

## **Key Components: The Essential Elements of a Strong Paid Family and Medical Leave Law**

Eleven states and the District of Columbia have passed comprehensive paid family and medical leave laws. The experiences of these states have demonstrated several key elements in building a strong paid family and medical leave law at the federal level.

**Coverage:** A strong paid family and medical leave law would cover *all* workers, including:

- Covering workers regardless of the size of their employers, as nearly all state paid family and medical leave laws do;
- Covering both private and public sector workers;
- Covering self-employed workers, freelancers, and independent contractors; and
- Covering the historically under-protected, like seasonal, domestic, and part-time workers.

**Purposes:** A strong paid family and medical leave law would cover at least workers' own serious health needs, bonding with a new child, caring for a seriously ill loved one, and addressing the impact of military deployment.

- All comprehensive state paid family and medical leave laws cover leave for workers' own serious health needs, bonding with a new child, and caring for a seriously ill loved one.
- Most state paid family and medical leave laws also cover leave for military family needs in connection with deployment.
- In all state paid family and medical leave laws, leave to bond with a new child is available to parents of any gender and includes foster and adoptive parents.
- Four states (New Jersey, Connecticut, Oregon, and Colorado) also cover certain non-medical needs when workers or their family members are victims of sexual or domestic violence.

**Family definition:** A strong paid family and medical leave law would include a definition of family that is as inclusive as possible, reflecting and protecting the diversity of modern families.

- Nearly all state paid family and medical leave laws cover at least workers' parents, spouses, children (including adult children), grandparents, parents-in-law, and at least some domestic partners.
- Nearly all state paid family leave laws cover workers' siblings and grandchildren.
- In New Jersey, Connecticut, Oregon, Colorado, and Washington State, workers can also take leave to care for other loved ones—whether biologically related or not—to whom the worker has a close association or significant personal bond that is the equivalent of a family relationship or where there is an expectation of care, though their exact definitions vary.

**Number of weeks:** A strong paid family and medical leave law would provide *at least* 12 weeks of leave for all covered purposes.

- Almost every state paid family and medical leave program provides at least 12 weeks of benefits for workers' own serious health needs.
- Eight state paid family and medical leave laws provide at least 12 weeks of benefits for bonding and caregiving purposes.

**Wage replacement:** A strong paid family and medical leave law would provide a wage replacement rate (the percentage of their own income workers receive while they are on leave) high enough to ensure all workers can afford to take the leave they need, including low-income workers who need as much of their income as possible to pay their bills.

- Eight state paid family and medical leave laws provide for progressive wage replacement rates, where lower-income workers receive a higher percentage of their incomes.
  - In these programs, the highest wage replacement rate varies from 70% (California) to 100% (Oregon), with a sliding scale for higher-income workers. States vary in their exact structures.
- Four states offer the same wage replacement rate to all workers, up to a cap: New York (50% for medical leave/67% for family leave); Rhode Island (60%), Delaware (80%), and New Jersey (85%).
- In all states, benefits are capped at a maximum weekly rate; in nearly all programs, this cap is adjusted annually, typically in connection with inflation or the state average weekly wage.

**Eligibility:** A strong paid family and medical leave law would set accessible eligibility standards to ensure as many workers as possible are eligible for benefits.

- Seven state paid family and medical leave laws set eligibility based on minimum earnings. In some states, income must be earned over a certain period of time.
- In nearly all state paid family and medical leave programs, benefits are portable, allowing workers to keep their benefits as they move from job to job or combine multiple sources of income and allowing previously covered workers to access benefits during unemployment.

**Employment protections:** A strong paid family and medical leave law would ensure all workers have the right to return to work following leave and will not be punished or fired for taking leave.

- Massachusetts, Connecticut, Oregon, Colorado, Maryland, and Delaware provide the right to return to work to workers taking paid medical leave and paid family leave under their laws.
  - Massachusetts, Maryland, and Delaware provide this protection to all employees taking leave under their laws.
  - Workers must have been employed with their current employer for approximately 90 days to qualify for this protection in Connecticut and Oregon.
  - Workers in Colorado have the right to return to work following leave when they have been employed with their current employer for 180 days (but are protected against retaliation, including firing, because of their use of leave, regardless of length of employment).
- New York and Rhode Island provide the right to return to work to all workers taking paid family leave under their laws.
- Most state programs provide some form of protection against retaliation for exercising one's rights under the law.