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**Testimony from A Better Balance for the House Committee on Education and Labor,
Workforce Protections Subcommittee, Hearing on Balancing Work, Health, and Family:
The Case for Expanding the Family and Medical Leave Act, February 11, 2020,
by Sherry Leiwant, Co-President and Co-Founder, Molly Weston Williamson, Director of
Paid Leave and Future of Work, and Cassandra Gomez, Law Clerk**

We submit testimony on behalf of A Better Balance, a legal advocacy organization whose mission is to fight for policies protecting American workers from having to choose between caring for themselves and their families and maintaining their economic security. We have been working on paid family and medical leave—including the critical need for job protection—throughout the country for over a decade and are delighted that this committee is considering expanding federal law to better protect our working families.

The passage of the watershed Family and Medical Leave Act (FMLA) of 1993 broke new ground by guaranteeing covered workers the right to time off to bond with a new child, deal with a serious health need, or care for an ailing loved one. Millions of workers have benefited from these essential protections and millions more continue to rely upon the FMLA to care for themselves and their families today.

Yet despite the FMLA’s profound impact, too many workers—and their families—are left out of its protections. Today, more than 40% of American workers are not covered by the FMLA.¹ Even for those who are covered, the FMLA may not protect their family in the event of a serious health need, because of the law’s outdated and restrictive definition of the family members for whom workers can provide care. And for still more workers, leave under the FMLA remains out of reach because leave under the law is *unpaid*, making it inaccessible to those who cannot afford to go without a paycheck.

While the FMLA has remained largely the same since its passage over a quarter-century ago, states have continued to innovate. Learning from state policies, we can find strong models for federal legislation to expand access to workers left out of the FMLA and to ensure protection for all families. These improvements go hand-in-hand with the need to provide *paid* leave, another area where strong state models can offer important examples for the ongoing work to enact federal legislation to provide the right to pay during leave through a social insurance system, like the proposed FAMILY Act. To truly meet the needs of working families, we urge Congress to heed these lessons from the states and ensure that all workers have *both* the right to job-protected leave and the right to the pay they need to afford to take it.

I. The FMLA offers essential protections that all workers need.

For those covered by it, the FMLA offers a suite of critical protections to ensure workers can take the leave they need when they and their families need it. Chief among these invaluable

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rights is the right to job protection—the right to come back to work following leave. Job protection for all employees covered by a paid family and medical leave program is an essential element—without it, although it is a money benefit, it’s not leave. For these reasons, providing the comprehensive leave rights that working families truly need requires ensuring that all workers have security to take the leave they need without risking their livelihood.

The need for job protection for workers in a paid family and medical leave program cannot be overstated. The need for such leave occurs at some of the most stressful times in a person’s life: the arrival of a new child, a health crisis in the family, or a looming deployment. At these times, workers shouldn’t have to worry whether they will have a job to return to after their leave. Without a legal right to get their job back, many workers will be unwilling to risk their livelihood by taking the leave they need—the risk to their long-term economic security will be too great. Without job protection, workers will pay for a program they can only use by risking their long-term economic survival. In one California study, fear of being fired was a commonly cited reason workers who were eligible for paid family leave under that state’s program did not take it.² In Rhode Island, 45% of workers who took leave under their state’s paid family leave law (which provides job protection) said that without the law’s protection of their jobs, they would not have taken leave for fear of losing their job.³

Job protection keeps workers attached to the workforce. When workers are unable to take short-term leave and then return to their job, they are often pushed out of the workforce altogether. One study estimated that men who leave the labor force early due to caring for an aging parent lose almost \$90,000 in wages, while women who do so lose over \$140,000 in wages.⁴ Women who take paid leave after having a baby are more likely to be working nine to twelve months after the birth than women who take no leave.⁵ And keeping workers on the job saves taxpayers money. Both men and women who return to work after taking paid leave are much less likely to be receiving public assistance or food stamps in the year following their child’s birth than those who return to work without taking family leave.⁶

In addition to the right to job protection, the FMLA also offers other critical rights to covered workers that are essential to ensuring workers can truly access the leave they need. It protects workers against retaliation for using their rights. No one should be punished for taking the time they need and which they are guaranteed by law. This protection is especially important in light of the rise of punitive absence control policies, where workers are assigned points for each absence and subject to punishment when they receive too many points.⁷

The FMLA also guarantees covered workers the right to continuation of their health insurance while they are on leave, under the same terms as when they are working. The times that workers need leave—in the face of major illness or when welcoming a new child—are often when workers and their families need health coverage the most. Yet without specific legal protections,

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workers may be cut off or face insurmountable increases in cost due to the loss of employer contributions.

II. All workers deserve the protections provided in the FMLA.

In order to qualify for FMLA leave, an employee must work for an employer with at least fifty employees within a seventy-five-mile radius of the employee's worksite, must have worked for that employer for at least twelve months, and must have worked at least 1,250 hours for that employer within the last twelve months.⁸ Taken together, these requirements mean that more than 40% of American workers are not covered by the FMLA.⁹

Lower-income workers are disproportionately left out of coverage. One study estimated that just 39.8% of workers making less than \$35,000 per year were likely to be eligible for FMLA coverage, as compared to 73.4% of those making between \$35,000 and \$75,000 per year and 77.8% of those making above \$75,000 per year.¹⁰ Studies looking at household income have found similar results.¹¹ Less-educated workers are also especially likely to lack coverage.¹²

Moreover, many of those workers most likely to need FMLA leave are excluded. Workers between the ages of 18 and 33, a group that includes many people having children, are less likely than the population as a whole to be covered by the FMLA.¹³ Across all age groups, an estimated half of all working parents are not covered by the FMLA.¹⁴

In the face of these gaps, states have stepped up to cover workers left out of the FMLA. At the federal level, we can learn from the examples of these pioneering states and expand coverage to meet the needs of today's workers.

Employees should be protected regardless of their employer's size.

Employees' rights should not depend on their employer's headcount. Yet the FMLA excludes workers whose employers have fewer than fifty employees. Nationwide, as of 2018, approximately 52.7 million private sector workers work for employers with fewer than fifty employees, representing about 44% of the private sector workforce.¹⁵ Many industries that employ vulnerable workers include large numbers of these employers. For example, in accommodation and food services, which employs many low-income workers,¹⁶ 61% of employees work for employers with fewer than fifty employees.¹⁷ Similarly, the construction industry employs one of the highest proportions of undocumented workers of any industry;¹⁸ 60% of construction workers work for firms with fewer than fifty employees.¹⁹ Approximately two-thirds of employees excluded from coverage under the FMLA are excluded due to their employer's size.²⁰

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But the passage of paid family and medical leave programs has made a huge difference on this issue in the states. States enacting paid family and medical leave laws have recognized the injustice of expecting workers to pay for a benefit they then must risk their jobs to take and as part of those programs are providing job protection regardless of employer size—in other words, covering workers whose employers have as few as one employee. Massachusetts and Oregon will provide FMLA-like rights to employees regardless of employer size under their state paid family and medical leave laws.²¹ Connecticut, as part of the same law that created its state paid family and medical leave program, expanded coverage under the Connecticut Family and Medical Leave Act to cover workers regardless of the size of their employer. New York and Rhode Island already provide FMLA-like rights to employees taking leave under their paid family leave laws regardless of employer size.²² There is no minimum number of employees to qualify for job-protected, unpaid leave in connection with pregnancy in Montana or adoption in Kentucky.²³ While not yet enacted, California Governor Gavin Newsom has recently introduced legislation that would cover employees under California’s state FMLA, as well as the state’s pregnancy-specific unpaid leave law, regardless of the size of their employer.²⁴ In addition, many states provide job protection to employees of smaller employers through state unpaid leave laws, including laws for particular types of leave.²⁵

Employees should be protected regardless of how many hours they work.

Currently the FMLA requires that employees have worked for their current employer for at least 1,250 hours in the last 12 months in order to be covered.²⁶ This works out to an average of about 24 hours per week over the course of a year. This requirement shuts out many part-time workers, including those who cumulatively work full-time hours across more than one employer.

