks of paid time off available to them for family or medical reasons including illness, to care for a relative, or for the birth of a child.

Get Notified!
Entering your email address and clicking 'Go' will allow you to receive updates from MDOL on multiple topics. On the next screen you can select topics. There are also two for PFML: one for employees and one for employers. You may sign up for one or both.

Enter email address

Maine Paid Family & Medical Leave Timeline

- 2023: Governor Mills signs historic budget
- 2024: PFML program established
- 2025: PFML program begins
- 2026: PFML program fully implemented

Delaware Paid Leave goes into full effect January 1, 2026.

It's a win-win for employees who need support during a health or family event, and for employers who want to attract and retain top-quality personnel. Most businesses with 10 or more employees are required to participate. Get to know the guidelines now so you're ready to fulfill the requirements later.

If you are an employer and you have questions, please contact us at **302-761-8375** (calls received after 4:30pm will be answered the next business day) or PFML@delaware.gov.

Here's What You Need to Know.

How Delaware Paid Leave Works.
Delaware Paid Leave offers paid leave to employees who have been employed for at least one year and at least 1,250 hours with a single employer. If their leave is approved, employees will get up to 80% of their wages (up to \$900 per week) to cover the following:

- Care for a new child (up to 12 weeks per year).
- Care for a family member with a serious health condition (up to 6 weeks, every 24 months).
- Address a personal serious health condition or injury (up to 6 weeks, every 24 months), or
- Assist while loved ones are on overseas military deployment (up to 6 weeks, every 24 months).

Employees are limited to a maximum of 12 weeks of total, combined leave per year. The program will be funded by less than 1% of an employer's weekly salary. Employees can require employers to contribute up to half the cost.

What Businesses Must Comply.
Participation in Delaware Paid Leave is mandatory for most businesses with 10 or more employees.

Employer Type	Leave Requirements
9 or fewer employees	Exempt
10 to 24 employees	Parental Leave Only
25 or more employees	Full Coverage
Federal government employees	Exempt
Seasonal operations that shut down for a month or more	Exempt

Key Minnesota Paid Leave Milestones

2024	2025	2026
October 2024 First quarterly wage reports due from employers	July 2025 Outreach grant funds for community-based groups are available December 2025 Deadline for employers to notify employees about Paid Leave benefits.	January 2026 Individuals and families can begin taking Paid Leave. Payroll deductions begin for employers and employees. Small employers can apply for assistance grants. April 2026 First quarterly premiums due from employers.



For employers



For individuals and families




For health care and service providers


MARYLAND DEPARTMENT OF LABOR Family and Medical Leave Insurance

Paid Family and Medical Leave is coming to Maryland


Maryland is preparing to launch a new paid family and medical leave system. Starting July 1, 2026, workers will be able to take time away from work to care for themselves or a family member and still be paid up to \$1000 a week for up to 12 weeks.



Employers
Find out how your leave benefits business.



Workers
Find out how paid time benefits you.



Stakeholders
Find out how employers and workers options are being built.

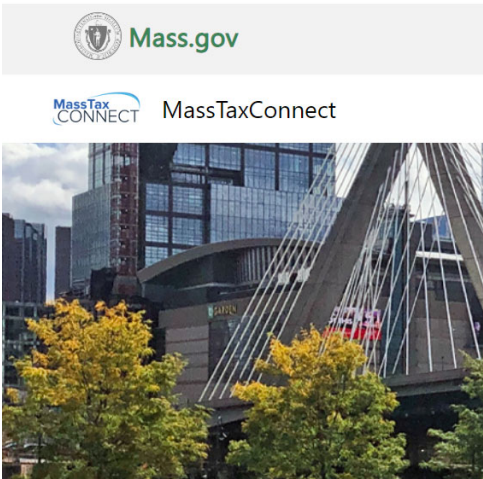
Responsibilities of Employers

- Determine if you are a covered employer
- Register your business
- Determine number of covered employees
- Calculate employer and employee financial responsibilities
- Withhold employee payroll deductions
- Remit contributions
- Notify employees of mandatory PFML
 - Poster
 - In Writing
 - At the time of claim
- Training

