

# PFML States Coming Soon: Make Sure You're Prepared

Thursday, September 29  
10 a.m. Pacific; 1 p.m. Eastern

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# Agenda

State-Mandated Programs

Paid Leave Oregon

Colorado Family & Medical Leave Insurance

Frequently Asked Questions

PFML & PFL Updates

Advantages of a Private Plan

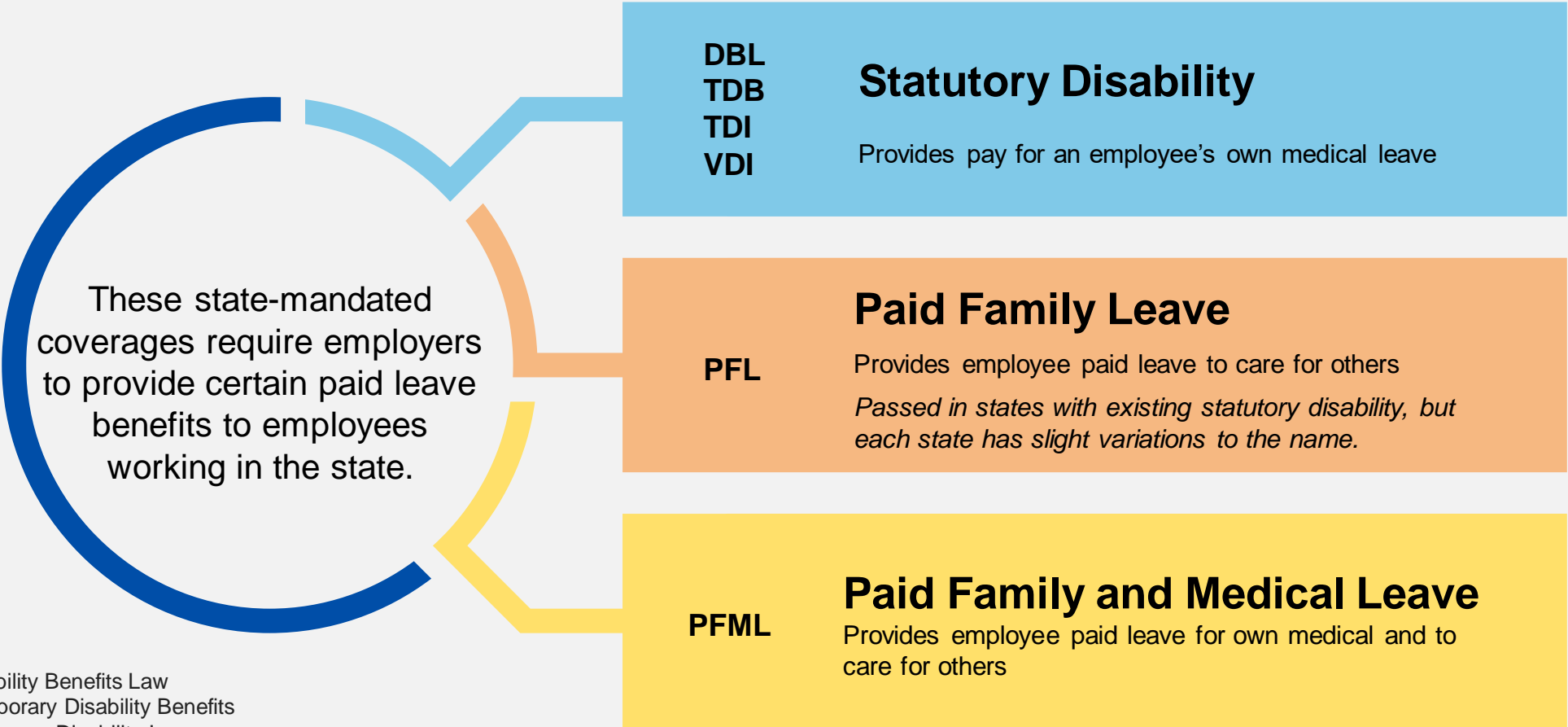
Resources





Setting the Foundation:  
**State-Mandated PFML, PFL and  
Disability Programs**

# State-Mandated Programs: What's the Difference



DBL = Disability Benefits Law  
TDB = Temporary Disability Benefits  
TDI = Temporary Disability Insurance  
VDI = Voluntary Disability Insurance

# State Benefits Summary

Six jurisdictions require disability and paid family leave benefits. Six other jurisdictions require paid medical and family leave benefits, with two upcoming.

## Statutory Disability Benefits and PFL

- California
- Commonwealth of Puerto Rico
- Hawaii (SDI only)
- New Jersey
- New York
- Rhode Island

