



ABSENCE ADVISORY

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



APRIL 2024

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

TOP NEWS INSIDE

- Leave: [Oregon](#), [Virginia](#).
- Paid Leave: [Maryland](#), [Puerto Rico](#).

Oregon Family Leave Act (OFLA) Senate Bill 1515 & SB999

The state of Oregon has made significant changes to the Oregon Family Leave Act (OFLA) to better align with Paid Leave Oregon (PLO). Leave taken under OFLA may not be taken concurrent with PLO and instead may be taken in addition to PLO.

Effective July 1, 2024, the following changes will take place:

Absence reasons:

- Pregnancy-related disability leave.
- Two weeks of family bereavement leave for each family member's death that must be taken and completed within 60 days from the date the employee receives notice of the family member's death. The maximum time will be reduced from 12 weeks to a maximum of 4 weeks of leave in any one-year period.
- Sick child leave, which will continue to include time needed to care for a sick child that requires home care but does not have a serious health condition. The amendment adds home care for a sick child who has a serious health condition.
- Absences for the care for a child whose school or childcare provider has been closed concurrent with a declared public emergency will continue to be an allowable reason.
- Two weeks of leave to address the legal process required for the placement of a foster child or the adoption of a child. This two-week entitlement is temporarily available between July 1, 2024, through Dec. 31, 2024, then the time will be covered PLO effective Jan. 1, 2025.

Absences for the serious health condition of the employee or their family member and time to bond with a new child will no longer be covered under OFLA, but will be covered, if the employee is eligible, under Paid Leave Oregon.

“One-Year Period” change:

Under current regulations, OFLA allows an employer to align the one-year period with the federal Family and Medical Leave Act. As of July 1, 2024, the one-year period will align with PLO and be measured as 52 consecutive weeks beginning on the Sunday immediately preceding the date on which the family leave commences.

Aflac is currently assessing impacts to current leave administration. To review more details of SB1515 and SB 999 (2023), visit [SB1515 \(oregonlegislature.gov\)](https://legislature.oregon.gov/bills/2023/1515), [SB0999 \(oregonlegislature.gov\)](https://legislature.oregon.gov/bills/2023/999).

Employers should continue to review and update their internal policies and provide timely and appropriate updates/training to management, as it applies to your company.



VIRGINIA

Virginia Family Bereavement Leave (HB 1098)

On March 25, 2024, Virginia's legislation enrolled HB 1098 and forwarded the bill to the governor for consideration on March 27, 2024. The law would have required employers with 50 or more employees, excluding any agency of the federal government, to provide unpaid, job-protected family bereavement leave for the following reasons:

- To attend the funeral or funeral-equivalent of a covered family member.
- To make arrangements necessitated by the death of a covered family member.
- To grieve the death of a covered family member.
- Absence from work due to:
 - o A miscarriage.
 - o An unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure.
 - o A failed adoption match or an adoption that is not finalized because it is contested by another party.
 - o A failed surrogacy agreement.
 - o A diagnosis that negatively impacts pregnancy or fertility.
 - o A stillbirth.

On April 8, 2024, Virginia Governor Glenn Youngkin vetoed the bill. Aflac will continue to watch the legislation for any developments.

To review more details of HB 1098, please see [LIS > Bill Tracking > HB1098 > 2024 session \(virginia.gov\)](#).

PAID LEAVE

MARYLAND

Maryland Family and Medical Leave Insurance (MD FMLI) delay

The Maryland House of Representatives recently passed legislation that would delay the MD FMLI program by approximately nine months. The bill, which is expected to be signed by the governor, would delay premium collection until July 1, 2025, and benefits would begin to be administered on July 1, 2026. Once approved, Aflac will provide updates. For more information, go to <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0485?ys=2024RS>.

PUERTO RICO

On March 25, 2024, the Puerto Rico Secretary of Health declared a public health emergency in response to a surge of dengue fever cases early this year. Five hundred forty-nine cases of the mosquito-transmitted disease have been reported so far in Puerto Rico for 2024, compared to 1,293 cases for all 2023.¹ Administrative Order No. 2024-589 went into effect immediately, and will last 90 days or until June 23, 2024, if not extended.²

Employers may be required to provide nonexempt employees who have or are suspected of having dengue fever five days paid emergency leave based on the provisions of Puerto Rico's Law 37-2020. To be eligible for benefits under this emergency paid leave, covered employees who are sick or suspected of being sick due to an illness that triggers a state of emergency declared by the governor of Puerto Rico, or the secretary of the Department of Health, must first use any other available paid leave, including accrued sick leave. After other applicable paid leave is exhausted, employees are entitled to up to five additional days of paid leave.²

Employers in Puerto Rico should ensure they comply with the law as a result of the declared health emergency.

¹ Puerto Rico declares epidemic after spike in dengue cases | AP News, 03/24/24, [Accessed 04/05/24](#).

² Puerto Rico Special Paid Leave Activated for Dengue Fever State of Emergency - Jackson Lewis, 03/26/24, [Accessed 04/05/24](#).



These are educational materials only. Employers should consult their own counsel for obligations for state-mandated leave and disability programs. Products and services are provided by Continental American Insurance Company. In New York, products and services are provided by American Family Life Assurance Company of New York. Products may not be available in all states and may vary depending on state law.

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