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

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

	Rhode Island ¹	California ²	New Jersey ³	New York ⁴	Hawaii ⁵	Washington, D.C. ⁶	Washington State ⁷
What purposes can leave be used for?	<p>Temporary disability insurance (TDI) can be used for a worker's own serious off-the-job illness or injury.</p> <p>Temporary caregiver insurance (TCI) can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; or (2) care for a family member with a serious health condition.</p>	<p>Disability insurance (DI) can be used for a worker's own serious off-the-job illness or injury.</p> <p>Paid family leave (PFL) can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; or (2) care for a family member with a serious health condition.</p>	<p>Temporary disability insurance (TDI) can be used for a worker's own serious off-the-job illness or injury.</p> <p>Family leave insurance (FLI) can be used to (1) bond with a child within one year of the child's birth or placement for adoption; or (2) care for a family member with a serious health condition.</p>	<p>Temporary disability insurance (TDI) can be used for a worker's own serious off-the-job illness or injury.</p> <p>Paid family leave (PFL) can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; (2) care for a family member with a serious health condition; or (3) address certain military family needs.</p>	<p>Temporary disability insurance (TDI) can be used for a worker's own serious off-the-job illness or injury.</p>	<p>Universal paid leave (UPL) can be used (1) for a worker's own serious health condition; (2) to bond with a child within one year of the child's birth or placement for foster care or adoption; or (3) to care for a family member with a serious health condition.</p> <p><i>Benefits are scheduled to begin on July 1, 2020.</i></p>	<p>Medical leave can be used for a worker's own serious health condition.</p> <p>Family leave can be used to (1) bond with a child within one year of the child's birth or placement; (2) care for a family member with a serious health condition; or (3) address certain military family needs.</p> <p><i>Benefits are scheduled to begin on January 1, 2020.</i></p>



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	Rhode Island¹	California²	New Jersey³	New York⁴	Hawaii⁵	Washington, D.C.⁶	Washington State⁷
Who is covered? ⁸	Employees covered by the state unemployment insurance law, except for public employees, are covered. Some domestic workers are covered. Public employers can opt in to coverage, as can some unions covering public workers through the collective bargaining process.	Employees covered by the state unemployment insurance law, except for most public employees, are covered. Domestic workers are also covered. Those who are self-employed can opt in to coverage. Many public employers can opt in to coverage, but may need to do so through a negotiated agreement with an authorized bargaining unit.	Employees covered by the state unemployment insurance law are covered, with some exceptions for public sector employees. Some domestic workers are covered. <i>Most public sector workers are not covered for a worker's own health, though their employers can opt in. Public sector workers are covered for paid family leave.</i>	Most private sector employees are covered. ⁹ Full-time domestic workers are covered. Most employers not required to provide coverage, including many public employers, can opt in to coverage. Those who are self-employed can opt in to coverage. Unions covering public workers can opt in to paid family leave through the collective bargaining process.	Most employees, including public employees, are covered. ¹⁰ Some domestic workers are covered.	All private sector employees are covered. Those who are self-employed can opt in to coverage.	All employees, including public employees, are covered. Those who are self-employed can opt in to coverage.



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	Rhode Island¹	California²	New Jersey³	New York⁴	Hawaii⁵	Washington, D.C.⁶	Washington State⁷
What family members are covered?	A family member includes a worker's child, parent, parent-in-law, grandparent, spouse, or registered domestic partner.	A family member includes a worker's child, parent, grandparent, grandchild, sibling, spouse, registered domestic partner, or the parent of a worker's spouse or registered domestic partner.	A family member includes a worker's child (under the age of 19 or unable to care for self due to mental or physical impairment), parent, spouse, registered domestic partner, or civil union partner.	A family member includes a worker's child, parent, parent-in-law, spouse, grandchild, grandparent, or domestic partner. ¹¹ The law's definition of domestic partner is flexible and does not require registration. ¹²	<i>Hawaii does not provide paid family leave.</i>	A family member includes a worker's child, parent, parent-in-law, spouse, grandparent, sibling, or registered domestic partner.	A family member includes a worker's child, grandchild, grandparent, parent, parent-in-law, sibling, spouse, or registered domestic partner.



