



ABSENCE ADVISORY

REGULATORY UPDATES FROM
AFLAC'S LIFE, ABSENCE AND
DISABILITY SOLUTIONS DIVISION



FEBRUARY 2024

We are pleased to share the February 2024 Absence Advisory, along with information related to state and other paid leave legislation.

TOP NEWS INSIDE

- [Fraud reporting contact information](#)
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- State/other paid leave legislation:
[Illinois](#), [Minnesota](#) and [Texas](#).
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D.C. Paid Family Leave notice updates

The DC Paid Family Leave program updates the mandated employer notice with new and important information that must be shared with employees annually. Employers that participate in the program are required by law to post the employee notice in a visible place that is accessible to all workers, as well as translated versions for non-English speaking employees. Employers are also required to provide existing employees with a copy of this notice each year, and to all new employees at their time of hiring.

All employers are required to post the updated notice no later than Feb. 1, 2024. D.C. employers can find the notices at <https://dcpaidfamilyleave.dc.gov/download/2024-employee-worksite-notice/>.

For more information, please see: <https://dcpaidfamilyleave.dc.gov/employers/>.

Minnesota Paid Leave Wage submission update

Starting in mid-2024, most Minnesota employers will be required to submit a wage detail report, which will detail the quarterly wages received and hours worked for each employee. The state's primary goal is to keep the process and system simple and predictable as much as possible, in addition to minimizing the administrative complexity of compliance. The state is planning to build the Minnesota Paid Leave employer wage system in alignment with the Minnesota Unemployment Insurance system. In this way, the Paid Leave system will be familiar as it will be similar to one employers already know. According to a recent email announcement by the Minnesota Department of Employment and Economic Development (MN DEED), "We expect to be able to keep requests for duplicate information to the minimum needed by law."

This will mean employers will not need to create a new account specifically for paid leave. It also means that employers and their agents will only have to report employees' wages once per quarter using the current UI Wage Detail reporting process. Additionally, having employers enter information into one system rather than two reduces the load on employers substantially. It also means that all employers that are currently entering wage detail for UI will comply on day one without having to change their current behavior.

For more details, please see: <https://paidleave.mn.gov/deed/programs-services/paid-family/employers/index.jsp>.

Maine Paid Family Medical Care new website and listening sessions

The Maine Department of Labor, which oversees Maine Paid Family Medical Leave, has launched a new website where employees, employers and other interested parties can find information regarding the new benefit. To access the website, please visit <https://www.maine.gov/labor/pfml/>.

Items on the website include:

- The law.
- Rulemaking process.
- Press releases.
- Timelines and important dates.
- Paid Family and Medical Leave listening sessions.
- Other information.

Listening sessions were scheduled for Jan. 25, Feb. 1, Feb. 12, and they will host a final session on Feb. 28. According to the website, the listening session is an opportunity for members of the public to raise questions and identify areas that need clarification in the legislation. These questions and areas needing clarification will be used to inform the official rulemaking process, which will begin in the spring. This informal listening session does not replace and is in addition to the formal regulatory process governed by the Maine Administrative Procedures Act. Visit <https://www.maine.gov/labor/pfml/>.

Oregon's Frances Online goes offline for migration beginning February 28

Frances Online will be unavailable from 5 p.m. PT Wednesday, Feb. 28, until 8 a.m. PT Monday, March 4. It is going down so that unemployment insurance benefits can migrate to a modernized system. There will be no access to claim status or the ability to update claim information during this time.

- Employees with intermittent leave are strongly encouraged to report their time by 5 p.m. PT Wednesday, Feb. 28.
- Employees with weekly benefits on an intermittent claim will need to wait and file on Monday, March 4.

Paid Leave phone lines as well as the "Contact Us" form will also be down during this time.

For more information, please see: [Special Edition: Frances Online unavailable starting 5 p.m. February 28 - Paid Leave Oregon](#).

Washington Paid Family Medical Leave state average weekly wage

In a recent article, we inadvertently reported that the Washington state average weekly wage for 2024 would be \$1,302.40. In fact, the 2024 Washington state average weekly wage is \$1,618. We apologize for the error. If you have any questions, please contact your account executive.

