

Glossary of Leave terminology

About

The landscape of leave is continuously evolving, which can make it difficult for employers to understand all the terms and stay current with the current trends. We have put together a list of terms to help you understand and better navigate the leave landscape.

Company Sponsored/Voluntary Leave (STD, LTD, Paid Parental Leave, etc.)

Companies may choose to provide voluntary leave benefits to employees such as paid parental leave, short term disability, or long term disability.

Statutory Disability Insurance/Temporary Disability Insurance (SDI/TDI)

Legally mandated leave benefit that provides partial wage replacement to employees who are temporarily disabled and unable to work because of non-occupational illness or accident.

Statutory Paid Family Leave (PFL)

Legally mandated leave benefit that provides up to certain number of weeks of partially or fully paid leave for eligible employees who take leave for family care related covered reasons, including bonding with a new child or to care for family member with a serious health condition. The amount of wage replacement is dependent on the requirements of the law and usually varies based on the employee's average weekly wage during a specified period prior to taking leave. This time may also be job-protected in some jurisdictions. PFL is administered through a state agency, but some jurisdictions also allow the benefits to be provided through a private plan administered by the employer, their insurance carrier, or their third-party administrator.

Statutory Paid Family and Medical Leave (PFML)

Legally mandated leave benefit that provides up to certain number of weeks of partially or fully paid leave for eligible employees who take leave for covered reasons, including their own illness, bonding with a new child or to care for family member with a serious health condition. The amount of wage replacement is dependent on the requirements of the law and usually varies based on the employee's average weekly wage during a specified period prior to taking leave. This time may also be job-protected in some jurisdictions. PFML is administered through a state agency, but some jurisdictions also allow the benefits to be provided through a private/equivalent plan administered by the employer, their insurance carrier, or their third-party administrator.

Statutory Paid Sick Leave Law (PSL)/State or Local Sick Leaves

Legally mandated leave benefit that requires employers to pay employees their full rate of pay for a specified number of hours of PSL for use in a specified period. Employees accrue paid leave based on hours worked and that time can be used for various reasons, including sickness or preventive care for themselves or family members. Employers can use existing paid time/benefits to satisfy the requirement of the PSL laws if the time can be used for the same reason and under the same conditions as the time required under the PSL law. For example, the company-provided time must be available for use for the employee's own illness and for the illness of family members if the PSL must be available for both your own illness and the illness of a family member. Examples of the "same conditions" are things like rate of accrual, increments of use, certification requirements, and carry over. It is important to make sure that the company provided time meets all the same conditions as the PSL time if the employer chooses to use the company provided time to satisfy the PSL requirements.

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Another issue that arises with PSL is potentially confusing the PSL requirement for a PFML requirement. PSL laws can be identified based on the major characteristics that they are accrual based and full pay is paid by the employer for a limited period, usually in the 40-hour range. PFML is not accrual based, is paid by the state or private plan and is for extended periods of time of 6-12 weeks or more depending on the circumstances.

Unpaid Family and Medical Leave (FML)

Legally mandated leave benefit that provides up to a specified number of weeks of unpaid job-protected leave for eligible employees who take leave for covered reasons, including their own illness, bonding with new child or to care for family member with a serious health condition.

For more information, please contact your Voya representative.

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This material is not legal advice and is provided for informational purposes only. Employers should consult their own employment or benefits counsel for advice concerning their specific obligations under state-mandated disability and paid family and medical leave laws.

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