Statutory Update

December 20, 2024

In this Update:

Paid Family and Medical Leave Updates

Colorado Family and Medical Leave Insurance (CO FAMLI) – Updated Regulations

On November 27 Colorado's Department of Labor and Employment (CDLE) posted amended rules for the CO FAMLI program. Below a few of the more significant changes, all of which become effective January 1, 2025 – *this is not a full summary of the regulations or their amendments*.

New sections and amendments to existing sections are in *italics*.

Premiums and Individuals Electing Coverage (7 CCR 1107-1)

The bulk of the changes to this section are with regard to self-employed individuals opting in to the state program; they are not covered here.

- *Throughout the FAMLI Act and its implementing regulations, unless otherwise stated, entities that are employers and have different Federal Employer Identification Numbers ("FEIN") are different employers with separate rights and obligations. This does not impact the ability of private plan administrators to report aggregate data.*
- An employer's size will be calculated upon registration with the My FAMLI+ Employer portal and annually thereafter during the first calendar quarter of the year. *It is the employer's responsibility to notify the Division of its size upon registration and annually thereafter, and if the employer fails to do so, the Division may presume that the employer has ten or more employees. … The Division will not adjust an employer size based on fluctuations throughout the year.* If the Division determines the employer's status has changed as it relates to premium liability, the Division will notify the employer as to their premium liability.
- An employer may not deduct more than the maximum allowable employee share of the premium from wages paid for a pay period. *If an employer deducts more than the amount authorized by the FAMLI Act and its implementing regulations, the Division may assess a fine of up to $25.00 per employee per instance. Such excessive deductions also constitute a violation of CRS §8-4-105. If the Division issues a written determination concluding that the employer deducted more than the amount authorized by the FAMLI Act and its implementing regulations, such a determination may constitute a written demand pursuant to CRS §8-4-101(15)*.
- If the Division issues a reimbursement of premiums to an employer, the employer must return to its employees any portion of the reimbursed amount that it collected from its employees. *If the employer fails to do so within sixty (60) days of a reimbursement of premiums, the Division may assess a fine against the employer in an amount up to $50.00 per employee owed a reimbursement, per day that the employer fails to do so*.
- Localization:
  - 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 entire service is performed within Colorado;
    b) The employee's service is performed both within and outside of Colorado, but the service performed outside the state is incidental to the employee's work within Colorado or, for example is, temporary or transitory in nature and consists of isolated transactions; or
    c) Services are not localized in any state, but some of the services are performed in Colorado, and
       1) The employee's base of operations is in Colorado, or if the employee has no base of operations, then the place from which such services is directed or controlled is in Colorado as established in CRS §8-70-117, or
       2) The employee's base of operations or place from which some part of the service is directed or controlled by the employer is not in any state in which part of the service is performed, but the individual's residence is in Colorado.
  - *An employer who has paid to another jurisdiction an amount as premiums properly payable to Colorado will not be delinquent if premiums properly payable to Colorado are paid within thirty days of the date on which the Division determines that such premiums are payable to Colorado.*

- *Services are performed where the worker is physically located. For example, if an individual works from their Colorado home for a Nevada employer, the work is performed in Colorado.*
- *In determining whether an employee is localized to Colorado, the Division is guided by Unemployment Insurance Program Letter No. 20-04 and its attachments, issued by the United States Department of Labor's Employment & Training Administration on May 10, 2004.*
- Covered individuals are not eligible for benefits for any period in which they are not localized to Colorado. *(This appears in the amended 7 CCR 1107-3*).

Benefits and Employer Participation (7 CCR 1107-3)

- *An additional four weeks of leave per benefit year for leave due to a serious health condition related to pregnancy complications or childbirth complications available under CRS §8-13.3-505(1) may not exceed four weeks per pregnancy.*
- *Paid family and medical leave includes travel time reasonably necessary to satisfy a qualifying leave reason under CRS §8-13.3-504(2).*
- For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within *a period of continuous* CO FAMLI leave has no effect; the *time* is counted as a week of CO FAMLI leave and the employee will receive wage replacement benefits for *that time*. However, if an employee is using CO FAMLI in *the form of intermittent or reduced leave schedule*, the holiday will not count against the employee's CO FAMLI leave entitlement - and the employee will not receive wage replacement benefits for the holiday - unless the employee was otherwise scheduled and expected to work during the holiday.
- *Pursuant to CRS §8-13.3-503(15), paid family and medical leave is leave taken from employment. If a claimant is not employed at the outset of their leave, then leave from employment is not possible and the claim for benefits will be denied. Examples of such denials include, but are not limited to, applications for leave to begin after the claimant has separated from their employer, applications for leave to begin during an off-season period in which a seasonal employee is not engaged in seasonal employment, and applications for leave to begin during periods of time between temporary placements by a staffing agency. A claimant must notify the Division if they become separated from employment before their benefit start date.*
- A covered individual receiving *reduced leave schedule or* intermittent leave must notify the Division of their regular work schedule and individual absences *on a weekly basis* in order to receive wage replacement benefits for the absences. *If the individual does not report their regular work schedule by the deadline established by the Division, the Division will accept this as communication from the individual that their regular work schedule has not changed from the most recently reported regular work schedule. If the individual does not report absences for a week by the deadline established by the Division, the Division will accept this as communication from the individual that no approved absences occurred in that week. The Division may deny a claimant's request to modify a past notification of their regular work schedule or individual absences unless the claimant provides both good cause for their failure to provide timely notifications, and evidence supporting the modification*.
- *A covered individual receiving continuous leave must notify the Division of any hours worked in any employment for which they are taking continuous leave within seven (7) days of performing that work*.

Private Plans (7 CCR 1107-5)

- To obtain approval of a private plan, an employer must first submit a completed application for private plan approval to the Division**.** *Entities with separate federal employer identification numbers (FEINs) must submit separate applications and pay separate application fees, except that employers who are members of a professional employer organization ("PEO") certified pursuant to CRS §8-70-114 do not have to pay an application fee if they are covered by their PEO's private plan and their PEO has paid an application fee*. Applications may be submitted at any time, and the Division will review applications as they are received.
- The earnings requirement necessary to be a "covered individual" (*$2,500 in wages subject to CO FAMLI premiums during the employee's base period*) is not "per-employer" and private plans may not deny or otherwise limit benefits to which the covered individual would otherwise be entitled. *However, if the private plan administrator does not have verified wages from other employers, the private plan administrator may determine a claimant's wage replacement amount based on the private plan employer's wages, so long as*

the employee is able to appeal the benefit decision to provide accurate wage information for their other employment.

- In addition to the $500 initial application fee, starting in the first calendar quarter of 2025 an employer with an approved private plan must pay the Division an annual maintenance fee to cover amounts expended by the Division for costs arising out of the prior year's administration of private plans.
    - *The Division will calculate a flat fee per employer with an approved private plan for all routine costs. The flat fee will be prorated for employers who did not have private plan approval from the Division for the entire period covered by the maintenance fee. Routine costs are costs that are incurred on all private plans, or costs that are incurred regardless of private plan administration, including, but not limited to, review of plan modifications necessary to comply with changes to the FAMLI Act, data reporting and analysis costs, data sharing across plans, review of continuing coverage requirements, and random audits. Technology development costs will be included in the flat fee and considered spent evenly over each of the five years after the division incurs them.*
    - *The Division will calculate an individualized fee for each employer with an approved private plan for all non-routine costs. Non-routine costs are costs the Division incurs as a result of the private plan administration, including, but not limited to, appeals of private plan determinations, appeals of withdrawals of private plan approval, appeals of denials of private plan applications, retaliation and interference investigations, appeals of retaliation or interference determinations for employers with an approved private plan, surety bond reviews, review of private plan modifications not necessary to comply with changes to the FAMLI Act, and targeted audits. The individualized fee will not include any costs incurred in reviewing an employer's application for private plan approval.*
    - *The maintenance fee will cover all costs arising out of the employer's private plan for the prior fiscal year beginning July 1 and ending June 30.*
    - *The Division will deliver an invoice of the maintenance fee to each employer no later than November 30 each year.*
    - *Private plan maintenance fees will be due no later than December 31 each year. The Division may extend this deadline for good cause.*
    - *Private plan maintenance fee calculations may be appealed pursuant to 7 CCR 1107-9.*
    - *Employers who are members of a professional employer organization ("PEO") certified pursuant to CRS §8-70-114 do not have to pay an annual maintenance fee if the PEO has an approved private plan that covers all the employer's Colorado employees. The certified PEO will be assessed a maintenance fee for private plan costs attributable to its member employers.*
- *The internal reconsideration and appeals procedures under a private plan need not be equivalent or better than those procedures under the state plan, so long as the private plan provides for appeals to the Division and any court of competent jurisdiction, in accordance with CRS §8-13.3-521(5). However, all determinations under a private plan are appealable directly to the Division pursuant to 7 CCR 1107-9, and a private plan may not require a claimant to go through any internal review, reconsideration, or appeal before appealing a private plan determination to the FAMLI Division.*
- An employer must notify the Division, in writing, of any material change to an approved private plan within 60 days before the change is to take effect. *However, if an employer is changing from one approved private plan to another approved insurance carrier's private plan, the employer must notify the Division, in writing, of the change at least thirty-five (35) days before the change is to take effect*.
    - *If the Division determines that an employer has not notified the Division of a material change, the Division may assess upon the employer a fine of up to $250.00.*
    - *If the Division determines that an employer has not notified its employees of a material change, the Division may assess upon the employer a fine of up to $100 per employee per day*.

The amendments also outline a series of fines for compliance violations *in addition to* those noted in the amended Premiums and Individuals Electing Coverage and Private Plans sections above, and to those already included in the law and current regulations:

- Up to $500 for employers who fail to register with the FAMLI Division via "MyFAMLI+ Employer" (*as noted above, this registration is per FEIN*). (*7 CCR 1107-3, 3.3(1)*)
- Up to $500 per violation for registering unnecessary or illegitimate accounts (*7 CCR 1107-3, 3.3(1)(A)*)

- Up to $500 per violation for failure to produce verification details for bulk-registered accounts (*7 CCR 1107-3, 3.3(1)(B)*)
- Up to $500 per violation for failure to post or deliver the required program notices to employees, as outlined in CRS §8-13.3-511 and 7 CCR 1107-3 *section 3.7*. Each day that an employer fails to post or deliver the program notice constitutes a separate violation. (*7 CCR 1107-3, 3.7(5)*)
    - A similar penalty is noted in the Private Plan rules; see 7 CCR 1107-5 section 5.9
- Up to $500 per violation for failure to maintain employees' or family members' medical records created for purposes of CO FAMLI as confidential and in separate files/records from the usual personnel files (*7 CCR 1107-3, 3.8(10)*)
- Up to $50 per employee per day for violations of CRS §8-13.3-510(1)(c) or 7 CCR 1107-4 section 4.5 (*use of employer-provided time off*) (*7 CCR 1107-4, 4.5*)
- Up to $500 per violation for failure to maintain health benefits during CO FAMLI leave (*7 CCR 1107-4, 4.6*)
- Up to $500 per violation for failure to notify employees that the employer's short term disability, long term disability, or paid leave policies run concurrently with leave under and are reduced by benefits provided by CO FAMLI (*7 CCR 1107-4, 4.7*)
- Up to $500 per violation for private plan sponsors or administrators who require employees attempting to access CO FAMLI benefits to use a form more onerous than forms required under the state program, unless such form was approved by the Division. (*7 CCR 1107-5, 5.3(10)*)
- Up to $100 per employee per day for failure to meet requirements following the termination of a private plan (*7 CCR 1107-5, 5.17*)
- Up to $250 for failure to produce documentation requested during a Division review of a private plan (*per employee whose information is requested, per day late*) (*7 CCR 1107-5, 5.18*)
- Up to $50 for failure of a private plan administrator to notify the Division of claim overpayments of $25 or more (*7 CCR 1107-6, 6.5(2)*)

The revised regulations will be available on the CO FAMLI website and within the Code of Colorado Regulations.

Maine Paid Family and Medical Leave (ME PFML) – Reminders, Resources and Regulations

Reminders

As most recently reported in our October 28 Update:

1) Contributions toward the ME PFML program begin January 1, 2025, with benefit payments beginning May 1, 2026.
    - For 2025, 2026 and 2027 the contribution rate is set at 1.0% of employees' wages.
    - Employers may deduct up to 50% of the total contribution rate from employees' wages, and are responsible for contributing the remaining 50%.