Low-income workers are more likely to work part-time than other workers,²⁷ and women, who make up 51% of the population, are 65% of the part-time workforce.²⁸ The hours-worked requirement penalizes workers who have willingly chosen part-time work, including those who chose part-time work for health or caregiving reasons—often the very reasons workers may need leave. Excluding part-time workers also hurts part-time workers who would prefer to be working more hours, a phenomenon known as “involuntary part-time” work. Nationwide, about 6.4 million workers are involuntary part-time workers, a number that has grown substantially since before the Great Recession.²⁹ Involuntary part-time workers are disproportionately people of color and disproportionately low-income.³⁰ This problem is especially pronounced in certain largely low-income industries, like retail, where workers are nearly twice as likely to be involuntarily part-time than the general population. Within retail, women, especially women of color, are especially likely to be working part time involuntarily.³¹

The hours-worked requirement is also especially hard on particular populations with many part-time workers. Military spouses are both more likely to work part-time and more likely to be involuntary part-time workers (meaning they would prefer to be working more hours) than the

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general workforce, making it harder to meet the 1,250 hours requirement.³² Similarly, people with disabilities are more likely to work part-time, making those workers especially likely to be affected by the hours-worked requirement.³³

The requirement that a worker must work 1,250 hours for one employer means that those often low wage workers who work full time—or even more than full time—who cobble together a number of jobs to make ends meet are excluded from coverage, a situation that is increasingly common with respect to low wage workers. Such exclusion of workers from job protection at each of their jobs when there is a need to take time for a new child, sick family member, or their own serious illness is contrary to the purposes of the FMLA.

However, as with employer size, states enacting paid family and medical leave programs are leading the way in providing the protections of the FMLA to workers without requiring a specific minimum number of hours worked. Massachusetts and Oregon will provide FMLA-like rights under their state paid family and medical leave laws with no minimum number of hours worked.³⁴ Connecticut, as part of the same law that created its state paid family and medical leave program, expanded coverage under the Connecticut Family and Medical Leave Act to cover workers with no minimum number of hours worked.³⁵ In Rhode Island, there is no formal minimum amount of time a worker must have been employed or number of hours worked in order to qualify for paid family leave, including job protection.³⁶ In New York, with one limited exception, there is no minimum number of hours worked to qualify for paid family leave, including job protection.³⁷ Note that state paid leave laws require that workers demonstrate attachment to that state's workforce, typically by meeting an earnings requirement across all employers in the state, similar to those used for unemployment insurance but unfair hours requirements are not typically imposed.

Other states have reduced these barriers in their state unpaid leave laws. There is no minimum number of hours worked required to qualify for family or medical leave in Maine,³⁸ for family leave in Hawaii,³⁹ or for bonding leave in Oregon (under the state's existing unpaid leave law).⁴⁰ California, Iowa,⁴¹ Kansas,⁴² Louisiana,⁴³ Montana,⁴⁴ and Washington⁴⁵ all provide leave in connection with pregnancy and childbirth with no minimum number of hours worked. Kentucky extends leave for up to six weeks to new adoptive parents of a child under the age of seven with no minimum number of hours worked.⁴⁶

Employees should be protected without burdensome duration requirements.

Employees who work for FMLA covered employers must have worked for that employer for at least 12 months to be covered.⁴⁷ This requirement excludes many workers, but its burden falls disproportionately on low-income workers, who change jobs more often than other workers.⁴⁸ Industries that employ low-income workers often have very high turnover rates: for example,

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turnover in hospitality rose to 72.1% in 2015, while among home care workers turnover was 60% in 2015.⁴⁹

The one-year requirement may also be especially hard on military spouses and other military family members. Military spouses and other military family members need leave in connection with deployment and to care for those ill or injured as a result of their military service—distinctive needs recognized by the FMLA for over a decade—as well as for health and family needs that affect all families. Yet the combination of frequent moves due to a spouse’s service (on average, every two to three years) combined with difficult and often lengthy job searches in a new location make it difficult for military spouses to meet the one-year requirement.⁵⁰

Similarly, workers in specific industries where it is common to change jobs frequently based on the nature of the work may be particularly likely to be excluded by lengthy employment tenure requirements. For example, construction workers typically move from job to job, sometimes staying as little as a few days or weeks at a particular position.⁵¹ This can make it especially difficult for workers in those industries to meet the FMLA’s one-year requirement.

Again, states are leading the way in providing job protection and related rights to employees without requiring any minimum duration of employment with an employer. Massachusetts will provide job protection to employees who qualify for paid family and medical leave benefits with no minimum time with a particular employer.⁵² Rhode Island already provides job protection to employees who qualify for paid family leave benefits with no minimum time with a particular employer.⁵³ California, Iowa,⁵⁴ Kansas,⁵⁵ Louisiana,⁵⁶ Montana,⁵⁷ and Washington⁵⁸ all provide leave in connection with pregnancy and childbirth with no minimum employment duration. Kentucky extends leave for up to six weeks to new adoptive parents of a child under the age of seven with no minimum employment duration.⁵⁹

Other states allow workers to qualify after a much shorter period of time than under the FMLA. Oregon will provide job protection to workers taking paid family and medical leave under its state law who have been employed by their current employer for ninety days.⁶⁰ Similarly, Connecticut’s state FMLA was recently amended, as part of the package that created the state’s paid leave program, to cover employees who have been with their current employer for at least three months.⁶¹ In New York, most employees qualify for paid family leave, including job protection, after 26 consecutive weeks of employment (about six months) with their employer, while low-hour part-time workers qualify when they have worked for 175 days for their employer.⁶² Employees can qualify for unpaid, job-protected family leave after approximately six months in Hawaii.⁶³ In addition, while Oregon and Massachusetts are working to implement their more inclusive *paid* leave laws (which include job protection and related rights), employees can already qualify for job-protected *unpaid* leave under pre-existing laws after six months in Oregon⁶⁴ and for bonding leave after three months in Massachusetts.⁶⁵

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II. All families deserve the right to care under the FMLA.

Families today take many forms: they are multi-generational, blended,⁶⁶ LGBTQ,⁶⁷ and increasingly include close loved ones who aren't biologically or legally related.⁶⁸ Yet under the FMLA, workers generally only have the right to leave to care for a seriously ill loved one if that loved one is their spouse, parent, or child (and only if that child is under the age of 18 or unable to care for themselves due to a disability).⁶⁹ This outdated and exclusionary vision has concrete consequences for workers and their families.

To work for all American families, a strong leave law would include a broad family definition that specifically covers spouses, domestic partners, children (regardless of age), parents, parents of a spouse or domestic partner, grandchildren, grandparents, siblings, nieces and nephews, aunts and uncles, and any other individual related by blood or affinity whose close association with the worker is the equivalent of a family relationship. Nationwide trends regarding family structures show that broad family coverage is imperative for strong paid leave laws.

Today, adults ages 18 to 44 are more likely to have lived with an unmarried significant other than to have ever been married,⁷⁰ and as of 2016, the rising number of cohabiting adults in the U.S. reached about 18 million.⁷¹ Thus, coverage of domestic partners and significant others is critical to many workers in long-term, committed relationships.

