

Overview of Paid Family & Medical Leave Laws in the United States

Eleven U.S. states and the District of Columbia have paid family and medical leave laws on the books. This document provides an overview of these laws.

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known as "safe military				known as "safe	military				needs arising		needs; or	2025.	placement
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	RI ¹	CA ²	NJ ³	NY ⁴	D.C. ⁵	WA ⁶	MA^7	CT ⁸	OR ⁹	CO ¹⁰	MD ¹¹	\mathbf{DE}^{12}
				family needs. ¹⁴				violence, also known as "safe time."	harassment, sexual assault or stalking. Benefits begin Sept. 3, 2023.	address certain medical and non-medical needs arising from domestic violence, stalking, or sexual assault or abuse, also known as "safe leave." Benefits begin Jan. 1, 2024.		for foster care. Benefits begin on Jan. 1, 2026.
Who is covered? ¹⁹	Employees covered by the state unemploymen t insurance law, except for public employees, are covered.	Employees covered by the state unemployment insurance law, except for most public employees, are covered.	Employees covered by the state unemployment insurance law are covered, with some exceptions for public sector employees.	Most private sector employees are covered. ²⁰	Most private sector employees are covered.	All employees are covered.	Employees covered by the state unemployment insurance law, except for some public employees, are covered.	Almost all private sector and many public sector employees are covered.	Almost all employees are covered.	Almost all employees are covered.	All employees are covered.	Parental leave: Employees who work for an employer with 10 or more employees, except for employees of most seasonal employers.



	RI ¹	CA ²	NJ^3	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹	CO ¹⁰	MD^{11}	DE ¹²
												Medical
												leave &
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												with 25 or
												more
												employees,
												except for
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												most
												seasonal
												employers. ²¹
Are public	No. Public	No, with a few	Own health: No,	No. Public	No.	Yes.	State	State	Yes, except	Yes.	Yes.	Most public
sector	employers can	exceptions.	with a few	employers			employees are	employees are	employees of	However,		sector
workers	opt in to	Many public	exceptions.	can opt in to			automatically	covered if	federal and	local		workers are
automatically	coverage, as	employers can	Public	coverage and			covered. Local	their	tribal	government		automatically
covered? ²²	can some	opt in to	employers can	unions			government	collective	governments.	employers		covered. ²³
	unions	coverage, but	opt in to	covering			employees are	bargaining	Tribal	may decline		
	covering	may need to	coverage.	public sector			not	unit has	governments	coverage.		
	public sector	do so through		workers can			automatically	negotiated	may opt in to	Local		
	workers	a negotiated	Paid family	opt in to paid			covered.	coverage or if	coverage.	government		
	through the	agreement	leave: Yes.	family leave			Public sector	they are not in		employees		
	collective	with an		through the			employers not	a collective		whose		
	bargaining	authorized		collective			covered by the	bargaining		employers		
	process.	bargaining		bargaining			law can opt in	unit.		declined		
		unit.		process.			to coverage.	Municipal		coverage		
								employees		can opt in to		
								and		wage		
								employees of		replacement		
								a local or		benefits.		
								regional board				



	RI ¹	CA ²	NJ^3	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹	CO ¹⁰	MD^{11}	DE ¹²
								of education are covered if their collective bargaining unit has negotiated coverage or if they are not in a collective bargaining unit and their employer has negotiated coverage for members of any collective bargaining unit.				
Are domestic workers covered?	Yes, subject to a low minimum payment requirement.	Yes, subject to a low minimum payment requirement.	Yes, subject to a low minimum payment requirement.	Domestic workers who work at least 20 hours per week for a single employer are covered.	Yes, subject to a low minimum payment requirement	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	The law does not specifically treat domestic workers differently than other employees. However, in practice, most nonagency domestic workers are likely not



	RI ¹	CA ²	NJ^3	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹	CO ¹⁰	MD^{11}	\mathbf{DE}^{12}
												covered due to the employer size limitations. ²⁴
Can self- employed workers opt in to coverage?	No.	Yes.	No.	Yes.	Yes.	Yes.	Yes. Certain selfemployed workers may be covered automatically.	Yes.	Yes.	Yes.	Yes.	Certain self- employed individuals may be able to opt in to coverage.
What are the	Workers must	Workers must	Workers must	Own health:	Workers	Workers must	Workers must	Workers must	Workers must	Workers	Workers	Workers
requirements	have earned	have earned at	have either	Workers	must have	have worked at	have earned a	have earned at	have earned at	must have	must have	must have
to qualify for	wages in 1	least \$300	earned at least	generally	been	least 820 hours	minimum	least \$2,325	least \$1,000	earned at	worked at	been
benefits?	quarter of the	during the	20 times the	must have	employed by	in the	amount	during the	during the	least \$2,500	least 680	employed 1)
	base period of	base period.	minimum wage	been	a covered	qualifying	(currently,	highest	base year.	during the	hours in the	by their
	at least 200		(currently,	employed for	employer in	period. ²⁷	\$5,700) during	earning		base period.	qualifying	employer for
	times the	The base	\$240) in at least	at least 4	D.C. during		the base	quarter within	The base year		period.	at least 12
	minimum	period is the	20 weeks or	consecutive	at least some	The qualifying	period and	the base	is the first 4 of	The base		months and
	wage	first 4 of the 5	earned at least	weeks by a	of the 52	period means	must meet an	period.	the last 5	period is the	The	2) for at least
	(currently,	most recently	1,000 times the	single	weeks	the first 4 of the	earnings		completed	first 4 of the	qualifying	1,250 hours
	\$2,450), must	completed	minimum wage	employer; ²⁶	preceding	5 most recently	requirement	The base	quarters or the	last 5	period means	of service
	have earned	quarters or	(currently,	previously	the event	completed	tied to the	period is the	4 most	completed	the 12-month	with their
	income across	may include	\$12,000) during	qualified	that	quarters or the	worker's	first 4 of the 5	recently	quarters or	period	employer
	the base	earlier	the base year.	workers	precipitated	4 most recent	average	most recently	completed	the 4 most	immediately	during the
	period of at	quarters if the		qualify	their need	completed	earnings that,	completed	quarters.	recently	preceding the	previous 12-
	least 1.5 times	worker was	The base year is	immediately	for leave.	quarters.	in effect,	quarters.		completed	date on	month
	the worker's	unemployed	the first 4 of the	upon the start	Workers		means the		This can	quarters.	which leave	period.
	highest	during part of	5 most recently	of	who have	This can	worker must	This can	combine		begins.	
	earning	the base	completed	employment	worked for	combine hours	have worked	combine	income from	This can		
	quarter, and	period. ²⁵	quarters or the 4	with a new	covered	worked at more	for a certain	income from	more than one	combine		
	must have		most recent	covered	D.C.	than one	number of	more than one	employer.	income		
	earned at least	This can	completed	employer.	employers	employer.	weeks.	employer.		from more		
1	400 times the	combine	quarters or the 3		for less than					1		