Some states

- Review applications (MA & CT)
- Provide claim documentation to the state (MA, CT, etc.)
- Provide quarterly filings
- Restore employees to their position after taking leave

Register with the State

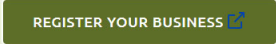


About Frances Online



Open the registration form

When you click the "Register Your Business" button below, the form will open in a new browser tab, enabling you to view the instructional video or follow the written instructions while completing the registration process.



Covered Employers

Maine - All employers (including state and local governmental employers) with at least one employee working in the state except for self-employed individuals (who may opt in)

Maryland - All employers employing at least one individual in the state of Maryland are covered except for self-employed individuals (who may opt in)+

Minnesota - Employers with one or more employees, with the following exceptions: employees of the federal government and self-employed individuals who opt in

Delaware - Employers with 10–24 employees must contribute to the Delaware Paid Family and Medical Leave (PFL) program, but only the paid parental leave portion applies. Employers with 25 or more employees are subject to all PFML requirements

Covered Employees – Variable Definitions

For contribution purposes

Minnesota - Someone who works for an employer and performs services primarily within Minnesota; includes terminated employees for less than a year, but does not include independent contractors

Maine – Full and part time employees who have employment in the state, but does not include independent contractors

Massachusetts - Full and part time employees who have employment in the state, includes contractors and seasonal employees

Covered Employees – Variable Definitions

Eligible for benefits

Oregon Paid Leave – Currently work in Oregon and who have earned at least \$1,000 in the “base year”

Minnesota - Workers who have earned wage credits of at least 5.3% (about \$3500) of the state's average annual wage rounded down to the next lower \$100 (in the base year prior to the first date of the leave).

Delaware – mirrors FMLA

New York PFL - Must remain in employment for 26 consecutive weeks if they regularly work 20 or more hours per week, or 175 days if they regularly work less than 20 hours per week

Reporting

Employers across the states are required to submit a report to the state

- Done quarterly
- Details wages paid to their employees
- It provides the state with administrative data that helps support programs, complete labor market analyses, and comply with reporting requirements

Paid Leave needs this information to support the administration of the program in two important ways:

- (1) when premiums are due, they will be based on a percentage of wages paid to employees and
- (2) when benefits start, the wage detail report is used to establish eligibility for the program and determine the benefit amount.



Definition of Wages

- **Maine** - Means all remuneration for personal services, including tips and gratuities, commissions, and bonuses
- **Maryland** – Includes salary, bonuses, commissions, tips, and the cash value of all compensation in any medium other than cash
- **Minnesota** - All compensation for employment, including commissions; bonuses, severance payments; vacation and holiday pay; tips and gratuities; sickness and accident disability payments, and the cash value of housing, utilities, meals, exchanges of services, and any other goods and services provided to compensate an employee
- **Delaware** - All remuneration for employment, including the cash value of all remuneration (including benefits) paid in any medium other than cash

State Average Weekly Wage



- Fixed amount established by the state
- Updated annually, generally
- The average of wages paid to the workers in a state over a calendar year period
- Used to help calculate benefits

Example IAWW/AWW Calculations

Individual Average Weekly Wage (IAWW) or Average Weekly Wage (AWW)

State	Base Period	Average Weekly Wage
Colorado	The first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year.	One-thirteenth of the wages paid during the quarter of the covered individual's base period, or alternative base period, in which the total wages were the highest.
New York	Defined as part of the AWW calculation	The amount determined by dividing either the total wages of such employee in the employment of his last covered employer for the eight weeks or portion thereof that the employee was in such employment immediately preceding and including his last day worked prior to the first day of paid family leave, or the total wages of the last eight weeks or portion thereof immediately preceding and excluding the week in which the paid family leave began, whichever is the higher amount, by the number of weeks or portion thereof of such employment.

