



Bipartisan Policy Center

State Family and Medical Leave and Job-Protection Laws

As discussed in the BPC factsheet, *Family and Medical Leave Act (FMLA): The Basics*, the federal FMLA allows eligible employees to take up to 12 weeks of unpaid, job-protected leave for parental, family caregiver, and medical reasons.

To qualify for FMLA leave, an employee must:

- Have worked for a company for at least one year,
- Worked at least 1,250 hours during that year (or approximately 156 days),
- Live within 75 miles of the workplace, and
- Work for an employer who employs 50 or more employees for at least 20 weeks during the current or previous year.

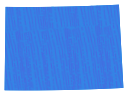
States have expanded job protection through a variety of state laws. **California, Colorado, Connecticut, the District of Columbia, Hawaii, Maine, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington, and Wisconsin** have adopted family and medical leave laws that either expand the amount of leave available or the definition of covered family members. Many states have also adopted targeted job-protection laws that intersect or complement federal and state family and medical leave laws. This brief describes both types of state laws.

STATE FAMILY AND MEDICAL LEAVE LAWS



California Family Rights Act

Provides 12 weeks of unpaid, job-protected leave for parental, family caregiver, and medical leave.¹ Employee must have worked for a private-sector employer with 50 or more employees, or a public agency, for more than 12 months;² employee must also have worked at least 1,250 hours in the 12-month period before the leave begins.³ Registered domestic partners are covered as spouses. Does not cover “qualifying exigency” because of employee’s or family member’s active military duty. Covers care for ill or injured service member only if family member is a spouse, child, or parent, unlike FMLA, which includes “next of kin.”



Colorado Family Care Act

Provides 13 weeks of unpaid, job-protected family caregiving leave. Employee must have worked for a private-sector employer with 50 or more employees for at least 20 weeks in the current or previous year, worked for at least 1,250 hours in the past 12 months, and worked at a location where the company employs 50 or more employees within a 75-mile radius.⁴



Connecticut’s Family & Medical Leave Act

Provides 16 weeks of unpaid, job-protected leave for parental, family caregiving, and medical leave.⁵ Employee must have worked for a private-sector employer with 75 or more employees (excluding public employers and private schools) for at least 1 year (non-consecutive); employee must also have worked at least 1,000 hours in the 12 months prior to leave.⁶



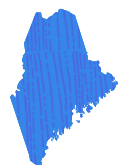
DC Family and Medical Leave Act

Provides 16 weeks of unpaid, job-protected leave for parental and family caregiving, and an additional 16 weeks for medical leave.⁷ Employee must have worked for an employer with 20 or more employees for at least 1 year without a break in service, and must have worked at least 1,000 hours during the 12-month period before leave.⁸



Hawaii Family Leave Law

Provides 4 weeks of unpaid, job-protected leave for parental, family caregiver, and medical leave.^{9,10} Employee must have worked for an employer with 100 or more employees for each working day during 20 or more calendar weeks in the current or preceding calendar year, and for at least 6 consecutive months.¹¹



Maine Family and Medical Leave Act

Provides 10 weeks of unpaid, job-protected leave for parental, family caregiver, and medical leave, and bereavement, as well as for the death of a family member while on active duty.^{12,13} Covers private-sector employers with 15 or more

employees, or state employers with 25 or more employees; employee must have worked for 12 consecutive months.¹⁴



Minnesota Pregnancy and Parental Leave Act

Provides 12 weeks of unpaid, job protected leave for the birth or adoption of a child. Employee must have worked at least halftime for an employer with 21 or more employees, for at least 1 year (non-consecutive), to be eligible for leave.^{15,16} State leave runs concurrently with FMLA leave (in other words, employee may not take additional leave under FMLA).



New Jersey Family Leave Act

Provides 12 weeks of unpaid, job-protected leave for parental and family caregiver leave.¹⁷ Employee must have worked for a private-sector employer with 30 or more employees, or for a state or local government employer, for at least 1 year; employee must also have worked for at least 1,000 hours in the past 12 months.¹⁸ NJFLA does not cover medical leave, but the 12 weeks can be used in addition to federal FMLA leave.



Oregon Family Leave Act

Provides 12 weeks of unpaid, job-protected leave for pregnancy, parental, family caregiver, and medical leave.¹⁹ Employee must have worked for an employer with 25 or more employees,²⁰ worked for 180 calendar days, and worked an average of 25 hours per week during that period.



Rhode Island Parental and Family Medical Leave Act

Provides 13 weeks of unpaid, job protected leave for parental, family caregiver, and medical leave.²¹ Employee must have worked for an employer with 50 or more employees for at least 12 months and for an average of 30 hours a week or more.²²



Vermont Parental Leave and Family Leave

Provides 12 weeks of unpaid, job-protected leave for parental and family caregiver leave. For parental leave, the employee must have worked for an employer with 10 or more employees. For family leave, an employee must have worked for an employer with 15 or more employees. For parental and family leave, an employee must have worked an average of 30 hours per week over the course of a year.²³



Washington Family Leave Act

Provides 12 weeks of unpaid, job-protected leave for parental, family caregiver, and medical leave.²⁴ Employee must have worked for an employer with 50 or more employees for at least 12 months and for at least 1,250 hours in the 12-month period preceding leave. WFLA does not run concurrently with FMLA, so it provides an additional 12 weeks of job-protected leave.



