

State Paid Family Leave Laws Across the U.S.

As of 2019, four states—California, New Jersey, Rhode Island, and New York—provide paid family leave (PFL). Another four states (Washington, Massachusetts, Connecticut, and Oregon) and the District of Columbia have adopted PFL but their programs have not yet gone into effect. State-level paid leave policies are not necessarily linked to job protection, which is provided (in all states) under the federal Family and Medical Leave Act (FMLA) to employees of larger companies (>50 employees) for qualifying types of leave. However, some states have adopted state-level PFL or FMLA laws that expand job protection beyond the FMLA. For a full list of state-level FMLA laws, see State FMLA and Job-Protection Leave Laws Across the U.S. factsheet.

The map shows the status of PFL policies and programs at the state level. Most states at this point have adopted or considered paid family leave. In five states—Colorado, Maine, Vermont, New Hampshire, and North Dakota—PFL legislation was recently considered but ultimately failed for reasons that range from concerns over funding or mandatory participation to the politics of a

new payroll tax, and lack of bipartisan support.^{1,2} In New Hampshire and Vermont, PFL won approval from the state legislature but was vetoed, by both governors, in favor of an alternative approach that involves a six-week leave benefit, administered through a private insurance carrier, with voluntary participation for private and public employers.3 In Colorado, legislation was shelved for further study as a result of opposition from the business community, which had concerns about funding and small business impacts.4 Across the country, business sentiment on PFL is mixed, with some in the business community voicing support for a uniform national policy that would help small employers offer a benefit that is typically only available through large companies.5,6