	RI ¹	CA ²	NJ^3	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹	CO ¹⁰	MD^{11}	DE^{12}
	minimum	income from	most recent	Paid family	1 year may		The base			than one		
	wage	more than one	completed	leave:	receive a		period is the			employer. ²⁸		
	(currently,	employer.	quarters and the	Workers	prorated		last 4					
	\$4,900) over		portion of the	generally	benefit		completed					
	the entire base		current quarter	must have	amount.		quarters.					
	period.		that has already	been								
			occurred.	employed by			This can					
	The base			their current			combine					
	period is the		This can	employer for			income from					
	first 4 of the 5		combine	at least 26			more than one					
	most recently		income from	consecutive			employer.					
	completed		more than one	weeks; those								
	quarters or the		employer.	who work								
	4 most recent			less than 20								
	completed			hours per								
	quarters.			week must								
				have worked								
	This can			at least 175								
	combine			days for their								
	income from			current								
	more than one			employer.								
	employer.											
What family	A family	A family	A family	A family	A family	A family	A family	A family	A family	A family	A family	A family
members are	member	member	member	member	member	member	member	member	member	member	member	member
covered?	includes a	includes a	includes a	includes a	includes a	includes a	includes a	includes a	includes a	includes a	includes a	includes a
	worker's	worker's	worker's child,	worker's	worker's	worker's child,	worker's	worker's	worker's	worker's	worker's	worker's
	child, parent,	child, parent,	parent, parent-	child, parent,	child,	child's spouse	spouse,	spouse,	spouse or	child,	child, parent,	child (under
	parent-in-law	grandparent,	in-law, sibling,	parent-in-	parent,	or domestic	domestic	sibling, son or	registered	parent,	parent of a	the age of 18
	or parent of	grandchild,	grandparent,	law, spouse,	parent-in-	partner,	partner, child,	daughter,	domestic	parent of a	spouse, legal	or incapable
	the worker's	sibling,	grandchild,	grandchild,	law, spouse,	grandchild,	parent, parent	grandparent,	partner,	spouse or	guardian,	of self-care
	registered	spouse,	spouse,	grandparent,	grandparent,	grandparent,	of a spouse or	grandchild,	sibling, child,	domestic	spouse,	because of a
	domestic	registered	registered	or domestic	sibling, or	parent, parent-	domestic	parent, parent-	child's spouse	partner,	grandparent,	mental or
	partner,	domestic	domestic	partner. ³⁰	registered	in-law or parent	partner,	in-law, or an	or domestic	spouse,	grandchild,	physical
	grandparent,	partner, or the	partner, civil	The law's	domestic	of the worker's	grandchild,	individual	partner,	domestic	or sibling.	disability),
	spouse, or	parent of a	union partner,	definition of	partner.	registered	grandparent,	related to the	grandparent,	partner, ³⁵		

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RI^1	CA ²	NJ ³	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹	CO ¹⁰	MD ¹¹	DE ¹²
registered		any other	domestic		domestic	or sibling. The	employee by	grandchild,	grandparent		parent, or
domestic	spouse or	person related	partner is		partner, sibling,	law's	blood or	parent, parent-	,		spouse.
partner.	registered	to the worker by	flexible and		spouse,	definition of	affinity whose	in-law or	grandparent		
	domestic	blood, and any	does not		registered	domestic	close	parent of the	of a spouse		
	partner. ²⁹	other person	require		domestic	partner is	association the	worker's	or domestic		
		that the worker	registration.		partner, any	flexible and	employee	registered	partner,		
		shows to have a	31		individual who	does not	shows to be	domestic	grandchild,		
		close			regularly	require	the equivalent	partner, or any	grandchild		
		association with	Beginning		resides in a	registration.32	of those	individual	of a spouse		
		the worker	January 1,		worker's home		family	related by	or domestic		
		which is the	2023, a		where there is		relationships.	blood or	partner,		
		equivalent of a	family		an expectation		33	affinity whose	sibling,		
		family	member will		that the worker			close	sibling of a		
		relationship.	also include		care for the			association	spouse or		
			siblings.		individual, or			with a covered	domestic		
					any individual			individual is	partner, or		
					where the			the equivalent	as shown by		
					relationship			of a family	the worker,		
					creates the			relationship. ³⁴	any other		
					expectation that				individual		
					the worker care				with whom		
					for the				the worker		
					individual and				has a		
					that individual				significant		
					depends on the				personal		
					worker for care.				bond that is		
									or is like a		
									family		
									relationship,		
									regardless		
									of		
									biological		
									or legal		
									relationship.		