        Exception: Employers with fewer than 15 employees are not required to remit the employer portion of contributions. Per the final regulations adopted on December 4:

        - For the purposes of determining premium liability, any employer that employed 15 or more covered employees (i.e., employees who earn wages in Maine) per that employer's Federal Employer Identification Number (FEIN) on their established payroll in 20 or more calendar workweeks in the 12-month period preceding September 30 of each year will be considered to be an employer of 15 or more employees for the calendar year thereafter.
        - This count includes the total number of persons on establishment payrolls employed full or part time who received pay for any part of the pay period. Temporary and intermittent employees are included, as are any workers who are on paid sick leave, on paid holiday, or who work during only part of the specified pay period.
        - On October 1, 2024, and October 1 of each year thereafter, the employer will calculate its size for the purpose of determining premium liability for calendar year 2025 and each calendar year thereafter.

- The contribution rate may be applied up to the maximum wages subject to social security taxation (*$176,100 in 2025)*.
- Withholdings will begin on wages for the first pay period with a payment date in January 2025.

More information from the final regulations under 'Contributions' below.

See also What employers need to know for 2025 and the Employer's Guide to Contributions for guidance on the employee count and localization of employment.

2) Employers must notify their employees of benefits available under the ME PFML program by:

a) Displaying a poster in a conspicuous place on each of its premises advising employees of benefits available under the ME PFML program.

- The PFML Labor Poster may be found on the ME PFML and MDOL Labor Posters webpages, and must be provided in English and each language other than English that is the primary language of 3 or more employees of that workplace, if such translation is available from MDOL.
- Electronic distribution is recommended for remote employees.

b) Providing an individual notice to each employee not more than 30 days from the commencement of employment, in the employee's primary language.

- It is unclear whether The MDOL will release a separate model notice for this purpose; employers are encouraged to monitor the ME PFML webpage for updates.

3) All employers will be required to register on the new Maine Paid Leave Portal, the online system for employers to register their business information, designate a payroll processor, file quarterly wage reports, and remit quarterly premium contributions.

- The Maine Department of Labor (MDOL) has announced that the portal will be launching on January 6.
- The portal is also the means by which employers will apply for exemption from the state program via a private plan beginning in April 2025 (*more information under Final Regulations, Private Plans below*).
- Employers will begin their first quarterly wage reporting and premium payments starting April 1, 2025.
- Reports and premiums are due by the last day of the month following the end of each quarter (*i.e., by April 30 for Q1 2025*).
- MDOL has posted various resources under 'Maine Paid Leave Contributions Portal' on the ME PFML webpage, including demos, Q&A, and instructions to assist with registration and navigating the portal.

Updated Resources

MDOL has continued to add resources to the ME PFML webpage in preparation for the start of the program, including:

- updated FAQ (*December*);
- Employer's Guide to Contributions;
- What Employers Need to Know for 2025;
- links to slides for and recordings of recent webinars;
- instructions for registering on and using the ME PFML portal (*noted above*); and
- the model PFML Labor Poster (*translations available*).

Employers are encouraged to monitor the ME PFML website and to sign up for updates.

Final Regulations

On December 4 MDOL announced the adoption of final regulations for the ME PFML program (*located at 12-702 CMR*), supplementing the requirements and provisions under the law (*26 MRS §850-A to §850-R, originally summarized in our August 31, 2023 Update*). Below are some notable items – *this is not a full summary of the regulations*.

Definitions

- The law defines an "Employer" as essentially all employers, including the state, state and local agencies, and public employers, but excluding the federal government. The regulations add that, in the case of an employee leasing contractual arrangement described in 32 MRS Ch. 125, "Employer" means the client company as described in 32 MRS Ch. 125 §14051(1).
- The law defines an "Employee" as anyone permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment in the State, excluding independent contractors. The regulations add the following as also excluded:
  - employees of the federal government, including employees of the United States Postal Service;
  - employee subject to the Railroad Unemployment Insurance Act (45 USC §351 *et seq.*);
  - Incarcerated persons earning wages in a Maine correctional facility established in 34-A MRS §1001(6) or a detention facility established in 34-A MRS §1001(8-A);
  - students that are earning wages as part of the federal Work-study Program and are enrolled in any University of Maine system established in 20-A MRS §10901, a community college established in 20-A MRS §12714, or any other public or private higher educational institution in the State of Maine;
  - individuals who volunteer for an employer or governmental entity if the volunteer:
    a) performs hours of service for the employer or governmental entity for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered. Although a volunteer may receive no compensation, a volunteer may be paid expenses, reasonable benefits or a nominal fee to perform such services;
    b) offers services freely and without pressure or coercion, direct or implied, from an employer; and
    c) is not otherwise employed by the same employer or governmental entity to perform the same type of services as those for which the individual proposes to volunteer.
- For the purposes of contributions and calculation of benefits, "Wages" means all remuneration for personal services, including tips and gratuities, severance and terminal pay, commissions, and bonuses, but does not include remuneration for services performed by an independent contractor as defined by 26 MRS §1043(11)(E).

  "Wages" are calculated in the same manner as Maine unemployment wages in 26 MRS §1043(19)(B-E) except that employees subject to wages include all employees with the exception of Section II (B) of these rules (*see excluded employees above*), and excludes wages above the base limit established annually by the federal Social Security Administration for purposes of the federal Old-Age, Survivors, and Disability Insurance program limits pursuant to 42 U.S.C. §430.

  Wages include remuneration for services performed in the State or wages which are otherwise subject to Maine unemployment tax pursuant to 26 MRS §1043(11)(A) and (D).

Contributions, Premium Remittance and Reporting

This information is in addition to what's included in 'Reminders' above.

- An employer's determination as to whether or not to deduct premiums from employees' wages must apply to all employees, except as required for employees of separate collective bargaining agreements with the same employer. If an employer changes that determination, the employer must provide notice to all employees in writing at least 7 days prior to the employees' first affected paycheck.
- Employers who deduct the employee share of the premium from wages must make the deductions from employees' regularly scheduled paychecks, except that an employee and employer may mutually agree to less frequent deductions as long as the agreement is voluntary and memorialized in writing. Deductions may not be made less frequently than quarterly, even if the employer and employee agree. Employers must include in the employee's pay statement that a premium deduction for Paid Family and Medical Leave has been deducted from the employee's wages.
- If an employer fails to deduct the required employee share of the premium from wages paid during a pay period, the employer is considered to have elected to pay that portion of the employee share. The employer may not deduct this amount from a future paycheck of the employee for a different pay period. However, where there is a lack of sufficient employee net wages to cover the employee share of premiums

for a pay period, the employer may deduct the uncollected portion of the employee share from one or more paychecks for future pay periods.

- The employer's premium amount and contribution report must be remitted quarterly on or before the last day of the month following the close of the quarter for which premiums have accrued. The contribution report must be on a form and in a manner approved by the Department, and all employers covered under this Act must register online for the program. Payment for premiums will be considered timely if postmarked or received electronically on or before the due date. If the due date falls on a Saturday, Sunday, or legal holiday, payment will be considered timely if postmarked on the next business day that is not a Saturday, Sunday, or legal holiday. Premium payments and contribution reports may be remitted by an employee leasing company or authorized third party administrator on behalf of the employer.
    - For the purposes of reporting wages on contribution reports, amounts will be reported to the nearest cent. For the purposes of calculating premiums owed, amounts will be rounded to the nearest whole dollar.
    - An employer that has failed to remit premiums in whole or in part or failed to submit contribution reports on or before the last day of the month following the close of the quarter will be assessed a penalty of 1% of the employer's total payroll for the quarter. The assessment imposed will apply to only the quarter in which the employer failed to remit premiums in whole or in part or submit contribution reports. In addition, the employer will be liable for the full amount of family leave benefits and medical leave benefits paid to covered individuals for whom it failed to make premium contributions.

  See reporting requirements for Private Plans below.
- Overpayment of premium:
    - If the remitting of premiums for an employee results in an overpayment, a covered employee may seek a refund from the Department pursuant to a process set forth by the Department. A request for a refund may require documentation, such as a W-2 form(s) or another statement summarizing earnings and deductions.
    - An employer may seek a refund of a premium overpayment on behalf of covered employees employed by the employer and on behalf of the employer. If an overpayment of premiums is made by the employer, the employer may retain any portion of premiums made by the employer but also must return to its employees any portion of the reimbursed amount that it collected from its employees.

Periods of Leave

- Beginning May 1, 2026 covered individuals may take up to 12 weeks of approved leave on either a continuous, intermittent or reduced schedule. Partial weeks or partial days of leave will be prorated against the employee's scheduled workweek.

  "Continuous leave" means leave occurring in blocks for consecutive days or weeks.

  "Intermittent leave" means an employee taking varying periods of leave and returning to work throughout a period of approved covered leave time. Intermittent leave may be planned (i.e., for routine appointments) or unplanned (i.e., for a flare-up of a serious health condition).

  "Reduced schedule leave" means a leave schedule that reduces the typical number of days per workweek, or hours per workday, of an employee on a planned and consistent basis.
- Intermittent and reduced schedule leave may be taken by the covered individual in increments of not less than a scheduled workday.
    - If a covered individual and their employer agree in writing, the covered individual may take intermittent or reduced schedule leave in smaller increments, except that the minimum increment is one hour.
    - An employer is not required to agree to allow the use of increments of less than a scheduled workday but cannot refuse to allow the covered individual to use a full scheduled workday if refusing the use of a partial day.

- A covered individual approved for intermittent leave is not required to file a separate application for each occurrence of intermittent leave but must report any leave taken to the Administrator within 15 days after each occurrence for the purposes of providing benefits. A covered individual must still inform their employer of any intermittent leave use according to the employer's reporting policies.
- Payments will be prorated based on the number of hours of leave used by a covered individual and reported to the Administrator, divided by the number of hours the covered individual is scheduled to work in the week. If the covered individual's schedule is so variable that it is difficult to determine how many hours the covered individual would have worked in the week were it not for taking leave, the Administrator will determine the covered individual's scheduled workweek as the average number of hours worked by the covered individual in each of the previous 12 weeks. If the Administrator is not able to obtain information about the covered individual's previous 12 weeks of hours worked after reasonable attempts to obtain said information the Administrator will assume a schedule of Monday through Friday, 8 hours per day. For the purposes of this paragraph, "hours worked" means any hours the employee was or is scheduled to work, regardless of whether the employee actually worked those hours or used authorized leave to cover those hours.

- A covered individual may take family leave immediately following medical leave if the medical leave is taken during pregnancy or recovery from childbirth and supported by documentation by a health care provider. If the covered individual is eligible as of the start of the medical leave for pregnancy and recovery from childbirth, that eligibility status will be retained for the purposes of family leave for bonding with a child immediately following the medical leave, regardless of the covered individual's eligibility data as of the first day of the family leave. The combined medical leave and family leave may not exceed the 12-week maximum of family and medical leave within a benefit year.

Private Plans

- An employer may apply to MDOL for approval to meet its obligations under the ME PFML law through a carrier-insured or self-insured private plan. In order to be approved, a private plan must confer rights, protections and benefits substantially equivalent to those provided to employees under the law.
- An employer with an approved private plan will not be required to remit program contributions to the state.
- MDOL, in consultation with the Maine Bureau of Insurance (BOI) as necessary, will determine whether a proposed plan is substantially equivalent and therefore eligible for substitution. To meet the requirement that a private plan confer rights protections and benefits substantially equivalent to those provided to employees under the Paid Family Medical Leave Act, a private plan need not be identical to the provisions set forth in the Act.

1) The following minimum requirements must be met in order to be determined substantially equivalent:
   - The plan must provide for family leave and medical leave to be taken for: the covered individual's own serious health condition; safe leave; a qualifying exigency; bonding leave; to care for a family member who is a covered service member; to care for a family member with a serious health condition; and for any other reason set forth in 26 MRS §843(4);
   - the plan must provide leave to care for a family member and must account for all definitions of family listed in 26 MRS §850-A(19);
   - the plan must allow for at least 10 weeks of aggregate leave per benefit year (*note #2 below*);
   - the plan must allow a covered individual to take intermittent or reduced schedule leave, except that the requirements of section III(B) of these rules need not be met *(see information on intermittent and reduced schedule leave above*);
   - the cost to employees of the plan may not be greater than the cost charged to employees under the state program (26 MRS §850-F(5)); and
   - the plan must provide an internal reconsideration process for denial of family leave benefits or medical leave benefits.
2) Any plan which does not meet the minimum criteria above may not be determined as substantially equivalent and will not be eligible for substitution. If all of the above criteria are met, the Department will determine whether the plan provides the same or greater aggregate monetary benefit to employees. This will be determined by comparing the plan's wage replacement amount

multiplied by the maximum number of weeks to the maximum Weekly Benefit Amount under the Act multiplied by 12 weeks. If the former is equal to or greater, the plan may be determined to be substantially equivalent and therefore eligible for substitution.