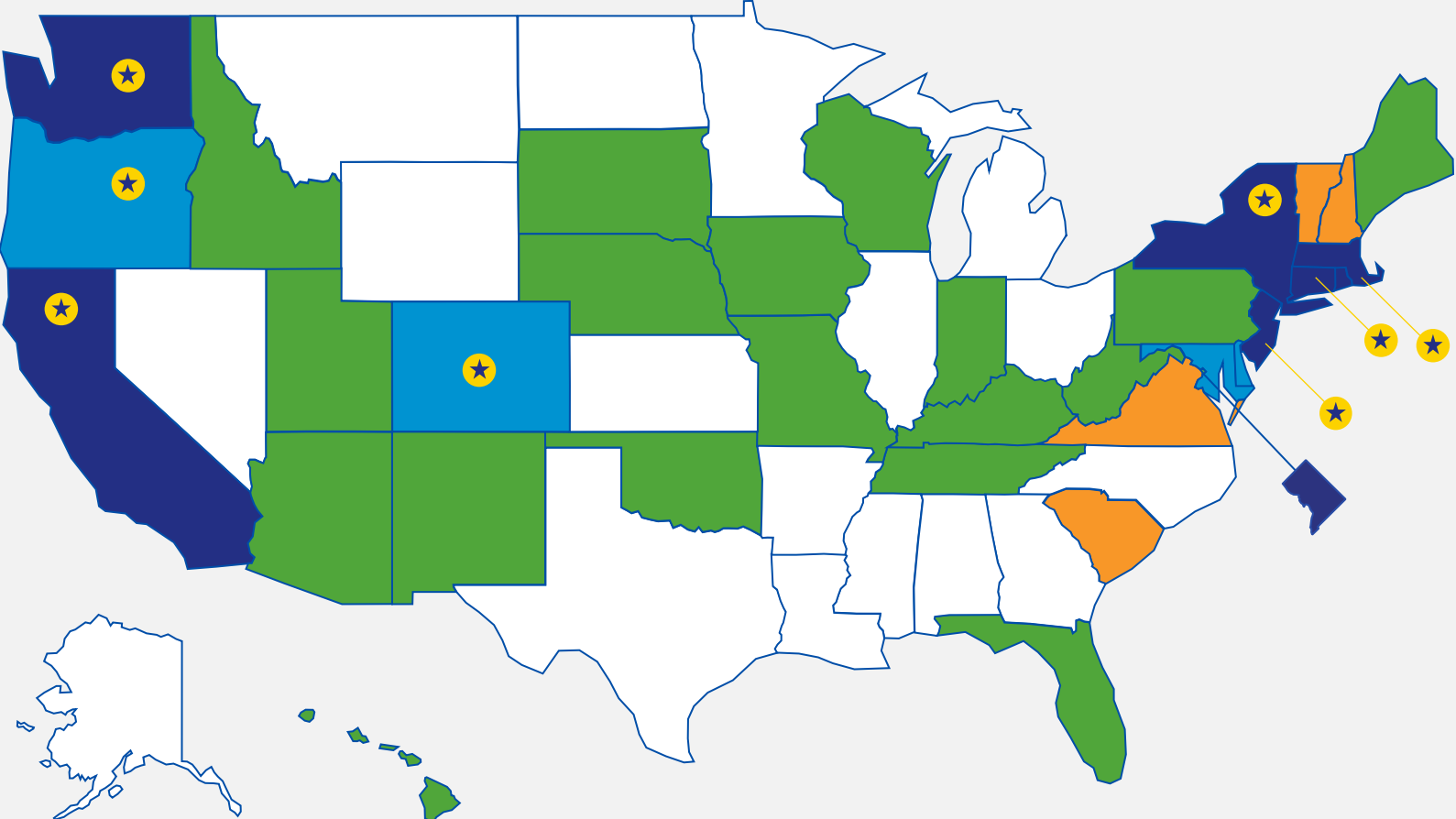
## PFML

- Colorado (in flight)
- Connecticut
- Delaware (upcoming)
- Maryland (upcoming)
- Massachusetts
- Oregon (in flight)
- Washington
- Washington, D.C.

Visit our PFML interactive map on [standard.com](https://www.standard.com).



# PFML Today: The Big Picture



- PFL or PFML in Force
- PFML Passed, Not Yet in Force
- PFML Proposed
- Alternative Policy Passed or Proposed
- PFML Not Required
- States where **The Standard** does or will offer service

Visit our PFML interactive map on [standard.com](https://standard.com).

The background is a complex, low-poly geometric pattern in various shades of blue, ranging from light to dark. A solid, medium-blue rectangular box is centered horizontally and vertically, containing white text. The text is arranged in two lines: the top line is smaller and the bottom line is significantly larger and bolder.

Paid Leave Oregon  
**Plan Design – the Basics**

# Paid Leave Oregon: What's Covered



## Family Leave

### Bonding

Leave to bond with the covered employee's child during:

- The first 12 months after the child's birth
- The first 12 months after the placement of the child for adoption or foster care with the covered individual

### Caring

Leave to care for a family member with a serious health condition.



## Medical Leave

Leave to care for a covered employee's own serious medical condition.



## Safe Leave

Leave for health and safety needs related to domestic violence, harassment, sexual assault or stalking experienced by a covered employee or their minor child or dependent.



# Paid Leave Oregon

Contributions begin Jan. 1, 2023  
Benefits payable Sept. 3, 2023

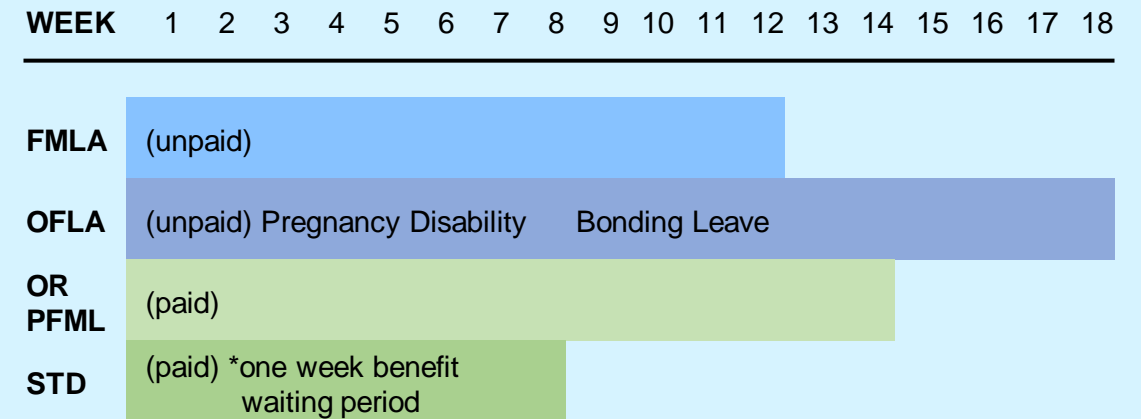
Eligibility	Plan Contributions	Benefit Waiting and Maximum Benefit Periods	Qualified Family Members	Qualifying Leave Reasons	Wage Replacement	Provides Job Protection
<p><b>Employer:</b> Must participate in the state plan unless they have an approved equivalent plan</p> <p><b>Employee:</b> Must have earned \$1,000 or more in the base year prior to filing a claim</p>	<p><b>Shared contribution plan:</b></p> <ul style="list-style-type: none"> <li>Employee contributes 60%</li> <li>Employer contributes 40%</li> </ul> <p><b>Annual wage cap in the first year:</b> \$132,900 CPI-West Region</p> <p><b>Contribution rate:</b> 1%</p> <p>Employers with fewer than 25 employees do not have to contribute employer contributions.</p>	<p><b>Benefit waiting period:</b> None</p> <p><b>Maximum benefit period:</b> 12 weeks</p> <p>Two additional weeks may be available for limitations related to pregnancy, childbirth and lactation.</p> <p>Up to an additional four weeks of unpaid leave may be available under OFLA.</p> <p>Leave can be taken intermittently in increments of one workday and is permitted if mutually agreed upon between employee and employer.</p>	<ul style="list-style-type: none"> <li>Spouse</li> <li>Child</li> <li>Parent</li> <li>Parent-in-law</li> <li>Sibling or step-sibling</li> <li>Grandparent</li> <li>Grandparent-in-law</li> <li>Grandchild</li> <li>Domestic partner</li> <li>Any other individual related by blood or affinity whose close association is equal to a family relationship</li> </ul>	<ul style="list-style-type: none"> <li>Own medical*</li> <li>Care of family</li> <li>Bonding</li> <li>Safe leave</li> </ul> <p>*Serious Health condition includes donation of body part, organ and tissue (pre- and post-op)</p>	<p>Employees earning equal to or less than 65% of the State Average Weekly Wage will receive 100% of wages.</p> <p>Employees earning greater than 65% of the SAWW will receive 65% of the SAWW (\$745.58), plus 50% of the employee's Average Weekly Wage.</p> <p><b>SAWW (adjusted annually):</b> \$1,224.82 for July 1, 2022, through June 30, 2023</p> <p><b>Minimum benefit:</b> 5% of the SAWW = \$61.24</p> <p><b>Maximum benefit:</b> 120% of the SAWW = \$1,469.78</p>	<p>Yes, following 90 days of employment by employer.</p> <p><i>Employers are required to maintain health insurance at the same contribution level when the employee is on leave as when working.</i></p>

# Paid Leave Oregon: How time off works

- A work week is defined as 12:01 a.m. Sunday through 11:59 p.m. Friday.
- A benefit year is defined as 52 weeks starting the Sunday prior to the first day of leave.
- An active benefit year allows multiple leave reasons up to the maximum entitlement.
- Intermittent time is allowed; however, it must be taken in one workday increment.

