

§850-E. Paid Family and Medical Leave Insurance Fund

1. Fund established. The Paid Family and Medical Leave Insurance Fund is established to carry out the purposes of this subchapter. The fund is administered by the Treasurer of State. Any sums received under this section are not considered revenue of the State, but must be held in trust for the exclusive benefit of covered individuals eligible for family leave benefits and medical leave benefits under this subchapter and for the administration of this subchapter by the department. Funds may not be expended, released, appropriated or otherwise disposed of for any other purpose and must be expended by the department as required by this subchapter to pay family leave benefits and medical leave benefits to covered individuals eligible to receive benefits and to pay the administrative costs of the administrator.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

2. Deposits in fund. The fund consists of:

A. Contributions collected pursuant to section 850-F together with any interest earned thereon; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. Property or securities acquired through the use of money belonging to the fund together with any earnings of such property or securities; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

C. Fines and penalties collected under this subchapter; and [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

D. Any other money received from any source, including grants, gifts, bequests or money specifically designated to be credited to the fund. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

3. Annualized amount. The fund must maintain an annualized amount as determined by an annual study by a qualified actuary that examines the program's recent and expected future claims experience, administrative expenses and target fund requirements.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

4. Administrative costs. The costs of administering the program by the administrator may not exceed 10% of the amount deposited under subsection 2 for each fiscal year following the initial year family leave benefits and medical leave benefits are paid. Money may not be commingled with other state funds and must be maintained in a separate account.

[PL 2023, c. 643, Pt. ZZZ, §5 (AMD).]

5. Payment of benefits. The administrator shall expend money from the fund to provide weekly family leave benefits and medical leave benefits under section 850-C. Family leave benefits and medical leave benefits must be paid from the fund to covered individuals eligible for benefits. An employer's bankruptcy or noncompliance with this subchapter does not interfere with an employee's ability to collect family leave benefits and medical leave benefits under this subchapter. Family leave benefits and medical leave benefits paid from the fund to such an employee may be recovered through bankruptcy proceedings or from the noncomplying employer. The administrator shall institute administrative and legal action to recover family leave benefits and medical leave benefits paid through the fund.

[PL 2023, c. 412, Pt. AAA, §7 (NEW).]

6. Report. Beginning October 1, 2026 and annually thereafter, the administrator shall publish a report providing the following information concerning the program for the previous fiscal year:

A. The total claims made, the total eligible claims and the percentage of total eligible claims out of total claims made; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

B. The percentage of eligible claims attributable to medical leave; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

- C. The percentage of eligible claims attributable to family leave for the serious health condition of a family member; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- D. The percentage of eligible claims attributable to family leave other than for the birth, adoption or fostering of a child; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- E. The percentage of eligible claims attributable to family leave for the birth, adoption or fostering of a child; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- F. The percentage of eligible claims attributable to family leave for a qualifying exigency; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- G. The percentage of eligible claims attributable to family leave for a covered service member; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- H. The claimant demographics by age, gender identification, race, ethnicity, average weekly wage, occupation and the type of leave taken; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- I. The percentage of claims denied and the reasons for the denials; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- J. The average weekly benefit amount paid for all claims and by the type of leave taken; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- K. The category of family member for whom family medical leave was taken to care for the family member's serious medical condition; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- L. The time for initial claims processing and determination; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- M. The average length of time between an application and receipt of benefits; [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- N. The average leave duration for each purpose of leave; and [PL 2023, c. 412, Pt. AAA, §7 (NEW).]
- O. Any changes in gross benefits paid compared to the previous fiscal year. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

The administrator shall submit the annual report required by this subsection to the department, the authority and the joint standing committee of the Legislature having jurisdiction over labor matters. [PL 2023, c. 412, Pt. AAA, §7 (NEW).]

SECTION HISTORY

PL 2023, c. 412, Pt. AAA, §7 (NEW). PL 2023, c. 643, Pt. ZZZ, §5 (AMD).

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