	RI ¹	CA ²	NJ ³	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹	CO ¹⁰	MD^{11}	DE^{12}
How is the	Workers cover	Workers cover	Workers and	Workers and	Employers	Workers and	Workers and	Workers cover	Workers and	Workers	Workers and	Workers and
program	the full cost of	the full cost of	employers share	employers	cover the	employers	employers	the full cost of	employers	and	employers	employers
funded?	both TDI and	both DI and	the cost of TDI.	share the	full cost of	share the cost	share the cost	all leave.	share the costs	employers	share the cost	share the cost
	TCI. Both	PFL. Both	Workers	cost of TDI.	UPL.	of medical	of medical	Workers	of all leave.	share the	of all leave.	of all leave. ⁵⁰
	programs are	programs are	contribute	Employers	Employers	leave.	leave.	contribute	Employers	cost of all	The exact	Employers
	funded by a	funded by a	0.14% of their	can withhold	contribute a	Employers can	Employers	0.5% of	can withhold	leave.	way that	can withhold
	single payroll	single payroll	wages.	0.5% of	percentage	withhold up to	can withhold	wages.44	up to 60% of	Employers	costs will be	up to 50% of
	deduction,	deduction,	Employers	workers'	of workers'	45% of the	up to 40% of		the	can	shared	the
	currently set at	currently set at	contribute a	wages to pay	wages,	premium from	the premium	Contributions	contribution	withhold up	between	contribution
	1.1% of	1.1% of	percentage of	for coverage,	currently set	workers'	from workers'	do not apply	from workers'	to 50% of	workers and	from
	wages. This	wages. ³⁶ This	workers' wages	up to	at 0.26%.	wages;	wages;	to wages	wages;	the	employers	workers'
	deduction	deduction	ranging from	\$0.60/week;		employers	employers	above the	employers	premium	will be	wages;
	does not apply	does not apply	0.10% to	employers		cover the	cover the	Social	cover the	from	determined	employers
	to wages	to wages	0.75%. The	cover the		remaining	remaining	Security	remaining	workers'	every two	cover the
	above	above	percentage	remaining		cost. ³⁹	cost. ⁴²	contribution	costs.	wages;	years by the	remaining
	\$81,500/year.	\$145,600/year	contribution for	cost. ³⁸		Employers with	Employers	base.	Employers	employers	agency,	cost.
		•	employees does	Workers		fewer than 50	with fewer		with fewer	cover the	within	
			not apply to a	cover the full		employees in	than 25		than 25	remaining	parameters	Initially, the
			worker's wages	cost of PFL.		Washington	employees in		employees are	cost. ⁴⁷	set by law. ⁴⁹	total
			above	The program		State are not	Massachusetts		not required to	Employers	Employers	contribution
			\$151,900/year;	is funded by		required to pay	are not		pay the	with fewer	with fewer	for (1)
			the percentage	a payroll		the employer	required to		employer	than 10	than 15	medical
			contribution for	deduction,		portion. ⁴⁰	pay the		contribution. ⁴⁵	employees	employees	leave is 0.4%
			employers does	currently set		Currently, the	employer			are not	are not	of wages; (2)
			not apply to a	at 0.511% of		total premium	portion. ⁴³		Initially, the	required to	required to	family
			worker's wages	wages. This		for medical	Currently, the		total premium	pay the	pay the	caregiving
			above	deduction		leave is about	total premium		will be 1% of	employer	employer	leave is
			\$39,800/year.	does not		0.29% of	for medical		wages.46	portion.	portion.	0.08% of
			Workers cover	apply to		wages.	leave is 0.56%					wages; and
			the full cost of	wages above		Workers cover	of wages.		Premiums do	Initially, the	Contributions	(3) parental
			FLI. The	an average of		the full cost of	Workers cover		not apply to	total .	do not apply	leave is
			program is	\$1,594.57/		family leave.	the full cost of		wages above	premium	to wages	0.32% of
			funded by a	week.		Currently, the	family leave.		\$132,900/year	will be	above the	wages.
			payroll			premium is	Currently, the		•		Social	
			deduction,				premium is				Security	

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	RI ¹	CA ²	NJ^3	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹	CO ¹⁰	MD^{11}	\mathbf{DE}^{12}
			currently set at 0.14% of wages. This deduction does not apply to wages above \$151,900/year.			about 0.31% of wages. ⁴¹ Premiums do not apply to wages above the Social Security contribution base.	0.12% of wages. The total premium for family and medical leave is 0.68% of wages. Premiums do not apply to wages above the Social Security contribution base.		Contributions begin January 1, 2023.	0.9% of wages. 48 Premiums do not apply to wages above the Social Security contribution base. Premiums begin January 1, 2023.	contribution base. Contribution s begin October 1, 2023.	Contribution s begin January 1, 2025.
What percentage of wages do workers receive?	About 60% of a worker's average weekly wage (formally, 4.62% of a worker's wages in the highest earning quarter of the base year) ⁵¹	Between 60% and 70% of a worker's average weekly wage, depending on their income ⁵²	85% of a worker's average weekly wage	Own health: 50% of a worker's average weekly wage Family leave: 67% of a worker's average weekly wage	90% of a worker's average weekly wage up to an amount equal to 40 times 150% of the D.C. minimum wage and 50% of a worker's average weekly wage above an amount equal to 40	90% of a worker's average weekly wage up to an amount equal to 50% of the statewide average weekly wage and 50% of a worker's average weekly wage above an amount equal to 50% of the statewide average weekly wage	80% of a worker's average weekly wage up to an amount equal to 50% of the statewide average weekly wage and 50% of a worker's average weekly wage above an amount equal to 50% of the statewide	95% of a worker's average weekly wage up to an amount equal to 40 times the state minimum wage and 60% of a worker's average weekly wage above an amount equal to 40 times the state	100% of a worker's average weekly wage up to an amount equal to 65% of the statewide average weekly wage and 50% of a worker's average weekly wage above an amount equal to 65% of the statewide	90% of a worker's average weekly wage up to an amount equal to 50% of the statewide average weekly wage, and 50% of a worker's average weekly wage above an amount	90% of a worker's average weekly wage up to an amount equal to 65% of the statewide average weekly wage, and 50% of a worker's average weekly wage above an amount equal to 65% of the statewide	80% of a worker's average weekly wage ⁵⁴

