Paid Family and Medical Leave—State Law Overview

Paid Leave Laws

States with paid family and medical leave laws:

* Connecticut (benefits begin Jan. 1, 2022)
* District of Columbia
* Massachusetts (benefits begin Jan. 1, 2021)
* New York
* Oregon (benefits begin Jan. 1, 2023)
* Washington

As a growing trend, states across the country are enacting paid employee leave laws. Currently, Connecticut, Massachusetts, New York, Oregon, Washington and the District of Columbia have paid family and medical leave laws. In general, these laws provide employees with paid time off from work to care for an injured or ill family member or for their own medical conditions.

In addition, California, New Jersey and Rhode Island have family leave insurance programs that provide partial wage replacement for employees on family leave.

This Compliance Overview provides a high-level summary of current statewide paid family and medical leave laws and insurance programs.

Wage Replacement Programs

States with family or family and medical leave insurance programs providing partial wage replacement:

* California
* New Jersey
* Rhode Island

Links and Resources

[California Employment Development Department (EDD)](https://www.edd.ca.gov/disability/)

[Connecticut Paid Leave Authority](https://ctpaidleave.org/s/about-us?language=en_US)

[District of Columbia Office of Paid Family Leave](https://does.dc.gov/page/district-columbia-paid-family-leave)

[Massachusetts Department of Family and Medical Leave](https://www.mass.gov/orgs/department-of-family-and-medical-leave)

[New York Paid Family Leave: Information for Employers](https://paidfamilyleave.ny.gov/paid-family-leave-information-employers)

[Oregon Employment Department](https://www.oregon.gov/employ/PFMLI/Pages/default.aspx)

[Rhode Island Department of Labor and Training](http://www.dlt.ri.gov/tdi/)

[Washington Employment Security Department](https://esd.wa.gov/paid-family-medical-leave)

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State Paid Family Leave Laws and Programs

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| STATE | KEY REQUIREMENTS |
| California[Paid family leave insurance program](https://www.edd.ca.gov/disability/Paid_Family_Leave.htm) | **Type of benefit:** Partial wage replacement program administered by a state agency. It does not guarantee employer-approved time off or job protection. However, an employee may have leave rights under the [federal FMLA](https://www.dol.gov/whd/fmla/index.htm) or the [California Family Rights Act](http://www.dfeh.ca.gov/).**Eligible employees:** Employees must have contributed to the state disability insurance program through mandatory payroll deductions during the prior 18 months. Employers may require employees to use up to two weeks of unused vacation leave or paid time off before receiving paid family leave benefits.**Paid leave duration:** An employee may receive up to **six weeks** (eight weeks, effective July 1, 2020) of paid family leave benefits during a 12-month period in order to:* Bond with a new child (either by birth, adoption or foster care placement); or
* Care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner).

Effective Jan. 1, 2021, the paid family leave insurance program will also provide benefits to participate in a qualifying exigency related to the covered active duty (or call to covered active duty) of the employee’s spouse, domestic partner, child or parent in the U.S. Armed Forces.**Paid leave benefits:** The weekly benefit amount is approximately 60% to 70% (depending on income) of wages earned 5 to 18 months before an individual’s claim start date, up to the maximum weekly benefit amount. Weekly benefits range from $50 to a maximum of $1,300.**Program funding:** The paid leave program is funded by employees through state disability insurance deductions from their paychecks. The withholding rate is 1%, which includes both disability insurance and paid family leave.**Benefit administration:** California’s paid family leave program is administered by the state’s [Employment Development Department (EDD)](https://www.edd.ca.gov/disability/). |
| Connecticut[Paid family and medical leave law](https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Public+Act&which_year=2019&bill_num=25)Employers begin withholding employee contributions **Jan. 1, 2021.**Benefits become available **Jan. 1, 2022**. | **Type of benefit:** Paid family and medical leave funded by an employee payroll tax and administered by a state agency.**Eligible employees:** Virtually all employees in Connecticut who have worked for their employer for at least three months before the request for leave and at least 1,000 hours during the 12 months before leave starts.**Paid leave duration:** In any 12-month period, employees may take up to 12 weeks for family and medical leave, 14 weeks for pregnancy disability leave and 26 weeks to care for a covered service member. If two spouses have the same employer, the spouses may be limited to 12 weeks combined for the birth or placement of a child or to care for a sick family member. In any case, spouses of the same employer may be limited to 26 weeks of leave combined. **Paid leave benefits:** 95% of the employee’s salary up to 40 times the minimum wage, plus 60% of their salary exceeding the minimum wage, up to a maximum of 60 times the minimum wage ($780 on a $13 minimum wage, $840 on a $14 minimum wage and $900 on a $15 minimum wage).**Program funding:** Paid family and medical leave is funded by a mandatory payroll tax on employees of 0.5% of income, up to the Social Security wage base. There is no required employer contribution.**Benefit administration:** The paid family and medical leave program is administered by the [Connecticut Paid Leave Authority](https://ctpaidleave.org/s/about-us?language=en_US). |
| District of Columbia[Universal Paid Leave Act](http://lims.dccouncil.us/Download/34613/B21-0415-SignedAct.pdf) | **Type of benefit:** Paid family and medical leave with benefits funded through employer payroll taxes and administered by a District agency.**Eligible employees:** To be eligible, an employee must have spent more than 50% of his or her work time working in the District during some or all of the 52-week period before the leave event.**Paid leave duration:** Paid leave is limited to **eight weeks** during any 52-week period in any combination of the following leave types:* Eight weeks of parental leave (within one year following birth or placement of child);
* Six weeks to care for a family member with a serious health condition; and
* Two weeks for an employee’s own serious health condition.