In addition to caring for spouses, children, and parents, workers often provide care to—or rely on care from—other biological, legal, and extended relatives with whom they share a close relationship. Since 1980, for example, the number of Americans living in multi-generational households has doubled to 57 million.⁷² Given the prevalence of multi-generational households across the country, it is extremely important that any paid family and medical leave program cover grandparents and grandchildren. Furthermore, children of all ages should be covered because adult children with a serious illness are no less in need of care from their parents than any other adult to whom the worker is related; and older children, especially those who have not formed a family, will still rely on their parents for care in the face of a serious illness. Nationwide, 82% of children under the age of 18 live with at least one sibling, and as a long-lasting family relationship, many siblings look to their sisters or brothers as the first person to whom they would turn for care in the event of a serious illness.⁷³ This is often true for people with disabilities; as more people with disabilities outlive their parents, an increasing number of individuals are receiving primary care from siblings and extended family.⁷⁴

Lastly, when an individual is sick or has a medical emergency, they often rely on individuals they live with—even absent a blood or legal relationship—for help and caregiving. While relationships with such close loved ones are important to many workers, a 2016 national survey showed that they are even more significant for LGBTQ people and people with disabilities, who

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reported taking time off to care for their “chosen family” in higher percentages than the population as a whole.⁷⁵ An inclusive family definition is also important to current and former members of the armed forces because many of those injured or ill as a result of their military service rely on friends or neighbors for care. This is particularly true for those who were ill or injured as a result of their service after September 11, 2001, as those service members are nearly twice as likely as their civilian counterparts to rely on care from friends and neighbors.⁷⁶

States with paid family and medical leave laws understand the demographics of working families and have led the way with inclusive family definitions. All paid family leave jurisdictions cover at least workers’ parents, spouses, children, grandparents, and parents-in-law.⁷⁷ Additionally, in all jurisdictions the definition of “child” includes adult children,⁷⁸ and in eight of nine states with paid family and medical leave, domestic partners are explicitly covered.⁷⁹ California, Massachusetts, New Jersey, Washington, D.C., Washington State, Connecticut, and Oregon also cover workers’ siblings.⁸⁰ California, Massachusetts, New Jersey, New York, Washington State, Connecticut, and Oregon also cover workers’ grandchildren.⁸¹ In New Jersey, Connecticut, and Oregon workers can also take leave to care for other loved ones—whether biologically or legally related or not—to whom the worker has a close association that is the equivalent of a family relationship, though their exact definitions slightly differ; this definition includes close relationships with biological or legally related family members (such as aunts, uncles, nieces, and nephews), as well as close loved ones with whom the worker lacks a biological or legal relationship (such as a significant other or a best friend who is like a sibling).⁸²

Many state unpaid leave laws—also known as state FMLAs—provide more inclusive family definitions, expanding the range of loved ones for whom workers have a legal right to time off to provide care. While the FMLA only provides protection for a legal spouse, New Jersey,⁸³ Vermont,⁸⁴ and Colorado⁸⁵ also cover civil union partners. California,⁸⁶ Colorado,⁸⁷ Maine,⁸⁸ Wisconsin,⁸⁹ and Washington⁹⁰ cover domestic partners, though most states require that domestic partners be registered in order to qualify; Rhode Island covers domestic partners of state employees.⁹¹ The District of Columbia’s law allows workers to take unpaid leave to care for “[a] person with whom the employee shares or has shared, within the last year, a mutual residence and with whom the employee maintains a committed relationship,” protecting a potentially broader range of relationships and without requiring registration.⁹²

Similarly, while the FMLA generally does not cover care for their adult children, Maine, Hawaii,⁹³ Oregon,⁹⁴ Rhode Island,⁹⁵ and Vermont⁹⁶ allow employees to take leave under their unpaid leave laws to care for a seriously ill child of any age. Oregon also allows leave to care for an employee’s seriously ill grandchild,⁹⁷ while Maine covers the children of an employee’s domestic partner.⁹⁸

Five states, through their unpaid leave laws, cover workers’ parents-in-law: Connecticut,⁹⁹ Hawaii,¹⁰⁰ Oregon,¹⁰¹ Rhode Island,¹⁰² and Vermont.¹⁰³ Connecticut¹⁰⁴ and Hawaii¹⁰⁵ also cover

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stepparents. Oregon¹⁰⁶ covers grandparents, while both grandparents and grandparents-in-law are covered in Hawaii.¹⁰⁷ Hawaii covers siblings broadly,¹⁰⁸ while Maine covers siblings who live together and share finances.¹⁰⁹

Subject to certain restrictions, Hawaii allows two blood-related adults who are not married to other people to designate one another as “reciprocal beneficiaries,” for whom they can care even if that relationship is not otherwise protected by the state's law. For example, an aunt and nephew (who are not married to other people) could designate one another as reciprocal beneficiaries.¹¹⁰

Most broadly, the District of Columbia allows covered employees to leave to care for “[a] person to whom the employee is related by blood, legal custody, or marriage.”¹¹¹ This covers a broad range of family relationships, including those covered by the FMLA and many enumerated family relationships covered in other jurisdictions.

Surprisingly, the FMLA itself contains an expanded family definition with regard to comparatively new military provisions. For purposes of deployment-related leave, FMLA regulations have interpreted the law as covering adult children, meaning that a parent can take leave in connection with their child’s deployment.¹¹² When it comes to caring for a covered servicemember (a person with a qualifying service-connected illness or injury), the FMLA allows parents to care for their adult children and allows the servicemember’s “next of kin”—or nearest blood relative not otherwise covered—to provide care, potentially extending protections to certain siblings, grandparents, aunts and uncles, or first cousins.¹¹³

The federal government also has a successful track record of providing essential protections for the varied forms of working families. For over 50 years, the federal government, our nation’s largest employer with over two million employees, has used an inclusive family definition. For example, an expansive family definition that covers workers’ spouses, domestic partners, adult and minor children, parents, grandparents, grandchildren, siblings, and those whose close association with the employee is the equivalent of a family relationship has been used in the context of funeral leave since 1969, voluntary leave since 1989, and sick and annual leave since 1994.¹¹⁴ Additionally, today, federal workers can accumulate and use up to 12 weeks of sick leave to care for family members with serious health conditions, including extended relatives and other loved ones who aren’t biologically or legally related.¹¹⁵

Thank you for your consideration and your attention to this important issue. We welcome the opportunity to continue working with you to pass the strong, comprehensive paid family and medical leave law America’s working families need.



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¹ Helen Jorgenson & Eileen Appelbaum, *Expanding Federal Family and Medical Leave Coverage: Who Benefits from Changes in Eligibility Requirements?*, Ctr. for Econ. & Policy Research 3 (Feb. 2014), <http://cepr.net/documents/fmla-eligibility-2014-01.pdf>.

² Eileen Appelbaum & Ruth Milkman, *Leaves That Pay: Employer and Worker Experience with Paid Family Leave In California*, Ctr. for Econ. & Policy Research 4, 30 (2011), <https://cepr.net/documents/publications/paid-family-leave-1-2011.pdf>.

³ Barb Silver, Helen Mederer, & Emilija Djurdjevic, *Rhode Island's Temporary Caregiver Insurance Program: Findings from the First Year* (2015).

⁴ MetLife Mature Mkt. Inst., *The MetLife Study of Caregiving Costs to Working Caregivers* (2011), <https://www.caregiving.org/wp-content/uploads/2011/06/mmi-caregiving-costs-working-caregivers.pdf>.

⁵ Linda Houser & Thomas P. Vartanian, *Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Business and the Public*, Ctr. for Women & Work 2 (2012), <https://www.nationalpartnership.org/our-work/resources/economic-justice/other/pay-matters.pdf>.

⁶ Cal. Senate Office of Research, *California's Paid Family Leave Program: Ten Years After the Program's Implementation, Who Has Benefited and What Has Been Learned?* 6 (July 1, 2014), http://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Paid_Family_Leave_FINAL_A1b.pdf; Andrew Chang & Co., *Paid Family Leave Market Research*, Cal. Emp. Dev. Dep't 86 (July 13, 2015), https://www.edd.ca.gov/Disability/pdf/Paid_Family_Leave_Market_Research_Report_2015.pdf.

⁷ See A Better Balance, *Pointing Out: How Walmart Unlawfully Punishes Workers for Medical Absences* (June 2017), <https://www.abetterbalance.org/wp-content/uploads/2017/05/Pointing-Out-Walmart-Report-FINAL.pdf> (explaining that Walmart, the world's largest private employer, has used point-based absence control policies).

⁸ 29 U.S.C. § 2611(2); § 2611(4).

⁹ Jorgenson & Appelbaum, *supra* note 1.

¹⁰ Gerald Mayer, *The Family and Medical Leave Act (FMLA): Policy Issues*, Congressional Research Service 11 (Sept. 4, 2013) http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=2316&context=key_workplace.

¹¹ Jorgenson & Appelbaum, *supra* note 1, at 6.

¹² Mayer, *supra* note 10, at 10.

¹³ *Id.* at 9.

¹⁴ *Inequities in Eligibility for FMLA leave*, The Heller Sch. for Soc. Policy & Mgmt., Brandeis Univ., <http://www.diversitydatakids.org/files/Policy/FMLA/Capacity/Inequities%20in%20FMLA%20eligibility.pdf>.