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	RI ¹	CA ²	NJ^3	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹	CO ¹⁰	MD^{11}	DE^{12}
					of the D.C. minimum wage ⁵³		average weekly wage	minimum wage	average weekly wage	equal to 50% of the statewide average weekly wage	average weekly wage	
What is the maximum weekly benefit?	85% of the statewide average weekly wage Current: \$1,007/week	About 100% of the statewide average weekly wage Current: \$1,540/week	70% of the statewide average weekly wage Current: \$993/week	Own health: \$170/week Family leave: 67% of the statewide average weekly wage Current: \$1,068.36/ week	\$1,009 per week, adjusted annually based on inflation	90% of the statewide average weekly wage Current: \$1,327/week	64% of the statewide average weekly wage Current: \$1,084.31/ week	60 times the state minimum wage Current: \$840/week	120% of the statewide average weekly wage	\$1,100 per week initially, adjusted annually after the first year to 90% of the statewide average weekly wage	\$1,000 per week initially, adjusted annually based on inflation	\$900 initially, adjusted annually based on inflation
For how long can a worker receive benefits?	Own health: Up to 30 weeks in a 52- week period. ⁵⁵ Family leave: Up to 5 weeks in a 52-week period. Total: Up to 30 weeks in a 52-week period.	Own health: Up to 52 weeks for any period of disability. 56 Family leave: Up to 8 weeks in a 12-month period. California does not specify a cumulative limit.	Own health: Up to 26 weeks for any period of disability. 57 Family leave: Up to 12 weeks in a 12-month period. New Jersey does not specify a cumulative limit.	Own health: Up to 26 weeks for any period of disability or in any 52- week period. Family leave: Up to 12 weeks in a 52-week period. Total: Up to 26 weeks in	Own health: Up to 12 weeks in a 52-week period. Caring for a seriously ill relative: Up to 12 weeks in a 52- week period. Bonding with a new	Own health: Up to 12 weeks in a 52-week period. 58 Family leave: Up to 12 weeks in a 52-week period. 59 Following the death of a child in certain circumstances: During the 7 calendar days	Own health: Up to 20 weeks in any benefit year. Family leave: Up to 12 weeks in any benefit year. Total: Up to 26 weeks in any benefit year.	Own health: Up to 12 weeks in a 12- month period. Family leave: Up to 12 weeks in a 12- month period. Safe time: Up to 12 days in a 12-month period.	Own health: Up to 12 weeks in any benefit year. Family leave: Up to 12 weeks in any benefit year. Safe leave: Up to 12 weeks in any benefit year.	Own health: Up to 12 weeks in an application year. Family leave: Up to 12 weeks in an application year. Safe leave: Up to 12 weeks in an	Own health: Up to 12 weeks in an application year. Family leave: Up to 12 weeks in an application year. Total: Up to 12 weeks in an	Own health: Up to 6 weeks in a 24-month period. Family caregiving leave: Up to 6 weeks in a 24-month period. Parental leave: Up to 12 weeks in

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RI^1	CA ²	NJ^3	NY ⁴	D.C. ⁵	WA^6	MA^7	CT ⁸	OR ⁹	CO^{10}	MD^{11}	DE^{12}
When the			a 52-week	child: Up to	following the	Military	Total: Up to	Total: Up to	application	application	an
program is			period.	12 weeks in	death.	caregivers can	12 weeks in a	12 weeks in	year.	year.61	application
fully phased in				a 52-week		receive up to	12-month	any benefit			year.
in 2023,				period.	Total: Up to 16	26 weeks of	period.	year.	Total: Up to	Workers	
workers will					weeks in a 52-	family leave in			12 weeks in	who, in the	Total: Up to
be able to take				Total: Up to	week period.60	any benefit	Workers with	Workers with	an	same 12-	12 weeks in
up to 6 weeks				12 weeks in		year.	certain	certain	application	month	an
of family				a 52-week	Workers with		pregnancy-	pregnancy-	year.	period, take	application
leave.				period.	certain		related health	and		leave to bond	year. ⁶²
					pregnancy-		needs may	childbirth-	Workers	with a new	Workers are
				Workers	related health		receive up to	related health	with certain	child and for	entitled to a
				with certain	needs may		an additional	needs	pregnancy-	a worker's	combined
				pregnancy-	receive up to an		2 weeks of	(including	and	own serious	total of not
				related	additional 2		benefits,	lactation) may	childbirth-	health	more than 6
				health needs	weeks of		which can be	receive up to	related	condition .	weeks or
				may receive	benefits, which		combined with	an additional	health	may receive	medical and
				up to an	can be		other uses up	2 weeks of	needs may	up to an	family
				additional 2	combined with		to a total of 14	benefits, which can be	receive up	additional 12	caregiving leave in a 24-
				weeks of benefits,	other uses up to a total of 18		weeks in a 12- month period.	combined with	to an additional 4	weeks of benefits, up	month
				which can	weeks in a 52-		топт репои.	other uses up	weeks of	to a	period.
				be	weeks in a 32- week period.			to a total of 14	benefits,	combined	period.
				combined	wеек ретюи.			weeks in any	which can	total of 24	Until
				with other				benefit year.	be	weeks in a	January 1,
				uses up to a				benegu year.	combined	12-month	2031,
				total of 14					with other	period.	covered
				weeks in a					uses up to a	perious	employers
				52-week					total of 16		with fewer
				period.					weeks in a		than 25
				1					12-month		employees
									period.		may restrict
											the number
											of weeks of
											parental
											leave benefits