3) Examples of a plan that is substantially equivalent but not identical include, but are not limited to, the following:
    - a plan that provides the amount of leave set forth in 26 MRS §850-B(4) during a 12-month period will be found to be substantially equivalent even if that 12-month period is not calculated in a manner identical to a "benefit year" as defined in 26 MRS §850-A(5);
    - a plan that provides for intermittent or reduced schedule leave but requires that such leave may only be taken in minimum increments of 4 hours may be found to be substantially equivalent;
    - a plan that calculates an employee's benefit using a different lookback period or based upon the employee's actual wages at the time that leave begins may be found to be substantially equivalent if the requirements of #2 above, are met.
4) Notwithstanding the above provisions, the following may *not* be determined as substantially equivalent and therefore will not be eligible for substitution:
    - A plan which provides benefits only for the covered individual's own serious health condition, such as a short term or long term disability plan; and
    - A plan which consists of leave benefits provided pursuant to employer policy and which are subject to change at the employer's discretion; and
    - A plan that consists of leave benefits that need to be accrued (such as sick, vacation, or paid time off) that does not provide full coverage of benefits regardless of time with the employer or availability of accrued time.

- Applications for substitution may be made after April 1, 2025, and will be accepted on a rolling basis.
    - Substitutions are made in accordance with the employer's Federal Employer Identification Number (FEIN) and must provide coverage for all employees within that employer's FEIN.
    - Applications must be accompanied by a $250 application fee for review of the application, and an additional $250 administrative reimbursement fee if the application is approved for the substitution.
    - Employers applying for a self-funded plans must also furnish a surety bond.
- Plan approval effective dates:
    - Approved applications submitted in the first two months of a quarter will be effective the first day of the quarter during which the substitution is approved.
    - Approved applications submitted less than 30 days prior to the end of the quarter will be effective the first day of the quarter following when the application was submitted.

      For example:
        - An approved exemption application that was submitted between April 1 and May 31, 2025 will be effective April 1, 2025.

          Note: *this means all employers will be required to remit contributions for the state program for at least the first quarter of 2025; these contributions will not be refunded.*
        - An approved exemption application that was submitted on or after June 1 (*i.e., less than 30 days prior to the end of the quarter*) will be effective July 1, 2025. The employer will be required to remit contributions toward the state program for the first two quarters of 2025.
    - If employee withholdings were taken prior to the substitution being approved, the employer must refund the withholdings to the effective date of the exemption within 30 days from the approval. Failure to do so may result in a revocation of the approval. (*We assume this to mean other than Q1 2025 contributions.*)
    - Applications approved after May 1, 2026 will be effective the first day of the month following the approval.
- An approved substitution is valid for a period of three years.

- Employers approved for a substitution may not request cancellation of their substitution prior to the substitution expiration date except by a demonstration to the Department of significant direct negative business impact. Significant direct negative business impact includes, but is not limited to, evidence of an unanticipated and unreasonable premium increase. If the Department approves the employer's request for cancellation, the employer may not re-apply for another substitution for three years from the date of cancellation.
- During the duration of an employer's substitution, if an employer seeks to make any material change to the approved plan, the employer must notify the Department at least 60 days in advance of the effective date of any proposed change and must receive written approval from the Department. A material change is any change which affects the rights, benefits or protections afforded to employees under the Act.
- The Department will notify employers in writing of the end date of their approved substitution 60 days prior to the end date. Employers must submit an application for renewal 30 days prior to the end date of their approved substitution. If the employer fails to apply to renew or if the renewal is denied, the employer must remit both the employer and employee contributions to the Fund calculated from the date of the prior exemption expiration, and the employer may not deduct the employees' portion from payroll.

- An employer with an approved substitution must provide appropriate tax forms for benefits to employees taking leave based on guidance from the Internal Revenue Service and Maine Revenue Services around the taxability of such benefits.
- Approval for a private plan may be withdrawn by MDOL if terms or conditions of the plan have been violated. Causes for plan termination include, but are not limited to, the following:
  - failure to pay family leave benefits or medical leave benefits;
  - failure to pay family leave benefits or medical leave benefits timely and in a manner consistent with the law's requirements;
  - failure to maintain an adequate surety bond;
  - misuse of private plan money;
  - failure to submit reports as required by regulations; or
  - failure to comply with the requirements of the ME PFML law or its adopted regulations.
- Reporting:
  1) Quarterly wage reporting: An employer with an approved substitution must submit to the Department contribution reports for each employee on a quarterly basis online, pursuant to section X of this rule. Failure to file contribution reports may result in revocation of the substitution. The employer's premium amount and contribution report must be remitted quarterly on or before the last day of the month following the close of the quarter for which premiums have accrued
  2) Annual claims reporting: An employer with an approved substitution must collect and submit all data required under 26 MRS §850-E(6) to the Department. The employer must submit this data no later than July 31 each year. Data reports prepared for fully insured private plans by insurance companies offering such plans to several employers may meet the requirement of this paragraph.

  Failure to file reports may result in revocation of the private plan.

Notice to Employer and Application for Benefits

- Benefits under the ME PFML program begin May 1, 2026.
- An employee must give reasonable notice to the employee's employer of the employee's intent to use leave. 30 written notice to the employer will be presumed to constitute reasonable notice, unless an employer determines otherwise in accordance with subsection (V)(D) (*undue hardship, next bullet*). In the case of an emergency, illness or other sudden necessity, an employee must make a good faith effort to provide written notice to the employer of the employee's intent to use leave as soon as is feasible under the circumstances. If the employee is incapacitated, notice may be provided by a family member or health care provider on behalf of the employee.

- The employer may reasonably determine that the timing or duration of the leave creates an undue hardship. "Undue hardship" means a significant impact on the operation of the business or significant expenses, considering the financial resources of the employer, the size of the workforce, and the nature of the industry that cannot be overcome with the amount of notice given. An employer's determination of undue hardship will be considered reasonable if:
    1) the employer provided a written explanation of the undue hardship to the employee, demonstrating, based on the totality of the circumstances, how the absence of the specific employee and the specific timing and/or duration of the employee's requested leave will cause significant impact on the operation of the business or significant expenses;
    2) the employee retains the ability to take leave within a reasonable time frame relative to the proposed schedule; and
    3) the employer has made a good faith attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employer's operations.

  If medical leave is requested, the employer's proposed schedule must be sufficient to accommodate the healthcare needs of the employee in the judgment of the employee's healthcare provider.
- A complete application for paid family or medical leave benefits may be submitted to the Administrator no more than 60 days prior to the start of family and medical leave and no more than 90 days after the start date of family leave and medical leave.
    - The 90-day application deadline may be waived if the Administrator finds good cause exists. Good cause for the late submission of an application is at the discretion of the Administrator.

      "Good cause" includes, but is not limited to, the following:
        a) A serious health condition that results in an unanticipated and prolonged period of incapacity and that prevents an individual from timely filing an application for benefits or a request to appeal;
        b) A demonstrated inability to reasonably access a means to file an application or to request an appeal in a timely manner, such as an inability to file an application or request to appeal due to a natural disaster or a significant and prolonged closure of the Department's offices;
        c) A serious health condition of a family member that requires the unanticipated and prolonged presence of the individual filing an application or request to appeal and that prevents the individual from timely filing an application for benefits or a request to appeal;
        d) Physical, intellectual, linguistic or other limitations including limited understanding of English that prevents the timely filing of an application or request to appeal; or
        e) Circumstances beyond the control of the individual filing the application or requesting the appeal that made it impossible to timely file the application or request to appeal despite making a reasonable effort to do so.
- The Administrator will notify the employer in writing of an applicant's claim to obtain paid family or medical leave within 5 business days after a claim was filed. If there is an agreement as to the scheduling of leave (*absence of undue hardship*) the application will be processed immediately. If there is no agreement as to the scheduling of leave, the application will go through an employer review.
- The Administrator will review a complete application and issue a determination to the covered individual. The review of the claim will begin no later than the close of the 10 business days within which the employer is required to provide information to the Administrator. During those 10 business days, the Administrator will not begin the review if the employer has not yet provided requested information.
    - If the applicant is approved to obtain benefits:
        - The employer(s) from which they are taking leave will receive notification of the claim approval along with the approved timeframe of leave within 5 business days of the approval date.
        - The Administrator will notify the applicant and the employer as to the benefit amount, the amount of time for which the applicant has been approved to take paid family or medical leave, and the qualifying reason, along with information on when benefits will be paid, and contact information of the Administrator. The Administrator will also inform the applicant

that they are entitled to request a reconsideration of the decision if they do so in writing within 15 business days from the date the notification is issued.

- Approved benefits will be paid to the covered individual by direct deposit into a checking or saving account in a financial institution in the United States. Alternatively, if the covered individual wishes to receive their approved benefit in the form of a debit card, the covered individual may request this on their application to obtain benefits.
- Benefits will be prorated for covered individuals taking leave for less than a full week as follows: the amount of time taken as leave will be divided by the amount of time the covered individual was scheduled to work for any employer in the week. The covered individual's prorated benefit amount will be calculated separately for each week in which the covered individual reports use of leave equalling less than a full scheduled workweek. (*See also Reduction in Benefits under 'Interplay with Other Policies' below.*)
- Medical leave benefits are not payable to a covered individual for the first 7 consecutive calendar days beginning with the first day of leave. An employee may use accrued sick or vacation pay or other paid leave provided under a collective bargaining agreement or employer policy during this period.

- If an applicant is not approved to obtain benefits the Administrator will notify the applicant and the employer and state the reason or reasons for the denial in the notification. The Administrator's notice will also inform the applicant that they are entitled to request a reconsideration of the Administrator's decision by notifying the Administrator in writing within 15 business days from the date the notification is issued.

- If the applicant requests reconsideration, the Administrator will review the request and the applicant's original application, using a separate reviewer from the initial consideration. The Administrator will notify the employer of the applicant's request for reconsideration. The Administrator will notify the applicant and employer in writing of the outcome of the reconsideration request. If reconsideration results in denial of benefits, the Administrator will state the reason for the denial. If the applicant is aggrieved by the result of the reconsideration, the applicant may appeal the reconsideration decision within 15 business days from the date the decision is issued. An applicant is not aggrieved if all requested benefits were approved.

See sections V through VIII of the regulations for full detail on the application and benefit payment process and section XV for more information on appeals.

Interplay with Other Policies

- Reduction of Benefits: For any week in which a covered individual is on family leave or medical leave, the covered individual's Weekly Benefit Amount must be reduced by the amount of wage replacement that the covered individual receives from a government program or law, including but not limited to unemployment insurance, workers compensation, other than for workers compensation received under 39-A MRS §213 for an injury that occurred prior to the family leave or medical leave claim, and other state or federal temporary or permanent disability benefits laws, or from an employer's permanent disability program or policy for the same week.

  The covered individual's Weekly Benefit Amount is *not* subject to reduction by any of the following:

  - Any benefit received from SNAP, TANF, HEAP or similar programs;
  - Wages received from any other employer from whom the covered individual is not on leave;
  - Wages received from the employer from whom the covered individual is on leave for hours actually worked or authorized leave time used during the same week;
  - Wages received from the employer if the employer voluntarily pays the difference between the covered individual's Weekly Benefit Amount and their typical weekly wage. If the employer voluntarily pays such wages, the employer may charge that time against the covered individual's leave balances; and
  - Supplemental payments received from an employer's short term disability program or policy to the extent that the payments combined with the PFML benefits do not exceed the individual's typical weekly wage.

Note: *Other than the references in the law that employees may elect to use paid time (sick, vacation, PTO) during the unpaid 7-day waiting period (§850-C(1)) and that employers may not require an employee to exhaust time prior to or during leave (§850-B(10)(C)), the law text (and regulations) do not address the use of such time in conjunction with ME PFML. During the December 12 webinar conducted by MDOL, we asked of the hosts whether employers must permit employees to supplement ("top-off") ME PFML benefits with sick, vacation, PTO, etc. Both representatives responded that employers' policies will be deferred to here (i.e., employers may permit top-off, but nothing in the law requires them to). Employers are encouraged to have their requirements regarding the use of paid time off and ME PFML benefits specified in their policies.*

Leave Under Other Laws

26 MRS §850-B states that ME PFML runs concurrently with leave taken for the same purpose under Maine Family Medical Leave and/or the Family and Medical Leave Act of 1993 (FMLA). Employees may take ME PFML while ineligible for leave under FMLA in the same benefit year.