Who to contact for fraudulent Paid Statutory Leave claims

Due to an increase in identity theft and database breaches, the various agencies that oversee the paid statutory leave programs have experienced large numbers of fraudulent claims. These fraudulent claims not only include unemployment claims, but paid leave claims as well.

Employers play a key role in preventing insurance fraud. If an employer receives a state or carrier form requesting information regarding an employee's hours worked or wages earned among other elements, but has not received notice that the particular employee is taking a leave or planning to take a leave, be sure to confirm the leave with the employee or employee's manager. This helps public and private administrators verify if an employee is eligible for benefits.

State agencies are also continuing to strengthen fraud detection methods and apply those methods to new and existing claims by validating the identity of individuals. Many states require claimants to upload identification as part of the application process. Another way they are combating fraud is to also send requests for information through the mail or online portals in which the employee can set up dual authentication.

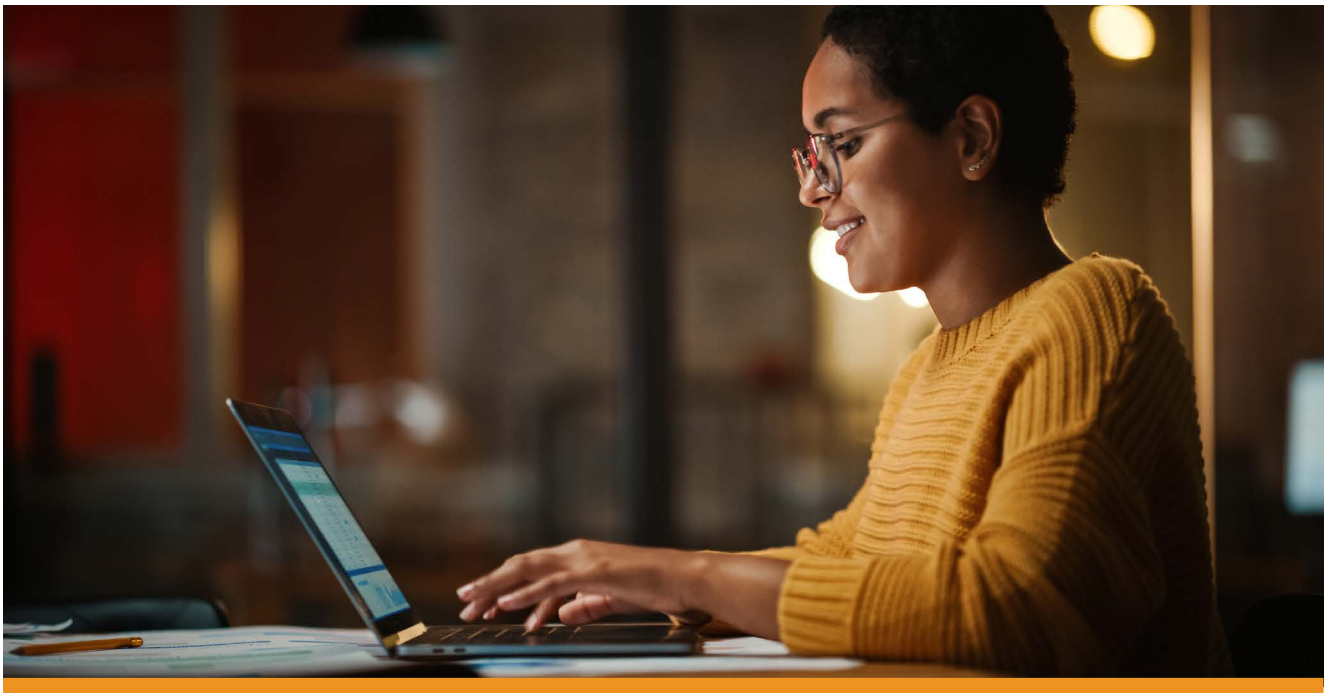
That said, employers and employees alike should avoid clicking on links in unsolicited emails and be wary of email attachments, even from sources that appear to be legitimate. Malicious actors have been sending phishing e-mails designed to appear as if they are coming from government agencies, all with seemingly “urgent” requests for information and health information. It’s important to remember, never reveal personal, health or financial information over email.

