



PLADS

LEGISLATIVE ADVISORY

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



APRIL 2023

We are pleased to share the April 2023 PLADS Legislative Advisory, along with information related to state and other paid leave legislation.

TOP NEWS INSIDE

- State/other paid leave legislation: [Colorado](#), [Tennessee](#) and [Oregon](#).
- State/other leave legislation: [FMLA](#) and [Connecticut](#).



STATE/OTHER PAID LEAVE LEGISLATION

COLORADO

CO FAMLI premium payments and wage reports coming due

The first quarterly premium payments and wage reports to the Colorado Department of Labor and Employment (CO CDLE) for CO FAMLI are due no later than April 30, 2023 (with a 30-day grace period for a final deadline of May 31, 2023). Please note, the grace period is being offered only once.

CO FAMLI is offering multiple options to submit quarterly premiums that include:

- Online payments through the My FAMLI+ Employer portal: [Login \(force.com\)](https://force.com).
- Online bill pay.
- Payment through API.
- ACH credit.
- Payment by check.

Thereafter, quarterly premium payments are due by the following dates:

- 2023 Q2: July 31, 2023.
- 2023 Q3: Oct. 31, 2023.
- 2023 Q4: Jan. 31, 2024.

Wage Reports are submitted to the division each quarter using the My FAMILI+ Employer portal: [Login \(force.com\)](#).

For more information about the various payment methods and wage reports, go to: [Employers | Family and Medical Leave Insurance \(colorado.gov\)](#).

Reminder: If an employer fails to submit timely wage reports and premium payments to the division, the employer may be assessed a fine of up to \$50 per employee whose wages are not reported.

TENNESSEE

Tennessee Paid Family Medical Leave

On March 31, 2023, Tennessee became the next state to allow employers to purchase a voluntary paid family medical leave policy from approved insurance carriers. The Tennessee Paid Family Leave Insurance Act creates a new line of insurance, known as paid family leave insurance. The statute will also define family leave insurance to mean an insurance policy to cover income loss related to: (1) the birth or adoption of a child; (2) placement of a child; (3) care of a family member who has a serious health condition; or (4) an active-duty service member who has been notified of an impending call or order to active duty. For additional information, please see [SB0454.pdf \(tn.gov\)](#).

OREGON

Oregon Paid Leave: New administrative rules

Paid Leave Oregon has adopted three administrative rules about paid leave employer size and representation, covering topics such as:

- The method for how employers count the number of employees they employ to determine if they are a large or small employer.
- Who may represent the Oregon Employment Department in appeals.

Paid Leave Oregon filed a [Permanent Administrative Order](#) with the Secretary of State's Office on March 16, 2023, which is the effective date for these rules.

For more information, please visit the [Secretary of State's website](#), and the Oregon Paid Leave [rulemaking website](#).

Oregon Paid Leave: Using the public plan? Quarterly payroll reports are due **May 1, 2023**.

Oregon Paid Leave is helping employers better understand how to file their quarterly payroll reports. It is important that employers file on time to avoid a late penalty. Here are some helpful tips for employers from Oregon Paid Leave:

1. **Log into Frances Online:** If an employer has not already, employers should create an account with [Frances Online](#) and make sure the login works correctly. The [online site](#) provides frequently asked questions, resources and support for the Frances Online system. Employers that prefer to file by paper can find the [updated forms online](#).

2. **File your combined payroll report:** Employers should make sure to write down, or print, the confirmation number. It will show up on screen when the submission is completed. It can take one to two business days for the Frances Online account dashboard to update and show as processed.
3. **Make a payment:** Employers using the public plan administration need to make payments every quarter to the Oregon Department of Revenue (DOR). When the combined payroll report is filed in Frances Online, it will show the balance an employer needs to pay. Then select **Make a Payment with DOR**.
4. **Seek additional support (if needed):** Paid Leave Oregon is a new program, and Frances Online is a new system. Paid Leave Oregon understands employers may have questions or concerns, and have provided several different ways for employers to contact them:
 - **Web:** [Paid Leave What Employers Need to Do](#) web page or ask the Frances Online chat bot. Go to [Frances Online](#) and click on the owl at the top right corner of your screen. The chat bot is available in both English and Spanish.
 - **Email:** Contributions.Unit@employ.oregon.gov.
 - **Call:** 503.947.1488. Choose your language, and then press Option 2 for Frances Online support.