The regulations add that the 12 weeks of aggregate leave taken under ME PFML will be reduced by any leave taken under Maine Family Medical Leave or under FMLA that was not taken concurrently with ME PFML in the 12-month period preceding the start of leave.

Anti-Retaliation, Employment and Benefits Protection

- An employer must not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for requesting or obtaining ME PFML benefits or leave, or for exercising any other right under the law.
- Any employee that has been employed with their employer for at least 120 consecutive calendar days is entitled, upon return from leave, to be restored by the employer to the position held by the employee when the leave commenced, or to be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. Whether a position is equivalent for the purposes of the ME PFML law will be governed by 29 CFR. §825.215 (FMLA, eff. Feb. 6, 2013), subject to the limitations under 29 CFR §825.216 (FMLA, eff. Feb. 6, 2013).
    - If an employee is on initial probation at the time that the employee begins leave, the employer may toll the employee's probationary period during the period of the employee's leave, including intermittent or reduced schedule leave, and doing so will not be considered a violation of 26 MRS §850-B(8) (*maintenance of benefits, below*) or 26 MRS §850-J(2) (*anti-retaliation, above*).
    - If at any point an employee notifies the employer in writing that they do not intend to return to their job at the end of their leave, the employer is no longer obligated to hold the job open.
- The taking of leave under ME PFML may not affect an employee's right to accrue vacation time, sick time, bonuses, advancement, seniority, length of service credit or other employment benefits, plans or programs.
- During the duration of an employee's ME PFML leave, the employer must continue to provide for and contribute to the employee's employment-related health insurance benefits, if any, at the same level and under the same conditions coverage would have been provided if the employee had continued working continuously for the duration of leave. *This provision does not apply to a person who is no longer an employee who was an employee when that person began taking PFML.*

Minnesota Paid Leave (MN PL) – Updated Resources, Proposed Regulations

Minnesota's paid family and medical leave program, Minnesota Paid Leave, becomes effective January 1, 2026 for both contributions and benefits.

Throughout this year the state's Department of Employment and Economic Development (DEED) has been in the process of developing regulations for the MN PL program, and in late November published the final proposed rules in the State Register. Public comments will be collected by the Office of Administrative Hearings through January 3, 2025. The final regulations will be released following evaluation of the feedback received.

In the interim the Paid Leave Division has continued to add content to the MN PL website, including updates to the Employer Resource Toolkit and the FAQ. Employers are encouraged to subscribe for regular updates.

Accrued Paid Leave Updates

Cook County, IL Paid Leave – Updated Regulations

Late last year the Cook County Board of Commissioners amended the county's accrued paid leave ordinance to more closely align with the statewide law that was becoming effective January 1, 2024. This March the Board released updated rules to address the changes. On October 24 the Board approved further amendments, which include a few significant changes, as listed below (*view a redlined version here*).

- Employees begin accruing paid leave at the start of their employment. The prior version of the rules indicated the first day after – this amendment is more in line with the law text. Employees may begin using accrued leave 90 days after commencement of employment (*no change*).
- Employees accrue one hour of Paid Leave for every 40 hours worked and while using accrued Paid Leave hours.
    - This consideration of time while on leave being "hours worked" for accrual purposes is a departure from other accrued paid leave laws, including those in Illinois and Chicago. In review of the public comments it seems the addition of this statement was intended to clarify the following in Section 200.100(A):

        "If an employer would compensate an Employee for regular work with additional benefits, including but not limited to the accrual of Paid Leave, seniority or health benefits, an Employer shall compensate an Employee using Paid Leave with such additional benefits in the same manner and to the same extent as if they had performed the regular work". "Paid Leave" is defined as accrued vacation, sick, personal days, etc. in the amended rules.
- The original rules included that the rules and regulations of the Family and Medical Leave Act of 1993 (FMLA), including notification requirements, take precedence over the Cook County ordinance and an employer's paid leave policy when an eligible FMLA employee uses FMLA leave. The amended rules add that, in accordance with FMLA, an employer may require FMLA-eligible employees to use time accrued under the Cook County ordinance during FMLA leave, *if* the employer has established such a policy. Otherwise, it is the employee's choice whether to use leave accrued under the ordinance during unpaid FMLA.
- The amended rules add to the conditions under which an employer may deny or restrict an employee's use of accrued of time to include (1) if the employee's absence would impact business operations by reducing appropriate staff coverage for the job function, and (2) if the employee voluntarily accepts additional shifts or to cover a partial or entire shift.
    - Limited circumstances in which Paid Leave may be denied must be included in the Employer's written policy. The Commission will consider an employer's written policy regarding the reasons for denial listed in Section 500.400 in investigations of alleged violations of the Paid Leave Ordinance.
- The amended rules state that leave used must be paid in the payroll period during which the time was used, and must be included in the employee's regular paycheck. The prior version stated that leave must be paid within the *next* payroll period beginning after time was used.
    - The amendments add that employees with multiple job functions or job codes and who work for various rates should be paid an average of all hourly rates, *or* the greater of the minimum wage or lowest rate.
- The law states that employers are not required to payout accrued but unused leave upon the employee's separation from employment, *except that* if the paid leave under this law is credited to an employee's paid time off bank or employee vacation account, then any unused paid leave must be paid out to the same extent as vacation time or paid time off under the Illinois Wage Payment and Collection Act. The amended rules clarify that this payment must be made at the time of the employee's termination, resignation, retirement, or separation, if possible, but in no case later than the employee's next regularly scheduled payday.
- The ordinance requires employers to notify their employees of their rights under the law via (1) posting a notice in a conspicuous place, and (2) providing an individual notice to employees upon commencement of employment. The amended rules distinguish these two as:

1) the Workplace Poster found on the Paid Leave webpage (*translations available*); and
2) a written policy provided at commencement of employment and annually thereafter

   This should be distributed to employees as a written document, or employer handbook or policy, and must include:
   - a summary of the Paid Leave Ordinance;
   - a description of the benefit(s) offered by employer;
   - coverage;
   - the rate of accrual;
   - permissible uses;
   - prohibited employer practices; and
   - contact information for the Commission and an explanation of how employees who believe that their employer has violated the Ordinance can file a complaint.

See our December 20, 2023 and June 6, 2024 Updates for a summary of the law's changes. More information may be found on the Cook County Paid Leave website.

Voters in Three States Approve Accrued Paid Leave

As highlighted in our recent Connecting with Compliance blog post, during the November election voters in Alaska, Missouri and Nebraska approved citizen-initiated ballot measures that will provide workers with accrued paid leave in 2025. Below is a summary of each new law's provisions and requirements. Guidance and resources from the states are expected in the coming months.

May 1, 2025: Missouri Earned Paid Sick Time

	Missouri Earned Paid Sick Time *Proposition A* *Adds §290.600 to §290.642 to RSMo Ch. 290.*
	Effective May 1, 2025
Oversight	Missouri Department of Labor and Industrial Relations (DOLIR) https://labor.mo.gov/
Covered Employers	All employers, except • the United States government • the state, or a political subdivision of the state, including a department, agency, officer, bureau, division, board, commission, or instrumentality of the state, or a city, county, town, village, school district, public higher education institution, or other political subdivision of the state
Covered Employees	Employees working in the State of Missouri Excludes (*notable exclusions below; see the law text for full list*) • individuals standing in loco parentis to foster children in their care • employees of employers subject to 49 USC §10101-§11908 (*interstate transportation > rail*) • state employees as defined in 29 USC §203(e)(2)(C)(i)-(ii)
Collective Bargaining Agreements	• This law's provisions and requirements do not apply to employees covered by a valid collective bargaining agreement in effect on November 5, 2024, until the stated expiration date in the collective bargaining agreement; however, the law will apply upon any such agreement's renewal, extension, amendment, or modification in any respect after November 5, 2024.

	Missouri Earned Paid Sick Time *Proposition A* *Adds §290.600 to §290.642 to RSMo Ch. 290.* **Effective May 1, 2025**
	• Nothing in the law should be deemed to interfere, impede, or otherwise diminish the right of employees to bargain collectively through representatives of their own choosing in order to establish earned paid sick time or other conditions of work in excess of the applicable minimum standards under this law.
Existing Policies	• Any employer with a paid leave policy, such as a paid time off policy, that provides an amount of paid leave sufficient to meet the accrual requirements of this law, and that may be used for the same purposes and under the same conditions, is not required to provide additional paid sick time. • Nothing in this law should be construed or interpreted to: • discourage or prohibit an employer from the adoption or retention of a more generous earned paid sick time policy; • diminish the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than as required under this law; • diminish the rights of public employees regarding paid sick time or use of paid sick time as provided in the laws of Missouri and ordinances of political subdivisions pertaining to public employees; • preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater accrual or use by employees of earned paid sick time or that extends other protections to employees; or • create a power or obligation contrary to any federal law, rule, or regulation.
Leave Entitlement / Accrual Rate	• Beginning the later of May 1, 2025 or commencement of employment, employees accrue 1 hour of paid sick time for every 30 hours worked. Employees exempt from overtime requirements under the provisions of the Fair Labor Standards Act (FLSA) §213(a)(1), are presumed to work 40 hours each work week for purposes of earned paid sick time accrual, except that if an employee's normal work week is less than 40 hours paid sick time will accrue based upon the hours worked in their normal work week. • There is no accrual limit stated in the law text; however, an employer may set a maximum on the number of hours of accrued time that may be used per year (*see 'Use' section below*). • Frontloading: An employer may provide all earned paid sick time that an employee is expected to accrue in a year at the beginning of the year. *A "year" is defined as a regular and consecutive twelve-month period as determined by the employer.* • An employer may provide its employees with a greater amount of paid sick time or provide paid sick time at a faster rate. • At its discretion, an employer may loan earned paid sick time to an employee in advance of accrual by such employee.

	Missouri Earned Paid Sick Time *Proposition A* *Adds §290.600 to §290.642 to RSMo Ch. 290.* **Effective May 1, 2025**
Reasons for Use	Accrued paid sick time may be used: 1) for the employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or the need for preventive medical care; 2) to care for a covered family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or the need for preventive medical care; 3) for absence necessary due to domestic violence, sexual assault, or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member: a) medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking; b) services from a victim services organization; c) psychological or other counseling; d) relocation or taking steps to secure an existing home due to the domestic violence, sexual assault, or stalking; or e) legal services, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual assault, or stalking. 4) during a public health emergency: a) for closure of the employee's place of business by order of a public official due to a public health emergency; b) for an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or c) to care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.
Covered Family Members	• Spouse, registered Domestic Partner, or individual with whom the employee is in a continuing social relationship of a romantic or intimate nature • Child of any age (*biological, adopted, foster, step-, domestic partner's child, legal ward, or to whom the employee stood or stands or in loco parentis*) • Parent (*biological, adoptive, foster, step-, parent-in-law, domestic partner's parent, legal guardian of an employee or an employee's spouse or domestic partner, person who stood in loco parentis to the employee or the employee's spouse or domestic partner as a minor*) • Sibling of the employee or the employee's spouse or domestic partner (*related by blood, marriage, adoption or foster care*) • Grandparent or Grandchild of the employee or the employee's spouse or domestic partner (*related by blood, marriage, adoption or foster care*)

	Missouri Earned Paid Sick Time *Proposition A* *Adds §290.600 to §290.642 to RSMo Ch. 290.* **Effective May 1, 2025**
	• Person for whom the employee is responsible for providing or arranging health or safety-related care, including but not limited to helping that individual obtain diagnostic, preventative, routine, or therapeutic health treatment or ensuring the person is safe following domestic violence, sexual assault, or stalking
Use	• Employees may use time as it is accrued. • Use limits may be applied (*employers may also choose higher limits*): • Employers with fewer than 15 employees may limit use to 40 hours per year; • Employers with 15 or more employees may limit use to 56 hours per year. • In determining the number of employees of an employer, all employees performing work in the state for an employer for compensation on a full-time, part-time, or temporary basis must be counted. In situations in which the number of employees fluctuates over the course of a year, an employer is required to allow the use of up to 56 hours of accrued time per year if it maintained 15 or more employees in the state on the payroll for some portion of a working day in each of twenty or more consecutive or non-consecutive calendar weeks, including any periods of leave, in either the current or the preceding year (irrespective of whether the same individuals were in employment in each working day). *A "year" is defined as a regular and consecutive twelve-month period as determined by the employer.* • Accrued time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.
Rate of Pay	Earned paid sick time must be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked. In no case may the hourly amount be less than that provided under the state minimum wage. "Same hourly rate", means the following: • Hourly employees: • for employees paid on the basis of a single hourly rate, the same hourly rate will be the employee's regular hourly rate; • for employees who are paid multiple hourly rates of pay from the same employer, the same hourly rate will be either: 1) the wages the employee would have been paid for the hours absent during use of earned paid sick time if the employee had worked; or, 2) the weighted average of all hourly rates of pay during the previous pay period. Whatever method the employer uses, the employer must use a consistent method for each employee throughout a year. • For salaried employees, the same hourly rate will be determined by dividing the wages the employee earns in the previous pay period by the total number of hours worked during the previous pay period.

