



# ABSENCE ADVISORY

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



SEPTEMBER 2024

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

## TOP NEWS INSIDE

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## COLORADO

### COLORADO FAMILY AND MEDICAL LEAVE INSURANCE PREMIUMS

Colorado's Division of Family and Medical Leave Insurance (FAMLI) has announced that the premium rates for CO FAMLI plan for 2025 will not change. The rate will remain at 0.9% of the employee's wages up to the Social Security wage base. The employer may select one of the following:

- Continue to split the state's premium cost with the employee evenly at .45% each.
- Pay a larger portion of the .9% so that the employee pays less than .45%.
- Choose to pay the full contributions to the state and not withhold any employee premiums.

Employers may not withhold greater than .45% of premiums from employees. For more information, visit the state's [FAMLI website](#).

# CONNECTICUT

## CONNECTICUT PAID LEAVE ANNUAL REPORT

The Connecticut Paid Leave Authority released its [2024 Annual Report](#). This report summarizes activity from the fiscal year and provides information about plan participation, trust fund solvency, claim data, demographic information and the various ways the Authority outreaches to the community to provide education about the program. The CT Paid Leave program is state-mandated and protects more than 1.5 million Connecticut workers.

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Since January 2022, the CT Paid Leave Authority has provided more than \$798 million in paid leave benefits to more than 117,700 workers in Connecticut.

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The Authority released the following highlights:

- Between July 1, 2023, and June 30, 2024, the CT Paid Leave program received 91,883 applications. During this period, 65,138 CT workers received \$379 million in approved benefit payments.
- Of the applications that received a decision during the reporting period, 75.47% were approved and 24.53% were denied.
- The average approved leave duration for claims during the reporting year was 7.78 weeks, and the average weekly benefit payment was \$707.14.
- An employee's own illness or injury was the top reason for application submissions with more than 50% of all applications received.
- 142,165 employers and 3,184 sole proprietors are registered with the Authority.
- Contributions received during the reporting year were \$457,185,975.
- Trust fund balance as of June 30, 2024, was \$566,064,914.
- Total claims received increased 7.65% from the previous year.

# DELAWARE

## DELAWARE PAID LEAVE UPDATES

Beginning Jan. 1, 2026, employees can submit claim applications for Delaware Paid Leave benefits. Employers who will be using the state’s plan can begin payroll deductions on Jan. 1, 2025, if the employees will be contributing to the cost of the program.

Most employers with 10 or more employees working in the state must participate in the mandated program. Employers can locate the formula for determining their employee count within the recently published [Employer Guide](#).

Delaware LaborFirst will also track the employee count based on the quarterly hours and wage reports that are submitted by the employer or payroll company. As a reminder, the following chart explains which employers are required to participate:

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

### Employers next steps

#### From Sept. 1, 2024, through Dec. 1, 2024:

- Set up an account using Delaware LaborFirst. Employers required to provide Paid Family and Medical Leave (PFML) benefits to their employees will be automatically enrolled in the state-sponsored Delaware Paid Leave plan. You can learn more about LaborFirst [here](#).
- Employers will have the option of using an insured private plan through an approved carrier or to self-insure. Employers with a private plan must still provide quarterly reports to the division with weekly enrollment, wages and hours information for each employee under their plan through Delaware LaborFirst.

- Determine if you want to use an insured private plan or a self-insured private plan. Employers must apply from Sept. 1, 2024, through Dec. 1, 2024. If employers do not apply during this time, they will need to wait until September 2025.
  - To self-insure, the employer has to have at least 100 employees, submit a written self-insurance plan to the Division of Paid Leave for review and approval, provide a surety bond in an amount equal to one year of total contributions that would have been paid by the employer had they participated in the Delaware Paid Leave plan and submit written acknowledgment that they will establish a pre-funded dedicated bank account from which to pay claims in an amount as determined by the division by Jan. 1, 2026. You can locate the self-insured plan templates and acknowledgments [here](#).

#### **At least 30 days prior to Jan. 1, 2025:**

- Provide a Notice of Employee Rights. The division has provided a notice for employers to distribute to their employees. This notice must be provided to all eligible employees to inform them about the PFML insurance program. This notice is especially important if you are requiring your employees to contribute toward the cost of providing coverage. This notice should also be given to new employees when they are first hired, when an employee requests a leave or when the employer believes that the employee might qualify for PFML leave due to an event in their life that might trigger one of the four types of coverage. You can locate the notice [here](#).