¹⁵ These numbers were calculated by averaging monthly data over the first quarter. *Quarterly Census of Employment and Wages, 2017 First Quarter*, U.S. Bureau of Labor Statistics, https://data.bls.gov/cew/apps/table_maker/v4/table_maker.htm#type=12&year=2017&size=0,1,2,3,4&agg=21&supp=0. We thank Jeff Hayes of the Institute for Women's Policy Research for suggesting this approach.

¹⁶ See *Characteristics of Minimum Wage Workers*, U.S. Bureau of Labor Statistics (Apr. 2017) <https://www.bls.gov/opub/reports/minimum-wage/2016/home.htm>; Gregory Acs & Austin Nichols, *Low-Income Workers and Their Employers: Characteristics and Challenges*, The Urban Inst. 6 (2007) <https://www.urban.org/sites/default/files/publication/46656/411532-Low-Income-Workers-and-Their-Employers.PDF>.

¹⁷ This number was calculated by averaging monthly data over the first quarter. *Quarterly Census of Employment and Wages, 2017 First Quarter*, U.S. Bureau of Labor Statistics, https://data.bls.gov/cew/apps/table_maker/v4/table_maker.htm#type=14&year=2017&size=0,1,2,3,4&h1ind=72&supp=0.

¹⁸ Jeffrey S. Passel & D'Vera Cohn, *Industries of unauthorized immigrant workers*, Pew Research Ctr., Nov. 3, 2016, <http://www.pewhispanic.org/2016/11/03/industries-of-unauthorized-immigrant-workers/>.

¹⁹ This number was calculated by averaging monthly data over the first quarter. *Quarterly Census of Employment and Wages, 2017 First Quarter*, U.S. Bureau of Labor Statistics, https://data.bls.gov/cew/apps/table_maker/v4/table_maker.htm#type=14&year=2017&size=0,1,2,3,4&h1ind=1012&supp=0.

²⁰ Jorgenson & Appelbaum, *supra* note 1, at 3.

²¹ Mass. Gen. Laws Ann. ch. 175M, § 2(e) (West 2019); H.B. 2005, 80th Leg. Assemb., Reg. Sess. § 10(1), (7) (Or. 2019).

- ²² N.Y. Workers' Comp. Law § 203-b (McKinney 2019); 28 R.I. Gen. Laws Ann. § 28-41-35(f) (West 2019).
- ²³ Mont. Code Ann. § 49-2-310(2) (leave rights); *id.* § 49-2-101(11) (defining "employer"); Ky. Rev. Stat. Ann. § 337.010(d) ("employer"); *id.* § 337.015 (adoption leave).
- ²⁴ Governor's Budget 2020-21 Trailer Bill, RN 2008625 (proposed Feb. 3, 2020), <https://esd.dof.ca.gov/dofpublic/public/trailerBill/pdf/18>.
- ²⁵ Employees of smaller employers can take leave to bond with a new child in New Jersey (30 employees), Minnesota (21 employees), California (20 employees), Vermont (10 employees), and Massachusetts (6 employees). N.J. Stat. Ann. § 34:11B-3(f)(4) (West 2019); Minn. Stat. § 181.940(3); S.B. 63 (2017), to be codified at Cal. Gov. Code § 12945.6, *available at* https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB63; Vt. Stat. Ann. tit. 21, § 471(1); Mass. Gen. Laws ch. 149 § 105D(a) (applying definition of "employer" from Mass. Gen. Laws ch. 151B § 1(5)). Vermont extends leave for one's own serious health needs or those of a family member to employees of with as few as 15 employees. Vt. Stat. Ann. tit. 21, § 471(1). Employees of smaller employers can take pregnancy-related leave in Louisiana (25 employees), Minnesota (21 employees), Washington (8 employees), California (5 employees), Kansas (4 employees), and Iowa (4 employees); La. Rev. Stat. § 23:341(A); Minn. Stat. § 181.940(3); Wash. Admin. Code § 162-30-020(4) (leave rights); Wash. Admin. Code § 162-16-200(3) (restricting to eight employees); Cal. Code Regs. tit. 2, § 11035(h); Kan. Admin. Regs. § 21-32-6 (leave rights); *id.* § 21-40-1 (incorporating by reference Kan. Stat. Ann. 44-1002(b)).
- ²⁶ 29 U.S.C. § 2611(2)(A)(ii).
- ²⁷ *Who Are Low-Wage Workers?* Office of the Assistant Sec'y for Planning & Eval., U.S. Dep't of Health & Human Servs. (Feb. 2009) <https://aspe.hhs.gov/system/files/pdf/180021/rb.pdf>.
- ²⁸ Cliff Zukin & Carl Van Horn, *A Tale of Two Workforces: The Benefits and Burdens of Working Part Time*, John J. Heldrich Ctr. for Workforce Dev., Rutgers Univ. 4 (June 2015) http://www.heldrich.rutgers.edu/sites/default/files/products/uploads/Work_Trends_June_2015.pdf.
- ²⁹ Lonnie Golden, *Still Falling Short on Hours and Pay: Part-time Work Becoming New Normal*, Econ. Policy Inst. (Dec. 5, 2016) <http://www.epi.org/publication/still-falling-short-on-hours-and-pay-part-time-work-becoming-new-normal/>.
- ³⁰ Zukin & Van Horn, *supra* note 28, at 4–5.
- ³¹ Claire McKenna, *Data Points: A Look at Involuntary Part-Time Work in Retail*, Nat'l Emp't Law Project, Mar. 4, 2015, <http://www.nelp.org/blog/data-points-a-look-at-involuntary-part-time-work-in-retail/>.
- ³² Nelson Lim & David Shulker, *Measuring Underemployment Among Military Spouses*, RAND Corporation, https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG918.pdf, page 36; "Military Spouses in the Workplace-Understanding the Impacts of Spouse Unemployment on military recruitment retention, and readiness." *Hiring Our Heroes*. June 2017 <https://www.uschamberfoundation.org/sites/default/files/Military%20Spouses%20in%20the%20Workplace.pdf>, page 7.
- ³³ Kali Grant et al., *Security & Stability Paid Family and Medical Leave and its Importance to People with Disabilities and their Families*, Georgetown Center on Poverty and Inequality and The Arc, https://thearc.org/wp-content/uploads/forchapters/Georgetown_PFML-report_Dec17.pdf.
- ³⁴ Mass. Gen. Laws Ann. ch. 175M, § 1, 2(e) (West 2019); H.B. 2005, 80th Leg. Assemb., Reg. Sess. § 10(1), (7) (Or. 2019).
- ³⁵ Conn. Gen. Stat. Ann. § 31-51nn(a) (West 2019).
- ³⁶ R.I. Gen. Laws § 28-41-11(b).
- ³⁷ Due to a technical error in a previous piece of legislation, domestic workers must work at least forty hours per week for a single employer to have a right to coverage. N.Y. Workers' Comp. Law § 202(2).
- ³⁸ See Maine Rev. Stat. tit. 26, § 844(1).
- ³⁹ See Haw. Rev. Stat. § 398-1 (defining "employee" as "a person who performs services for hire for not fewer than six consecutive months for the employer from whom benefits are sought under this chapter").
- ⁴⁰ Or. Rev. Stat. § 659A.156(2).
- ⁴¹ Cal. Gov. Code § 12945(a)(1) (leave rights); Cal. Code Regs. tit. 2, § 11037 (defining eligibility requirements); Iowa Code § 216.2(6) ("employee"); *id.* § 216.6(2)(e) (providing leave rights).
- ⁴² Kan. Admin. Regs. § 21-32-6 (leave rights); *id.* § 21-40-1 (incorporating by reference Kan. Stat. Ann. 44-1002(b)).

⁴³ La. Rev. Stat. Ann. § 23:342.

⁴⁴ Mont. Code Ann. § 49-2-310(2) (leave rights); *id.* § 49-2-101(10) (defining “employee”).

⁴⁵ See Wash. Admin. Code § 162-30-020.

⁴⁶ Ky. Rev. Stat. Ann. § 337.010(d) (“employer”); *id.* § 337.015 (adoption leave).