	Missouri Earned Paid Sick Time *Proposition A* *Adds §290.600 to §290.642 to RSMo Ch. 290.* **Effective May 1, 2025**
	For determining total number of hours worked during the previous pay period, employees who are exempt from overtime requirements under the Fair Labor Standards Act (FLSA) §213(a)(1) will be assumed to work 40 hours in each work week unless their normal work week is less than 40 hours, in which case earned paid sick time will accrue and the same hourly rate will be calculated based on the employee's normal work week. Regardless of the basis used, the same hourly rate may not be less than the effective state minimum wage. • For employees paid on a piece rate or a fee-for-service basis, the same hourly rate must be a reasonable calculation of the wages or fees the employee would have received for the piece work, service, or part thereof, if the employee had worked. Regardless of the basis used, the same hourly rate may not be less than the effective state minimum wage. • For employees who are paid on a commission basis (whether base wage plus commission or commission only), the same hourly rate will be the greater of the base wage or the effective state minimum wage. • For employees who receive and retain compensation in the form of gratuities in addition to wages, the same hourly rate will be the greater of the employee's regular hourly rate or 100% of the state minimum wage without deduction of any tips as a credit.
Notice to Employer	• Earned paid sick time must be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means, or by any other means acceptable to the employer. When possible, the request should include the expected duration of the absence. • When the use of earned paid sick time is foreseeable, the employee must make a good faith effort to provide notice of the need for such time to the employer in advance of its use and make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the employer. • Where the need is not foreseeable, an employer may require an employee to provide notice of the need for the use of earned paid sick time as soon as practicable. An employer that requires notice of the need to use earned paid sick time where the need is not foreseeable must provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice may not deny earned paid sick time to the employee based on noncompliance with such a policy.
Requests for Documentation	• For use of earned paid sick time for three or more consecutive work days, an employer may require reasonable documentation that the earned paid sick time has been used for a qualifying purpose. • An employer may not require that the documentation explain the nature of the illness, details of the underlying health needs, or the details of the domestic violence, sexual assault, or stalking, unless otherwise required by law. *See §290.606(7) for examples of reasonable documentation.*

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	• Except as otherwise required by law, • an employer may not require disclosure of details relating to an employee's or an employee's family member's health information, domestic violence, sexual assault, or stalking as a condition of providing earned paid sick time under this law. • any health or safety information possessed by an employer regarding an employee or employee's family member must: 1) be maintained on a separate form and in a separate file from other personnel information; 2) be treated as confidential medical records; and 3) not be disclosed except to the affected employee or with the express written permission of the affected employee.
Carryover	Up to 80 hours of accrued but unused time must be carried over from one year to the next (*note that use limits may be applied as described above*). In lieu of carryover an employer may pay out unused earned paid sick time at the end of the year and provide employees with an amount of paid sick time that meets or exceeds the law's requirements for immediate use at the beginning of the subsequent year.
Termination, Transfer and Rehire	• Payment of unused accrued earned paid sick time is not required upon an employee's termination, resignation, retirement, or other separation from employment. • When there is a separation from employment and the employee is rehired within 9 months of separation by the same employer, previously accrued earned paid sick time that had not been used must be reinstated. The employee is entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the recommencement of employment. • If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all earned paid sick time accrued at the prior division, entity, or location and is entitled to use all earned paid sick time as provided in this section. • When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer.
Notice to Employees	1) Beginning April 15, 2025, employers must display a poster in a conspicuous and accessible place in each establishment where such employees are employed, provided that such poster has been made available by the Missouri Department of Labor and Industrial Relations (DOLIR). 2) Employers must provide each employee a written notice about earned paid sick time that includes the following information: • Beginning May 1, 2025, employees accrue and are entitled to earned paid sick time at the rate one hour of earned paid sick time for every 30 hours of work, and may use earned paid sick time, subject to the limits and terms under the law.

	Missouri Earned Paid Sick Time *Proposition A* *Adds §290.600 to §290.642 to RSMo Ch. 290.* **Effective May 1, 2025**
	• It is prohibited for an employer to take retaliatory personnel action against employees who request or use earned paid sick time as allowed by law. • Each employee has the right to bring a civil action if earned paid sick time as required under the law is denied by the employer or the employee is subjected to retaliatory personnel action by the employer for exercising the employee's rights under the law. • The contact information for DOLIR. This notice must be provided to the employee on a single piece of paper, at least 8.5 x 11, in no less than 14-point font: • to all employees by April 15, 2025; and • within 14 calendar days of an employee's commencement of employment. *Model notices will be made available.*
Recordkeeping	• Employers must retain records documenting hours worked by employees and earned paid sick time taken by employees, for a period of not less than three calendar years, and must allow DOLIR access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of §290.600-§290.642. • To the extent permitted by law, the Director of DOLIR may inspect such records, and the records must be open for inspection by the Director by appointment. Where the records required under this law are kept outside the state, the records must be made available to the Director upon demand. Every such employer must furnish to the Director on demand a sworn statement of time records and information upon forms prescribed or approved by the Director. All the records and information obtained by DOLIR are confidential and will be disclosed only on order of a court of competent jurisdiction.
Prohibited Acts / Anti-Retaliation	• An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time. • Employers are prohibited from: • interfering with, restraining, or denying the exercise of, or the attempt to exercise, any right protected under the law; • taking retaliatory personnel action or discriminate against an employee or former employee because the individual has exercised rights protected under the law. Such rights include, but are not limited to, the right to request or use earned paid sick time under the law; the right to file a complaint or inform any person about any employer's alleged violation of the law; the right to participate in any investigation, hearing, or proceeding or cooperate with or assist the DOLIR in any investigations of alleged violations of the law; and the right to inform any person of his or her potential rights under the law; or • counting earned paid sick time taken as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

	Missouri Earned Paid Sick Time *Proposition A* *Adds §290.600 to §290.642 to RSMo Ch. 290.* **Effective May 1, 2025**
	• Any waiver by an employee of rights under this law will be deemed contrary to public policy and will be void. *See also §290.621 for information on compliance and complaint procedures.*
Non-Compliance Penalties	• Any employer who willfully violates or fails to comply with any of this law's provisions and requirements will be guilty of a class C misdemeanor; provided, however, that an employer who willfully violates the notice and posting requirements will be guilty of an infraction. Each day of violation or failure to comply and each employee affected will constitute a separate offense. • Any individual who claims to have been aggrieved by a failure of an employer to comply with any portion of the law, including but not limited to the failure to provide earned paid sick time or to allow employees to use such time consistent the law, or who claims to have suffered a retaliatory personnel action, will have a right of action and may commence a civil action in the appropriate court of jurisdiction within three calendar years of the accrual of the cause of action, to obtain appropriate relief with respect to such unlawful violation. Such action may be brought without first filing an administrative complaint. In a civil action under this section, if the court finds a violation has occurred, the court may grant as relief, as it deems appropriate and to the extent permitted by law, any permanent or temporary injunction, the full amount of any unpaid earned sick time plus any actual damages suffered as the result of the employer's violation of the law, an additional amount equal to twice any unpaid earned sick time as liquidated damages, costs, and reasonable attorney's fees as may be allowed by the court, and other legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, reinstatement to employment and back pay. *See also §290.621 for information on compliance and complaint procedures.*

July 1, 2025: Alaska Paid Sick Leave

	Alaska Paid Sick Leave *Ballot Measure No. 1* *Adds §23.10.067 to §23.10.069 to AS Tit. 23, Ch. 10, Art. 3.* **Effective July 1, 2025**
Oversight	Alaska Department of Labor and Workforce Development (DOLWD) https://labor.alaska.gov/
Covered Employers	All Employers – *see exclusions under Covered Employees below*
Covered Employees	Employees working in the State of Alaska Excludes • Individuals • employed by the United States or by the state or a political subdivision of the state; • subject to the federal Railroad Unemployment Insurance Act (45 USC §351 *et seq.*) • under 18 years of age employed on a part-time basis not more than 30 hours in a week; • individuals employed by a motor vehicle dealer whose primary duty is to (1) receive, analyze, or reference requests for service, repair, or analysis of motor vehicles; (2) arrange financing for the sale of motor vehicles and related products and services that are added or included as part of the sale; or (3) solicit, sell, lease, or exchange motor vehicles; and • engaged in other work described in §23.10.055(a)(1)-(a)(8) and (a)10-(a)(18) • Employment classified as: • exempt from the state minimum wage (§23.10.070); • work therapy (§23.10.071); • employment of prison inmates (§33.30.191 and §33.30.201).
Collective Bargaining Agreements	• The rights and remedies under this law may not be waived by any agreement, policy, form, or condition of employment; provided, however, that they do not apply to employees covered by a bona fide collective bargaining agreement if the requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms. • An employer signatory to a multiemployer collective bargaining agreement may fulfill its obligations under this law by making contributions to a multiemployer paid sick leave fund based on the hours each employee accrues pursuant this law while working under the multiemployer collective bargaining agreement, if the fund enables employees to collect paid sick leave from the fund based on hours they have worked under the multiemployer collective bargaining agreement and for the purposes specified in this law.
Existing Policies	• Any employer with a paid leave or paid time off policy who makes available an amount of paid leave sufficient to meet the requirements of this law, and that may be used for the same purposes and under the same conditions as paid sick leave under this law, is not required to provide additional paid sick leave .

	Alaska Paid Sick Leave *Ballot Measure No. 1* *Adds §23.10.067 to §23.10.069 to AS Tit. 23, Ch. 10, Art. 3.* **Effective July 1, 2025**
	• Nothing in this law should be construed or interpreted to: • discourage or prohibit an employer from the adoption or retention of a more generous paid sick leave policy; • diminish the obligation of an employer to comply with any contract, agreement, employment benefit plan, or collective bargaining agreement providing more generous paid sick leave to an employee than as required under this law; or • preempt, limit, or otherwise affect the applicability of any other law, regulation, or policy providing more generous paid sick leave.
Leave Entitlement / Accrual Rate	• Beginning the later of July 1, 2025 or commencement of employment, employees accrue 1 hour of paid leave for every 30 hours worked. Employees exempt from overtime requirements under the provisions of the Fair Labor Standards Act (FLSA) §213(a)(1), are presumed to work 40 hours each work week for purposes of paid sick leave accrual unless their normal work week is less than 40 hours, in which case paid sick leave accrues based upon that normal work week. • Annual Accrual Limits: • Employers with fewer than 15 employees: 40 hours • Employers with 15 or more employees: 56 hours Employers may set a higher limit. *Frontloading and method for determining employer size are not specified; regulations or other guidance may clarify.*
Reasons for Use	Accrued paid sick leave may be used: 1) for the employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment, or for preventive medical care; 2) to care for a covered family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or for preventive medical care; or 3) for absence necessary due to domestic violence, sexual assault, or stalking, provided the leave is to allow the employee to obtain for the employee or the employee's family member: a) medical or psychological attention; b) services from a victim's aid organization; c) relocation or steps to secure an existing home; or d) or legal services, including participation in any investigation or civil or criminal proceeding.
Covered Family Members	• Spouse, Domestic Partner, or other person cohabiting with the employee in a conjugal relationship that is not a legal marriage • Child of any age (*biological, adopted, foster, step-, legal ward, or to whom the employee stands or in loco parentis*) • Parent (*biological, adoptive, foster, step-, in-law, legal guardian, person who stood in loco parentis to the employee as a minor*) • Sibling of the employee or the employee's spouse • Grandparent, aunt or uncle of the employee