## Example Scenario

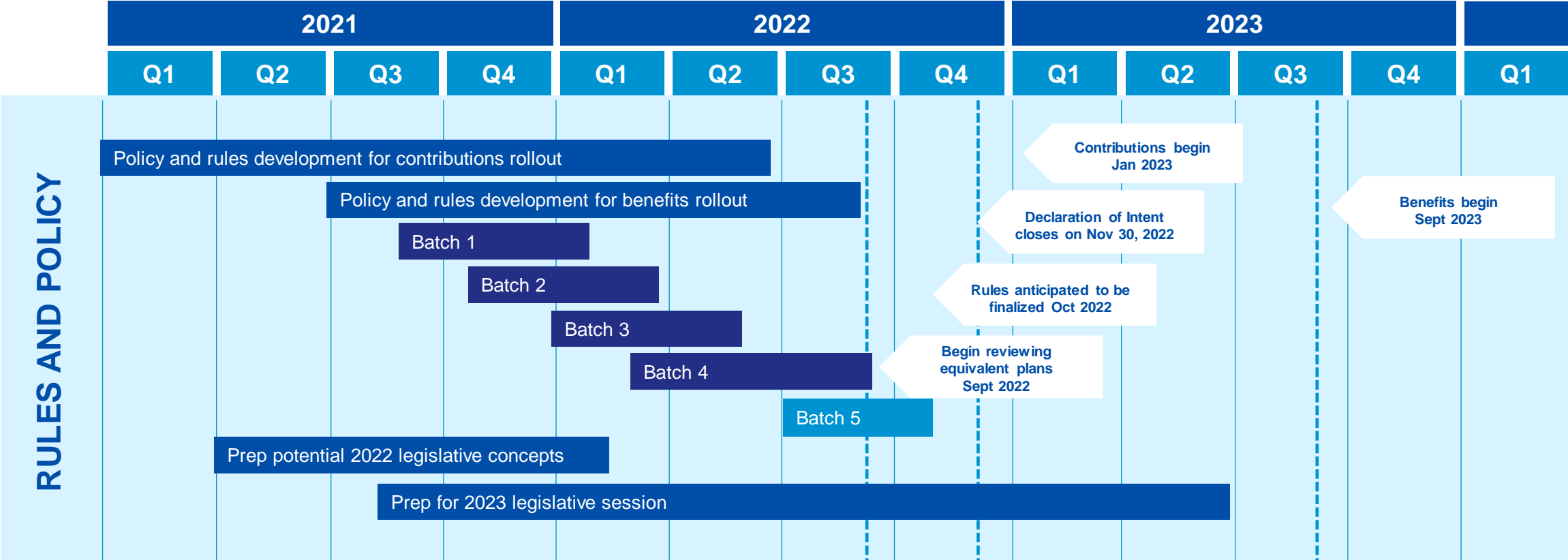
Sophia is taking leave due to pregnancy and intends to take bonding immediately following the birth. She undergoes a cesarean section and later, while bonding, has difficulty lactating. Sophia requests additional time off due to pregnancy-related complications. Here is what Sophia's leave looks like in a comparison chart:



The background is a blue geometric pattern of overlapping triangles and polygons. A solid blue rectangular box is centered on the page, containing white text.

Paid Leave Oregon:  
**Rulemaking and  
Private Plan Readiness**

# Paid Leave Oregon: Batch Release Plan



# Administrative Options

## State Administration

- All qualifying employers are default participants in the state plan.

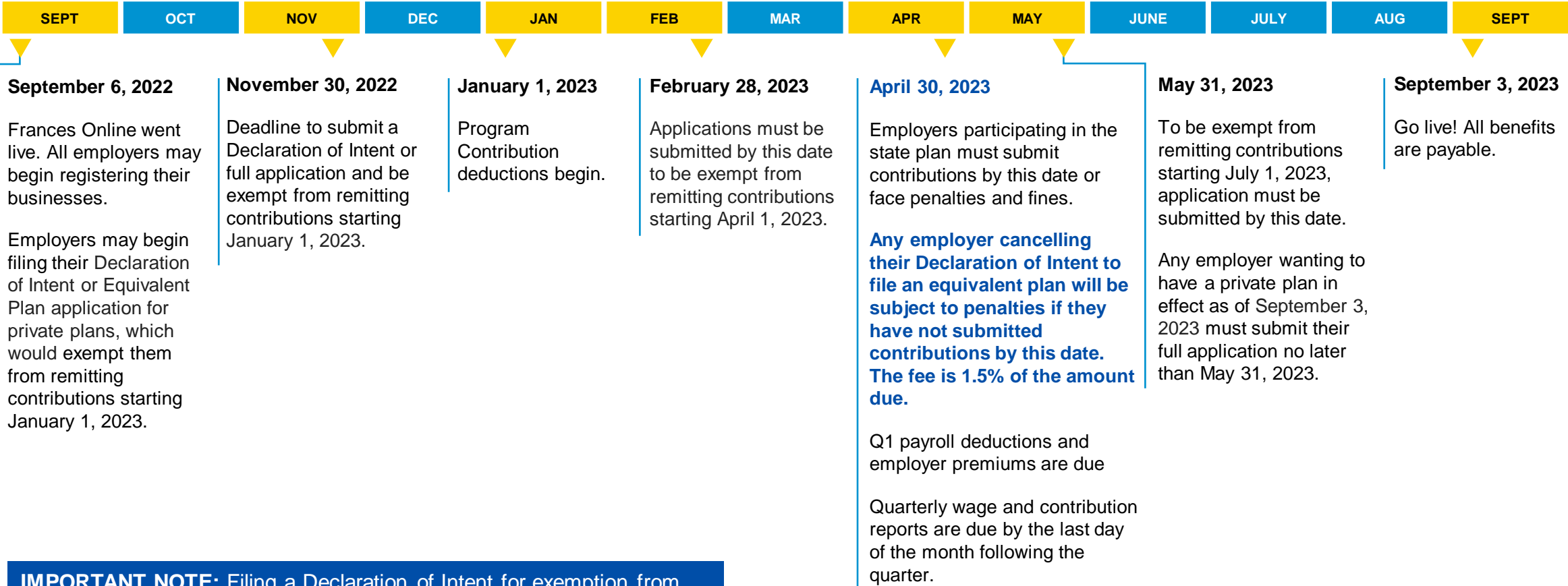
## Equivalent (Private) Plan

Employers wanting to exit the state plan may enter into an approved Equivalent Plan.