**Paid leave benefits:** 90% of the employee’s average weekly wage for an employee who earns no more than 150% of the District’s minimum wage.An employee whose wage is more than 150% of the District’s minimum wage is entitled to (i) 90% of 150% of the District minimum wage; plus (ii) 50% of the amount by which the employee’s average weekly wage exceeds 150% of the District minimum wage.All eligible workers are limited to a **maximum weekly benefit of $1,000**, adjusted for inflation beginning Oct. 1, 2021.**Program funding:** Effective July 1, 2019, covered employers will be required to make contributions of 0.62% of the wages paid to eligible employees. These contributions will be pooled into a collective fund for the paid leave program.**Benefit administration:** The paid family and medical leave benefits will be administered by the [District of Columbia Office of Paid Family Leave](https://does.dc.gov/page/district-columbia-paid-family-leave). |
| Massachusetts[Paid family and medical leave law](https://malegislature.gov/Bills/190/H4640/BillHistory?pageNumber=1)Employer withholding began **Oct. 1, 2019**,and remission of employee contributions began **Jan. 1, 2020**.Workers are eligible for paid leave benefits effective **Jan. 1, 2021.** | **Type of benefit:** Paid family and medical leave with benefits funded through employer and employee payroll taxes and administered by a state agency.**Eligible employees:** Virtually all employees working in the state.**Paid leave duration:** The paid family and medical leave program provides the following leave amounts for each benefit year:* **Family leave**: Up to 12 weeks (26 weeks to care for a covered service member);
* **Medical leave**: Up to 20 weeks; and
* **Combined family/medical leave**: Up to 26 weeks.