	Alaska Paid Sick Leave Ballot Measure No. 1 Adds §23.10.067 to §23.10.069 to AS Tit. 23, Ch. 10, Art. 3. Effective July 1, 2025
	• Any other individual related by blood or whose close association is the equivalent of a family relationship
Use	• Employees may use time as it is accrued. • Use limits may be applied (*employers may also choose higher limits*): • Employers with fewer than 15 employees may limit use to 40 hours per year; • Employers with 15 or more employees may limit use to 56 hours per year. *Method for determining employer size is not specified; regulations or other guidance may clarify.* • Accrued time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.
Rate of Pay	*Not specified; regulations or other guidance may clarify.*
Notice to Employer	• When the need for paid sick leave is foreseeable, the employee must make a good faith effort to provide notice to the employer in advance of the use of paid sick leave and make a reasonable effort to schedule use of paid sick leave in a manner that does not unduly disrupt the employer's operations.
Requests for Documentation	• For use of paid sick leave for more than three consecutive workdays, an employer may require reasonable documentation that the paid sick leave has been used for a qualifying purpose. • Unless otherwise required by law, an employer may not require disclosure of the details of an employee's or an employee's family member's health or safety information as a condition of providing paid sick leave under this law, and must treat any health or safety information regarding an employee or employee's family member as confidential medical records.
Carryover	Accrued but unused time must be carried over from one year to the next. *No carryover limit is specified; however, use limits may be applied as described above.*
Termination, Transfer and Rehire	• Employers are not required to provide financial reimbursement to an employee following the employee's termination, resignation, retirement, or other separation for unused paid sick leave, unless otherwise required by law. • When there is a separation from employment, but the employee is rehired within 6 months of separation by the same employer, previously accrued and unused paid sick leave must be immediately reinstated. • An employee who is transferred to a separate entity or location, but remains employed by the same employer, is entitled to all paid sick leave accrued at the prior entity or location. • When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed

	Alaska Paid Sick Leave Ballot Measure No. 1 Adds §23.10.067 to §23.10.069 to AS Tit. 23, Ch. 10, Art. 3. Effective July 1, 2025
	by the successor employer are entitled to all accrued and unused paid sick leave.
Notice to Employees	Employers must give employees written notice that beginning July 1, 2025, employees are entitled to paid sick leave and the amount of paid sick leave, the terms of its use guaranteed under this law, and that retaliation against employees who request or use paid sick leave is prohibited. This notice must be provided the later of: 1) within 30 days of this section's effective date; and 2) at the commencement of employment. *It is expected that a model notice will be made available.*
Recordkeeping	*Not specified; regulations or other guidance may clarify.*
Prohibited Acts / Anti-Retaliation	Employers are prohibited from: • interfering with, restraining, or denying the exercise of, or the attempt to exercise, the right to paid sick leave under this law. • engaging in retaliation or discrimination, or taking any other adverse action, against an employee who utilizes, or attempts to utilize, their paid sick leave; • requiring, as a condition of an employee's taking paid sick leave under this law, that the employee search for or find a replacement worker to cover the hours during which the employee is using paid sick leave; or • using an absence control policy that counts paid sick leave taken under this law as an absence that may lead to or result in retaliation or any other adverse action.
Non-Compliance Penalties	An employer found to violate this law's requirements is liable for an employee's lost wages or damages as may be appropriate and allowable under state law to remedy the violation.

October 1, 2025: Nebraska Healthy Families and Workplaces Act

	Nebraska Healthy Families and Workplaces Act *Initiative Measure 436* **Effective October 1, 2025**
Oversight	Nebraska Department of Labor (NDOL) https://dol.nebraska.gov/
Covered Employers	All employers except the United States or the State of Nebraska or its agencies, departments, or political subdivisions
Covered Employees	All employees working in the State of Nebraska 80 or more hours in a calendar year, except employees subject to the federal Railroad Unemployment Insurance Act (45 USC §351 *et seq.*)
Collective Bargaining Agreements	• An employer signatory to a multiemployer collective-bargaining agreement may fulfill its obligations under the Nebraska Healthy Families and Workplaces Act by making contributions to a multiemployer paid sick time fund, plan, or program based on the hours each employee accrues pursuant to the Act while working under the multiemployer collective-bargaining agreement, if the fund, plan, or program enables employees to collect paid sick time from the fund, plan, or program based on hours they have worked under the multiemployer collective-bargaining agreement and for the purposes specified under the Act. Employees who work under a multiemployer collective-bargaining agreement into which their employers make contributions as provided in this subsection may collect from the paid sick time fund, plan, or program based on hours they have worked under the multiemployer collective-bargaining agreement and for the purposes specified under the Act.
Existing Policies	• Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid leave sufficient to meet the requirements of the Nebraska Healthy Families and Workplaces Act that may be used for the same purposes and under the same conditions as paid sick time under the Act is not required to provide additional paid sick time. • The Nebraska Healthy Families and Workplaces Act provides minimum requirements pertaining to paid sick time, and nothing in the Act should be construed to: • prohibit an employer from the adoption or retention of a paid sick time policy more generous than the one required by the Act; • diminish the obligation of an employer to comply with any contract, collective-bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required by the Act; • diminish the rights of public employees regarding paid sick time or use of paid sick time as provided in state or local law; or • preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for a greater amount, accrual, or use by employees of paid sick time or that extends other protections to employees.

	Nebraska Healthy Families and Workplaces Act *Initiative Measure 436* **Effective October 1, 2025**
	• The rights and remedies under this Act may not be waived by any agreement, policy, form, or condition of employment. Any such waiver will be void and unenforceable.
Leave Entitlement / Accrual Rate	• Beginning the later of October 1, 2025 or commencement of employment, employees accrue 1 hour of paid leave for every 30 hours worked. Employees exempt from overtime requirements under the provisions of the Fair Labor Standards Act (FLSA) §213(a)(1), are presumed to work 40 hours in each workweek for purposes of paid sick time accrual unless their typical workweek is less than 40 hours, in which case paid sick time will accrue based on that typical workweek. • Annual Accrual Limits: • "Small businesses"* with fewer than 20 employees: 40 hours • Employers with 20 or more employees: 56 hours Employers may set a higher limit. * "*Small business" means an employer with fewer than 20 employees during a given week, including full-time, part-time, or temporary employees. Small business does not include an employer that maintained twenty or more employees on its payroll in each of twenty or more calendar weeks in the current or preceding calendar year.* • Frontloading: An employer may provide all paid sick time that an employee is expected to accrue in a year at the beginning of the year (*note accrual caps, however*). *A "year" is defined as a regular and consecutive twelve-month period as determined by the employer.* • An employer may loan paid sick time to an employee in advance of accrual by that employee.
Reasons for Use	Accrued paid sick time may be used: 1) for the employee's mental or physical illness, injury, or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or the need for preventive medical care; 2) to care for a covered family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or the need for preventive medical care; 3) to attend a meeting necessitated by the child's mental or physical illness, injury, or health condition, at a school or place where the child is receiving care; or 4) during a public health emergency: a) for closure of the employee's place of business by order of a public official due to a public health emergency; b) for an employee's need to care for a child whose school or place of care has been closed by order of a public official due to a public health emergency; or c) an employee's need to self-isolate or care for the employee or a family member when it has been determined by the health authorities having jurisdiction or by a health care professional

	Nebraska Healthy Families and Workplaces Act *Initiative Measure 436* **Effective October 1, 2025**
	that the employee's or family member's presence in the community may jeopardize the health of others because of exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease. *Public health emergency means a declaration or proclamation related to a public health threat, risk, disaster, or emergency that is made or issued by a federal, state, or local official with the authority to make or issue such a declaration or proclamation.*
Covered Family Members	• Spouse • Child of any age (*biological, adopted, foster, a step-, legal ward, child to whom the employee stands in loco parentis*) • Parent of the employee or the employee's spouse (*biological, foster, step-, adoptive, legal guardian, person who stood in loco parentis when the employee or employee's spouse was a minor child*) • Sibling of the employee or the employee's spouse (*biological, foster, adoptive, step-*) • Grandparent or Grandchild of the employee or the employee's spouse (*biological, foster, adoptive, step-*) • Any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship
Use	• Employees may use time as it is accrued. • Use limits may be applied (*employers may also choose higher limits*): • "Small businesses"* with fewer than 20 employees: 40 hours per year • Employers with 20 or more employees: 56 hours * "*Small business" means an employer with fewer than 20 employees during a given week, including full-time, part-time, or temporary employees. Small business does not include an employer that maintained twenty or more employees on its payroll in each of twenty or more calendar weeks in the current or preceding calendar year.* • Accrued time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.
Rate of Pay	Paid sick time must be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee typically earns during hours worked. In no case may the amount of this hourly rate be less than that provided under the state minimum wage (NRS §48-1203).
Notice to Employer	• Paid sick time must be provided upon the oral request of an employee. When possible, the request should include the expected duration of the absence. • An employer that requires notice of the need to use paid sick time in accordance with this section must provide a written policy that contains reasonable procedures for employees to provide notice. An employer that has not provided to the employee a copy of such written policy may not deny paid sick time to the employee based on noncompliance with such a policy.

	Nebraska Healthy Families and Workplaces Act *Initiative Measure 436* **Effective October 1, 2025**
Requests for Documentation	• For use of paid sick time for more than three consecutive work days, an employer may require reasonable documentation that the paid sick time has been used for a qualifying purpose. • Reasonable documentation may include • documentation signed by a health care professional indicating that paid sick time is or was necessary; or • if the employee or a family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in reasonable time or without added expense, a written statement from the employee indicating that the employee is taking or took paid sick time for a qualifying purpose. • Except as otherwise required by law, • an employer may not require disclosure of the details of an employee's or an employee's family member's health information as a condition of providing paid sick time under the Nebraska Healthy Families and Workplaces Act . • any health information possessed by an employer regarding an employee or employee's family member must: 1) be maintained on a separate form and in a separate file from other personnel information; 2) be treated as confidential medical records; and 3) not be disclosed except to the affected employee or with the express written permission of the affected employee.
Carryover	Accrued paid sick time must be carried over to the following year. In lieu of carryover an employer may pay out unused earned paid sick time at the end of the year and provide employees with an amount of paid sick time that meets or exceeds the law's requirements for immediate use at the beginning of the subsequent year.
Termination, Transfer and Rehire	• When there is a separation from employment* and the employee is rehired within 12 months of separation by the same employer, previously accrued paid sick time that had not been used must be reinstated. The employee is be entitled to use accrued paid sick time and accrue additional paid sick time at the recommencement of employment. * *The law is silent as to whether accrued but unused time must be paid out upon termination of employment. Given the rehire provision, it is assumed that payout is not required; regulations or other guidance may clarify.* • If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, the employee is entitled to all paid sick time accrued at the prior division, entity, or location and is entitled to use all paid sick time as provided in the Nebraska Healthy Families and Workplaces Act.
Notice to Employees	1) Beginning September 15, 2025, employers must display a poster in a conspicuous and accessible place in each establishment where such employees are employed, in English and any language that is the first language spoken by at least 5% of the employer's workforce if NDOL has provided a model notice in such language.

	Nebraska Healthy Families and Workplaces Act *Initiative Measure 436* **Effective October 1, 2025**
	• If an employer does not maintain a physical workplace or an employee teleworks or performs work through a web-based or app-based platform, the employer may provide notice of such information via electronic communication or a conspicuous posting in the web-based or app-based platform. 2) Employers must provide each employee a written notice about earned paid sick time that includes the following information: • beginning October 1, 2025 employees are entitled to paid sick time; • the amount of paid sick time; • the terms of its use guaranteed under the Nebraska Healthy Families and Workplaces Act; • that retaliatory personnel action against employees who request or use paid sick time is prohibited; • that each employee has the right to file a suit or complaint if paid sick time as required by the Act is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking paid sick time; and • the contact information for NDOL where questions about rights and responsibilities under the act can be answered This notice must be provided in English and any language that is the first language spoken by at least 5% of the employer's workforce if NDOL has provided a model notice in such language: • to all employees by September 15, 2025; and • upon an employee's commencement of employment. 3) The amount of paid sick time available to the employee, the amount of paid sick time taken by the employee to date in the year, and the amount of pay the employee has received as paid sick time must be recorded in, or on an attachment to, the employee's regular paycheck. *Model notices will be made available.*
Recordkeeping	*Not specified; regulations or other guidance may clarify.*
Prohibited Acts / Anti-Retaliation	• An employer may not require, as a condition of an employee's taking paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using paid sick time. • Employers are prohibited from: • interfering with, restraining, or denying the exercise of, or the attempt to exercise, any right protected under the law; • taking retaliatory personnel action against an employee or former employee because the individual has exercised rights protected under the law. Such rights include, but are not limited to, the right to request or use earned paid sick time under the law; the right to file a complaint or inform any person about any employer's alleged violation of the law; the right to participate in any investigation, hearing, or proceeding or cooperate with or assist the NDOL in any investigations of alleged violations of the law; and the right to inform any person of his or her potential rights under the law; or

	Nebraska Healthy Families and Workplaces Act *Initiative Measure 436* **Effective October 1, 2025**
	• counting paid sick time taken as an absence that may lead to or result in a retaliatory personnel action or any other adverse action.
Non-Compliance Penalties	• The Commissioner of Labor will issue a citation to an employer when an investigation reveals that the employer may have violated the Nebraska Healthy Families and Workplaces Act. • When a citation is issued, the commissioner will notify the employer of the proposed administrative penalty, not to exceed $500 in the case of a first violation and not more than $5,000 in the case of a second or subsequent violation. • An employee having a claim for a violation of the Nebraska Healthy Families and Workplaces Act may institute suit for legal and equitable relief in the proper court. In any action brought to enforce the Nebraska Healthy Families and Workplaces Act, the court will have jurisdiction to grant such legal or equitable relief as the court deems appropriate to effectuate the purposes of the act. If an employee establishes a claim and secures judgment on the claim, such employee will also be entitled to recover the full amount of the judgment and all costs of such suit, including reasonable attorney's fees. A civil action brought under this section may be commenced no later than four calendar years after the cause of action accrues. *Excerpt; see Section 8 of the law text for full content.*

Other News

New York Paid Prenatal Personal Leave – Guidance

As most recently covered in our October 28 Update, New York's accrued paid sick leave law was amended this spring to include a separate bank of time beginning January 1, 2025: up to 20 hours of "paid prenatal personal leave" may be used for health care services received by an employee during pregnancy or related to their pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with their health care provider.