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	Rhode Island¹	California²	New Jersey³	New York⁴	Hawaii⁵	Washington, D.C.⁶	Washington State⁷
How is the program funded?	Workers cover the full cost of both TDI and TCI. Both programs are funded by a single payroll deduction, currently set at 1.1% of wages. This deduction does not apply to wages above \$69,300/year.	Workers cover the full cost of both DI and PFL. Both programs are funded by a single payroll deduction, currently set at 1.0% of wages. This deduction does not apply to wages above \$114,967/year.	Workers and employers share the cost of TDI. Workers contribute 0.19% of their wages. Employers contribute a percentage of workers' wages ranging from 0.10% to 0.75%. These percentage contributions, for both employees and employers, do not apply to a worker's wages above \$33,700/year. Workers cover the full cost of FLI. The program is funded by a payroll deduction, currently set at 0.09% of wages. This deduction does not apply to wages above \$33,700/year. ¹³	Workers and employers share the cost of TDI. Employers can withhold 0.5% of workers' wages to pay for coverage, up to \$0.60/week; employers cover the remaining cost. Workers cover the full cost of PFL. The program is funded by a payroll deduction, currently set at 0.126% of wages. This deduction does not apply to wages above an average of \$1,305.92/week.	Workers and employers share the cost of TDI. Employers can withhold half the cost of providing coverage from workers' wages to pay for coverage, up to 0.5% of wages or \$5.34/week (whichever is lower); employers cover the remaining cost.	Employers cover the full cost of UPL. Employers contribute 0.62% of the wages of covered employees.	Workers and employers share the cost of medical leave. Employers can withhold up to 45% of the premium from workers' wages; employers cover the remaining portion, except that employers with fewer than fifty employees in Washington State are not required to pay the employer portion. Initially, the <i>total</i> premium for medical leave will be set at approximately 0.27% of wages, up to a cap. Workers cover the full cost of family leave. Initially, the premium will be set at approximately 0.13% of wages, up to a cap. ¹⁴



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What percentage of wages do workers receive?	Approximately 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) ¹⁵	Between 60% and 70% of a worker's average weekly wage, depending on their income ¹⁶	2/3 of a worker's average weekly wage	Own health: 50% of a worker's average weekly wage Family leave: 50% of a worker's average weekly wage. <i>When the program is fully phased in in 2021, workers will receive 67% of their average weekly wage for family leave.</i>	58% 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 times 150% of the D.C. minimum wage ¹⁷	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
What is the maximum weekly benefit?	85% of the statewide average weekly wage <i>Current: \$833/week</i>	Approximately 100% of the statewide average weekly wage <i>Current: \$1,173/week</i>	53% of the statewide average weekly wage <i>Current: \$637/week</i>	Own health: \$170/week Family leave: 50% of the statewide average weekly wage <i>Current: \$652.96/week</i> <i>When the program is fully phased in in 2021, the cap for family leave will be 67% of the statewide average weekly wage.</i>	Approximately 70% of the statewide average weekly wage <i>Current: \$620/week</i>	\$1,000 per week, adjusted annually based on inflation	\$1,000 week initially, adjusted annually after the first year to 90% of the statewide average weekly wage



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For how long can a worker receive benefits?	Own health: Up to 30 weeks in a 52-week period. ¹⁸ Family leave: Up to 4 weeks in a 52-week period.	Own health: Up to 52 weeks for any period of disability. ¹⁹ Family leave: Up to 6 weeks in a 12-month period.	Own health: Up to 26 weeks for any period of disability. ²⁰ Family leave: Up to 6 weeks in a 12-month period.	Own health: Up to 26 weeks for any period of disability or in any 52-week period. Family leave: Up to 8 weeks in a 52-week period. <i>When the program is fully phased in in 2021, workers will be able to take up to 12 weeks of family leave.</i> ²¹	Own health: Up to 26 weeks for any period of disability or in any benefit year.	Own health: Up to 2 weeks in a 52-week period. Caring for a seriously ill relative: Up to 6 weeks in a 52-week period. Bonding with a new child: Up to 8 weeks in a 52-week period. ²²	Own health: Up to 12 weeks in a 52-week period. ²³ Family leave: Up to 12 weeks in a 52-week period. ²⁴
Is there an unpaid waiting period?	No.	Own health: Yes—there is a 7 day unpaid waiting period. Family leave: No.	Yes—there is a 7 day unpaid waiting period. However, if a worker is eligible for benefits during each of three consecutive weeks after the waiting period, that worker can also be paid benefits for the waiting period.	Own health: Yes—there is a 7 day unpaid waiting period. Family leave: No.	Yes—the employer’s insurance policy may require an unpaid waiting period of up to 7 days. ²⁵	Yes—there is a one week unpaid waiting period.	Own health and family leave other than bonding leave: Yes—there is a 7 day unpaid waiting period. Bonding leave: No.