- Must provide benefits equal to or greater than the state plan
- Cannot cost employees more than the state plan
- Self-insured or fully insured (self-insured requires proof of solvency)



# Paid Leave Oregon: Filing Timeline



**IMPORTANT NOTE:** Filing a Declaration of Intent for exemption from the state plan is a two-step process. First step – employer submits the Declaration of Intent. Second step - employer submits a complete equivalent (private) plan application for state approval.

# Paid Leave Oregon: Filing of an Equivalent (Private) Plan Employer Responsibilities

## September 6, 2022

Business registration through Frances Online & equivalent plan filing opened.

## November 30, 2022

To be exempt from remitting contributions on January 1, 2023, employers must complete an electronic Declaration of Intent to obtain approval of a private plan by November 30, 2022.

## January 1, 2023

Employers using the Declaration of Intent will be required to begin collecting employee contributions and holding these funds separately. They may stop doing this once they receive equivalent plan approval.

*Employers who don't submit a Declaration must collect and remit employee and employer contributions*

## Required Filing Documentation

Following approval by the state's insurance department, insurers and/or administrators will provide their clients the necessary plan or policy documentation to submit their Equivalent Plan Applications to the Oregon Employment Department for approval.

## May 31, 2023

No later than this date, employers filing a Declaration of Intent must submit their Equivalent Plan Application. Employers will be required to:

- Upload a copy of their self-insured plan or fully insured policy
- Answer a series of questions confirming their equivalent plan meets state requirements
- Pay the \$250 initial application fee

## June 30, 2023

Application must be approved in order to avoid penalties, contributions and interest back to Jan. 1.

## September 3, 2023

Distribute the state-mandated employee rights poster\* by September 3, 2023.

\*Template of mandatory poster will be created and provided by Paid Leave Oregon

## Annually

Employers must file a renewal of their equivalent (private) plan for the first three years, due 30 days prior to the effective date anniversary. There is a \$150 renewal fee

*Employers must keep their private plan in effect a minimum of one year.*

**IMPORTANT NOTE:** If the Equivalent Plan Application is not completed and submitted by May 31, 2023, the Declaration of Intent will be canceled, and the employer will automatically be entered into the state plan. All contributions to the state will be due retroactively and employers may be subject to penalties and fines.

All steps must be completed per Business Identification Number.



Colorado Family and Medical Leave Insurance Program  
**Plan Design – the Basics**



# FAMLI: What's Covered



## Family Leave

### Bonding

Leave to bond with the covered employee's child during:

- The first 12 months after the child's birth
- The first 12 months after the placement of the child for adoption or foster care with the covered individual

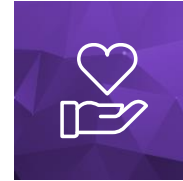
### Caring

Leave to care for a family member with a serious health condition.



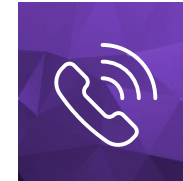
## Medical Leave

Leave to care for a covered employee's own serious medical condition.



## Safe Leave

Leave to protect the health and safety of the covered employee or their family member from domestic violence, stalking, sexual assault or abuse.



## Qualifying Exigency

Leave due to logistical or care needs arising from a family members active duty service, or impending call or order to active duty in the armed forces.

# FAMLI: CO FAMLI Plan Design (subject to change)

Contributions begin Jan 1, 2023  
Benefits payable Jan 1, 2024

Eligibility	Plan Contributions	Benefit Waiting & Maximum Benefit Periods	Qualified Family Members	Qualifying Leave Reasons	Wage Replacement	Provides Job Protection
<p><b>Eligible employer:</b></p> <ul style="list-style-type: none"> <li>Employ at least one person each working day during 20 or more calendar workweeks in the current or preceding year OR paid \$1,500 or more in wages during any quarter in the preceding year</li> <li>Are employed by the state or a political subdivision of the state</li> </ul> <p>Local governments may opt out but must do so by Jan. 1, 2023</p> <p>Employer does not include the federal government</p> <p><b>Eligible employees:</b> Must have earned at least \$2,500 in wages in base period or alternative base period</p>	<p><b>Shared contribution plan:</b> Employee contributes 50% • Employer contributes 50%</p> <p><b>Contribution rate:</b> 0.9% up to Social Security Wage Limit (adjusted annually) for Jan 1, 2023 to Dec 31, 2024</p> <p><i>Employers with nine or fewer employees are exempt from employer contributions. (This includes <u>all</u> employees not just those in CO.)</i></p>	<p><b>Benefit waiting period:</b> None</p> <p><b>Maximum benefit period:</b> 12 weeks of PFML, plus an additional four weeks for complications related to pregnancy or childbirth Leave can be taken intermittently in increments of one hour or less if consistent with ER policy. Benefits are not payable until an accumulation of eight hours. A reduced schedule is also permissible.</p> <p><b>Benefit year:</b> First day of benefit start</p>	<ul style="list-style-type: none"> <li>Parent</li> <li>Child (regardless of age)</li> <li>Spouse (or domestic partner)</li> <li>Stepparents</li> <li>Grandparents</li> <li>Siblings</li> <li>Any non-related individual who has a close relationship with the covered employee</li> </ul> <p><i>All of these include biological, foster, step, adoptive, domestic partner and in loco parentis relationships.</i></p>	<ul style="list-style-type: none"> <li>Own medical</li> <li>Bonding</li> <li>Care of family</li> <li>Qualifying Exigency</li> <li>Safe leave</li> </ul> <p><i>Employers may decide if they want to require PFML to be taken with disability claims or a separate bank of time off related to the leave reason. Employers must give written notice to employees if they elect to make this requirement.</i></p>	<p>Employees earning less than 50% of the SAWW will have wages replaced at 90% of the AWW. Employees earning up to 50% of the SAWW will have wages replaced at 90%. Wages in excess of the SAWW will be replaced at 50%, up to the weekly max. <b>SAWW:</b> \$1,340</p> <p><b>Maximum weekly benefit:</b> \$1,100 (prior to 2025)</p>	<p>Yes, following 180 days of employment* by employer.</p> <p>*180 days of employment need not be consecutive.</p> <p><i>Employers are required to maintain any health care benefits the covered individual had prior to leave for the duration of their leave. Employees continue to pay their share of premiums.</i></p>

## FAMLI:

# FAMLI Colorado Benefits – How time off works

- The regular work schedule is defined as the workdays and number of hours typically worked by the employee as of the first day of leave.
- The benefit year is defined as the 12-month period starting the first day the covered employee is unable to work and for which benefits are approved.
- Intermittent leave is permitted in increments of one hour and payable after eight hours. Increments less than an hour are permitted if consistent with employer practice.
- An active benefit year allows multiple leave reasons up to the maximum entitlement.