The New York State Department of Labor (NYSDOL) has created a new website, New York State Paid Prenatal Leave, to provide information on this new leave. The website includes summary information for employees and for employers of the law's provisions and requirements, as well as FAQ. Highlights include:

- The law applies to all private sector employers and their employees.
- Paid Prenatal Leave covers health care services received by an employee during their pregnancy or related to such pregnancy, including physical examinations, medical procedures, monitoring and testing, and discussions with a health care provider related to the pregnancy. This includes fertility treatment appointments and end of pregnancy care, but does not include post-natal or postpartum appointments.
- Beginning the later of January 1, 2025 or commencement of employment, employees are entitled to 20 hours of Paid Prenatal Leave per 52-week period.
    - This leave may only be used by the employee directly receiving prenatal health care services, and is in addition to any other available leave options.
    - Employees are not required to accrue Paid Prenatal Leave or work for an employer for a minimum amount of time before accessing.
    - The first time the employee uses Paid Prenatal Leave begins the 52-week period for that employee.
    - The 20 hours leave may be used throughout the 52-week period until exhausted.
    - Time may be used in hourly increments.
    - An employee may use Paid Prenatal Leave on more than one pregnancy per year, but only 20 hours are available in a 52-week period. Any Paid Prenatal Leave hours remaining from the first pregnancy may be used during the second pregnancy if the second pregnancy is within the same 52-week period.
    - Unused benefit hours do not carry over to the following 52-week period, and payout of unused hours upon separation from employment is not required.
- Employees should request or notify their employer that they are using Paid Prenatal Leave in the same way they would request or notify their employer of other types of time off at their workplace.
    - Employers must allow employees to use Paid Prenatal Leave when they request it, until all 20 hours of leave they are entitled to each year have been used.
    - NYSDOL encourages employers to communicate to their employees what notification or request procedures they should follow when requesting time off.
- Paid Prenatal Leave must be paid at the greater of the employee's regular rate of pay or the applicable state minimum wage.
- Employers may not ask for details of the employee's care, or request documentation.
- While the law does not specifically require recordkeeping on paystubs, it is a best practice to maintain clear records of available types of leave and amounts of types of leave used in a manner accessible to both the employer and employee.
- Employers are prohibited from retaliating or discriminating against employees for requesting and using Paid Prenatal Leave. Examples of employer retaliation may include:
    - Reducing the number of hours of sick leave, vacation leave, or other leave an employee is entitled to because an employee uses Paid Prenatal Leave.
    - Changing an employee's work location or hours after an employee requests to use Paid Prenatal Leave.
    - Firing or demoting an employee after they request to use Paid Prenatal Leave.

2025 Paid Family and Medical Leave (PFML) Rates, Benefits and Required Notices

Updates since our October 28 release are highlighted blue.

California State Disability Insurance (CA SDI) and Paid Family Leave (CA PFL)		
	2024	**2025**
Maximum Duration	SDI: 52 weeks PFL: 8 weeks per 12-month period	*No Change*
Waiting Period	SDI: 7 days PFL: None	
Benefit Percentage	• If High Quarter earnings < 1/3 of the State Average Quarterly Wage (SAQW): 70% • If High Quarter earnings => 1/3 of the SAQW: 60% (*SAQW = 13x SAWW*)	• If High Quarter earnings =< 70% of the State Average Quarterly Wage (SAQW): 90% • If High Quarter earnings > 70% of the SAQW: 70% (*SAQW = 13x SAWW*)
State Average Weekly Wage (SAWW)	$1,642	$1,704
Maximum Weekly Benefit	$1,620	$1,681
Contribution Rate *Employee-Paid*	1.1%	1.2%
Taxable Wage Ceiling	None *Eliminated effective 1/1/2024 via SB951.*	None
Maximum Annual Contribution	No maximum	No maximum
Required Notice	Worksite poster (Notice to Employees / DE 1857A), plus individual notices (DE 2515 and DE 2511) provided at hire and the time of need for leave (*These documents may be found here, These documents not necessarily updated each year; however, a revised version of the DE 2511 is expected for 2025.*) *Note that Voluntary Plans have additional notice requirements.*	

Colorado Family and Medical Leave Insurance (CO FAMLI)		
	2024	**2025**
Maximum Duration	12 weeks per 12-month period; +4 weeks for serious health condition related to pregnancy or childbirth	*No Change*
Waiting Period	No waiting period	
Benefit Formula	1) 90% of the EAWW* that is equal to or less than 50% of the SAWW, *plus* 2) 50% of the EAWW that is greater than 50% of the SAWW ** Employee's Average Weekly Wage, as defined*	
State Average Weekly Wage (SAWW)	$1,421.16 *eff. 7/1/23*	$1,471.34 *eff. 7/1/24*
Maximum Weekly Benefit (*90% of SAWW beginning in 2025*)	$1,100	$1,324.21

Contribution Rate *Employee- and Employer-Paid*	.9% *"Small businesses" with <10 employees are not required to pay the employer contribution; employee contribution remains the same.*	.9% *"Small businesses" with <10 employees are not required to pay the employer contribution; employee contribution remains the same.*
Maximum Employee Contribution Rate	.45%	.45%
Taxable Wage Base (SSA)	$168,600	$176,100
Maximum Annual Contribution	$1,517.40 Total (*$758.70 Employee*)	$1,584.90 Total (*$792.45 Employee*)
Base Period Earnings Threshold (*see Employee Handbook*)	$2,500	*No Change*
Required Notice	Notice posted and provided at hire and at the time of need for leave. (*The 'Required Program Notice' may be found here; it is unclear whether it will be updated for 2025.*)	

Connecticut
Paid Leave (CT PL)

	2024	2025
Maximum Duration	12 weeks per 12-month period; +2 weeks for employee's pregnancy incapacity Family Violence: 12 days	*No Change*
Waiting Period	No waiting period	*No Change*
Benefit Percentage	1) 95% of the employee's Base Weekly Earnings equal to or less than 40x the Minimum Fair Wage, *plus* 2) 60% of the employee's Base Weekly Earnings above 40x the Minimum Fair Wage	*No Change*
Minimum Fair Wage (MFW)	$15.69/hour	$16.35/hour
Maximum Weekly Benefit (*60x MFW*)	$941.40	$981
Contribution Rate *Employee-Paid*	.5%	.5%
Taxable Wage Base (SSA)	$168,600	$176,100
Maximum Annual Contribution	$843	$880.50
Base Period Earnings Threshold	$2,325 in the highest-earning quarter of the first 4 of the last 5 completed quarters	*No Change*
Required Notice	Notice posted and provided at hire, annually, and at the time of need for leave. (*The 'Employer's Written Notice to Employees of Rights under CTFMLA and CTPL' is posted on the CT DOL's website. This document is not necessarily updated each year; however, a new version is available as of August 2024*).	

Delaware Paid Leave (DE PL)		
	2024	**2025**
Participation Requirement	Participation requirements are based on employee count in Delaware: • Employers with 9 or fewer employees are not required to participate; • Employers 10-24 employees must provide parental leave; • Employers with 25 or more employees must provide parental, medical, family caregiver and qualifying exigency leave. *Employee counts are per FEIN unless the employer meets the definition of "integrated employer" under the FMLA (29 CFR 825.104(c)(2)).*	
Maximum Duration	*Benefits entitlement begins January 1, 2026*	
Waiting Period		
Benefit Percentage		
Maximum Weekly Benefit		
Contribution Rate *Employee- and Employer-Paid*	*Contributions begin January 1, 2025*	Total Rate (All Coverages): .8% Parental: .32% Medical: .4% Family Care/QE: .08%
Maximum Employee Contribution Rate		Total Rate (All Coverages): .4% Parental: .16% Medical: .2% Family Care/QE: .04%
Taxable Wage Base (SSA)		$176,100
Maximum Annual Contribution		Total (All Coverages): $1,408.80 (*$704.40 EE*) Parental: $563.52 (*$281.76 EE*) Medical: $704.40 (*$352.20 EE*) Family Care/QE: $140.88 (*$70.44 EE*)
Required Notice	Individual notice provided by December 2, 2024, at hire, and at the time of need for leave. (*The 'Notice of Employee Rights' may be found here.*) *Please see additional information on notice requirements listed under Important Reminders in our October 28 Update.*	

District of Columbia Paid Family Leave (DC PFL)		
	2024	**2025**
Maximum Duration	• Own Illness: 12 weeks • Family Care: 12 weeks • Bonding: 12 weeks • Pre-natal Medical Leave: 2 weeks • Combined maximum: 12 weeks in a 52-week period (*potential for 14 weeks Pre-natal and Parental combined*)	*No Change*
Waiting Period	None	*No Change*

Benefit Formula	• If EAWW* =< 150% of DC min. wage x 40: 90% • If EAWW > 150% of DC min. wage x 40: 1) 90% of 150% of DC min. wage x 40 *plus* 2) 50% of the amount EAWW exceeds 150% of the DC min. wage x 40 ** Employee's Average Weekly Wage, as defined*	*No Change*
DC Minimum Wage	$17.50/hour (*increased from $17.00/hour eff. 7/1/24*)	
Maximum Weekly Benefit	$1,153 *(increased from $1,118 eff. 10/1/24*)	
Contribution Rate *Employer-Paid*	.75% *(increased from .26% eff. 7/1/24*)	
Maximum Annual Contribution	No maximum	No maximum
Required Notice	Notice posted and provided annually (by each February 1), at hire, and the time of need for leave (*The '2025 Notice to Employees' is available here.*)	

Hawaii Temporary Disability Insurance (HI TDI)		
	2024	**2025**
Maximum Duration	26 weeks	*No Change*
Waiting Period	7 days	
Benefit Percentage	58%	
Maximum Weekly Benefit	$798	$837
Employee Contribution Rate *Employee- and Employer-Paid; Employer pays any balance required*	Up to ½ of plan costs, max .5%	*No Change*
Maximum Weekly Wage Base	$1,374.78	$1,441.72
Maximum Employee Contribution	$6.87 per week	$7.21 per week
Base Period Earnings Threshold	$400	*No Change*
Required Notice	Worksite poster (*The model poster may be found here, and is not necessarily updated each year.*)	

Maine Paid Family and Medical Leave (ME PFML)		
Maximum Duration	*Benefits entitlement begins May 1, 2026*	
Waiting Period		
Benefit Percentage		
State Average Weekly Wage (SAWW)		
Maximum Weekly Benefit		
Contribution Rate *Employee- and Employer-Paid*	*Contributions begin January 1, 2025*	1% *Employers with <15 employees in ME are not required to pay the employer contribution; employee contribution remains the same.*
Maximum Employee Contribution Rate		.5%
Taxable Wage Base (SSA)		$176,100
Maximum Annual Contribution		$1,761 Total (*$880.50 Employee*)
Required Notice	Workplace poster, plus individual notice provided within the first 30 days of employment (*The PFML Labor Poster may be found here.*)	

Maryland Family and Medical Leave Insurance (MD FAMLI)		
	2024	**2025**
Maximum Duration	*Benefits entitlement begins July 1, 2026*	
Waiting Period		
Benefit Percentage		
State Average Weekly Wage (SAWW)		
Maximum Weekly Benefit		
Contribution Rate *Employee- and Employer-Paid*	*Contributions begin July 1, 2025*	.9% *Employers with <15 employees are not required to pay the employer contribution; employee contribution remains the same. Per the proposed regulations, this count is nationwide.*
Maximum Employee Contribution Rate		.45%
Taxable Wage Base (SSA)		$176,100
Maximum Annual Contribution		$1,584.90 Total (*$792.45 Employee*)
Required Notice	Notice provided at hire, annually, and at the time of need for leave *Per the proposed regulations, employers will be required to provide an initial notice regarding MD FAMLI in January 2026.*	