Example Benefit Calculations

Individual Average Weekly Wage (IAWW) or Average Weekly Wage (AWW)

New York

- 67 percent of your average weekly wage (AWW), capped at 67 percent of the Statewide Average Weekly Wage (SAWW).
- Generally, AWW is the average of the last eight weeks of wages prior to taking PFL, including bonuses and commissions

Massachusetts

- The portion of your IAWW that is equal to or less than 50% of the SAWW is the SAWW is replaced at a rate of 80%
- Then, the portion of a your IAWW that is more than 50% of the SAWW is replaced at a rate of 50%
- This calculation is also subject to a maximum weekly benefit amount, which is 64% of the SAWW

Minnesota

Calculates weekly benefits by applying percentages to an employee's average weekly wage during their base period's high quarter:

- 90%: Of wages that don't exceed 50% of the state's average weekly wage (SAWW)
- 66%: Of wages that exceed 50% but are less than 100% of the SAWW
- 55%: Of wages that exceed 100% of the SAWW
- Up to the SAWW: The maximum weekly benefit amount

Poll Question 3

Are you monitoring pending legislation and regulations for preemptive budget planning?

- A. Yes
- B. No
- C. I don't know
- D. What is preemptive budget planning? 😊

What goes into a “contribution rate?”

Funding



EE Only

CA SDI/PFL

CT PL

NJ FLI

NY PFL

Puerto Rico

Rhode Island

ER Only

Washington, DC

ER & EE Funded

CO FAMLI

DE PFML

HI TDI

MA PFML

MD FAMLI

ME PFML

MN PFML

NJ TDI

NY DBL

OR PL

WA PFML

What goes into a “contribution rate?”

- Different from state to state
- Actuarial reports conducted in most states

ME: 1%

MD: 0.90%

MN: 0.70%

DE: 0.80%

CO: 0.90%

CT: 0.50%

MA: 0.88%

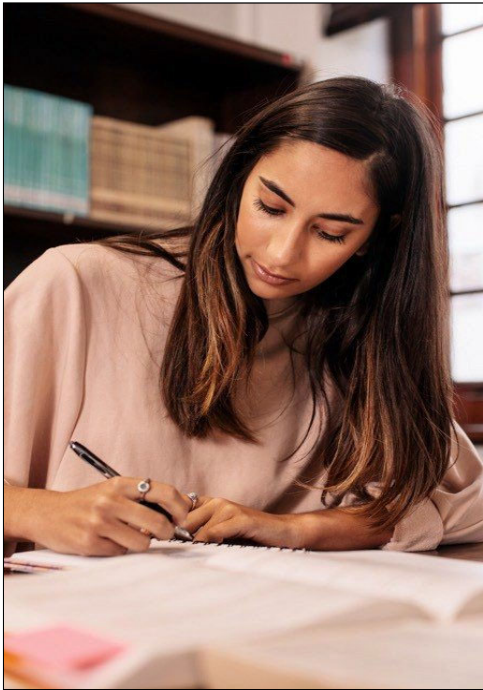
OR: 1%

WA: 0.74%



What goes into a “contribution rate?”