⁴⁷ 29 U.S.C. § 2611(2)(A)(i).

⁴⁸ Jacquelyn Anderson, Linda Yuriko Kato, & James A. Riccio, *A New Approach to Low-Wage Workers and Employers*, MDRC 5 (Mar. 2006) https://www.mdrc.org/sites/default/files/full_9.pdf.

⁴⁹ Nell Abernathy & Rebecca Smith, *Work Benefits: Ensuring Economic Security in the 21st Century*, Nat’l Emp’t Law Project & The Roosevelt Inst. 11 (Jan. 2017) http://rooseveltinstitute.org/wp-content/uploads/2017/02/WorkBenefits_RooseveltNELP.pdf.

⁵⁰ Jeremy Burke & Amalie Miller, *The Effect of Military Change-of-Station Moves on Spousal Earnings* (2016), RAND Corporation, https://www.rand.org/pubs/research_briefs/RB9920.html. (servicemembers make permanent change of stations moves on average every 2 to 3 years); U.S. Chamber of Commerce Foundation, *Military Spouse in the Workplace: Understanding the Impacts of Unemployment on Military Recruitment, Retention, and Readiness*, page 9,

<https://www.uschamberfoundation.org/sites/default/files/Military%20Spouses%20in%20the%20Workplace.pdf>. (65% of military spouses who quit a job due to relocation needed at least four months to find a new employer, while a 25% reported it took more than a year to find a new job).

⁵¹ Emily H. Sparer et al., *Length of Time Spent Working on a Commercial Construction Site and the Associations with Worker Characteristics*, 58 Am. J. Indus. Med. 964 (2015), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5473608/pdf/nihms870393.pdf>.

⁵² Mass. Gen. Laws Ann. ch. 175M, § 1, 2(e) (West 2019).

⁵³ R.I. Gen. Laws § 28-41-11(b).

⁵⁴ Cal. Gov. Code § 12945(a)(1) (leave rights); Cal. Code Regs. tit. 2, § 11037 (defining eligibility requirements); Iowa Code § 216.2(6) (“employee”); *id.* § 216.6(2)(e) (providing leave rights).

⁵⁵ Kan. Admin. Regs. § 21-32-6 (leave rights); *id.* § 21-40-1 (incorporating by reference Kan. Stat. 44-1002(b)).

⁵⁶ La. Rev. Stat. Ann. § 23:342.

⁵⁷ Mont. Code Ann. § 49-2-310(2) (leave rights); *id.* § 49-2-101(10) (defining “employee”).

⁵⁸ See Wash. Admin. Code § 162-30-020.

⁵⁹ Ky. Rev. Stat. Ann. § 337.010(d) (“employer”); *id.* § 337.015 (adoption leave).

⁶⁰ H.B. 2005, 80th Leg. Assemb., Reg. Sess. § 10(1), (7) (Or. 2019).

⁶¹ Conn. Gen. Stat. Ann. § 31-51nn(a) (West 2019). Note that workers receiving benefits for domestic violence-related purposes do not have job protection under that law, although they may have employment protection under Connecticut’s family violence leave law.

⁶² N.Y. Workers’ Comp. Law § 203; N.Y. Comp. Codes R. & Regs. tit. 12, § 380-2.5(a)–(b).

⁶³ Haw. Rev. Stat. § 398-1. Note that Hawaii’s law is more restrictive than the FMLA in other ways and does not cover workers’ own serious health conditions.

⁶⁴ Technically, Oregon’s law covers employees who have been employed for 180 days, which is approximately six months. Or. Rev. Stat. § 659A.156(1)(a).

⁶⁵ Mass. Gen. Laws ch. 149, § 105D(b). Full-time employees can qualify for parental (bonding) leave in Massachusetts after three consecutive months of employment by their employer or at the end of their employer’s probationary period, whichever is shorter. *Id.*

⁶⁶ According to the U.S. Census Bureau, 16% of children live in “blended families,” or households with a stepparent, stepsibling, or half-sibling. *Parenting in America: Outlook, Worries, Aspiration Are Strongly Linked to Financial Situation*, Pew Research Center 19 (2015), https://www.pewresearch.org/wp-content/uploads/sites/3/2015/12/2015-12-17_parenting-in-america_FINAL.pdf.

⁶⁷ It is estimated that 4.5% of Americans, or over 11 million people, self-identify as lesbian, gay, bisexual, or transgender. Frank Newport, *In U.S., Estimate of LGBT Population Rises to 4.5%*, Gallup (May 22, 2018), <https://news.gallup.com/poll/234863/estimate-lgbt-population-rises.aspx>. Additionally, estimates show that between 2 million and 2.7 million minor children have an LGBTQ parent. Gary J. Gates, *Marriage and Family: LGBT Individuals and Same-Sex Couples*, *Future Child.*, Fall 2015, at 67, 72.

⁶⁸ Nearly 33 million households in the United States, or 28% of all households, consist of an individual who lives alone, and in an emergency or during an illness, many of these individuals rely on care from close loved ones. See *Selected Social Characteristics in the United States, 2013-2017 American Community Survey 5-Year Estimates*, U.S. Census Bureau,

[https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP02&prodType=table%20c%20\(last%20accessed%20September%202018](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_5YR_DP02&prodType=table%20c%20(last%20accessed%20September%202018) (last visited Jan. 30, 2020). Additionally, in a 2016 national survey, 32% of people in the U.S. reported that they took time off work to provide care for a chosen family member. Katherine Gallagher Robbins *et al.*, *People Need Paid Leave Policies That Cover Chosen Family*, Center for American Progress 2 (2017),

<https://cdn.americanprogress.org/content/uploads/2017/10/26135206/UnmetCaregivingNeed-brief.pdf>.

⁶⁹ 29 U.S.C. § 2612(a)(1)(C); *id.* § 2611(12) (defining “son or daughter”).

⁷⁰ “[T]he share of adults ages 18 to 44 who have ever lived with an unmarried partner (59%) has surpassed the share who has ever been married (50%)” Juliana Menasce Horowitz *et al.*, *Marriage and Cohabitation in the U.S.*, Pew Research Center (Nov. 6, 2019), <https://www.pewsocialtrends.org/2019/11/06/marriage-and-cohabitation-in-the-u-s/>.

⁷¹ Renee Stepler, *Number of U.S. Adults Cohabiting with a Partner Continues to Rise, Especially Among Those 50 and Older*, Pew Research Center (Apr. 6, 2017), <https://www.pewresearch.org/fact-tank/2017/04/06/number-of-u-s-adults-cohabiting-with-a-partner-continues-to-rise-especially-among-those-50-and-older/>.

⁷² Richard Fry & Jeffrey S. Passel, *In Post-Recession Era, Young Adults Drive Continuing Rise in Multi-generational Living*, Pew Research Center (July 17, 2014), <https://www.pewsocialtrends.org/2014/07/17/in-post-recession-era-young-adults-drive-continuing-rise-in-multi-generational-living/#fn-19695-1>. Multi-generational households are particularly prevalent in communities of color; approximately 25% of Latinx and Black Americans, and 27% of Asian Americans live in a multi-generational household. *Id.*

⁷³ Rachel Dunifon *et al.*, *Siblings and Children’s Time Use in the United States*, 37 *Demographic Res.* 1611, 1612 (2017).

⁷⁴ As more people with disabilities outlive their parents, an increasing number of adult siblings have taken on primary caregiving responsibilities. Rajan A. Sonik *et al.*, *Sibling Caregivers of People With Intellectual and Developmental Disabilities: Sociodemographic Characteristics and Material Hardship Prevalence*, 54 *Intell. & Developmental Disabilities* 332 (2016). Over 50% of sibling caregivers report having an annual income of less than \$25,000, making paid leave crucial. John Reagan *et al.*, *Research Brief: Sibling Caregivers Experience Less Choice and Control*, Family Support Research and Training Center at the University of Illinois at Chicago (2016), https://fsrtc.ahslabs.uic.edu/wp-content/uploads/sites/9/2016/11/FSRTC-Data-Brief_1_2016-3-3.pdf.

