



**NASBI 20<sup>TH</sup> ANNIVERSARY**

**2002-2022**

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# **2022 NASBI SUPPLEMENTAL BENEFITS FORUM**

**ACCIDENT • CRITICAL ILLNESS  
HOSPITAL INDEMNITY • LIFE INSURANCE  
SHORT TERM DISABILITY**



**NASBI**

National Association of  
Supplemental Benefit Insurance

# **Paid Family & Medical Leave: Growing Need for Caregiver Support**

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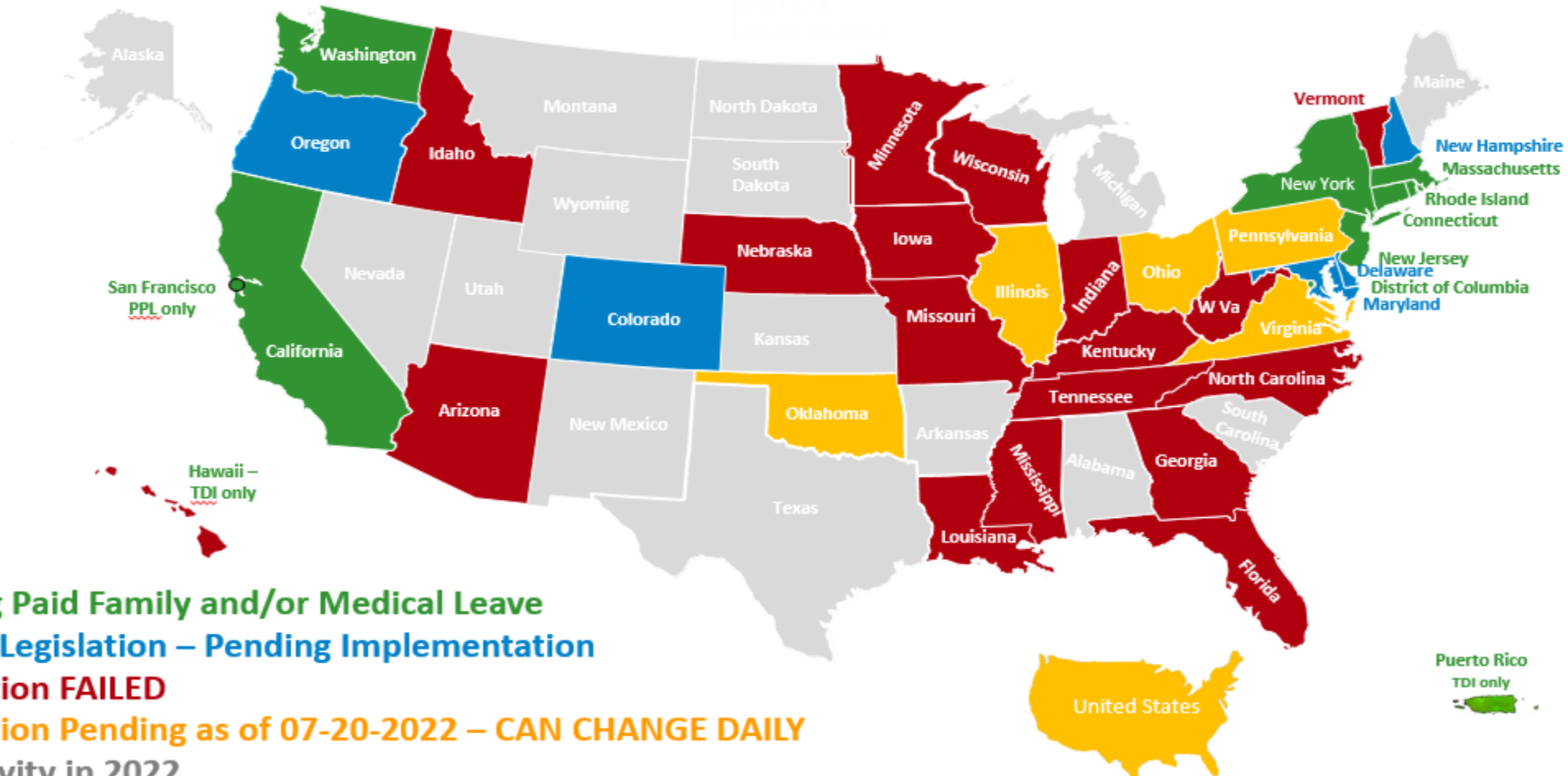
How many  
states/jurisdictions/territories  
currently have a paid leave  
program that is effective (i.e.  
employees able to receive benefit  
payments)?

