



ABSENCE ADVISORY

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



OCTOBER 2023

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

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- State/Other Leave Legislation: [New Hampshire](#).
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OPEN ENROLLMENT IS ON ITS WAY, ARE YOUR EMPLOYEES PREPARED?

We are approaching the fourth quarter of the year, which brings with it cooler weather and open enrollment. This annual process allows employees to review and make changes to their workplace benefits to accommodate their life and health needs. The annual review allows employees to address any changes to their needs or life situation that may have occurred over the past year. Usually, human resources has been preparing for the annual review for months. However, as the annual review approaches, here are three employee communication considerations you may wish to consider.

- 1. Clearly explain the benefits available.** Only 43% of all employees are confident they understand everything about their health insurance policies. Ensure employees fully understand their benefits options, especially new benefits and any changes to current benefits. Many workers are unfamiliar with the language and concepts associated with specific benefits, so consider providing a glossary that will help employees grasp the meaning of common benefit terms.
- 2. Clearly explain the benefits enrollment process.** Almost 3 in 5 employees spend less than 30 minutes researching their benefits. Don't allow a process that might feel daunting to some employees dissuade them from participating in benefits you offer to them. Help your employees understand how to enroll and what the enrollment deadlines are. Try scheduling informative sessions, creating comprehensive guides with timelines and offer personal assistance through one-on-one sessions, if needed, for complex situations.
- 3. Use multiple methods of communication.** Leverage various approaches to communicate, such as email, intranet announcements, posters, webinars and in-person meetings to reach employees.

To ensure your employees have a great open enrollment season, educate and communicate. Effective communication reduces confusion and eases the enrollment process.

STATE/OTHER PAID LEAVE LEGISLATION

NEW JERSEY

2024 Changes to New Jersey Temporary Disability Insurance and Family Leave Insurance programs

The New Jersey Department of Labor and Workforce has announced the 2024 contribution rates to the state's Temporary Disability Insurance and Family Leave Insurance programs for 2024. In 2023, the employee contribution rate for NJ TDI dropped to 0% and remains the same at 0% for 2024.

Conversely, the FLI rate has increased from 0.06% in 2023 to 0.09% in 2024. Employers do not contribute to the Family Leave program.

A summary of the New Jersey TDI/FLI rates for 2024:

1. Taxable wage base for NJ FLI for 2024 is set at \$161,400. The employer tax wage base for NJ TDI in 2024 is set at \$42,300.
2. To qualify for temporary disability or family leave benefits in 2024, an applicant must have earned at least \$283 per week for 20 base weeks, or alternatively, have earned at least \$14,200 during the base weeks.
3. Maximum TDI and FLI weekly benefit rate for 2024: \$1,055.

For more information, please see <https://www.nj.gov/labor/ea/employer-services/rate-info/>.

MASSACHUSETTS

2024 changes to Massachusetts Paid Family Medical Leave

Massachusetts Paid Family Medical Leave (MA PFML) contribution rates have been released for 2024 from the Massachusetts Department of Family and Medical Leave. In 2024, the contribution rate for MA PFML will increase from 0.63% of an employee's eligible wages to 0.88% of eligible wages capped at the Social Security contribution limit.

The 2024 maximum weekly benefit will be \$1,144.90, an increase from \$1,129.82 in 2023.

For more information, please see: <https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits#:~:text=Your%20benefits%20payment%20is%20based,maximum%20weekly%20benefit%20is%20%241%2C144.90> and <https://www.mass.gov/info-details/paid-family-and-medical-leave-employer-contribution-rates-and-calculator>.

Massachusetts Department of Family and Medical Leave publishes annual report

Passed by the Commonwealth of Massachusetts legislature in 2018, the Department of Family and Medical Leave (DFML) has been administering Paid Family Medical Leave (PFML) claims since Jan 1, 2021. As part of the legislation, the MA PFML program submits an annual report covering topics such as benefits, applications and certain covered individual demographics along with other areas of program administration.