⁷⁵ 42% of LGBT individuals and people with disabilities reported “taking time off to care for chosen family,” compared with 31% of non-LGBT people and 30% of people without disabilities. Gallagher Robbins *et al.*, *supra* note 68, at 3. Family networks are particularly important to older LGBTQ adults who are especially likely to rely on those loved ones. MetLife Mature Mkt. Inst. & Am. Soc’y of Aging, *Still Out, Still Aging: The MetLife Study of Lesbian, Gay, Bisexual, and Transgender Baby Boomers* 15-17 (Mar. 2010), <https://www.asaging.org/sites/default/files/files/mmi-still-out-still-aging.pdf>.

⁷⁶ Rajeev Ramchand *et al.*, *Hidden Heroes: America’s Military Caregivers*, RAND Corp. 34 (2014), https://www.rand.org/pubs/research_reports/RR499.html (explaining that nearly a quarter of caregivers for post-9/11 military care recipients are friends or neighbors, while nearly 13% of caregivers for civilian care recipients are friends or neighbors).

⁷⁷ Nine states have passed paid family and medical leave laws with inclusive family definitions that can be found at: Rhode Island (28 R.I. Gen. Laws Ann. § 28-41-34 (West 2019)); California (Cal. Unemp. Ins. Code § 3302(f) (West 2019)); New Jersey (N.J. Stat. Ann. § 43:21-27(n) (West 2019)); New York (N.Y. Workers’ Comp. Law § 201(20) (McKinney 2019)); Washington, D.C. (D.C. Code Ann. § 32-541.01(7) (West 2020)); Washington State (Wash. Rev. Code Ann. § 50A.05.010(10) (West 2020)); Massachusetts (Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019)); Connecticut (S.B. 1, 2019 Gen. Assemb. (Conn. 2019). The law is only partially codified. The full text of the law can be found at <https://www.cga.ct.gov/2019/lcoamd/pdf/2019LCO09302-R00-AMD.pdf>); Oregon (H.B. 2005, 80th Legis. Assemb., Reg. Sess. (Or. 2019). The full text of the law can be found at <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2005/Enrolled>).

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⁷⁸ 28 R.I. Gen. Laws Ann. § 28-41-34(1) (West 2019); Cal. Unemp. Ins. Code § 3302(c); N.J. Stat. Ann. § 43:21-27(k) (West 2019); N.Y. Workers' Comp. Law § 201(16) (McKinney 2019); D.C. Code Ann. § 32-541.01(7)(A) (West 2020); Wash. Rev. Code Ann. § 50A.05.010(1) (West 2020); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); 458 Mass. Code Regs. 2.02 (2019); S.B. 1, 2019 Gen. Assemb. § 17(6), (15) (Conn. 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(b), (6) (Or. 2019).

⁷⁹ While Rhode Island, California, New Jersey, Washington, D.C., Washington State, and Oregon require that domestic partners be registered, New York and Massachusetts both have flexible domestic partner definitions that do not require legal registration. 28 R.I. Gen. Laws Ann. § 28-41-34(6) (West 2019); Cal. Unemp. Ins. Code § 3302(d) (West 2019); N.J. Stat. Ann. § 43:21-27(l) (West 2019); D.C. Code Ann. § 32-541.01(7)(C) (West 2020); Wash. Rev. Code Ann. § 50A.05.010(22) (West 2020); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(g), (9) (Or. 2019); N.Y. Workers' Comp. Law § 201(17) (McKinney 2019); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); 458 Mass. Code Regs. 2.02 (2019).

⁸⁰ Cal. Unemp. Ins. Code § 3302(f) (West 2019); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); N.J. Stat. Ann. § 43:21-27(n) (West 2019); D.C. Code Ann. § 32-541.01(7)(E) (West 2020); Wash. Rev. Code Ann. § 50A.05.010(10) (West 2020); S.B. 1, 2019 Gen. Assemb. § 17(6) (Conn. 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(d) (Or. 2019).

⁸¹ Cal. Unemp. Ins. Code § 3302(f) (West 2019); Mass. Gen. Laws Ann. ch. 175M, § 1 (West 2019); N.J. Stat. Ann. § 43:21-27(n) (West 2019); N.Y. Workers' Comp. Law § 201(20) (McKinney 2019); Wash. Rev. Code Ann. § 50A.05.010(10) (West 2020); S.B. 1, 2019 Gen. Assemb. § 17(6) (Conn. 2019); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(f) (Or. 2019).

⁸² N.J. Stat. Ann. § 43:21-27(n) (West 2019) (“‘Family member’ means . . . any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.”); S.B. 1, 2019 Gen. Assemb. § 17(6) (Conn. 2019) (“‘Family member’ means . . . an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.”); H.B. 2005, 80th Legis. Assemb., Reg. Sess. § 2(18)(h) (Or. 2019) (“‘Family member’ means . . . [a]ny individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship”).

⁸³ N.J. Stat. Ann. § 34:11B-3(j).

⁸⁴ Vermont law gives civil union partners the same rights as spouses. Vt. Stat. Ann. tit. 15, § 1204(b).

⁸⁵ Col. Rev. Stat. § 8-13.3-203(1)(a).

⁸⁶ Regulations under the California Family Rights Act define the term “spouse” to include a domestic partner. Cal. Code Regs. tit. 2, § 11087(r).

⁸⁷ Col. Rev. Stat. § 8-13.3-203(1)(b).

⁸⁸ Maine Rev. Stat. tit. 26, § 843(4)(d).

⁸⁹ Wis. Stat. § 103.10(b)(4).

⁹⁰ Wash. Rev. Code § 49.78.020(7).

⁹¹ R.I. Gen. Laws § 28-48-1(5).

⁹² D.C. Code § 32-501(4)(c).

⁹³ Haw. Rev. Stat. § 398-1; Me. Rev. Stat. tit. 26, § 843(4)(D).

⁹⁴ Or. Rev. Stat. § 659A.150(4).

⁹⁵ R.I. Gen. Laws § 28-48-1(5).

⁹⁶ Vt. Stat. Ann. tit. 21, § 472(a)(2).

⁹⁷ Or. Rev. Stat. § 659A.150(4).

⁹⁸ Me. Rev. Stat. tit. 26, § 843(4)(d).

⁹⁹ Conn. Gen. Stat. § 31-51kk(7) (defining parent to include stepparent).

¹⁰⁰ Haw. Rev. Stat. § 398-1 (defining parent to include parent-in-law).

¹⁰¹ Or. Rev. Stat. § 659A.150(4).

¹⁰² R.I. Gen. Laws § 28-48-1(5).

¹⁰³ Vt. Stat. Ann. tit. 21, § 472(a)(2).

¹⁰⁴ Conn. Gen. Stat. § 31-51kk(7) (defining parent to include stepparent).

¹⁰⁵ Haw. Rev. Stat. § 398-1 (defining parent to include stepparent).

¹⁰⁶ Or. Rev. Stat. § 659A.150(4).

¹⁰⁷ Haw. Rev. Stat. § 398-1 (defining parent to include grandparent or grandparent-in-law).



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¹⁰⁸ Haw. Rev. Stat. § 398-3(a)(2).

¹⁰⁹ Me. Rev. Stat. tit. 26, § 843(8).

¹¹⁰ Haw. Rev. Stat. §§ 398-3(a)(2), 572C-4.

¹¹¹ D.C. Code § 32-501(4)(A).

¹¹² 29 C.F.R. § 825.126(a)(5).

¹¹³ 29 U.S.C. § 2612(3); 29 C.F.R. §§ 825.122(e), (j).

¹¹⁴ The relevant language covers “any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.” Absence and Leave: Funeral Leave, 34 Fed. Reg. 13,655 (Aug. 26, 1969) (codified at 5 C.F.R. pt. 630) (first implemented during the Vietnam War, allowing federal workers to take funeral leave for the combat-related deaths of loved ones); Absence and Leave; Voluntary Leave Transfer Program, 54 Fed. Reg. 4749 (Jan. 31, 1989) (codified at 5 C.F.R. pt. 630); Absence and Leave; Sick Leave, 59 Fed. Reg. 62,266 (Dec. 2, 1994) (codified at 5 C.F.R. pt. 630).

¹¹⁵ 5 C.F.R. § 630.401(c) (2020); *see also* 5 C.F.R. § 630.902.