Massachusetts Paid Family and Medical Leave (MA PFML)		
	2024	**2025**
Maximum Duration	• Own Illness: 20 weeks • Family Care, Bonding, or Qualifying Exigency: 12 weeks • Injured Servicemember: 26 weeks • Combined maximum: 26 weeks in a 52-week period	*No Change*
Waiting Period	7 days, except for bonding leave immediately following pregnancy disability	
Benefit Formula	• 80% of EAWW* =< 50% of SAWW, *plus* • 50% of EAWW > 50% of SAWW ** Employee's Average Weekly Wage, as defined*	
State Average Weekly Wage (SAWW)	$1,796.72	$1,829.13
Maximum Weekly Benefit (*64% of SAWW*)	$1,149.90	$1,170.64
Contribution Rate *Employee- and Employer-Paid*	.88% Total Contribution .70% Medical, .18% Family Care *Employers with <25 employees in MA are not required to pay the employer contribution; employee contribution remains the same.*	.88% Total Contribution .70% Medical, .18% Family Care *Employers with <25 employees in MA are not required to pay the employer contribution; employee contribution remains the same.*
Maximum Employee Contribution Rate	.46% (.28% Medical, .18% Family Care)	.46% (.28% Medical, .18% Family Care)
Taxable Wage Base (SSA)	$168,600	$176,100
Maximum Annual Contribution	$1,483.68 Total (*$775.56 Employee*)	$1,549.68 Total (*$810.06 Employee*)
Base Period Earnings Threshold	$6,300	$6,300
Required Notice	Workplace poster, plus individual notice to be provided within 30 days of hire (*employee acknowledgment is required for the individual notice*) (*The 2025 versions are available here.*) *Employers are required to give notice to employees 30 days in advance of a rate change. (i.e., by December 2).*	
Minnesota **Paid Leave (MN PL)**		
Contributions and benefits entitlement begin January 1, 2026.		

New Hampshire Paid Family and Medical Leave Insurance (NH PFML)		
Voluntary for Private Employers and Individuals. *Benefit amounts below reflect those under insured plans available through MetLife beginning January 1, 2023.* *Visit the NH PFML and MetLife websites for more information.*		
Reasons for Leave	Own Illness (when STD does not apply), Family Care, Bonding, Qualifying Exigency, Military Caregiver	
Maximum Duration	Group Plans: 6- or 12-week options Individual: 6 weeks	
Waiting Period	7 days	
Benefit Percentage	60%	
	2024	**2025**
Taxable Wage Base (SSA)	$168,600	$176,100
Maximum Weekly Benefit (*60% of SSA Taxable Wage Base (weekly)*)	$1,945.38	$2,031.92

New Jersey Temporary Disability Insurance (NJ TDI) and Family Leave Insurance (NJ FLI)		
	2024	**2025**
Maximum Duration	TDI: 26 weeks FLI: 12 weeks	*No Change*
Waiting Period	TDI: 7 days* FLI: None ** Payment is retroactive if disability lasts longer than 21 days; no WP for bone/organ donation and during public health emergency.*	
Benefit Percentage	85%	
State Average Weekly Wage (SAWW)	$1,507.76	$1,545.60
Maximum Weekly Benefit (*70% of SAWW*)	$1,055	$1,081
Employee Contribution Rate *NJ TDI is Employee- and Employer-Paid; Employer contribution rate varies.* *NJ FLI is Employee-Paid*	TDI: .0% FLI: .09%	TDI: .23% FLI: .33%
Employee Taxable Wage Base	$161,400	$165,400
Maximum Annual Employee Contribution	TDI: N/A FLI: $145.26	TDI: $380.42 FLI: $545.82
Employer Taxable Wage Base	$42,300	$43,300
Eligibility - Base Week Amount	$283 for 20 weeks	$303 for 20 weeks
Alternative Earnings Test	$14,200 in the first 4 of the last 5 completed quarters preceding claim	$15,200 in the first 4 of the last 5 completed quarters preceding claim

Required Notice	Notice posted in the workplace and provided at hire and at the time of need for leave. (*These documents may be found here, and are not necessarily updated each year.*) *Employers with self-funded private plans must also post an 'Annual Notice to Employees'. This notice must be updated annually and a copy sent to the Private Plan Compliance Section. A sample is included in the Self-Insured Private Plan Guide.*

New York Disability Benefits Law (NY DBL)		
	2024	**2025**
Maximum Duration	26 weeks Max. 26 weeks in a 52-week period combined with NY PFL	*No Change*
Waiting Period	DBL: 7 days	
Benefit Percentage	50%	
Maximum Weekly Benefit	$170	
Employee Contribution Rate *Employee- and Employer-Paid; Employer pays any balance required.*	.5%	
Maximum Employee Contribution	$.60 per week	
Required Notice	Posted Notice of Compliance (DBL-120 for insured plans) or Certificate of Participation in Group Disability Self-Insurance (employers with self-funded plans may request from NY WCB), plus individual Statement of Rights (DB-271S) provided at the time of need for leave. (*The DB-271S may be found here, and is not necessarily updated each year.*)	

New York Paid Family Leave (NY PFL)		
	2024	**2025**
Maximum Duration	12 weeks Max. 26 weeks in a 52-week period combined with NY DBL	*No Change*
Waiting Period	None	
Benefit Percentage	67%	
State Average Weekly Wage (SAWW)	$1,718.15	$1,757.19
Maximum Weekly Benefit (*67% of SAWW*)	$1,151.16	$1,177.32
Contribution Rate *Employee-Paid*	.373%	.388%
Maximum Annual Contribution	$333.25	$354.53
Required Notice	Posted Notice of Compliance (PFL-120 for insured plans, employers with self-funded plans may request from NY WCB), plus individual Statement of Rights (PFL-271S) provided at the time of need for leave. (*The PFL-271S may be found here. This notice is not necessarily updated each year; however, a new version is available as of September 2024.*)	

Oregon Paid Family and Medical Leave (OR PFML)		
	2024	**2025**
Maximum Duration	12 weeks per 12-month period, with an additional 2 weeks for pregnancy limitations. *Until July 1, 2024, an employee may be eligible for up to 16 weeks (18 weeks with pregnancy limitations) of paid OR PFML and unpaid OR Family Leave Act (OFLA) leave in a Benefit Year.*	*No Change*
Waiting Period	None	
Benefit Percentage	• If EAWW* =< 65% of SAWW: 100% of EAWW • If EAWW > 65% of SAWW: 65% of SAWW *plus* 50% of EAWW that is greater than 65% of SAWW ** Employee's Average Weekly Wage, as defined*	
State Average Weekly Wage (SAWW)	$1,307.17 *(7/1/24 - 6/30/25)*	
Maximum Weekly Benefit (*120% of SAWW*)	$1,568.60 *for benefit years beginning on or after 7/7/24*	
Contribution Rate *Employee- and Employer-Paid*	1.0% *Employers with <25 employees nationwide are not required to pay the employer contribution; employee contribution remains the same.*	1.0% *Employers with <25 employees nationwide are not required to pay the employer contribution; employee contribution remains the same.*
Maximum Employee Contribution Rate	.6%	.6%
Taxable Wage Base (SSA)	$168,600	$176,100
Maximum Annual Contribution	$1,686 Total (*$1,011.60 Employee*)	$1,761 Total (*$1,056.60 Employee*)
Base Period Earnings Threshold (*see Employee Guidebook*)	$1,000	*No Change*
Required Notice	Notice posted at each work site and provided electronically or by mail to any remote workers (*The model notice may be found here; it is unclear whether it will be updated for 2025.*) *Note: OED has also provided an Equivalent Plan Model Notice Template for employers sponsoring private plans (found under 'More Resources').*	

Puerto Rico Seguro por Incapacidad No Ocupacional Temporal (SINOT)		
	2024	**2025**
Maximum Duration	26 weeks	*No Change*
Waiting Period	7 days, except for hospitalization	
Benefit Percentage	65%	
Maximum Weekly Benefit	$113	
Contribution Rate *Employee- and Employer-Paid*	.6% of first $9,000 of earnings	
Maximum Employee Contribution	.3% of first $9,000 of earnings $27 per year	
Required Notice	Worksite poster as well as individual certificate/notice of benefits (*The poster may be found here, and is not necessarily updated each year.*)	

Rhode Island Temporary Disability Insurance (RI TDI) and Temporary Caregiver Insurance (RI TCI)		
	2024	**2025**
Maximum Duration	TDI: 30 weeks TCI: 6 weeks Combined maximum: 30 weeks in a 52-week period	TDI: 30 weeks TCI: 7 weeks* Combined maximum: 30 weeks in a 52-week period ** Increases to 8 weeks 1/1/26*
Waiting Period	No unpaid waiting period; benefits are paid retroactively to first day if need for leave lasts at least 7 days	*No Change*
Benefit Percentage	4.62% of wages paid in the highest quarter of the Base Period	*No Change*
Maximum Weekly Benefit	$1,070; $1,444 with dependency allowance (*7/1/24 - 6/30/25*)	
Contribution Rate *Employee-Paid*	1.2%	1.3%
Taxable Wage Base	$87,000	$89,200
Maximum Annual Contribution	$1,044	$1,159.60
Base Period Earnings Threshold	$16,800 in Base Period earnings; *or* (1) $2,800 in at least one Base Period quarter; (2) Base Period taxable wages at least 1.5x highest quarter of earnings; *and* (3) $5,600 of taxable wages in Base Period	*TBD*
Required Notice	Worksite poster (*The individual Unemployment/TDI poster is not year-specific; the Combination Poster may also be utilized, however the 2025 version is not yet available. Both may be found here.*)	

Vermont Family and Medical Leave Insurance (VT FMLI)		
Voluntary for Private Employers and Individuals *Effective July 1, 2023 for State Employees, July 1, 2024 for Private Employers; July 1, 2025 for Individuals* *The information below reflects benefits available to state employees beginning July 1, 2023; plan design options may be available for employers sponsoring programs for their employees through The Hartford beginning July 1, 2024.* *Visit The Hartford's website for more information.*		
Reasons for Leave	Own Illness, Family Care, Bonding, Qualifying Exigency, Military Caregiver	
Maximum Duration	6 weeks per 12-month period	
Waiting Period	7 days for medical leave, none for family leave	
Benefit Percentage	60%	
	2024	**2025**
Taxable Wage Base (SSA)	$168,600	$176,100
Maximum Weekly Benefit (*60% of SSA Taxable Wage Base (weekly)*)	$1,945.38	$2,031.92

Washington Paid Family and Medical Leave (WA PFML)		
	2024	**2025**
Maximum Duration	• Own Illness: 12 weeks; +2 weeks for pregnancy incapacity (PI) • Family Care: 12 weeks • Combined maximum: 16 weeks in a 52-week period (18 weeks w/PI)	*No Change*
Waiting Period	7 days, except for medical leave for childbirth (*eff. 6/9/22*), bonding leave or qualifying exigency	
Benefit Formula	• If EAWW* =< 1/2 SAWW: 90% • If EAWW > 1/2 SAWW: 90% of 1/2 of the SAWW *plus* 50% of the difference of the EAWW and 1/2 of the SAWW * *Employee's Average Weekly Wage, as defined*	
State Average Weekly Wage (SAWW)	$1,618	$1,714
Maximum Weekly Benefit (*90% of SAWW*)	$1,456	$1,542
Contribution Rate *Employee- and Employer-Paid*	.74% Total Contribution *Employers with <50 employees in WA are not required to pay the employer portion of premium; employee contribution remains the same.*	.92% Total Contribution *Employers with <50 employees in WA are not required to pay the employer portion of premium; employee contribution remains the same.*
Maximum Employee Contribution Rate	71.43% of Total Contribution rate (*~.52858% of wages*)	71.52% of Total Contribution rate (*~.65798% of wages*)
Taxable Wage Base (SSA)	$168,600	$176,100
Maximum Annual Contribution	$1,247.64 Total (*~$891.19 Employee*)	$1,620.12 Total (*~$1,158.71 Employee*)

Required Notice	Worksite poster, plus individual Statement of Employee Rights ('Employer to Employee Notice') at the time of need for leave (*The 2025 poster is available, and the Employer to Employee Notice is not necessarily updated each year. Both may be found here.*)

Please contact your MMA account team members with specific questions about this or other Updates. View past Updates on the Absence, Disability & Life blog at https://mma-adl.com/blog/.