According to the report, during fiscal year 2023, 143,356 MA PFML applications were approved:

- 89,500 medical leave applications.
- 39,237 bonding applications.
- 14,579 family leave to care for a family member.
- 32 military exigency leave applications.
- 8 leave to care for family member who is a covered service member.

The report also revealed that 27,863 applications were denied, which is a 17.16% reduction in the percentage of filed applications being denied from fiscal year 2022.

To apply for paid leave benefits, a covered individual must submit an application and upload supporting documentation. The application is then sent to their employer, which has 10 business days to review and respond. After the employer responds, or the 10 business days have lapsed, the application is reviewed by the DFML and a decision is reached within 14 business days.

- The median response time from employers was three calendar days.
- The median initial determination (from application submission to initial decision) was 17 calendar days.
- The median final determination (from application submission to final decision, including the appeals process) was 27 calendar days.

Assuming a five-day work week, the average duration of a leave completed in fiscal year 2023 was 9.4 weeks.

- For medical leave, the median duration of a leave completed was 8.74 weeks.
- For family leave, the median duration of a leave completed was 10.44 weeks.

Lastly, in fiscal year 2023 (July 1, 2022-June 30, 2023), the DFML paid out a total of \$832,556,023.75 in family and medical leave benefits, which is a 37% increase from fiscal year 2022.

For more information, please see: <https://www.mass.gov/doc/fy2023-dfml-annual-report/download>.

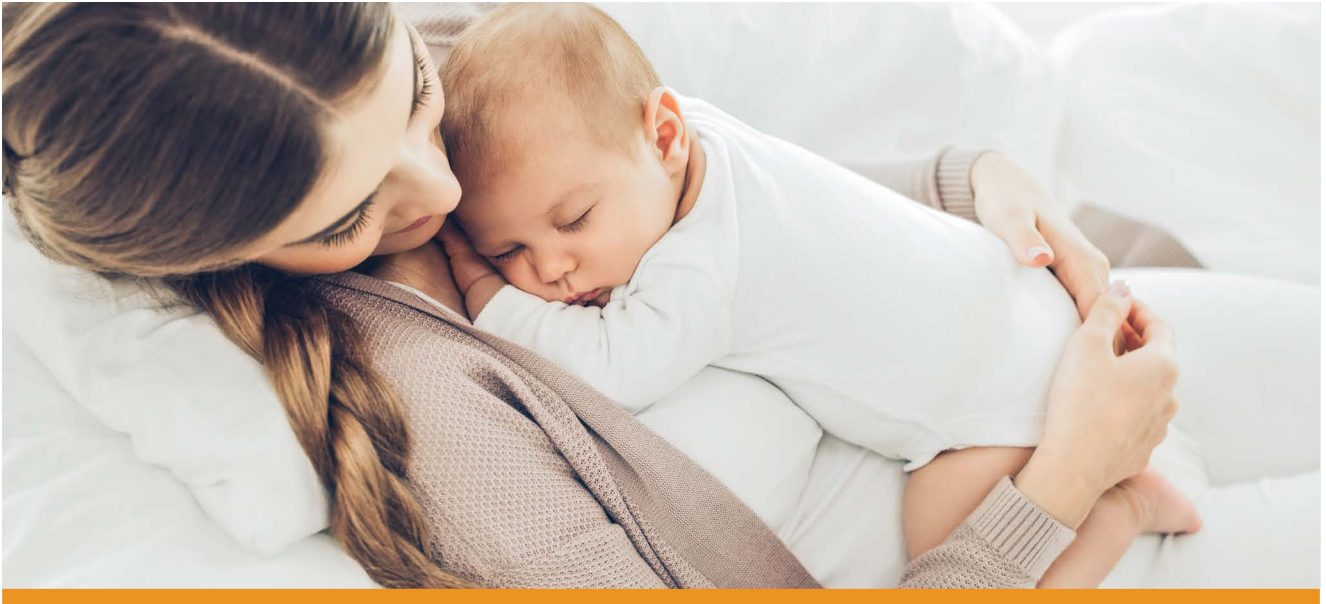
MARYLAND

Maryland Paid Family Medical Leave rate announcement

The Maryland Department of Labor announced on Sept 29, 2023, the initial contribution rate for the new family and medical leave insurance benefit. The rate will be 0.90% of covered wages, and will be equally divided between employees and employers with 15 or more workers.