	RI ¹	CA ²	NJ ³	NY ⁴	D.C. ⁵	WA ⁶	MA^7	CT ⁸	OR ⁹	CO ¹⁰	MD ¹¹	\mathbf{DE}^{12}
					N 65					N	N	available to employees to not fewer than up to 6 weeks in an application year. ⁶³
Is there an unpaid waiting period?	No.	Own health: Yes—there is a 7-day unpaid waiting period. Family leave: No.	Own health: Yes—there is a 7-day unpaid waiting period. 64 However, if a worker is eligible for benefits during each of 3 consecutive weeks after the waiting period, that worker can also be paid benefits for the waiting period. Family leave: No.	Own health: Yes—there is a 7-day unpaid waiting period. Family leave: No.	No. ⁶⁵	Own health other than following the birth of a child and family leave other than bonding leave and military family leave: Yes—there is a 7-day unpaid waiting period. Own health following the birth of a child, bonding leave, and military family leave: No.	Yes—there is a 7-day unpaid waiting period.	No.	No.	No.	No.	No.
Are workers entitled to have their jobs back when they return?	Own health: No. Family leave: Yes. 66 Workers may have	No. Workers may have protections under other laws, such as the FMLA or	The law was amended to add additional antiretaliation provisions, which may be clarified by regulation. ⁶⁷	Own health: No. Family leave: Yes. ⁶⁸ Workers may have	No. Workers may have protections under other laws, such as the	Yes, but only for workers who meet specific eligibility criteria similar to those for the FMLA. ⁶⁹	Yes. ⁷⁰ Workers may have protections under other laws, such as the FMLA or	Yes, if they have been employed by their employer for at least 3 months before requesting leave, except	Yes, if they have been employed by their employer for at least 90 days before taking leave. ⁷²	Yes, if they have been employed by their employer for at least 180 days before	Yes, subject to certain narrow exceptions ⁷⁴	Yes. ⁷⁵



	RI ¹	CA ²	NJ^3	NY ⁴	D.C. ⁵	WA ⁶	MA^7	CT ⁸	OR ⁹	CO^{10}	MD^{11}	DE^{12}
	protections under other laws, such as the FMLA or the Rhode Island Parental and Family Medical Leave Act.	the California Family Rights Act.	Workers may have protections under other laws, such as the FMLA or the New Jersey Family Leave Act.	protections under other laws, such as the FMLA.	FMLA or the D.C. Family & Medical Leave Act.	Workers may have protections under other laws, such as the FMLA.	the Massachusetts Parental Leave Act.	for leaves taken for safe time. ⁷¹ Workers may also have protections under other laws, such as the FMLA or Connecticut's family violence leave law.	Workers may also have protections under other laws, such as the FMLA or the Oregon Family Leave Act.	taking leave. ⁷³ Workers may also have protections under other laws, such as the FMLA or the Colorado Family Care Act.		
How is the insurance provided?	All covered workers are covered through the state fund.	By default, workers are covered through the state fund. Employers can apply for approval of a voluntary plan, which must provide benefits greater than those available through the state.	By default, workers are covered through the state fund. Employers can apply for approval of a private plan, which must provide benefits at least equivalent to those available through the state.	Employers can provide coverage by purchasing insurance (either from the state fund or a private insurer) or by becoming an approved self-insurer.	All covered workers are covered through the district fund.	By default, workers are covered by the state fund. Employers can apply for approval of a voluntary plan, which must provide benefits at least equivalent to those available through the state.	By default, workers are covered by the state fund. Employers can apply for approval of a private plan, which must provide benefits at least equivalent to those available through the state.	By default, workers are covered by the state fund. Employers can apply for approval of a private plan, which must provide benefits at least equivalent to those available through the state.	By default, workers are covered by the state fund. Employers can apply for approval of an equivalent plan, which must provide benefits at least equivalent to those available through the state.	By default, workers are covered by the state fund. Employers can apply for approval of a private plan, which must provide benefits at least equivalent to those available through the state.	By default, workers are covered by the state fund. Employers can apply for approval of a private plan, which must provide benefits at least equivalent to those available through the state.	By default, workers are covered by the state fund. Employers can apply for approval of a private plan, which must provide benefits at least equivalent to those available through the state.



Hawaii also has a temporary disability insurance (TDI) program, which provides benefits to most workers for up to 26 weeks (save for a 1-week waiting period) for any period of serious off-the-job illness or injury. To be eligible for benefits, workers must have been employed for at least 14 weeks, during each of which the worker worked at least 20 hours and earned at least \$400 in wages, during the 52 weeks immediately prior to the start of disability. This can combine income from more than one employer. Under the program, a worker receives 58% of a worker's average weekly wage up to a cap of about 70% of the statewide average weekly wage. Hawaii does not provide paid family leave. ⁷⁶

¹ R.I. Gen. Laws § 28-39-1 et sea.

² Cal. Unemp. Ins. Code § 2601 et seq. San Francisco has enacted a municipal law that grants additional benefits for parental leave for many workers.

³ N.J. Stat. Ann. § 43:21-25 et seq.

⁴ N.Y. Workers' Comp. Law § 200 et seq. For more information on New York's paid family leave law, visit <u>FamilyLeaveWorks.org</u>.

⁵ D.C. Code Ann. § 32-541.01 et seq.

⁶ Wash. Rev. Code et seq. 50A.05.005.