**Paid leave benefits:** 80% of the employee’s salary up to 50% of the average weekly wage, plus 50% of the employee’s salary exceeding 50% of the average weekly wage, up to a **maximum of $850 per week**. Weekly benefit payments begin after an initial seven-day waiting period.**Program funding:** The paid family and medical leave program is funded by a mandatory payroll tax of 0.75% of employees’ wages, to be adjusted annually. The payroll tax is shared between employers and employees, with employers paying 60% of the medical leave contribution, which is 0.62% of the employee’s wages. However, for employers with fewer than 25 employees, no employer contribution is required. No employers are required to contribute to the family leave portion of the program, which is 0.13% of the employee’s wages.**Benefit administration:** The state’s paid family and medical leave program will be administered by the [Massachusetts Department of Family and Medical Leave](https://www.mass.gov/orgs/department-of-family-and-medical-leave). |
| New Jersey[Family leave insurance](https://myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/) | **Type of benefit:** Partial wage replacement program administered by a state agency. It does not guarantee employer-approved time off or job protection. However, an employee may have leave rights under the [federal FMLA](https://www.dol.gov/whd/fmla/index.htm) or [the New Jersey Family Leave Act](https://www.nj.gov/oag/dcr/downloads/fact-FLA.pdf).**Eligible employees:** To be eligible, an employee must have paid into the insurance program (either the state plan or an approved private plan) through his or her employer and meet minimum gross earnings requirements. These requirements may change year to year. For 2020, an employee must have worked at least 20 weeks earning $200 or more per week ($220 or more for 2021), or have earned at least $10,000 ($11,000 for 2021) in the past 12 months to be eligible. **Paid leave duration:** An employee may receive up to **six weeks** of cash benefits in a 12-month period to bond with a newborn, newly adopted child or newly placed foster child or to provide care for a seriously ill or injured family member (spouse, domestic partner, civil union partner, parent, child, sibling, parent-in-law, grandparent, grandchild, other blood relative and any other individual who has a close association with the employee that is the equivalent of a family relationship).Effective **July 1, 2020**, employees may receive up to **12 weeks** of family leave benefits in a 12-month period.**Paid leave benefits:** The weekly benefit for family leave insurance is based on an employee’s average weekly wage. Claimants are paid two-thirds of their average weekly wage, up to a maximum set at the beginning of each calendar year. For leave periods beginning on or after July 1, 2020, the weekly benefit will increase to 85% of the employee’s average weekly wage. The maximum, in turn, will rise from 53% to 70% of the statewide average weekly wage for all workers. The maximum possible benefit as of July 1, 2020 is $881.**Program funding:** The paid leave program is funded by employees through payroll deductions. For 2020, each employee contributes 0.16% of the taxable wage base. The taxable wage base is $134,900 for 2020 and $138,200 for 2021. The maximum yearly deduction for 2020 is $215.84. The taxable wage base changes each year. **Benefit administration:** New Jersey’s family leave insurance program is administered by the state’s [Department of Labor and Workforce Development](https://myleavebenefits.nj.gov/labor/myleavebenefits/employer/index.shtml?open=FLI). |
| New York[Paid family leave law](http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=A9006-C&term=2015&Summary=Y&Actions=Y&Votes=Y&Text=Y) | **Type of benefit:** Paid family leave with benefits funded through employee payroll deductions and provided through an insurance policy (typically a rider to an existing disability insurance policy).**Eligible employees:** Any employee who works at least 20 hours per week if the employee works for a covered employer for at least 26 consecutive weeks. A part-time employee (an employee who works fewer than 20 hours per week) is eligible for paid family leave after he or she has worked for a covered employer for 175 days.**Paid leave duration and benefits:** When fully implemented in 2021, eligible employees may receive up to 12 weeks of paid family leave at 67% of their average weekly wages (AWW). The duration and amount of paid family leave benefits will be phased in as follows:* **Jan. 1, 2018**: Eight weeks; 50% of employee’s AWW
* **Jan. 1, 2019**: 10 weeks; 55% of employee’s AWW
* **Jan. 1, 2020**: 10 weeks; 60% of employee’s AWW
* **Jan. 1, 2021**: 12 weeks; 67% of employee’s AWW

Employees may receive paid family leave benefits for the following types of leave:* Leave to participate in providing care, including physical or psychological care, to a family member with a serious health condition;
* Leave to bond with the employee’s child during the first 12 months after the child’s birth, or after the placement of the child for adoption or foster care with the employee;
* Leave taken because of any qualifying exigency as interpreted under the federal FMLA arising out of the fact that the spouse, domestic partner, child or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the U.S. Armed Forces; or
* Leave to help a family member prepare for, and recover from, surgery related to organ or tissue donation.