The contribution rate announced today is the rate applicable to employers and self-employed individuals choosing coverage under the state plan. Employers will need to make a plan selection for family and medical leave insurance coverage. Employers may choose coverage under the state plan, under an approved commercially insured plan sold by insurers in the state or under an approved self-insured plan.

[https://www.labor.maryland.gov/whatsnews/laborannouncescontributionrateforfamli.shtml#:~:text=Baltimore%2C%20MD%20\(September%2029%2C,with%2015%20or%20more%20workers](https://www.labor.maryland.gov/whatsnews/laborannouncescontributionrateforfamli.shtml#:~:text=Baltimore%2C%20MD%20(September%2029%2C,with%2015%20or%20more%20workers).



STATE/OTHER LEAVE LEGISLATION

NEW HAMPSHIRE

House Bill 358

On Aug. 4, 2023, New Hampshire Governor Chris Sununu signed HB 358 into law. Within the bill, 275.78 Policies Relating to Nursing Mothers outlines that employers with six or more employees working in New Hampshire are required to provide reasonable unpaid break time to an employee for the purpose of lactation. Further, the employer must provide a suitable and appropriate space at their workplace, unless it causes undue hardship.

Effective July 1, 2025, covered employees may take an unpaid break of approximately 30 minutes for every three hours of work to lactate through manual or mechanical methods. The nursing employee is required to notify their employer at least two weeks in advance of this need.

Employers are required to provide a space for lactation and such location should be within a reasonable walk of the employee's worksite unless agreed upon between the employee and the employer. In addition, the space provided may not be a bathroom and must have a chair, an electrical outlet and be shielded from view and secure so that it is free from intrusion by a co-worker or the public.

In addition to identifying an appropriate location, employers are required to create and implement a policy that addresses the rights under this new law and must distribute the policy to employees at time of hire.

To review additional details of NH 358, please visit: [NH HB358 | 2023 | Regular Session | LegiScan](#).

Please note, Aflac does not administer this program on behalf of our clients. However, we encourage employers to review and update their internal policies, and provide timely and appropriate updates/training to management to implement the laws as it applies to your company.

¹ Z2201024_4323H_2022AWR_TopTrendsFacts_OpenEnrollment_KW.indd (aflac.com). 2022-2023 Aflac WorkForces Report The state of workplace benefits and enrollment. Accessed 10/04/23.

² Fall Open Enrollment: 19 Essential Considerations For HR Leaders (forbes.com). Preparing For Fall Open Enrollment: 19 Essential Considerations For HR Leaders July 25, 2023. Accessed 10/04/23.

³ Open Enrollment Guide & Resources (shrm.org). How to communicate with and help employees to choose workplace benefits 2023. Accessed 10/04/23.

⁴ Z2201024_4323H_2022AWR_TopTrendsFacts_OpenEnrollment_KW.indd (aflac.com). 2022-2023 Aflac WorkForces Report The state of workplace benefits and enrollment. Accessed 10/04/23.

⁵ Fall Open Enrollment: 19 Essential Considerations For HR Leaders (forbes.com). Preparing For Fall Open Enrollment: 19 Essential Considerations For HR Leaders July 25, 2023. Accessed 10/04/23.

⁶ Fall Open Enrollment: 19 Essential Considerations For HR Leaders (forbes.com). Preparing For Fall Open Enrollment: 19 Essential Considerations For HR Leaders July 25, 2023. Accessed 10/04/23.



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