⁷ Mass. Gen. Laws ch. 175M, § 1 et seq.

⁸ Conn. Gen. Stat. § 31-49e et seq.

⁹ Or. Rev. Stat. § 657B.005 et seq.

¹⁰ Colo. Rev. Stat. § 8-13.3-501 *et seq.*

¹¹ See Md. Enrolled Senate Bill 275 (SB 275). For the text of the law, see https://mgaleg.maryland.gov/2022RS/bills/sb/sb0275E.pdf.

¹² See Del. Senate Bill 1 (SB 1). For the text of the law, see https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocumentEngrossment?engrossmentId=25023&docTypeId=6.

¹³ In 2020, New Jersey's law was amended to specify that TDI and FLI can be used in the event of a state of emergency declared by the Governor (or when the Commissioner of Health or other public health authority has indicated that one is needed) when a worker or a family member has an illness caused by an epidemic of a communicable disease, has a known or suspected exposure to the communicable disease, or is taking efforts to prevent spread of the communicable disease, the worker or family member requires in-home care or treatment due to the issuance of a determination by a healthcare provider or a public health authority that the worker's or family member's presence in the community may jeopardize the health of others, and said healthcare provider or public health authority recommends or directs the worker or family member to isolate or quarantine as a result of suspected exposure to a communicable disease.

¹⁴ Under an emergency law, special TDI and/or paid family leave benefits may be available to certain workers when they or their minor child is subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19. For more information, consult our fact sheet https://www.abetterbalance.org/resources/fact-sheet-new-york-states-paid-sick-leave-legislation/.

¹⁵ The statute explicitly includes miscarriage and stillbirth as serious health conditions. In addition, the law provides specific protections for pre-natal medical care.

¹⁶ Specifically, family leave can be taken "[d]uring the seven calendar days following the death of the family member for whom the employee: (i) [w]ould have qualified for medical leave . . . for the birth or their child; or (ii) [w]ould have qualified for family leave" to bond with a child within one year of the child's birth or placement.

¹⁷ Connecticut's law also specifies that leave can be taken to be an organ or bone marrow donor. This purpose may also be covered under other paid family and medical leave laws.

¹⁸ Maryland's law also specifies that leave can be taken to care for a loved one who is the covered individual's next of kin who has a serious health condition as a result of the loved one's military service. This purpose may also be covered under other paid family and medical leave laws.

¹⁹ California, New Jersey, Rhode Island, Washington State, Massachusetts, and Connecticut also provide some coverage for previously covered workers who have a qualifying need for family or medical leave while they are unemployed, while New York and Hawaii also provide some coverage for previously covered workers who have a qualifying need related to the worker's own health. Details vary by state. States that aren't currently implementing their programs will also likely provide some coverage for previously covered workers during unemployment, though final regulations will be needed to specify details.

²⁰ For a list of exceptions, visit http://www.wcb.ny.gov/content/main/coverage-requirements-db/db-coverage-required.jsp.

²¹ Employers who close down for at least thirty consecutive days per year are not covered. Additionally, for purposes of determining an employer's size, only employees who have been employed 1) by the employer for at least 12 months and 2) for at least 1,250 hours of service with the employer during the previous 12-month period are counted as employees. Employers who are not automatically covered may voluntarily opt in to coverage, subject to certain conditions.

²² Note that no state law covers federal employees.

²³ Public sector workers who are "casual seasonal employees" are not covered.

²⁴ Domestic workers, like other employees, are only covered if they work for an employer with 10 or more employees (for parental leave) or for an employer with 25 or more employees (for all other kinds of leave). See "Who is covered?" above.