And finally, if any payments were made in an employee’s name as a result of identity fraud and associated with a claim the employee did not file, it should not be recognized as income to the employee at the end of the calendar year. In addition, the fraudulent claim should not impact the employee’s ability to collect paid leave benefits in the future. It is imperative, therefore, that if an employee has been a victim of identity fraud in connection with paid leave benefits, that the employee contact the appropriate authorities, and agency, immediately.

If an employer or an employee needs to report fraud in regard to a paid leave claim, we have provided contact information below. However, the employee should also file a police report with the local police department, obtain a copy of the report, and provide that report to creditors and credit agencies as well as changing passwords on email, bank and other personal accounts.

STATE	CONTACT INFORMATION	TELEPHONE NUMBER
California	Report Fraud (ca.gov)	1-800-229-6297
Connecticut	https://www.ctpaidleave.org/how-ct-paid-leave-works/report-suspected-fraud?language=en_US	--
Colorado	CDLE_FAMLI_info@state.co.us	1-866-CO-FAMLI (1-866-263-2654)
Hawaii	Disability Compensation Division Contact Us (hawaii.gov)	Investigation Section: 808-586-9200
Massachusetts	https://www.mass.gov/info-details/reporting-paid-family-and-medical-leave-benefits-fraud#:~:text=You%20may%20report%20fraud%20anonymously,specific%20details%20of%20the%20application	857-366-7201
New Jersey	https://www.nj.gov/labor/myleavebenefits/help/contact/ and click on the link to report fraud	609-292-7060
New York	https://ig.ny.gov/workers-comp-complaint	800-367-4448
Oregon	https://paidleave.oregon.gov/resources/fraud and click on the link to report fraud	833-854-0166
Puerto Rico	Department of Labor and Human Resources	PO Box 195540 San Juan, PR 00919-5540 787-754-5850
Rhode Island	https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance/tditci-fraud and click on the link to report fraud	401-462-1522
Washington	https://paidleave.wa.gov/app/uploads/2020/05/FraudComplaintForm_FINAL_032520.pdf or email: paidleave@esd.wa.gov	833-717-2273
Washington, DC	https://does.pflbas.dc.gov/vosnet/UI/Investigations/SubmitFraudActivity.aspx	1-202-899-3700
Private Plan(s)	***Employers with private plans should have employees contact their carrier directly to report fraud.	

[†]https://www.edd.ca.gov/about_edd/fraud.htm



STATE/OTHER PAID LEAVE LEGISLATION

ILLINOIS

Cook County Paid Leave Ordinance No. 24-0583

On Dec. 14, 2023, Cook County repealed its prior paid sick and safe leave ordinance, renaming the law to the “Paid Leave Ordinance,” adding new provisions requiring employers to provide up to 40 hours of paid leave per year. Effective Dec. 31, 2023, the provisions under the amended ordinance allow eligible employees to use the paid time for any purpose.

Covered employers

All employers except:

- The United States government or a corporation wholly owned by the United States government.
- An Indian tribe or a corporation wholly owned by an Indian tribe.
- The government of a state or any agency or department thereof.

Covered employees

An eligible employee is one who works in Cook County and meets the definition of an employee as provided in Sections 1 and 2 of the Illinois Wage Payment and Collection Act. Employees also include all domestic workers, however domestic workers are not excluded as employees under the provisions of items (1), (2) and (3) of Section 2 of the Illinois Wage Payment and Collection Act: [Section 820 ILCS 115/2, 820 ILCS 115/2 | Casetext Search + Citator](#). Employees do not include:

- An employee as defined in the federal Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).
- A student enrolled in and regularly attending classes at a college or university that is also the student’s employer, and who is employed on a temporary basis at less than full time at the college or university. This exclusion applies only to work performed for that college or university.

- A short-term employee who is employed by an institution of higher education for less than two consecutive calendar quarters during a calendar year and who does not have a reasonable expectation that they will be rehired by the same employer of the same service in a subsequent calendar year.

Administrative details

Effective Dec. 31, 2024, or upon the first day of employment, eligible employees will be entitled to earn paid leave at the rate of one hour for every 40 hours worked up to the minimum of 40 hours. Employees may accrue more than 40 hours if the employer provides a greater amount.

