New York Paid Family Leave: Final Adoption of Workers’ Compensation Board Regulations

Effective January 1, 2018

Starting January 1, 2018, employers with New York workers will be required to provide Paid Family Leave (PFL) in conjunction with their New York Disability Benefits Law (DBL) program.

On July 19, the New York Workers’ Compensation Board released final regulations that include changes from the second public comment period that ended in June. Employers can access the final regulations at: http://www.wcb.ny.gov/PFL/pfl-regs.jsp.


Washington Paid Family and Medical Leave (WA PFML)

Effective January 1, 2020

The state of Washington recently passed a Paid Family and Medical Leave (WA PFML) law, joining 4 other states with similar statutory leave programs — California, New Jersey, Rhode Island and beginning in 2018, New York. All employers with Washington state employees are subject to WA PFML requirements, including state and local government but excluding federal employees.

The program will be funded through both employer and employee contributions beginning on January 1, 2019, with benefits payable starting January 1, 2020. The state’s Employment Security Department (ESD) will administer the program, including the payment of benefits. However, employers may opt out of the state program and create a Voluntary Plan provided it complies with state minimum requirements and subject to ESD approval.
Washington Paid Family and Medical Leave (WA PFML)

A summary of the program is provided below. Please note that the information provided is accurate as of the date provided, and may change as the law is implemented.

<table>
<thead>
<tr>
<th>WA PFML At A Glance</th>
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<tr>
<td><strong>Employee Eligibility</strong></td>
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| **Qualifying Absence** | **Medical leave** for the employee’s own serious health condition  
**Family Leave** for:  
► Care of a seriously ill family member  
► New child bonding within 12 months of birth or placement  
► Military exigency as defined under the federal Family and Medical Leave Act |
| **Maximum Weekly Benefit** | Effective 1/1/2020: $1,000  
Effective 1/1/2021 and thereafter: The maximum weekly benefit will be calculated no later than September 30 for the subsequent year based upon 90% of the Statewide Average Weekly Wage (SAWW) |
| **Minimum Benefit** | $100 or the employee’s Average Weekly Wage (AWW) if less than $100 |
| **Benefit Amount** | Progressive formula based upon the employee’s AWW. Benefit amount will be rounded down to the next lower multiple of $1.00.  
| **Employee’s AWW prior to leave** | **Weekly Benefit %** |
| 50% or less of the SAWW | 90% of employee’s AWW |
| Greater than 50% of SAWW | The sum of 90% of the employee’s AAW up to 50% of the SAWW; plus 50% of the employee’s AWW that is greater than 50% |
| **Maximum Leave Duration Within a 52-Consecutive Week Period:** |  
► **Medical Leave:** Up to 12 weeks  
► **Family Leave:** Up to 12 weeks  
► **Combined Medical and Family Leave:** Up to 16 weeks, but the combined maximum increases to 18 weeks if the employee experiences incapacity due to a serious health condition related to pregnancy |
| **Leave Increments** | Leave may be taken in 1-hour increments; however, the minimum leave duration is 8 hours. |
| **Elimination Period** | 7 days*  
*Elimination period does not apply for leave taken for the birth or adoption of a child. |
| **Premium Rate** | Effective 1/1/2019: 0.4% of wages  
Effective 1/1/2021 and after: Rate to be determined annually by ESD  
Employee contribution: 63% of the premium  
Employer contribution*: 37% of the premium**  
*Employers with 50 or fewer employees are not required to pay the employer portion of premium; however, they forfeit access to certain state assistance under the new law.  
**Employers may choose to pay the entire premium amount on behalf of their employees. |
| **Integration with FMLA** |  
► Leave for sickness or temporary disability due to pregnancy or childbirth: WA PFML is in addition to FMLA allotment  
► All other leave: Runs concurrent with FMLA |

Prudential is actively studying the Washington legislation. We will provide additional updates when available. Employers can access the new law at: [http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Passed%20Legislature/5975-S.PL.pdf](http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Passed%20Legislature/5975-S.PL.pdf)

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Nevada Domestic Violence Leave Law

Effective January 1, 2018

Effective January 1, 2018, Nevada employers must provide Domestic Violence Leave to employees with 90 or more days of service. Employees may take up to 160 hours of continuous or intermittent leave within a 12-month period immediately following the date on which the act of domestic violence occurred. The leave may be paid or unpaid.