- ²⁵ If a worker was unemployed and actively seeking work for at least 60 days of a quarter or quarters during the base period, that quarter or quarters is excluded from the base period and an equal number of quarters from the period immediately prior to the base period are substituted.
- ²⁶ Employees who are regularly in the employment of a single employer on a work schedule that is less than the employer's normal work week become eligible for disability leave benefits on the 25th day of such employment.
- ²⁷ From August 1, 2021 through June 30, 2023, employees whose leave begins in 2021 through March 31, 2022 and who do not meet the hours worked requirement but are otherwise eligible for paid family and medical leave may be eligible for pandemic leave assistance employee grants; individuals who do not meet the hours worked requirement because of an employment separation due to misconduct or a voluntary separation (unrelated to COVID-19) are not eligible.
- ²⁸ Workers with multiple jobs may choose to take leave from one job or multiple jobs. However, if a worker chooses to continue working at an additional job or jobs during leave, wages earned from the additional job or jobs will not be considered when calculating the worker's weekly benefit.
- ²⁹ This list covers family members for whom a worker can take leave to care for when they are seriously ill. Paid family leave can also be used to address certain needs arising from the active duty military service of a worker's spouse, domestic partner, child, or parent.
- ³⁰ This list covers family members a worker can take leave to care for when they are seriously ill. Paid family leave can also be used to address certain needs arising from the active duty military service of a worker's spouse, domestic partner, child, or parent.
- The definition of domestic partner includes any person who is at least 18 years old and "is dependent upon the employee for support as shown by either unilateral dependence or mutual interdependence, as evidenced by a nexus of factors including, but not limited to, common ownership of real or personal property, common householding, children in common, signs of intent to marry, shared budgeting, and the length of the personal relationship with the employee"
- ³² The definition of domestic partner includes any person who is at least 18 years old and "is dependent upon the covered individual for support as shown by either unilateral dependence or mutual interdependence that is evidenced by a nexus of factors including, but not limited to: (A) common ownership of real or personal property; (B) common householding; (C) children in common; (D) signs of intent to marry; (E) shared budgeting; and (F) the length of the personal relationship with the covered individual"
- ³³ This list covers family members a worker can take leave to care for when they are seriously ill. Paid family leave can also be used to address certain needs arising from the active duty military service of a worker's spouse, child, or parent. Note that safe time can only be used when the worker, not a family member, is a victim of domestic violence.
- ³⁴ Workers can also take leave to care for the spouse or registered domestic partner of the worker's parent, sibling, grandparent, and grandchild. This list covers family members a worker can take leave to care for when they are seriously ill. Paid leave under the law can also be used as safe leave to address certain medical and non-medical needs arising out of the worker or the worker's minor child or dependent being a victim of domestic violence, harassment, sexual assault, or stalking.
- ³⁵ The law's definition of domestic partner does not require registration. The definition of domestic partner includes any person who is at least 18 years old and "(a) who is of the same gender as the employee; (b) With whom the employee has shared an exclusive, committed relationship for at least one year with the intent for the relationship to last indefinitely; (c) Who is not related to the employee by blood to a degree that would prohibit marriage pursuant to section 14-2-110, C.R.S.; and (d) Who is not married to another person."
- ³⁶ The state sets the premium based on a formula set by statute and not to exceed 1.5% of wages (with premiums not applying to wages above an amount based on a formula set by statute).
- ³⁷ These percentages are based on participation in the state plan. If an employer chooses a private plan, employees can only be required to contribute as much as they would have contributed to the state plan; these employees can only be required to contribute if a majority of employees agree to the private plan before it goes into effect. See https://myleavebenefits.nj.gov/labor/myleavebenefits.nj.gov/l
- ³⁸ A self-employed individual who elects coverage is required to pay the full cost of TDI and PFL premiums. An employer not covered by the law who elects coverage is required to pay the portion of the premium not covered by wages withheld from workers.
- ³⁹ A self-employed individual who elects coverage is only required to pay the portion of the premium required from workers.
- ⁴⁰ Employers with 50-150 employees who must pay all of the premiums or employers with fewer than 50 employees who choose to cover the employee portion of the premium may apply to receive certain grants from the state. While funds are available and until June 30, 2023, employers with 150 or fewer employees who pay all premiums and have an employee who has received or will receive a pandemic leave assistance employee grant may apply for pandemic leave assistance grants.
- The initial total premium for both family and medical leave will be set at 0.4% of employees' wages, one third of which shall be associated with family leave and two thirds of which shall be associated with medical leave. The state will set the premium in subsequent years based on a formula set by statute. In addition, the state will set the maximum wages subject to premium contributions based on the maximum wages subject to social security taxation. Employers may choose to cover all or part of employees' share of the premium for family and/or medical leave.
- ⁴² A self-employed individual who elects coverage is required to pay the full cost of family and medical leave premiums.
- ⁴³ For purposes of determining the number of employees, self-employed people who are part of the employer's workforce are considered employees if self-employed people make up more than fifty percent of the employer's workforce.
- ⁴⁴ The state will set the premium not to exceed 0.5% of wages (with premiums not applying to wages above the Social Security contribution base).
- 5a Employers7 with less than 25 employees may apply to receive certain grants if they elect to pay the employer contribution.



- ⁵¹ In addition, workers may also be entitled to a dependency allowance for minor children or adult children who are incapacitated due to physical or mental illness.
- ⁵² Very low-wage workers receive a fixed benefit amount set by statute, which may result in higher wage replacement rates.
- ⁵³ Workers with less than a year of total covered employment will receive a smaller benefit, pro-rated based on the numbers of weeks the worker has worked in covered employment.
- ⁵⁴ Workers will receive 100% of their average weekly wage if their average weekly wage is less than \$100. The wage replacement rate may be adjusted as needed to ensure that the contribution rate does not exceed 1% of wages and to preserve the balance of the Family and Medical Leave Insurance Account Fund.
- 55 While technically there is no time limit on receiving benefits, workers cannot receive benefits worth more than 30 times their weekly benefit rate in a year, in effect limiting workers to 30 weeks per year.
- ⁵⁶ While technically there is no time limit on receiving benefits, workers cannot receive benefits worth more than 52 times their weekly benefit rate for any continuous period of disability, in effect limiting workers to 52 weeks per continuous period of disability.
- ⁵⁷ In addition, no worker can receive benefits worth more than 26 times their weekly benefit amount in a year.
- ⁵⁸ Technically, workers are entitled to medical leave benefits for up to 12 times their typical workweek hours. As noted above, medical leave may be extended by an additional 2 weeks (2 times a worker's typical workweek hours) if the worker experiences a serious health condition with a pregnancy that results in incapacity.
- ⁵⁹ Technically, workers are entitled to family leave benefits for up to 12 times their typical workweek hours.
- ⁶⁰ Technically, workers are entitled to up to a cumulative 16 times the worker's typical workweek hours of family and medical leave in a 52-week period or up to a cumulative 18 times the worker's typical workweek hours of family and medical leave in a 52-week period if the worker experiences a serious health condition with a pregnancy that results in incapacity.
- ⁶¹ Prior to receiving paid family and medical leave benefits, workers must exhaust all of their employer-provided leave that is not required by law. However, while workers exhaust their employer-provided leave ahead of receiving paid family and medical leave benefits, they are entitled to job protection, continuation of health insurance benefits if received through their employer, and protections against discrimination and adverse action.
- ⁶² Except for benefits in relation to parental leave, workers are only eligible to receive paid family and medical leave benefits once in a 24-month period.
- In addition, an employer who employs two parents who are entitled to parental leave may limit the parents to up to 12 weeks of family leave in a 12-month period. Regulations may specify limitations on family caregiving leave where more than one worker will take leave to care for the same loved one.
- ⁶³ Specifically, the statute provides that "[a]n employer with less than 25 employees may elect, with notice to the Department [of Labor] and employees, for each employee to exercise not less than half of the employee's parental leave for 5 years from the start of benefits "
- ⁶⁴ The 7-day unpaid waiting period will not apply when a worker uses TDI in the event of a state of emergency declared by the Governor (or when the Commissioner of Health or other public health authority has indicated that one is needed) because the worker has an illness caused by an epidemic of a communicable disease, has a known or suspected exposure to the communicable disease, or is taking efforts to prevent spread of the communicable disease, the worker requires inhome care or treatment due to the issuance of a determination by a healthcare provider or a public health authority that the worker's presence in the community may jeopardize the health of others, and said healthcare provider or public health authority recommends or directs the worker to isolate or quarantine as a result of suspected exposure to a communicable disease. Additionally, the 7-day unpaid waiting period will not apply when a worker uses TDI in the event of organ or bone marrow donation.
- ⁶⁵ Due to the COVID-19 public health emergency, the unpaid waiting period is waived for claims filed between October 1, 2021 and July 25, 2022. For claims filed on or after July 25, 2022, there is no unpaid waiting period.
- ⁶⁶ A worker returning from TCI leave must be restored to the worker's prior position or "a position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment including fringe benefits and service credits that the employee had been entitled to at the commencement of leave." Workers who receive health insurance through their employers are entitled to continuation of those benefits while on TCI.
- ⁶⁷ Additionally, the law specifies that job-protected leave can be taken to be an organ or bone marrow donor.