### Example Scenario

Wren is taking leave due to pregnancy and intends to take bonding immediately following leave for birth. They deliver vaginally and experience post birth complications. Wren requests additional time off due to pregnancy-related complications.

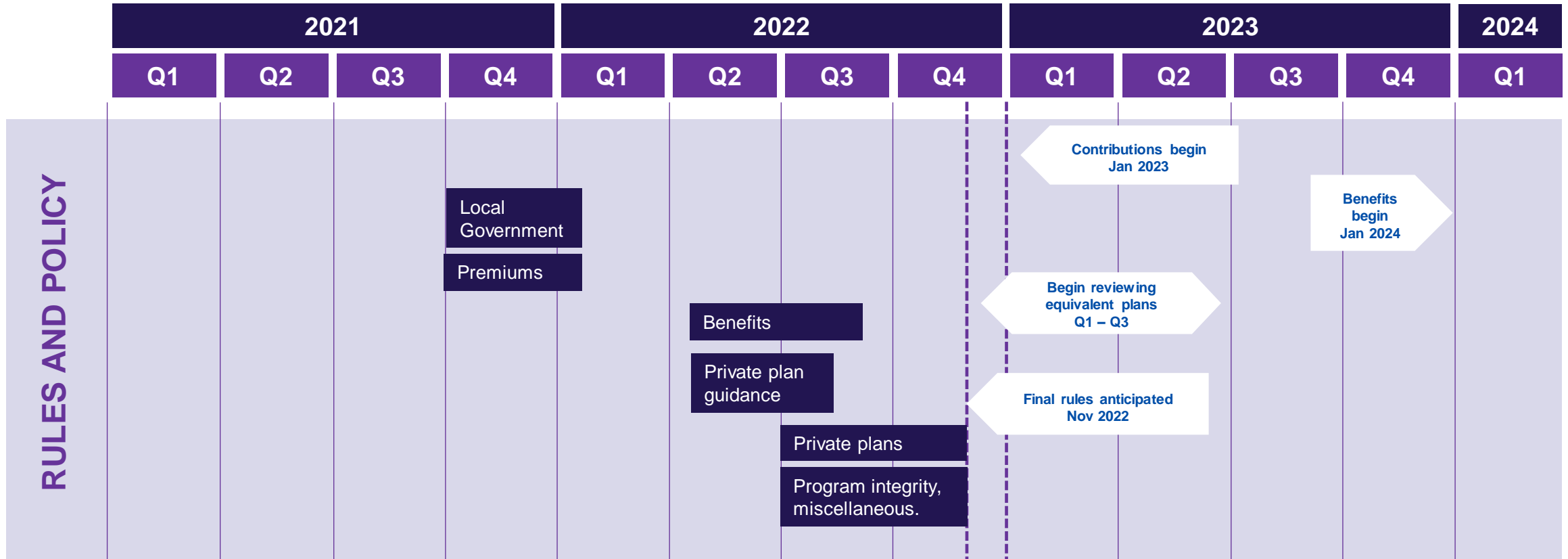
WEEK	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
FMLA	(unpaid)															
FAMLI (PFML)	(paid)															
STD	(paid) *one week benefit waiting period															

[FAMLI Premium and Benefits Calculator](#)



Colorado PFML Current News:  
**Rulemaking and  
Private Plan Readiness**

# FAMLI: Colorado Rule Development



FAMLI:

# Administrative Options

## State Administration

- All qualifying employers are default participants in the state plan.
- Local Governments are the only employers with the ability to opt-out of participating in FAMLI (must do so, with vote of their governing board, by Jan. 1, 2023)

## Private Plan

Employers wanting to exit the state plan may enter into an approved Private Plan.

- Must provide benefits equal to or greater than the state plan
- Cannot cost employees more than the state plan
- Self-insured or fully insured (self-insured requires proof of surety bond)



## FAMLI:

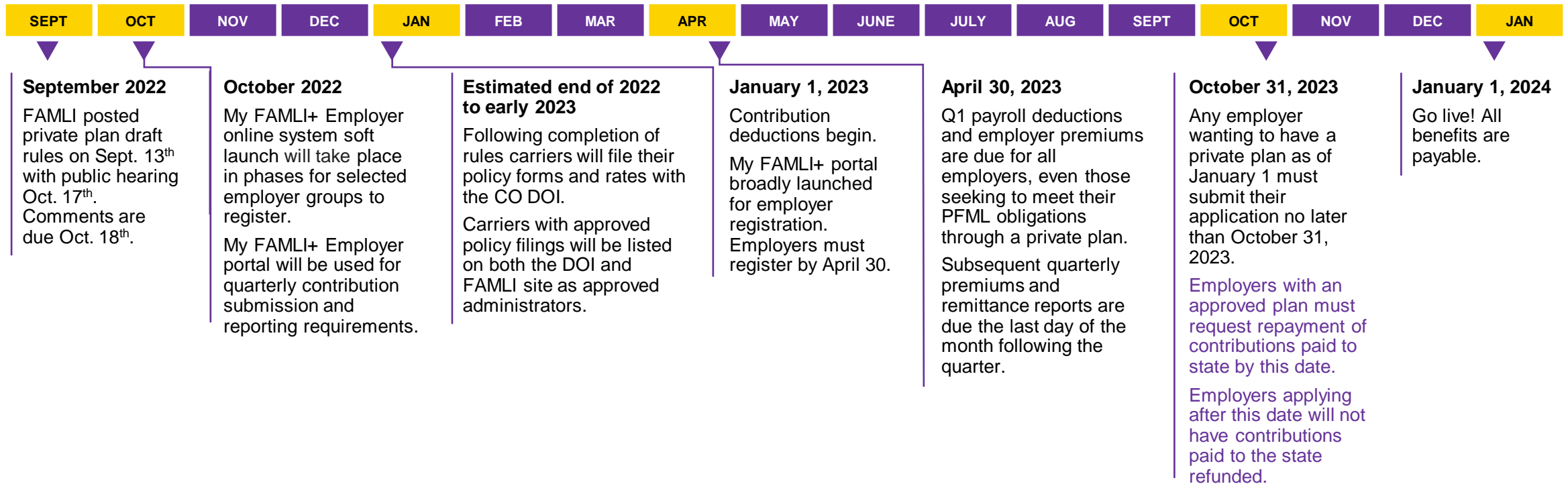
# Private Plan Guidance Timeline Specifics