To be eligible for leave, the employee or his or her family or household member must be the victim of domestic violence; however, the employee cannot have been the perpetrator of the act.

Leaves may be taken:

- For the diagnosis, care or treatment of a health condition related to the domestic violence;
- To obtain counseling or assistance;
- To participate in any court proceedings; or
- To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act of domestic violence.

After the initial instance of Domestic Violence leave, employees are required to give their employer no less than 48 hours advance notice of their need for subsequent leave. Employers may require employees to provide documentation of their need for leave, including a police report, order of protection, or medical certification. Discrimination or retaliation against employees requesting Domestic Violence leave is prohibited and employers are required to post a bulletin summarizing the employee rights under this law in a conspicuous workplace location.

Employers can access the new law at: https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB361_EN.pdf.

Florida Civil Air Patrol Leave

Effective July 1, 2017

Under new Florida’s Civil Air Patrol (CAP) Leave law, effective July 1, 2017, employers with 15 or more employees must provide up to 15 days of unpaid leave annually to Civil Air Patrol members participating in training or missions. Employers may not require, but, upon the employee’s request, must permit, use of vacation or similar paid leave concurrent with CAP leave.

Employees must be allowed to return to work upon completion of the leave with the same seniority, rights, and benefits attained as if they had been continuously employed. In addition, employees cannot be discharged, reprimanded, or otherwise penalized for use of the leave. The law prohibits employers from firing a civil air patrol member for 1 year after he or she returns to work following a CAP leave, except for cause.

Employers can access the new law at: http://www.flsenate.gov/Session/Bill/2017/370/BillText/er/HTML.

West Virginia Civil Air Patrol Leave

Effective July 1, 2017

Effective July 1, 2017, West Virginia employers with 15 or more employees are required to provide up to 10 days of unpaid leave annually to Civil Air Patrol members for qualified training and up to 30 days for emergency response missions. Employers cannot ask employees requesting CAP leave to exhaust available leave or time-off benefits before taking CAP leave.

Employees returning form CAP leave must be restored to the same or equivalent position, including seniority, benefits, pay and conditions of employment. Employers cannot discharge, fine, suspend, expel, discipline, or discriminate against an employee for membership in the Civil Air Patrol or for exercising his or her right to take CAP leave.

Employers can access the new law at: http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?bilddoc=SB280%20SUB1%20enr.htm&yr=2017&sesstype=RS&i=280

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New Jersey Temporary Disability Benefits (TDB) and Family Leave Insurance (FLI) Updates

Effective July 21, 2017

New Jersey’s state mandated disability and family leave programs – Temporary Disability Benefits (TDB) and Family Leave Insurance (FLI) — are funded by employee contributions at a rate established annually by the state. As a result of a recent amendment to the law, the 2018 and subsequent year’s contribution rate will be calculated using the prior fiscal year’s expenses rather than the prior calendar year.

New Jersey recently announced the following updated rates for 2018:

Temporary Disability Benefits:
- TDB Maximum Contribution Percentage: Decreases from 0.24% to 0.19% of the $33,700 2018 taxable wage base
- TDB Maximum Contribution: Decreases from $80.40 to $64.03
- Weekly Benefit Maximum: Increases from $633 to $637

Family Leave Insurance:
- FLI Maximum Contribution Percentage: Decreases from 0.10% to 0.09% of the $33,700 2018 taxable wage base
- FLI Maximum Contribution: Decreases from $33.50 to $30.33
- Weekly Benefit Maximum: Increases from $633 to $637

Employers participating in the New Jersey State Disability Fund or those who sponsor contributory private plans should discuss these changes with their benefits and tax advisors and consider:
- Updating their payroll systems with the new 0.19% maximum withholding rate for New Jersey TDB and 0.09% for FLI, effective January 1, 2018.
- Communicating the contribution rate change to employees including any determined impact on TDB benefit taxability.