Benefit Percentage



Benefit Percentage*

ME: 90%

MD: 90%

MN: 90%

DE: 80%

CO: 90%

CT: 95%

MA: 80%

OR: 100%

WA (state): 90%

Maximum Benefit

ME: Equal to state's AWW

MD: \$1,000

MN: Equal to state's AWW

DE: \$900

CO: \$1,100

CT: \$941.40

MA: \$1,149.90

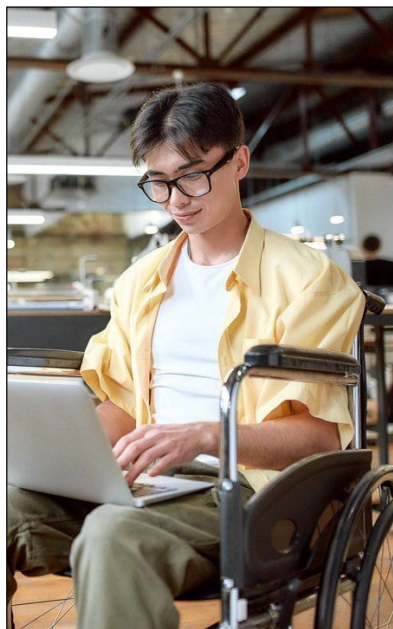
OR: \$1,523.63

WA: \$1,456

**Up to maximum benefits of each state*

What goes into a “contribution rate?”

Duration



ME: 12 weeks

MD: 12 weeks

MN: 12 weeks**

DE: 12 weeks/6 weeks***

CO: 12 weeks*

CT: 12 weeks*

MA: 20 weeks/12 weeks*

OR – 12 weeks*

WA – 12 weeks*

**May have additional time for complications due to pregnancy or “combined” maximum duration*

***Combined 20 weeks for family and medical leave*

****Dependent upon leave reason*

Details About Each Program (we haven't covered)

Maine

Leave reasons - Medical, new child bonding, care of a family member, military caregiver, safe leave, organ donation.

Family members - Employee, spouse, domestic partner, child, parent, grandparent, grandchild, sibling, or any individual with whom they have a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship..

Job protection - Yes

Maryland

Leave reasons - Medical, new child bonding, care of a family member, military exigency, military caregiver

Family members - Employee, employee's child, grandchild, spouse, parent, grandparent, parent in laws, sibling, next of kin, in loco parentis

Job protection - Yes

Minnesota

Leave reasons - Medical, new child bonding, care of a family member, military exigency, safe leave

Family members - Employee, spouse/domestic partner, child, parent, sibling, grandchild, grandparent, in-laws, individual who has a relationship with the employee that creates an expectation and reliance that the employee care for the individual, whether or not the two reside together.

Job protection - Yes

Delaware

Leave reasons - Medical, new child bonding, care of a family member, military exigency

Family members - employee, employee's child, grandchild, spouse, parent, grandparent, parent in-laws, sibling, next of kin, in loco parentis

Job protection - Yes

Maine, Maryland, Minnesota, and Delaware Important Dates

	Maine	Maryland	Minnesota	Delaware
Contributions Begin	January 1, 2025	July 1, 2025	January 1, 2026	January 1, 2025
Claims Administration	May 1, 2026	July 1, 2026	January 1, 2026	January 1, 2026
Register with the state	TBD	TBD	Wage detail report due 10/31/2024	September 2024
First submission of contributions	TBD	September 30, 2026	April 30, 2026	April 30, 2025

Coordinating PFML with FMLA, STD or Company Paid Leaves



FMLA

Unpaid State Leave

State Mandated Paid Sick Leave

Employer Leaves

Short-term and Long-term Disability

Local Level Laws

Employer Time Off Programs
(PTO, Vacation, Sick banks)