- January 1, 2023: Employers will not be able to submit private plans for approval prior to January 1, 2023, as Private Plan rules and filing guidance have not been adopted.
- January 1, 2023: FAMLI has created a temporary process where all Colorado employers must begin collecting employee and employer contributions January 1, 2023, even if seeking a private plan. Contributions are due no later than April 30, 2023.
- October 31, 2023: Employers intending to secure a private plan must obtain an approved exemption from the Division.
- October 31, 2023: Employers who secure an approved private plan from FAMLI effective on or before January 1, 2024, must request a refund of 2023 contributions paid, less the private plan administrative fee.
- January 1, 2024: Employers with approved private plans effective after January 1, 2024, will not be eligible for reimbursement of contributions.

Once an approved Private Plan is in effect, the employer is no longer required to withhold or submit quarterly contributions to the FAMLI Division. Employers must continue to maintain internal records per forthcoming Private Plan rules.



# FAMLI: Filing Timeline



Private Plan Rules are in proposed form; final rules are not yet adopted.

**IMPORTANT NOTE:** Once an employer's private plan application is approved by FAMLI, the employer is no longer be required to submit contributions and wage reports to the state and may request a refund of all contributions paid, minus the private plan administrative fee.



FAMLI:

# Private Plan Draft Rules & How To Get Involved

## Draft Rules:

- \$1,200 administrative fee, it appears this fee is per EIN

## Upcoming Conversations:

- Public Hearing scheduled for input on Private Plan rules Oct. 17<sup>th</sup>
  - Comments are due Oct. 18<sup>th</sup>
- Town Halls: local town halls are being held in person and available to join via zoom
  - You can request a town hall be held in your region through the FAMLI website. A schedule of planned town halls is available on the site.
- FAMLI held a Part 2 Private Plans webinar on Sept. 27<sup>th</sup>. Both Part 1 and 2 can be found on the website.





# Frequently Asked Questions Oregon and Colorado

# Oregon FAQs\*

Q

**Does an employer who submitted a Declaration of Intent need to collect contributions from employees working in Oregon?**

A

Yes, newly finalized private plan rules require employers using a Declaration of Intent to collect employee contributions and hold them separately from their general accounts. Once approved contributions can be returned to employees or used towards leave-related benefits and administrative expenses.

Alternatively, employer funds can be held to cover the appropriate employee contributions while awaiting approval of the equivalent plan application. Employers must provide written notice to employees that when the plan goes live September 3, 2023, employee payroll deductions will begin at 60%. Provided by Paid Leave Oregon during Equivalent Plans Explained Webinar

Q

**Can an employer change administration of their plan and switch from state to private and vice versa?**

A

Employers can apply for and enter into a private plan at any time. Plan approvals are done on a quarterly basis. Private plans must be in effect for a minimum of one year.

Employers may also leave a private plan and go into the state plan at any time – withdrawal from a private plan will become effective 30 days following later of: request form received by OED, one-year effective date of private plan or effective date of withdrawal requested. Provided by Paid Leave Oregon [Equivalent Plan Guidebook](#)

*\*Unless noted otherwise, answers provided are The Standard's interpretation of Paid Leave Oregon legislation and rules.*

# Colorado FAQs\*

Q

**How does the job protection work? Do employees need to have worked for the employer 180 days consecutively?**

A

Employees satisfy the 180 days, similar to FMLA rules, in time served that is accumulated and does not need to be served consecutively.

Q

**If an employee works for multiple employers can they file a leave with each employer?**

A

Employees that work for multiple employers have a separate PFML entitlement under each employer.

Q

**Once approved for a private plan are we required to refund employee contributions? What if an employee no longer works for us?**

A

Employers must reimburse employees for any contributions collected unless the approved private plan terms allow use of the refund to fund the private plan.

Employees no longer employed with the employer must be identified in the application for contribution reimbursement. The department will then make reasonable effort to issue the refund to those employees.

*\*Unless noted otherwise, answers provided are The Standard's interpretation of FAMLI legislation and rules.*

## OR and CO Commonly Asked Questions\*

**Q**

**As an employer wanting a private plan, can I choose to pay the contributions for some employees and not all?**

**A**

No, there must be uniformity in what the employer provides to all employees.

**Q**

**Can an employer require their employees to use their paid time off prior to taking PFML or to supplement their PFML earnings?**

**A**

No, an employer may not require the employee use any accrued leave (PTO, vacation, sick, etc.) prior to or during PFML leave. The employer may (but is not required to) allow its employees to use accrued leave to supplement their PFML benefits to no greater than 100% of their average weekly wage.

**Q**

**How early in advance must employees notify their employer of their leave?**

**A**

For foreseeable leaves, employees must notify their employer 30 days prior to their leave need. For unforeseeable leaves, the employee must notify the employer as soon as possible.

**Q**

**How do we determine if we were considered a small employer?**

**A**

For both Oregon and Colorado employer size is determined by the total number of employees employed, not just those working within the PFML state.

Oregon: fewer than 25

Colorado: 9 or fewer

*\*Unless noted otherwise, answers provided are The Standard's interpretation of Paid Leave Oregon and FAMILI legislation and rules.*



## Employee Eligibility for PFML:

# Place of Performance Rules (CO, OR)

**Q** PFML laws cover employees working in the state. How does an employer determine if an employee is considered to be working in the state to determine if they are eligible for PFML?

**A** The general rule is the state where the employer reports an employee's wages for unemployment insurance and payroll taxes dictates the employee's work state for PFML coverage. Colorado and Oregon's Place of Performance rules provide instructive guidance. Ultimately, it is the employer's responsibility to designate an employee's work state for PFML purposes. Employers are advised to confer with their legal counsel as needed to make these determinations.

**IMPORTANT NOTE: Both Oregon and Colorado detailed Place of Performance Rules can be found in the Appendix**

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PFML Across the Country  
Updates to Be Aware of

# PFML & PFL:

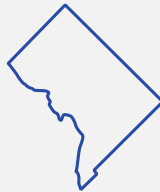
## What other states are up to

### Connecticut



Proposed revisions to CT PFML were posted in the CT Law Journal Aug 2022. They regard sole proprietors and the self-employed; holidays/company shutdowns impact on benefits; and transitioning from a private plan to the state plan and vice versa. Comments were due to CTPL Authority September 23, 2022.