For purposes of accrual, employees who are exempt from overtime requirements of the federal Fair Labor Standards Act are deemed to work 40 hours each workweek, unless their regular workweek is less than 40 hours. In this case, paid leave accrues based on that regular workweek.

The ordinance provides exemptions for valid collective bargaining agreements (CBA) and preexisting PTO policies and does not impact the validity or changes of a valid CBA that is in effect on Jan. 1, 2024. Employers may continue to use preexisting PTO policies if it provides all employees with at least 40 hours of paid leave per year that can be used for any reason.

Employers may choose to frontload the paid leave upon hire or the first day of the 12-month period. When this method is chosen, employers are not required to carry over paid leave from the 12-month period to the next 12-month period, and may require employees to use all paid leave prior to the end of the period or forfeit the unused hours. If the time is accrued and not front-loaded, employers are required to allow carryover to the following 12-month period.

Usage

Employees are not entitled to use the new paid leave until 90 days following the effective date of the law. In addition, employers may impose a 90-day waiting period for newly hired employees before the use of paid leave is permitted.

Employers may also implement an increment of time in which the employee may use their paid leave, however, the increment may not exceed two hours per day. In cases where the employee's workday is less than two hours, the scheduled workday shall be used to determine the amount of paid leave.

Employer notice requirements

The ordinance provides that the employer must post a notice that explains the employee's right to take time off under the ordinance in a conspicuous place at each facility within the geographic boundaries of Cook County. Notices are available in multiple languages from the Cook County Commission on Human Rights. The notice should be posted in multiple languages if the employer has a population of employees where English is not their primary language.

To review more details of the Illinois Cook County Paid Leave, please visit [Board of Commissioners of Cook County - File #: 24-0583 \(legistar.com\)](#).

Employers should continue to review and update their internal policies and provide timely and appropriate updates/training to management to implement the paid sick leave laws as it applies to your company.

MINNESOTA

Minnesota Paid Family Medical Leave

Minnesota's House of Representatives and Senate have passed legislation, and on May 25, 2023, Governor Timothy Walz signed a bill that will bring Paid Family Medical Leave (PFML) to the state.

Claims administration, as well as employee and employer contributions, will begin on Jan. 1, 2026, and the program would provide for up to 20 weeks of paid family and medical leave and be funded by 0.7% of an employee's weekly pay, split evenly by the employee and employer. A wage exclusion may apply for employers with fewer than 30 employees.

Most employers in Minnesota will be a covered employer with very few exceptions. Eligible employees are those who have earned at least 5.3% of the state average annual wage in total over the base period, which is a 12 month period prior to the start of leave. Additionally, MN PFML benefits are "portable," meaning that income earned across all covered Minnesota employers in the base period counts toward eligibility.

The MN PFML program will allow workers up to 12 weeks a year off with wage replacement to care for a newborn or a sick family member, and up to 12 weeks to recover from their own serious illness. Benefits will be capped at 20 weeks a year for employees who take advantage of both. Other leave reasons include military exigency and a safe leave. Employees could receive up to 90% wage replacement benefit; although, the max benefit will equal the state's average weekly wage, which is reviewed annually.

For more information, please see <https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/59/>.

TEXAS

Workplace Violence Hotline poster (40 TAC 800.600)

Effective Jan. 8, 2024, 40 TAC 800.600 was adopted to clarify the requirement for employers to post a notice with contact information for the Texas workplace violence hotline. The notice provides employees with contact information to anonymously report concerns of workplace violence or suspicious activity to the Texas Department of Public Safety.

The notice, which must be written in English and Spanish, must be posted in a conspicuous place at the employer's place of business and in sufficient and convenient locations to access all employees. A copy of the Workplace Violence poster may be obtained at [Posters for the Workplace - Texas Workforce Commission](#).

To review additional details; please visit [Adopted Rules Title 40 \(texas.gov\)](#).



These are educational materials only. Employers should consult their own counsel for obligations for state-mandated leave and disability programs. Products and services are provided by Continental American Insurance Company. In California, coverage is offered by Continental American Insurance Company. In New York, products and services are provided by American Family Life Assurance Company of New York. Products may not be available in all states and may vary depending on state law.

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