Coordinating PFML with FMLA, STD or Company Paid Leaves

STD, State sick leave laws, and paid Company Leaves



Concurrency of programs

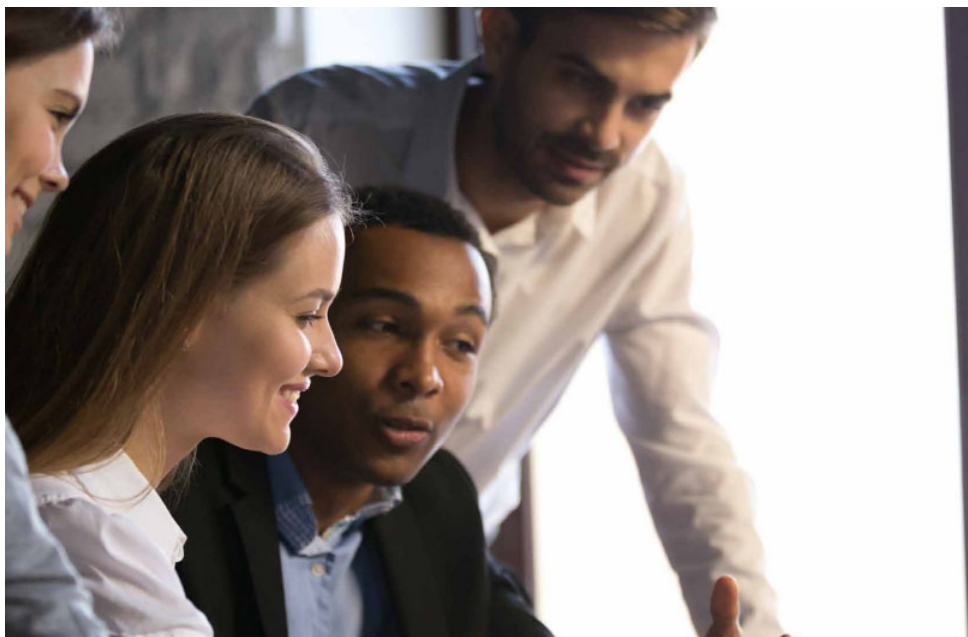
CA – Uncomplicated Pregnancy/Childbirth with a 6-week Recovery Period Followed by Bonding																				
WEEKS																				
Plan	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
STD		\$	\$	\$	\$	\$														
CA VDI		\$	\$	\$	\$	\$														
CA PDL	JP	JP	JP	JP	JP	JP														
FMLA	JP	JP	JP	JP	JP	JP	JP	JP	JP	JP	JP	JP								
CFRA							JP	JP	JP	JP	JP	JP	JP	JP	JP	JP	JP	JP	JP	
CA VPFL							\$	\$	\$	\$	\$	\$	\$	\$						
SF PPLO*							\$	\$	\$	\$	\$	\$	\$	\$						

\$= form of income replacement by either the state, fully insured or ASO disability plan
 JP= Job Protection, assuming the employee is eligible for the federal and/or state leave

Coordinating PFML with FMLA, STD or Company Paid Leaves

Coordination	Eligibility	Durations	Leave Types	Certification	Offsets	Concurrency
FMLA	✓	✓	✓	✓		✓
Unpaid State Leave	✓	✓	✓	✓		✓
Company Leaves	✓	✓	✓	✓	✓	✓
Local Level Leave Laws	✓	✓	✓	✓	✓	✓
Employer Leaves	✓	✓	✓	✓	✓	✓
Mandated Paid Sick Leave	✓	✓			✓	✓
Employer Time Off Programs	✓	✓			✓	✓

Role of an Employer in the Claims Process



- Instruct employee to submit claim with the state
- In some states, review the submitted application
 - Verify information is accurate
 - Provide eligibility information, work schedule and wages, verify past usage, early return to work, other information as requested
- Intermittent time
- Coordinate with employees regarding PTO or other benefit usage
- Provide notice of rights information



Next Steps

- Employers need to decide whether to participate in the state plan or establish a private plan
- If employers decide to participate in the state's program, they should begin the collection of contributions as required
- If employers decide to participate in the state's program and will begin to collect contributions, employers should notify employees of the deductions
- Existing clients should work with their internal partners and/or brokers to review their in-force policies and ensure they have the coverage and services needed





Next Steps

- Review and update handbooks (coordination of benefits, using PTO or sick paid leave, etc.)
- Display posters/Distribute additional notices as to rights and benefits under the paid statutory leave program
- Attend webinars offered by the State
- Create FAQs/Train staff
- Existing clients should work with their internal partners and/or brokers to review their in-force policies and ensure they have the coverage and services needed



Questions