STATE/OTHER LEAVE LEGISLATION

FMLA

DOL opinion letter 2023-1-A

On Feb. 9, 2023, the DOL published an opinion letter that addressed an employee's use of FMLA leave for a reduced work schedule for an undetermined period.

The DOL opinion letter, [2023_02_09_01_FMLA.pdf \(dol.gov\)](#), reiterates that an employee may use FMLA for an undetermined period as long as the employee is eligible, has a qualifying reason and has time available. FMLA may be used to cover time that the employee is required to work but is unable to.

For example, an employee who works full time could require a reduced work schedule to work four days a week or 10 hours per week due to a qualifying reason. If eligible, the time not worked would be decremented from the employee's FMLA entitlement until the employee has exhausted time.

FMLA also applies to mandatory overtime. For example, let's take a FMLA-eligible employee with a regular five-day work week of eight hours per day who is also required to work mandatory overtime of two days per month. The employee provides certification of a qualifying reason that reflects why they cannot work more than 40 hours per week. In this example, the mandatory overtime the employee is scheduled for, but cannot work because of the qualifying reason, would be decremented from the available FMLA balance.

Don't forget that overtime deemed as voluntary may not be decremented from the FMLA entitlement if the employee cannot work the time.

For more DOL opinion letters, visit [Final Rulings and Opinion Letters | U.S. Department of Labor \(dol.gov\)](#).

CONNECTICUT

Connecticut Paid Sick Days expansion SB 1178

Connecticut Senate Bill 1178 is a proposed act to expand Connecticut Sick Days by expanding the following areas:

1. Further defines covered employer and employees.
2. Broadens the family members employees may use leave for to include:
 - A spouse, sibling, child, grandparent, grandchild or parent of an employee.
 - An individual related to an employee by blood or affinity, whose close association with the employee is the equivalent of any such family relationship.

The amendment also adds definitions to include grandchild, parent and sibling.

- Grandchild: A grandchild related to a person by blood, marriage, adoption by a child of the grandparent or foster care by a child of the grandparent.
- Parent: A biological, foster or adoptive parent, stepparent, parent-in-law, legal guardian of an employee or an employee's spouse, an individual standing in loco parentis to an employee or an individual who stood in loco parentis to the employee when the employee was a child.
- Sibling: A brother or sister related to an employee by blood, marriage or adoption by a parent of the employee or by foster care placement.

3. Increases the accrual rate of paid leave and the maximum accruals per year.

- Paid leave accrual increases from one hour every 40 hours worked to one hour every 30 hours worked.
- The maximum accrual increases from 40 hours/year to 80 hours/year.

An employer may provide an employee with a greater amount of sick leave or can provide paid sick leave at a higher accrual rate.

4. Applies the current reasons for use to the amended definition of a family member and adds reasons employees may use leave to include:

- Closure, by order of a public official due to: (A) public health emergency of (i) an employer's place of business or (ii) a family member's school or place of care; or (B) determination by (i) a health authority having jurisdiction, (ii) employer of the employee, (iii) employer of a family member or (iv) a health care provider, that such employee or family member poses a risk to the health of others due to such employee or family member's exposure to a communicable illness, whether or not the employee or family member contracted the communicable illness.

If enacted, the intended effective date is expected to be Oct. 1, 2023.

For more information: [C G A \(ct.gov\)](https://www.ct.gov)

While Aflac PLADS does not administer accrual-based paid time programs on behalf of clients, we encourage employers to review and update their internal policies and provide appropriate updates/training to their management.



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 New York, products and services are provided by American Family Life Assurance Company of New York. In California, coverage is offered by Continental American Life Insurance Company. Products may not be available in all states and may vary depending on state law.

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