### District of Columbia



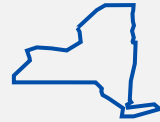
On July 29, the District of Columbia passed emergency legislation amending its Universal Paid Leave Act, which prohibits insurers from offsetting benefits under a short term disability (STD) insurance policy based on DC PFML benefits available to eligible employees regardless of the state the STD policy was issued, written, executed or delivered. The emergency legislation is effective for 90 days, for the period of July 29 through October 25, 2022; however, D.C. is considering issuing permanent legislation to this effect.

### Massachusetts



The state updated its Confirmation of Insurance form, the document which employers submit to provide proof of Massachusetts PFML coverage in support of a request for private plan exemption from the state plan. Employers can find the blank form on the Massachusetts Department of Family and Medical Leave website but are recommended to confer with their private plan insurer or administrator to obtain a populated form.

### New York PFL



The premium rate for PFL benefits for coverage beginning January 1, 2023 is set at 0.455% of an employee's wages each pay period, up to and not to exceed an annual maximum employee contribution of \$399.43. This 2023 rate reflects a 10% reduction compared to the 2022 calendar year.

Additionally, the New York Department of Labor established the PFL State Average Weekly Wage for 2023 to be \$1,688.19, impacting the weekly benefit amount for new claims beginning in 2023.

### Virginia



Virginia is the first state to pass legislation adding private paid family leave as a form of insurance coverage under its insurance code. Insurers may file for approval of a PFL insurance offering as an amendment to their disability income policies or as a separate PFL policy. It is intended to cover bonding with a child following birth, adoption or foster placement, care of a family member or military exigency. This law is not a state-mandated PFL program.

### Washington



Effective June 9, 2022, when a newborn or newly adopted/fostered child dies, an employee who would have qualified for either medical or family leave for the birth or the adoption/placement of that child is entitled to PFML leave for the seven (7) calendar days immediately following the child's death.

Beginning January 1, 2024 Collective Bargaining Agreements (CBA) must be re-opened to include rights and responsibilities of WA PFML. Up until now, CBAs that were in existence on October 19, 2017, and which have not since been reopened for negotiation, were not required to provide employees WA PFML.



# PFML & PFL: Upcoming States

## South Carolina



South Carolina state workers will be eligible starting October 1, 2022 for paid time off for the birth, adoption or foster placement of a child. State employees are entitled to six weeks paid leave after giving birth and two weeks paid leave following the birth of a co-parent's newborn child. State employees are also entitled to two weeks paid leave after initial legal placement of a child for adoption or foster care.

## Vermont



Mandatory coverage for state employees with a voluntary option for employees that are not state employed. State employees will have coverage July 1, 2023. Employers opting in will have coverage July 1, 2024 with individuals choosing to opt in available July 1, 2025. State employees and those who opt into the program will have six weeks of paid leave at 60% of their base weekly wage. They are actively seeking an insurer to administer the program.

## Maine



The state is exploring a PFML program and the design that could be used to establish this program. They recently completed an actuarial study in August 2022. More detail to come on the outcome as a result of this actuarial study.

## Delaware



New PFML legislation (the Healthy Delaware Families Act) was enacted in 2022. Leave can be taken for parental leave for 12 weeks every year and up to a combined 6 weeks every two years for employee's own medical condition, care of a family member and qualifying exigency. Contributions begin January 1, 2025 with benefits payable January 1, 2026. Benefits are payable at 80% of employee's average weekly wage up to the state's maximum benefit of \$900/week for 2026 and 2027. Employers can meet their obligations through the state plan or a private plan. A clean-up bill may be introduced, which might change some aspects of the current law.

## Maryland



New PFML legislation (Time to Care Act) was enacted in 2022. Leave can be taken for own medical, bonding, care of family member and service member, and qualifying exigency. Employees can take 12 weeks within 12 months and, if they have bonding leave and own medical leave within the same year, they may be eligible for an additional 12 weeks. Contributions begin October 1, 2023 with benefits payable January 1, 2025. Benefits pay on a sliding scale up to 90% of income with a maximum weekly benefit of \$1,000 and a minimum of \$50 for 2025. Employers can meet their PFML obligations either through the state plan or a private plan. A clean-up bill may be introduced, which might change some aspects of the current law.

## New Hampshire "Granite State Leave"



Mandatory coverage for state employees with a voluntary option for employees that are not state employed at six weeks of paid leave at 60% of AWW. State employees receive coverage for bonding, family and military exigency. Others opting into the program would have access to use for the above and can add own medical. The process to opt into the program is currently unknown. MetLife was recently selected as sole administrator.

# PFML and The Standard

## PFML Private Plan Advantages:

# How working with The Standard may be advantageous

**Single point of contact** ensures employees have one leave examiner managing their PFML, Absence and STD claim(s).

**Real time notification** on new leave reporting and status updates with access to online up-to-date claim status and reporting.

**Fast claim adjudications** with claims typically paid within 3-5 days of receipt of all necessary documentation.

**Ease of administration** and seamless benefit integration with STD and long term disability.

**Custom communication** allows for specific employer needs to be addressed, such as return to work requirements.

### **Private Plan Program Compliance Support**

Continuous monitoring of states' annual and off-cadence rules and developments ensures compliance is maintained, and our external partners and customers are informed of changes that may impact benefits and plan administration.

### **Active Monitoring of Program Development**

Consistent engagement with implementing agencies and trade groups throughout new state PFML program development ensures the best program for all parties is adopted through rules finalization. The insight gained is regularly used to educate external partners and customers to ensure they are prepared for upcoming PFML programs.

### **Confidence in Financial Strength and Claims Payment Ability**

The Standard's decades of financial reliability and experience managing claims helps us ensure a smooth private plan program, free of delayed claim payments.

# Employer Concerns and Possible Benefit Plan Changes

With several states across the nation implementing, adjusting or even considering employer-mandated PFML programs, employers have concerns.

## Top concerns\*:

- **Compliance with federal, state and municipal regulations is a top concern** for more than half of all employers, regardless of industry and size.
- **PFML alone may not provide enough income replacement**, especially for higher wage earners.
- **Less than half have a strategy for administering leaves and disabilities**, both occupational and non-occupational (absence management).
- **PFML benefit payments are often lower than STD benefits.** The Standard is here to advise employers on ways to maximize their benefits.