Employers can access information about New Jersey’s statutory programs at: [http://lwd.dol.state.nj.us/labor/tdi/tdihome.html](http://lwd.dol.state.nj.us/labor/tdi/tdihome.html).

Hawaii Family Leave Law Expanded

Effective July 10, 2017

Hawaii’s Family Leave Law requires employers with at least 100 employees to grant up to four weeks of leave in a calendar year to care for a seriously ill family member or bond with a newborn or adopted child. On July 10, the state amended the definition of “covered family member” to include siblings. Eligible employees may now take leave to care for a seriously ill child, spouse, reciprocal beneficiary, sibling, or parent.


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4 States Pass Workplace Protection Laws for Pregnant Employees

Connecticut, Massachusetts, Nevada, and Washington recently enacted legislation protecting the rights of pregnant employees in the workplace. These laws require employers to provide reasonable accommodations to female employees disabled due to pregnancy, childbirth, or related medical conditions, unless doing so would cause an undue hardship. Employers should review the regulations highlighted below for state-specific provisions and requirements.

The below is provided for informational purposes only. Prudential does not administer state anti-disability discrimination laws.

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Subject Employers</th>
<th>Link to Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/1/2017</td>
<td>Employers with 15 or more employees</td>
<td><a href="https://legiscan.com/NV/text/SB361/id/1628891">https://legiscan.com/NV/text/SB361/id/1628891</a></td>
</tr>
<tr>
<td>4/1/2018</td>
<td>Employers with 6 or more employees</td>
<td><a href="https://malegislature.gov/Bills/190/H3680">https://malegislature.gov/Bills/190/H3680</a></td>
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SAVE THE DATE FOR
Upcoming Industry Events

November 16, 2017
“Statutory Disability and Paid State Leaves:
What You Need To Know for 2018”

If you have employees in any of these statutory jurisdictions – California, Hawaii, New Jersey, New York, Puerto Rico, and Rhode Island – you’re looking for tools and tactics to stay on top of your compliance obligations! This 90-minute session will provide information about disability and paid leave program changes for 2018, with particular focus on New York’s new Paid Family Leave. In addition, we will provide answers to common employer questions.

Prudential, in partnership with the Disability Management Employer Coalition (DMEC), will be presenting an upcoming Tools & Tactics webinar. Registration for Prudential customers is free. Please use the coupon codes and web links below when registering. NOTE: The discount code gets applied in Step 3 of the registration process, which will zero-out the cost of the webinar before you or your customer checks out.

DMEC is an industry association dedicated to providing education on integrated disability, absence management, and return-to-work solutions.


Discount Code: 17PRUDENTIAL2

March 12-14, 2018
2018 Integrated Benefits Institute (IBI) Annual Forum

March 12-14, 2018 the Integrated Benefits Institute (IBI) will hold its Annual Forum in San Francisco, CA. Attendees, including employers, suppliers, and other thought leaders, will explore innovative solutions to health, wellness, and productivity challenges. The Forum offers breakout sessions, discussion panels, tools, and several networking opportunities to bring like-minded professionals together for a common goal: improving the health, well-being and performance of America’s workforce.

Conference information is available at [www.ibiweb.org/forum/](http://www.ibiweb.org/forum/).

April 4-6, 2018
2018 Health & Benefits Leadership Conference

Human Resource Executive will hold its Annual Health & Benefits Leadership Conference in Las Vegas, NV, from April 4-6, 2018. Employers will gain useful solutions and ideas to help craft a solid benefits program that will attract new employees, retain top talent, improve employee engagement, enhance productivity, and more. Sessions are created and delivered by senior executives from leading organizations, both large and small, to give you a high-caliber learning experience with real-world lessons and practical takeaways. A supplier expo will provide access to suppliers and networking opportunities.

Conference information is available at [www.benefitsconf.com](http://www.benefitsconf.com).

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