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

Eight 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.

	RI ¹	CA ²	NJ ³	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹
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><i>Beginning on January 1, 2021, PFL can also be used to address certain military family needs.</i></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 foster care or adoption; (2) care for a family member with a serious health condition; or (3) address certain non-medical needs arising from domestic or sexual violence, also known as "safe time."</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>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 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 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>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 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><i>Benefits begin on January 1, 2021, except for benefits for family caregiving, which will begin on July 1, 2021.</i></p>	<p>Medical leave can be used for a worker's own serious health condition.¹⁰</p> <p>Family leave 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; (3) address certain military family needs; or (4) address certain medical and non-medical needs arising from domestic violence, also known as "safe time."</p> <p><i>Benefits begin between January 1 and February 1, 2022.</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 for foster care or adoption; or (2) care for a family member with a serious health condition.</p> <p>Safe leave can be taken to address certain medical and nonmedical needs arising from domestic violence, harassment, sexual assault or stalking.</p> <p><i>Benefits begin January 1, 2023.</i></p>



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	RI¹	CA²	NJ³	NY⁴	D.C.⁵	WA⁶	MA⁷	CT⁸	OR⁹
Who is covered?¹¹	Employees covered by the state unemployment 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. ¹²	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.	All private sector and many public sector employees are covered.	Almost all employees are covered.
Are public sector workers automatically covered?¹³	No. Public employers can opt in to coverage, as can some unions covering public sector workers through the collective bargaining process.	No, with a few exceptions. Many public employers can opt in to coverage, but may need to do so through a negotiated agreement with an authorized bargaining unit.	Own health: No, with a few exceptions. Public employers can opt in to coverage. Paid family leave: Yes.	No. Public employers can opt in to coverage and unions covering public sector workers can opt in to paid family leave through the collective bargaining process.	No.	Yes.	State employees are automatically covered. Local government employees are not automatically covered. Public sector employers not covered by the law can opt in to coverage.	State employees are covered if their collective bargaining unit has negotiated coverage or if they are not in a collective bargaining unit. Municipal employees and employees of a local or regional board 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.	Yes, except employees of federal and tribal governments. Tribal governments may opt in to coverage.



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	RI ¹	CA ²	NJ ³	NY ⁴	D.C. ⁵	WA ⁶	MA ⁷	CT ⁸	OR ⁹
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.	Full-time domestic workers (those who work at least 40 hours per week for a single employer) are covered.	Yes, subject to a low minimum payment requirement.	Yes.	Yes.	Yes.	Yes.
Can self-employed workers opt in to coverage?	No.	Yes.	No.	Yes.	Yes.	Yes.	Yes. <i>Certain self-employed workers may be covered automatically.</i>	Yes.	Yes.
What are the requirements to qualify for benefits?	Workers must have earned wages in 1 quarter of the base period of at least 200 times the minimum wage (currently, \$2,100), must have earned income across the base period of at least 1.5 times the worker's highest earning quarter, and must have earned at least 400 times the minimum wage (currently, \$4,200) over the	Workers must have earned at least \$300 during the base period. The base period is the first 4 of the 5 most recently completed quarters <i>or</i> may include earlier quarters if the worker was unemployed during part of the base	Workers must have either earned at least 20 times the minimum wage (currently, \$172) in at least 20 weeks <i>or</i> earned at least 1,000 times the minimum wage (currently, \$8,600) during the base year. The base year is the first 4 of the 5 most recently completed quarters <i>or</i> the 4 most recent completed quarters	Own health: Workers generally must have been employed for at least 4 consecutive weeks by a single employer; ¹⁵ previously qualified workers qualify immediately upon the start of employment with a new covered employer. Paid family leave: Workers generally must have been employed by their current employer for at least 26 consecutive weeks; those who	While there are no formal eligibility requirements specified in the statute, workers who have worked for covered D.C. employers for less than 1 year may receive a prorated benefit amount. <i>Regulations will provide additional guidance on</i>	Workers must have worked at least 820 hours in the qualifying period. The qualifying period means the first 4 of the 5 most recently completed quarters or the 4 most recent completed quarters. This can combine hours worked at more than one employer.	Workers must have earned a minimum amount (currently, \$4,700) during the base period and must meet an earnings requirement tied to the worker's average earnings that, in effect, means the worker must have worked at least 15 weeks. The base period is the last 4 completed quarters <i>or</i> the 3 most recent	Workers must have earned at least \$2,325 during the highest earning quarter within the base period. The base period is the first 4 of the 5 most recently completed quarters. This can combine income from more than one employer.	Workers must have earned at least \$1,000 during the base year. The base year is the first 4 of the last 5 completed quarters or the 4 most recently completed quarters. This can combine income from more than one employer.



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	<p>entire base period.</p> <p>The base period is the first 4 of the 5 most recently completed quarters <i>or</i> the 4 most recent completed quarters.</p> <p>This can combine income from more than one employer.</p>	<p>period.¹⁴</p> <p>This can combine income from more than one employer.</p>	<p><i>or</i> the 3 most recent completed quarters and the portion of the current quarter that has already occurred.</p> <p>This can combine income from more than one employer.</p>	<p>work less than 20 hours per week must have worked at least 175 days for their current employer.</p>	<p><i>specific eligibility requirements.</i></p>		<p>completed quarters and the portion of the current quarter that has already occurred.</p> <p>This can combine income from more than one employer.</p>		
What family members are covered?	<p>A family member includes a worker's child, parent, parent-in-law or parent of the worker's registered domestic partner, grandparent, spouse, or registered domestic partner.</p>	<p>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.¹⁶</p>	<p>A family member includes a worker's child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, registered domestic partner, civil union partner, any other person related to the worker by blood, and any other person that the worker shows to have a close association with the worker which is the equivalent of a family relationship.</p>	<p>A family member includes a worker's child, parent, parent-in-law, spouse, grandchild, grandparent, or domestic partner.¹⁷ The law's definition of domestic partner is flexible and does not require registration.¹⁸</p>	<p>A family member includes a worker's child, parent, parent-in-law, spouse, grandparent, sibling, or registered domestic partner.</p>	<p>A family member includes a worker's child, grandchild, grandparent, parent, parent-in-law or parent of the worker's registered domestic partner, sibling, spouse, or registered domestic partner.</p>	<p>A family member includes a worker's spouse, domestic partner, child, parent, parent of a spouse or domestic partner, grandchild, grandparent, or sibling. The law's definition of domestic partner is flexible and does not require registration.¹⁹</p>	<p>A family member includes a worker's spouse, sibling, son or daughter, grandparent, grandchild parent, parent-in-law, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.²⁰</p>	<p>A family member includes a worker's spouse or registered domestic partner, sibling, child, child-in-law, grandparent, grandchild, parent, parent-in-law or parent of the worker's registered domestic partner, or any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.²¹</p>



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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 1.3% of wages. This deduction does not apply to wages above \$72,300/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 \$122,909/year.	Workers and employers share the cost of TDI. Workers contribute 0.26% of their wages. Employers contribute a percentage of workers' wages ranging from 0.10% to 0.75%. The percentage contribution for employees does not apply to a worker's wages above \$134,900/year; the percentage contribution for employers does not apply to a worker's wages above \$35,300/year. Workers cover the full cost of FLI. The program is funded by a payroll deduction, currently set at 0.16% of wages. This deduction does not apply to wages above \$134,900/year. ²²	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 0.270% of wages. This deduction does not apply to wages above an average of \$1,401.17/ week.	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 cost. Employers with fewer than 50 employees in Washington State are not required to pay the employer portion. ²³ Initially, the <i>total</i> premium for medical leave will be about 0.27% of wages. Workers cover the full cost of family leave. Initially, the premium will be about 0.13% of wages. ²⁴ Premiums do not apply to wages above the Social Security contribution base.	Workers and employers share the cost of medical leave. Employers can withhold up to 40% of the premium from workers' wages; employers cover the remaining cost. Employers with fewer than 25 employees in Massachusetts are not required to pay the employer portion. ²⁵ Workers cover the full cost of family leave. Initially, the <i>total</i> premium for family and medical leave will be 0.75% of wages. Premiums do not apply to wages above the Social Security contribution base.	Workers cover the full cost of all leave. Workers contribute a percentage of wages set by the state, which will not exceed 0.5% of wages. Contributions do not apply to wages above the Social Security contribution base. <i>Contributions begin between January 1 and February 1, 2021.</i>	Workers and employers share the costs of all leave. Employers can withhold up to 60% of the contribution from workers' wages; employers cover the remaining costs. Employers with fewer than 25 employees are not required to pay the employer contribution. ²⁶ The total premium will not exceed 1% of wages. Premiums do not apply to wages above \$132,900/year. <i>Contributions begin January 1, 2022.</i>