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Are workers entitled to have their jobs back when they return?	Own health: No. Family leave: Yes. ²⁶ <i>Workers may have protections under other laws, such as the FMLA or the Rhode Island Parental and Family Medical Leave Act.</i>	No. <i>Workers may have protections under other laws, such as the FMLA or the California Family Rights Act.</i>	No. <i>Workers may have protections under other laws, such as the FMLA or the New Jersey Family Leave Act.</i>	Own health: No. Family leave: Yes. ²⁷ <i>Workers may have protections under other laws, such as the FMLA.</i>	No. <i>Workers may have protections under other laws, such as the FMLA.</i>	No. <i>Workers may have protections under other laws, such as the FMLA or the D.C. Family & Medical Leave Act.</i>	Yes, but only for workers who meet specific eligibility criteria similar to those for the FMLA. ²⁸ <i>Worker may have protections under other laws, such as the FMLA or the Washington Family Leave Act.</i>
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 at least as much coverage as the state plan.	Employers can provide coverage by purchasing insurance (either from the state fund or a private insurer) or by becoming an approved self-insurer.	Employers can provide coverage by purchasing insurance, becoming an approved self-insurer, or through a collective bargaining agreement that provides benefits at least as favorable as those required by law.	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.

¹ R.I. Gen. Laws § 28-39-1 *et seq.*

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 FamilyLeaveWorks.org.

⁵ Haw. Rev. Stat. § 392-1 *et seq.*

⁶ D.C. Code Ann. § 32-541.01 *et seq.*

⁷ The law has not yet been codified. The final text can be found at <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Senate%20Passed%20Legislature/5975-S.PL.pdf#page=1>.

⁸ California, New Jersey, and Rhode Island 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.

⁹ For a list of exceptions, visit http://www.wcb.ny.gov/content/main/offthejob/WhoCovered_DB.jsp.

¹⁰ For a list of exceptions, visit http://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0392/HRS_0392-0005.htm.

¹¹ 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.

¹² 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 . . ."

¹³ 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 http://lwd.dol.state.nj.us/labor/tdi/worker/private/pp_cost.html.

¹⁴ 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.

¹⁵ 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.

¹⁶ Very low-wage workers receive a fixed benefit amount set by statute, which may result in higher wage replacement rates.

¹⁷ 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.

¹⁸ 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.

¹⁹ 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.

²⁰ In addition, no worker can receive benefits worth more than 26 times their weekly benefit amount in a year.

²¹ Workers may take up to a cumulative total of 26 weeks of TDI and PFL in a 52-week period.

²² Workers may take up to a cumulative total of 8 weeks of UPL in a 52-week period.

²³ Technically, workers are entitled to medical leave for up to twelve times their typical workweek hours. Medical leave may be extended by an additional two weeks (two times a worker's typical workweek hours) if the worker experiences a serious health condition with a pregnancy that results in incapacity.

²⁴ Technically, workers are entitled to family leave for up to twelve times their typical workweek hours. A worker may take up to a cumulative sixteen weeks (sixteen times the worker's typical workweek hours) of family and medical leave in a 52-week period or up to a cumulative eighteen weeks (eighteen 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.

²⁵ This waiting period does not apply to workers receiving disability benefits while unemployed.

²⁶ A worker returning from TCI leave must be restored to his or her 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.

²⁷ A worker returning from PFL must be restored to his or her 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.

²⁸ 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 twelve months, *and* have worked for that employer for at least 1,250 hours during the twelve month period immediately preceding leave. A worker entitled to job protection under the law must be restored to his or her 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.