#### **When an employee applies for benefits:**

- The employer must provide a Notice of Coordination of Benefits. Employers must also provide notice about how the PFML insurance program coordinates with other income-replacement benefits (paid time off, short- and long-term disability, etc.) an employer offers and how these benefits may affect an employee's claim.
  - If your group is using the state plan or if you use the online administrative system, Delaware LaborFirst, to provide ASO services for your self-insured plan, the state system will include this notice as part of the claims application process.
  - If you self-administer or hire a TPA as your administrator for your self-insured program or if you purchase an insured private plan, as the employer, you are responsible for sending out this notice when an employee applies for benefits.

For more information, visit the [state website](#).

## MAINE

### MAINE PAID LEAVE UPDATES

The Maine Department of Labor received more than 1,000 comments on the proposed rules for Maine's new Paid Family and Medical Leave program. They have now released the [updated rules](#) for public comment through the department's website link or by mail through Sept. 30, 2024, at 5 p.m.

All comments can be submitted [online](#), or they can be submitted to the Paid Family and Medical Leave Program by mail at 50 State House Station, Augusta, Maine 04333-0050. Any comments sent by mail must have a postdate of Sept. 30, 2024, or earlier.

Please [visit the state website](#) for more information.

## MASSACHUSETTS

### MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE EXEMPTIONS

Any employer with an approved Massachusetts Paid Family and Medical Leave (MA PFML) private plan must renew their exemption by its expiration date. Private plans must be renewed annually and be approved 30 days before their effective date. You can begin your exemption during the quarter prior to the expiration of your current exemption. For example, if your policy expires Dec. 31, 2024, you should start to refile your exemption now.

You will be required to submit specific documents depending upon whether it is an insured or self-funded private plan. You can locate more information on the [state website](#).

## NEW YORK

### NEW YORK PAID FAMILY LEAVE PREMIUM RATE FOR 2025

Through New York's Paid Family Leave program (PFL), eligible employees can take time off while receiving partial wage replacement for qualifying reasons such as: bonding, caring for a family member or managing matters related to military exigency. Since 2021, eligible employees receive 67% of their average weekly wage, up to 67% of the statewide average weekly wage for up to 12 weeks.

By Sept. 1 of each year, the superintendent is required to publish the employee contribution rate for the policy period beginning Jan. 1 of the following year. The superintendent also sets the maximum employee contribution for PFL, which is the maximum amount an employer can collect from each employee to fund PFL benefits.



In determining the rate for 2025, the New York Department of Financial Services (NY DFS) reviewed various forms of data including NY PFL claims, demographic and financial information, involving multiple years. DFS used multiple sources beyond NY PFL data, such as other state paid family leave programs and the United States Census Bureau.

As a result, the 2025 PFL rate will be 0.388% of an employee's wages each pay period up to an annual maximum employee contribution of \$354.53. This is an increase of 4% compared to 2024.<sup>1</sup> More information can be found on the [New York Department of Financial Services website](#).

## WASHINGTON

### WASHINGTON CROSS-PROGRAM PAYMENT ALLOCATION FINAL RULES ADOPTED

The Washington Employment Security Department receives payments from employers for three programs: State Unemployment Insurance, WA Cares and Paid Family and Medical Leave. Today, there are no rules defining how payments will be allocated across the programs when a payment is sent to the department without indicating which program the payment is intended, and the department is unable to contact the employer to determine the employer's intent. Therefore, the department is adopting new rules that will address how payments will be allocated across these programs. As of Sept. 6, 2024, when payments are received without clear intent, and the department is unsuccessful in contacting the employer and money is owed to one or more programs, the payment will be deposited to State Unemployment Insurance, then to Paid Family and Medical Leave and then long-term care (WA Cares).<sup>2</sup> More information can be obtained on the [Washington Paid Family and Medical Leave website](#).

<sup>1</sup> New York Department of Financial Services. "Health Insurers - PFL: Decision on Premium Rate for Family Leave Benefits and Maximum Employee Contribution for Coverage Beginning January 1, 2025 | Department of Financial Services (ny.gov)" Accessed 9.3.24.

<sup>2</sup> Chapter 192-03 WAC Employer Payment Allocation. "OTS-5211-1-For-Filing-Final-Rule-1.pdf (wa.gov)" Accessed 9.3.24.



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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