# Current PFML Landscape

Currently Effective (1942-2022)	Coming Soon (2023-2026)
California	Oregon
New Jersey	Colorado
New York	Maryland
Rhode Island	Delaware
Puerto Rico (DI only)	New Hampshire
Hawaii (DI only)	Vermont
Washington	Virginia
Washington D.C.	
Massachusetts	
Connecticut	

# 2022 NASBI SUPPLEMENTAL BENEFITS FORUM

## Paid Family & Medical Leave Laws – 2022 Applicable to Private Employers



# What is PFML?

- Medical
  - Own Serious Health Condition or Disability
- Family Leave
  - Parental leave- bond with your child
  - Caregiver- care for a family member
  - Military exigency
  - Safe leave- domestic violence, harassment, sexual assault, stalking



# Interactions with Other Leaves/Benefits

- Heart Attack
  - PTO
  - FMLA
  - PFML
  - STD
  - Critical Illness
  - Hospital Indemnity
- Pregnancy
  - PTO
  - Employer parental leave policy
  - FMLA
  - PFML
  - STD
  - Hospital Indemnity

## Existing Programs

- State DI and Paid Family Leave (PFL)
  - CA: PFL added in 2004- DI is 52 weeks; PFL at 8 weeks
  - RI: PFL added in 2014- DI is 30 weeks; PFL at 5 weeks for 2022, increasing to 6 weeks in 2023
  - NY: PFL added in 2016- DI is 26 weeks; PFL at 12 weeks
  - NJ: PFL added in 2018- DI is 26 weeks; PFL at 12 weeks for continuous or 8 weeks for intermittent leave



# Existing Programs

- Paid Family and Medical Leave (PFML)
  - WA: enacted 2017- 12 weeks (up to 18 weeks in combination)
  - DC: enacted 2017- 6 weeks for medical, 6 weeks for caregiver, 8 weeks for bonding (up to 8 weeks in combination)
  - MA: enacted 2018- 20 weeks for medical, 12 weeks for family (up to 26 weeks in combination)
  - CT: enacted 2019- 12 weeks for medical, 12 weeks for family (up to 12 weeks in combination)

# Existing Programs

- State DI + PFL vs. PFML
  - Serious medical condition is more generous trigger than disability
  - State DI + PFL only covers intermittent leave on PFL while PFML covers Intermittent leave for both Medical and PFL
  - State DI + PFL has elimination (waiting) periods on DI, PFML does not
  - State DI + PFL is governed by DOI while PFML is under DOL

# Serious Health Condition

- Multiple triggers- the broadest one:
  - Involves a period of incapacity. “Incapacity” is the inability to perform at least one essential job function, or to attend school or perform regular daily activities for more than three consecutive calendar days. A period of incapacity includes any subsequent required treatment or recovery period relating to the same condition. The incapacity must involve one of the following:
    - (A) Two or more treatments by a health care provider; or
    - (B) One treatment plus a regimen of continuing care.



# Enacted Programs

- Paid Family and Medical Leave (PFML)
  - OR: enacted 2019- 12 weeks for medical, 12 weeks for family (up to 18 weeks in combination)
  - CO: enacted 2020- 12 weeks for medical, 12 weeks for family (up to 12 weeks in combination)
  - MD: enacted 2022- 12 weeks for medical; caregiver; military , 12 weeks for parental (up to 24 weeks in combination)
  - DE: enacted 2022- 6 weeks for medical; caregiver (in 24 months), 12 weeks for parental (each year)
  - NH: voluntary program
  - VA: file PFL to DI contracts with DOI
  - VT: voluntary program

# Why Know About PFML?

- Be a student of the industry
- No longer niche programs that impact employees in only a few states
- These are programs that provide much-needed benefits to employees
- These programs are top-of-mind for employers, especially those with a national presence
- Become a resource for your brokers
- Cross-sell opportunities for carriers
- Inforce book protection for carriers
- PFML doesn't exist in a vacuum – interactions with STD, FMLA and Supp. Health
- PFML isn't going anywhere anytime soon