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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) ²⁷	Between 60% and 70% of a worker's average weekly wage, depending on their income ²⁸	2/3 of a worker's average weekly wage <i>Starting July 1, 2020, workers will receive 85% of their average weekly wage.</i>	Own health: 50% of a worker's average weekly wage Family leave: 60% 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>	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 ²⁹	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 average weekly wage	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 minimum wage	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 average weekly wage



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What is the maximum weekly benefit?	85% of the statewide average weekly wage <i>Current: \$867/week</i>	About 100% of the statewide average weekly wage <i>Current: \$1,300/week</i>	53% of the statewide average weekly wage <i>Current: \$667/week</i> <i>Starting July 1, 2020, the cap will be 70% of the statewide average weekly wage.</i>	Own health: \$170/week Family leave: 60% of the statewide average weekly wage <i>Current: \$840.70/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>	\$1,000 per week, adjusted annually based on inflation	\$1,000 per week initially, adjusted annually after the first year to 90% of the statewide average weekly wage	\$850 per week initially, adjusted annually after the first year to 64% of the statewide average weekly wage	60 times the state minimum wage <i>When benefits begin in 2022, the maximum weekly benefit will be \$780.</i>	120% of the statewide average weekly wage.

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For how long can a worker receive benefits?	<p>Own health: Up to 30 weeks in a 52-week period.³⁰</p> <p>Family leave: Up to 4 weeks in a 52-week period.</p> <p>Total: Up to 30 weeks in a 52-week period.</p>	<p>Own health: Up to 52 weeks for any period of disability.³¹</p> <p>Family leave: Up to 6 weeks in a 12-month period.</p> <p><i>California does not specify a cumulative limit.</i></p> <p><i>Starting July 1, 2020, workers will be able to take up to 8 weeks of family leave.</i></p>	<p>Own health: Up to 26 weeks for any period of disability.³²</p> <p>Family leave: Up to 6 weeks in a 12-month period.</p> <p><i>New Jersey does not specify a cumulative limit.</i></p> <p><i>Starting July 1, 2020, workers will be able to take up to 12 weeks of family leave.</i></p>	<p>Own health: Up to 26 weeks for any period of disability or in any 52-week period.</p> <p>Family leave: Up to 10 weeks in a 52-week period.</p> <p>Total: Up to 26 weeks in a 52-week period.</p> <p><i>When the program is fully phased in in 2021, workers will be able to take up to 12 weeks of family leave.³³</i></p>	<p>Own health: Up to 2 weeks in a 52-week period.</p> <p>Caring for a seriously ill relative: Up to 6 weeks in a 52-week period.</p> <p>Bonding with a new child: Up to 8 weeks in a 52-week period.</p> <p>Total: Up to 8 weeks in a 52-week period.</p>	<p>Own health: Up to 12 weeks in a 52-week period.³⁴</p> <p>Family leave: Up to 12 weeks in a 52-week period.³⁵</p> <p>Total: Up to 16 weeks in a 52-week period.³⁶</p> <p><i>Workers with certain pregnancy-related health needs may receive up to an additional 2 weeks of benefits, which can be combined with other uses up to a total of 18 weeks in a 52-week period.</i></p>	<p>Own health: Up to 20 weeks in any benefit year.</p> <p>Family leave: Up to 12 weeks in any benefit year.</p> <p>Total: Up to 26 weeks in any benefit year.</p> <p><i>Military caregivers can receive up to 26 weeks of family leave in any benefit year.</i></p>	<p>Own health: Up to 12 weeks in a 12-month period.</p> <p>Family leave: Up to 12 weeks in a 12-month period.</p> <p>Total: Up to 12 weeks in a 12-month period.</p> <p><i>Workers with certain pregnancy-related health needs may receive up to an additional 2 weeks of benefits, which can be combined with other uses up to a total of 14 weeks in a 12-month period.</i></p>	<p>Own health: Up to 12 weeks in any benefit year.</p> <p>Family leave: Up to 12 weeks in any benefit year.</p> <p>Safe leave: Up to 12 weeks in any benefit year.</p> <p>Total: Up to 12 weeks in any benefit year.</p> <p><i>Workers with certain pregnancy- and childbirth-related health needs (including lactation) may receive up to an additional 2 weeks of benefits, which can be combined with other uses up to a total of 14 weeks in any benefit year.</i></p>

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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. 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.	Yes—there is a 1-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.	Yes—there is a 7-day unpaid waiting period.	No.	No.
Are workers entitled to have their jobs back when they return?	Own health: No. Family leave: Yes. ³⁷ <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>	<i>The law was recently amended to add additional anti-retaliation provisions, which may be clarified by regulation.</i> <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. ³⁸ <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. ³⁹ <i>Workers may have protections under other laws, such as the FMLA.</i>	Yes. ⁴⁰ <i>Workers may have protections under other laws, such as the FMLA or the Massachusetts Parental Leave Act.</i>	Yes, if they have been employed by their employer for at least 3 months before requesting leave, except for leaves taken for safe time. ⁴¹ <i>Workers may also have protections under other laws, such as the FMLA or Connecticut's family violence leave law.</i>	Yes, if they have been employed by their employer for at least 90 days before taking leave. ⁴² <i>Workers may also have protections under other laws, such as the FMLA or the Oregon Family Leave Act.</i>



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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.

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.⁴³

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 D.C. Code Ann. § 32-541.01 *et seq.*

⁶ Wash. Rev. Code *et seq.* 50A.04.005.

⁷ The law is only partially codified. For the full text of the law, see <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter121>.

⁸ Conn. Legis. Serv. P.A. 19-25 (S.B. 1). The law is only partially codified. For the full text of the law, see <https://www.cga.ct.gov/2019/lcoamd/pdf/2019LCO09302-R00-AMD.pdf>.

⁹ See Or. Enrolled House Bill 2005 (HB 2005-B). The law is only partially codified. For the full text of the law, see <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2005/Enrolled>.

¹⁰ 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.

¹¹ 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. 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.

¹² For a list of exceptions, visit http://www.wcb.ny.gov/content/main/offthejob/WhoCovered_DB.jsp.

¹³ Note that no state law covers federal employees.

¹⁴ 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.

¹⁵ 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.

¹⁶ This list covers family members for whom a worker can take leave to care for when they are seriously ill. Starting January 1, 2021, 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.

¹⁷ 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.

¹⁸ 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"

¹⁹ 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"

²⁰ 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, parent, or next of kin. Note that safe time can only be used when the worker, not a family member, is a victim of domestic violence.

²¹ 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.

²² 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/employer/index.shtml?open=PrivatePlan>.

²³ 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.

²⁴ 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.

²⁵ 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.

²⁶ Employers with less than 25 employees may apply to receive certain grants if they elect to pay the employer contribution.

²⁷ 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.

²⁸ Very low-wage workers receive a fixed benefit amount set by statute, which may result in higher wage replacement rates.

²⁹ 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.

³⁰ 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.

³¹ 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.

³² In addition, no worker can receive benefits worth more than 26 times their weekly benefit amount in a year.

³³ Workers may take up to a cumulative total of 26 weeks of TDI and PFL in a 52-week period.

³⁴ 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.

³⁵ Technically, workers are entitled to family leave benefits for up to 12 times their typical workweek hours.

³⁶ 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.

³⁷ 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.

³⁸ 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.

³⁹ 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.

⁴⁰ 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.

⁴¹ 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 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 be have employment protections under Connecticut's family violence leave law.

⁴² A 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.

⁴³ See Haw. Rev. Stat. § 392-1 *et seq.* For more information, visit <https://labor.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.