## Changing benefit plan designs

Eliminating, adjusting or reducing benefits to pay for new state-mandated plans:

- PTO
- Moving to more employee-paid/voluntary benefits
- Increase STD benefits for high-earners or total group
- LTD waiting period alignment with PFML benefit durations

\* Source: *PFML: A Report on Employer Readiness and Challenges*, The Standard, October 2020

# Quick Guide to Private Plan Options

STATE	TYPE	AVAILABLE PLANS	PRIVATE PLAN OPTIONS	THE STANDARD'S OFFERING
CALIFORNIA	SDI, PFL*	State and private	Self-insured. *California employer PFL for employers not subject to SDI	No VDI; *Yes, for California ER PFL
COLORADO	PFML	State and private	Self-insured and fully insured (effective Jan 1, 2024)	Yes
CONNECTICUT	PFML	State and private	Self-insured and fully insured	Yes
DISTRICT OF COLUMBIA	PFML	District only	NA	No
DELAWARE	PFML	State and private	Self-insured and fully insured (bill pending governor signature & would be effective Jan 1, 2026)	In review
HAWAII	TDI	Private	Self-insured and fully insured	Yes, through partner
MASSACHUSETTS	PFML	State and private	Self-insured and fully insured	Yes
MARYLAND	PFML	State and private	Self-insured and fully insured (effective Jan1, 2025)	In review
NEW HAMPSHIRE	PFL	State and private	TBD, single carrier likely with limited private plan options (private employer participation is voluntary effective Jan 1, 2023)	No
NEW JERSEY	TDB, FLI	State and private	Fully insured (FLI not available in private market)	Yes
NEW YORK	DBL, PFL	State and private	Self-insured and fully insured	Yes
OREGON	PFML	State and private	Self-insured and fully insured (effective Sept 3, 2023)	Yes
PUERTO RICO	DI	State and private	Self-insured and fully insured	No
RHODE ISLAND	TDI, TCI	State only	NA	No
WASHINGTON	PFML	State and private	Self-insured	Yes

# Ask the Experts!

## **PFML Resource Center**

[www.standard.com/employer/products-services/insurance-benefits/pfml-insights](http://www.standard.com/employer/products-services/insurance-benefits/pfml-insights)

[OR PFML Employer Checklist – Private Plan Filing](#)  
[OR PFML Comparison Chart – PFML, OFLA & FMLA](#)

## **Relatively Speaking PFML Blog**

[www.standard.com/employer/paid-family-leave](http://www.standard.com/employer/paid-family-leave)

## **The Standard’s Interactive PFML Map**

[www.standard.com/employer/products-services/insurance-benefits/states-paid-family-leave](http://www.standard.com/employer/products-services/insurance-benefits/states-paid-family-leave)

## **State Disability and Paid Family Leave Quick Reference Guide**

[www.standard.com/eforms/19866.pdf](http://www.standard.com/eforms/19866.pdf)

## **INDUSTRY EMPLOYER RESOURCES**

### **Disability Management Employer**

[www.dmec.org](http://www.dmec.org)

### **Society of Human Resource Management**

[www.shrm.org](http://www.shrm.org)

**Visit the state PFML or statutory page for additional plan details or state-specific questions.**

## **States Going Live Soon:**

CO – <https://famli.colorado.gov/>

OR – <https://paidleave.oregon.gov/Pages/default.aspx>

## **Established PFML and Statutory States:**

CA – [www.edd.ca.gov/disability/paid\\_family\\_leave.htm](http://www.edd.ca.gov/disability/paid_family_leave.htm)

CT – [www.ctpaidleave.org](http://www.ctpaidleave.org)

D.C. – [www.does.dc.gov/page/dc-paid-family-leave](http://www.does.dc.gov/page/dc-paid-family-leave)

MA – [www.mass.gov/orgs/department-of-family-and-medical-leave](http://www.mass.gov/orgs/department-of-family-and-medical-leave)

NJ – [www.myleavebenefits.nj.gov/worker/fli/](http://www.myleavebenefits.nj.gov/worker/fli/)

NY – [www.paidfamilyleave.ny.gov](http://www.paidfamilyleave.ny.gov) and  
<http://www.wcb.ny.gov/content/main/DisabilityBenefits/employee-disability-benefits.jsp>

RI – [www.dlt.ri.gov/tdi/](http://www.dlt.ri.gov/tdi/)

WA – [www.paidleave.wa.gov](http://www.paidleave.wa.gov)

The image features a background of overlapping, semi-transparent blue triangles of various shades, creating a low-poly, crystalline effect. A solid, dark blue horizontal rectangle is centered on the page. Inside this rectangle, the word "Questions?" is written in a clean, white, sans-serif font.

Questions?



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# Appendix

## Employee Eligibility for PFML:

# Place of Performance Rules (CO, OR)

**Q** PFML laws cover employees working in the state. How does an employer determine if an employee is considered to be working in the state to determine if they are eligible for PFML?

**A** The general rule is the state where the employer reports an employee's wages for unemployment insurance and payroll taxes dictates the employee's work state for PFML coverage. Colorado and Oregon's Place of Performance rules below provide instructive guidance. Ultimately, it is the employer's responsibility to designate an employee's work state for PFML purposes. Employers are advised to confer with their legal counsel as need to make these determinations.

### **Oregon - Effect of Place of Performance of Service** (ORS 657B.175)

An employee's wages will be used to make determinations under the Oregon PFML if the wages are earned for service:

- (a) Performed entirely within Oregon; or
- (b) Performed within and outside Oregon, but the service performed outside of Oregon is incidental to the employee's service performed within Oregon.  
An employee's service performed outside of Oregon will be considered incidental to the employee's service performed in Oregon if:
  - (a) The majority of the employee's service is localized within Oregon and the service outside of Oregon is temporary or transitory in nature or consists of isolated transactions;
  - (b) Service is not localized in any other state or territory;
  - (c) The base of operations is in Oregon, or if there is no base of operations, then the place from which the service is directed or controlled is in Oregon; or
  - (d) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the employee's residence is in Oregon

For more information on determining where wages should be reported for multi-state employment see the [Multi-State Employment](#) guide provided by Oregon Employment Department

### **Colorado - Determining in-state status of employees** ([Premium Rules 7 CCR 1107-1, Section 1.5.6.C.](#))

An employee's wages will be subject to premiums for all services performed within Colorado and for all services performed both within and outside of Colorado where:

- (a) The employee's work is performed entirely within Colorado;
- (b) The employee performs work both within and outside of Colorado, but the work performed outside of Colorado is incidental to the employee's work within Colorado, or is temporary or transitory and consists of isolated transactions; or
- (c) The employee's work is not primarily localized in any state, but some work is performed in Colorado, and one of the following is true:
  - 1. The employer's base of operations is in Colorado, or if there is no base of operations, the place from which the employee's work is directed or controlled is in Colorado; or
  - 2. Neither the base of operations nor the place from which some part of the work is directed or controlled is not in any state in which part of the employee's work is performed, but the employee's individual residence is in Colorado. More information regarding localization can be found in the FAMI Division's [Premium Rules](#) at 7 CCR 1107-1, Section 1.5.6.C.