⁴⁶ For 2024 and annually thereafter, the state will set the premium pursuant to statutory requirements and not to exceed 1% of wages.

⁴⁷ A self-employed individual or an employee of a local government who elects coverage is only required to pay 50% of the premium.

⁴⁸ For the calendar year of 2025 and each calendar year thereafter, the state will set the premium based on a formula set by statute and not to exceed 1.2% of wages (with premiums not applying to wages above the Social Security contribution base).

⁴⁹ By law, the Secretary of Labor will set the proportions of the total contribution that employees and employees will pay every two years. These proportions must fall between employers paying 25% of the total and employees paying 75% and employees paying 25%. Note that from October 1, 2023 through June 30, 2026, an employee who has worked at least 680 hours in any 12-month periods and who earns less than \$15.00 per hour may not be required to pay the employee contribution. A self-employed individual who elects coverage is required to pay the full contribution.

⁵⁰ Where an employee is not expected to meet the eligibility requirements to qualify for paid family and medical leave benefits due to the employee's work schedule or length of employment, an employee and employer may file to waive contributions.



- ⁶⁸ A worker returning from PFL must be restored to the worker's prior position or "a comparable position with comparable employment benefits, pay and other terms and conditions of employment." Workers who receive health insurance through their employers are entitled to continuation of those benefits while on PFL.
- ⁶⁹ Workers are entitled to job protection under the state paid family and medical leave law only if they work for an employer with at least 50 employees, have been employed by that employer for at least 12 months, *and* have worked for that employer for at least 1,250 hours during the 12-month period immediately preceding leave. A worker entitled to job protection under the law must be restored to the worker's prior position or "an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment." Some highly paid employees may be subject to a very narrow exception. Workers who receive health insurance through their employers are entitled to continuation of those benefits while on leave *if* their employers would be required to continue benefits under the Family and Medical Leave Act.
- ⁷⁰ A worker returning from paid family or medical leave must be restored to the worker's prior position or "an equivalent position, with the same status, pay, employment benefits, length of service credit and seniority as of the date of leave." Workers who receive health insurance through their employers are entitled to continuation of those benefits while on paid family and medical leave.
- Through the law creating its paid leave program, Connecticut amended the Connecticut Family and Medical Leave Act (CTFMLA), which provides job protection, to cover essentially all private sector and state employees entitled to paid leave benefits except those receiving benefits for safe time purposes. Note that CTFMLA does not protect workers' health insurance. Workers receiving benefits for safe time purposes may have employment protections under Connecticut's family violence leave law.
- ⁷²A worker returning from leave under Oregon's law must be restored to the worker's prior position or "any available equivalent position with equivalent employment benefits, pay and other terms and conditions of employment." If a worker's employer has fewer than 25 employees and the worker's prior position no longer exists, the worker's "employer may, at the employer's discretion based on business necessity, restore the eligible employee to a different position with similar job duties and with the same employment benefits and pay." Workers who receive health insurance through their employers are entitled to continuation of those benefits while on paid family and medical leave.
- Note that workers who receive health insurance through their employers are entitled to continuation of those benefits while on leave, regardless of how long they've worked for their employer. Additionally, workers who exercise their rights to paid family, medical and safe leave are protected against retaliation or discrimination. Workers receiving benefits may also have employment protections under Colorado's domestic violence leave law.
- ⁷⁴ Except for workers with an employer who has a developmental disability and who self-directs services under the Maryland Medicaid Home- and Community-Based Services Waiver Program, a worker returning from leave must be restored to an equivalent position of employment. However, under narrow circumstances, workers may not be entitled to restoration following a period of leave. Note that workers who receive health insurance through their employers are entitled to continuation of those benefits while on leave. Additionally, workers who exercise their rights to paid family, medical and safe leave are protected against retaliation or discrimination.
- 75 Note that workers who receive health insurance through their employers are entitled to continuation of those benefits while on leave. Additionally, workers who exercise their rights to leave are protected against retaliation or discrimination.
 76 See Haw, Rev. Stat. § 392-1 et seq. For more information, visit http://www.capitol.hawaii.gov/dcd/home/about-tdi/, For a list of exceptions to covered workers, visit http://www.capitol.hawaii.gov/hrscurrent/Vol07 Ch0346-

0398/HRS0392/HRS 0392-0005.htm.