**Program funding:** Paid family leave is funded entirely through employee payroll deductions. For 2020, employers may deduct .270% of an employee’s weekly wage up to an annual cap of $196.72. For 2021, employers may deduct .511% of an employee’s weekly wage, with an annual cap of $385.34. Employers are not required to contribute to or fund the paid family leave benefit, although they may choose to do so. **Benefit administration:** Paid family leave coverage is usually a rider to the employer’s disability insurance coverage. For more information, see New York’s [Paid Family Leave: Information for Employers](https://paidfamilyleave.ny.gov/paid-family-leave-information-employers) and [Weekly Payroll Deduction Calculator](https://paidfamilyleave.ny.gov/paid-family-leave-calculator2020). |
| Oregon[Paid family and medical leave law](https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2005)Payroll tax takes effect **Jan. 1, 2022**.Benefits become available **Jan. 1, 2023**. | **Type of benefit:** Paid family and medical leave program, funded by a mandatory payroll tax on employees and employers with more than 25 workers and administered by a state agency.**Eligible employees:** Virtually all employees working in Oregon who have earned at least $1,000 in wages during four of the last five calendar quarters—or, alternatively, the last four completed calendar quarters—preceding the benefit year as determined by the Oregon Employment Department.**Leave duration:** Workers receive up to 12 weeks of paid family and medical leave, up to 16 weeks of paid and unpaid family and medical leave combined, and up to 18 weeks of pregnancy disability leave.**Paid leave benefits:** Workers whose average weekly wage is 65% or less of the state average weekly wage receive 100% of their weekly wage. Workers whose average weekly wage is greater than 65% of the state average weekly wage receive 65% of the average weekly wage plus 50% of that part of their average weekly wage that exceeds 65% of the state average weekly wage.**Program funding:** 60% of programfunding will come from a payroll tax on employees and 40% from a payroll tax on employers with 25 workers or more. Employers with fewer than 25 employees are exempt from payments, although those who elect to pay into the program are eligible for grant funding. The contribution rate will be set by the Oregon Employment Department but will not exceed 1% of the employee’s wages.**Benefit administration:** the [Oregon Employment Department](https://www.oregon.gov/employ/PFMLI/Pages/default.aspx). |
| Rhode Island[Temporary caregiver insurance](http://ripaidleave.net/wp-content/uploads/2016/09/Fast-Facts-for-Employers-about-RI-TCI.pdf) | **Type of benefit:** Partial wage replacement program administered by a state agency. Employers must hold an employee’s position, or offer a comparable position, upon the employee’s return.**Eligible employees:** To be eligible for temporary caregiver insurance (TCI) benefits, employees must have earned wages in Rhode Island and paid into the state’s TCI/disability fund. Employees must also meet certain earnings requirements.**Paid leave duration:** An employee may receive up to **four weeks** of paid family leave benefits during a benefit year in order to:* Care for a seriously ill child, spouse, domestic partner, parent, parent-in-law or grandparent; or
* Bond with a newborn child, new adopted child or new foster-care child.

**Paid leave benefits:** An insured’s weekly benefit rate is equal to 4.62% of the worker’s wages in the highest quarter of his or her base period. For claims beginning on July 1, 2020 or after, $887 is the maximum benefit rate and $107 is the minimum benefit rate.**Program funding:** The TCI program is funded by employees through state disability insurance deductions from their paychecks. The withholding rate is 1.3% of the first $72,300 earned, which includes both disability insurance and TCI coverage.**Benefit administration:** Rhode Island’s TCI program is administered by the state’s [Department of Labor and Training](http://www.dlt.ri.gov/tdi/). |
| Washington[Paid family and medical leave law](http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Passed%20Legislature/5975-S.PL.pdf)Payroll deductions began **Jan. 1, 2019**Benefits became available **Jan. 1, 2020.** | **Type of benefit:** Paid family and medical leave with benefits funded through employer and employee payroll taxes and administered by a state agency.**Eligible employees:** Any employee who works at least 820 hours during the “qualifying period” is eligible for paid family and medical leave benefits. The qualifying period is defined as the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately before the employee’s application for leave.**Paid leave duration:** The paid family and medical leave program provides the following leave amounts during a consecutive 52-week period:* **Family leave**: Up to 12 weeks;
* **Medical leave:** Up to 12 weeks (14 weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity); and
* **Combined family/medical leave:** Up to 16 weeks (18 weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity).

**Paid leave benefits:** An eligible employee may receive up to 90% of his or her average weekly wage (AWW), based on the employee’s AWW in comparison to the state AWW, up to the maximum weekly benefit, as follows:* An employee whose AWW is 50% or less than the state AWW receives 90% of his or her AWW.
* An employee whose AWW is greater than 50% of the state AWW average weekly wage receives a weekly benefit that is the sum of 90% of the employee’s AWW up to 50% of the state AWW and 50% of the employee’s AWW that is greater than 50% of the state average weekly wage.

In any case, the **maximum weekly benefit for paid family and medical leave is $1,000**, adjusted annually beginning Sept. 30, 2020.**Program funding:** The paid family and medical leave program is funded with employer and employee payroll contributions. From Jan. 1, 2019, through Dec. 31, 2020, the **total premium** amount is **0.4% of an employee’s wages**.Employers with **fewer than 50 employees** employed in the state are not required to pay the employer portion of premiums for family and medical leave. However, if an employer with fewer than 50 employees chooses to pay the premiums, the employer will be eligible for grant assistance.**Benefit administration:** The state’s paid family and medical leave program will be administered by the [Washington Employment Security Department](https://esd.wa.gov/paid-family-medical-leave). |