Wisconsin Family and Medical Leave Act

Provides 6 weeks of unpaid, job-protected parental leave and 2 weeks of unpaid, job-protected family caregiver and medical leave.²⁵ Employee must have worked for an employer with 50 employees or more during at least 6 of the previous 12 calendar months before leave;²⁶ employee must also have worked at least 1,000 hours for at least 52 consecutive weeks.²⁷

STATE LAWS ON JOB-PROTECTED LEAVE



California New Parent Leave Act

Provides 12 weeks of unpaid, job-protected leave for new parents. Employee must have worked for an employer with 20 or more employees for at least 12 months; employee must also have worked for at least 1,250 hours in the last 12 months, and worked at a worksite with at least 20 employees within a 75-mile radius.²⁸

California Pregnancy Disability Act or Pregnancy Disability Leave

Provides 12 weeks of unpaid, job-protected leave for pregnancy, childbirth, or related illness.²⁹ Covers employers with 5 or more employees.³⁰



Connecticut Pregnancy Disability Law

Provides “reasonable” paid or unpaid job-protected leave—for a recommended period of 6–8 weeks—for pregnancy, childbirth, or related disabilities. Covers employers with 3 or more employees.³¹



District of Columbia Protecting Pregnant Workers Fairness Act

Provides “reasonable” time to recover from childbirth. Covers all employers regardless of size.^{32,33}



Georgia Family Care Act

Provides 5 days of job-protected sick leave per year for family caregivers. Employee must have worked at least 30 hours per week for an employer with 25 or more employees.³⁴



Hawaii Pregnancy Disability Leave

Provides “reasonable” paid or unpaid, job-protected leave of absence for pregnancy, childbirth, or related medical condition. Covers all government and private-sector employers.³⁵



Illinois Employee Sick Leave Act/Fictive Kin Law

Provides accrued, job-protected sick leave for family-caregiving. Covers all employers.³⁶



Iowa Pregnancy Disability Leave

Provides up to 8 weeks of paid or unpaid job-protected leave for pregnancy, childbirth, or pregnancy-related conditions. Covers employers with 4 or more employees.



Kansas Pregnancy Leave

Provides “reasonable” job-protected leave for pregnancy, childbirth, or related medical conditions. Covers employers with 4 or more employees and women who are pregnant, have a miscarriage, have an abortion, or give birth.³⁷



Kentucky Adoption Leave Law

Provides up to 6 weeks of unpaid, job-protected leave for the adoption of a child under age 7. Covers all employers.³⁸



Louisiana Leave for Maternity

Provides 6 weeks of job-protected maternity leave and 4 months of leave for medical complications related to pregnancy. Employees must have worked at least 20 weeks for an employer with 25 or more employees.³⁹



Maryland Parental Leave Act

Provides 6 weeks of unpaid, job-protected parental leave. Employees must have worked at least 12 months for an employer with 15–49 employees; employees must also have worked at least 1,250 hours before taking leave.⁴⁰



Massachusetts Parental Leave Act, formerly known as the Massachusetts Maternity Leave Act

Provides 8 weeks of unpaid, job-protected parental and pregnancy-related leave. Covers private-sector employers with 6 or more employees and all public employers. Available to male and female employees.⁴¹



Minnesota Care of Relatives Act

Provides for the use of personal sick leave to take a “reasonable” job-protected leave of absence to care for an adult or minor child, spouse, sibling, parent, mother-in-law, grandchild, grandparent, or step-parent. Covers employers with 21 or more employees at one site who offer personal sick leave benefits.⁴²



Montana Maternity Leave/Human Rights Act

Provides “reasonable” unpaid, job-protected leave for pregnancy, childbirth, or pregnancy-related conditions (recommended leave is 6–8 weeks for normal pregnancies). Covers all female employees.⁴³



New Hampshire Law Against Discrimination

Provides unpaid, job-protected leave for pregnancy, childbirth, or a related medical condition (length of leave is determined by a physician's recommendation). Covers female employees of employers with 6 or more full- or part-time employees.⁴⁴



New Mexico Caregiver Leave Act

Provides accrued, job-protected sick leave for family caregivers. Covers all private-sector employers that provide sick leave.⁴⁵



New York Paid Family Leave Act

Provides 10 weeks of paid, job-protected parental and family caregiver leave (increasing to 12 weeks in 2021). Covers private-sector employers with 1 or more employees; public-sector employers can opt in; employees must have worked 26 weeks or more.⁴⁶



South Carolina Pregnancy Accommodations Act

Requires “reasonable” accommodation, including time off, for medical needs arising from pregnancy, childbirth, or related medical conditions. Covers employers with 15 or more employees. Employee must have worked each working day for 20 or more calendar weeks in the current or preceding calendar year.⁴⁷



Tennessee Maternity Leave

Provides 12 weeks of unpaid, job-protected parental leave. Covers employers with 100 or *fewer* employees; employee must have worked full-time for at least 12 months.⁴⁸

Endnotes

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