Figure 1: Status of PFL Laws

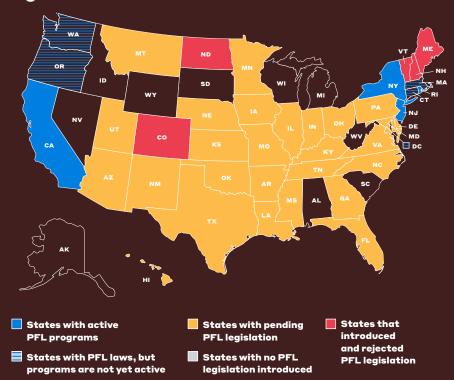


Table 1: Comparison of Paid Family Leave Programs at the State Level⁷

Features	Timeline	Parental	Family Caregiver	Medical	Job Protection	Size of Employers Covered	Funding Method	Wage Replacement
CA	Enacted 2002, effective 2004	6 weeks (8 weeks as of July 1, 2020)	6 weeks (8 weeks as of July 1, 2020)	52 weeks	No; workers may be entitled to job- protection under the FMLA or the California Family Rights Act (CFRA)	All private employers, self-employed workers may opt in, and some public employers	Parental, family caregiver, and medical leave funded by workers (1%) ²⁰	60-70%; weekly maximum benefit of \$1,252
NJ	Enacted 2008, effective 2009	6 weeks (12 weeks as of July 1, 2020)	6 weeks (12 weeks as of July 1, 2020)	26 weeks	No; workers may be entitled to job- protection under the FMLA or the New Jersey Family Leave Act (NJFLA)	All private and public employers	Parental and family caregiver leave funded by workers (0.08%); medical leave funded by workers (0.17%) and employers (0.10% - 0.75%)	66%; weekly maximum benefit of \$650 (85% as of July 1, 2020)
RI	Enacted 2013, effective 2014	4 weeks	4 weeks	30 weeks	Yes, while on parental or family caregiver leave; workers may also be entitled to jobprotection under the FMLA and the Rhode Island Parental and Family Medical Leave Act (RIPFMLA) ¹⁰	All private and some public employers ¹⁹	Parental, family caregiver, and medical leave funded by workers (1.1%)	60%; weekly maximum benefit of \$867 ²⁴ (65% as of 2020; 70% as of 2021; 75% as of 22) ²⁵
NY	Enacted 2016, effective 2018	10 weeks (12 weeks as of 2021)	10 weeks (12 weeks as of 2021)	26 weeks	Yes, while on parental and family caregiver leave;" workers may also be entitled to jobprotection under the FMLA	Most private employers; public employers may opt-in	Parental and family caregiver leave funded by workers (0.153%); medical leave (not to exceed 60 cents) funded by workers (0.5%) and employers (remaining balance) ²¹	55%; weekly maximum benefit of \$746.41 (60% as of 2020; 67% as of 2021) ²⁶
DC	Enacted 2017, effective 2020	8 weeks	6 weeks	2 weeks	No; workers may be entitled to job-protection under the FMLA and the District of Columbia Family and Medical Leave Act (DCFMLA) ¹²	All private employers, self-employed workers may opt in	Parental, family caregiver, and medical leave funded by employer (0.62%)	90%; weekly maximum benefit of \$1,000
WA	Enacted 2017, effective 2019 (premiums) and 2020 (benefits)	12 weeks	12 weeks	12 weeks	Yes, but workers must meet specific eligibility requirements similar to the FMLA; ¹³ workers may also be entitled to jobprotection under the FMLA and the Washington Family Leave Act (FLA) ¹⁴	All employers, self- employed workers may opt in; firms with <50 workers are exempt; firms with 50-150 workers may receive assistance	Parental, family caregiver, and medical leave premium (0.4%) funded by workers (63%) and employers (37%) ²²	90%; weekly maximum benefit of \$1,000
MA	Enacted 2018, effective 2019 (premiums) and 2021 (benefits)	12 weeks	12 weeks	20 weeks	Yes; workers may also be entitled to job-protection under the FMLA and the Massachusetts Parental Leave Act (MPLA) ¹⁵	All employers, self- employed workers and local government may opt in; firms with <25 workers are exempt	Parental and family caregiver leave funded by workers (0.13%); medical leave premium (0.62%) funded by workers (40%) and employers (60%) ²³	80%; weekly maximum benefit of \$850
ст	Enacted 2019, effective 2021 (premiums) and 2022 (benefits)	12 weeks	12 weeks	12 weeks	Yes, after working for employer for 3 months;16 workers may also be entitled to job-protection under the FMLA and the Connecticut Family and Medical Leave Act (CFMLA)17	All private sector employers; self- employed workers and local collective bargaining units may opt in	Parental, family caregiver, and medical leave funded by workers (0.5%)	95%; maximum weekly benefit of \$780 ²⁷
OR*	Enacted 2019, effective 2023	12 weeks	12 weeks	12 weeks	Yes; workers may also be entitled to job-protection under the FMLA and the Oregon Family Leave Act (OFLA) ¹⁸	All employers; self- employed workers and tribal governments may opt in; firms with <25 workers are exempt, but may receive assistance	Parental, family caregiver, and medical leave premium (1%) funded by workers (60%) and employers (40%)	100%; maximum weekly benefit of \$1,215 ²⁸

Endnotes

- 1 New York State, *Paid Family Leave*: 2018 Year in Review, 2019. Available at: https://paidfamilyleave.ny.gov/.
- 2 Dan Neumann, "As Family Leave is Shelved, Advocates Warn of Business Lobby's Influence with Mills," Beacon, June 4, 2019. Available at: https://mainebeacon.com/as-family-leave-is-shelved-advocates-warn-of-business-lobbys-influence-with-mills/.
- 3 Office of Governor Phil Scott, "Governor Chris Sununu and Governor Phil Scott Introduce Twin State Voluntary Leave Plan," State of Vermont, January 16, 2019. Available at: https://www.governor.nh.gov/news-media/press-2019/documents/twin-state-voluntary-overview.pdf.
- 4 Jennifer Brown, "Battle with business heats up over Colorado Democrats' family-leave proposal," The Colorado Sun, March 13, 2019. Available at: https://coloradosun.com/2019/03/13/paid-family-leave-bill-colorado-2019/.
- 5 Stephen Miller, "States Impose Paid Family Leave as Congress Weighs National Policy," SHRM, March 21, 2019. Available at: https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/states-impose-paid-family-leave-as-congress-weighs-national-policy.aspx.
- 6 New York State, *Paid Family Leave: 2018 Year in Review*, 2019. Available at: https://paidfamilyleave.ny.gov/.
- 7 National Partnership for Women & Families, "State Paid Family and Medical Leave Insurance Laws," August 2019. Available at: http://www.nationalpartnership.org/our-work/resources/workplace/paid-leave/state-paid-family-leave-laws.pdf.
- 8 Oregon State Legislature, "House Bill 2005," 2019.
 Available at: https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2005.
- 9 State of Rhode Island, "Family, Medical, Parental, Leave Policy," June 2017. Available at: http://www.hr.ri.gov/documents/Policies%20&%20Communications/FMLA%20 Policy%206-6-17.pdf.
- 10 Ibid.
- 11 New York State, "Paid Family Leave." Available at: https://paidfamilyleave.ny.gov/.
- 12 DC Office of Human Rights, "DC Family and Medical Leave Act," March 2016. Available at: https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/DCFMLA_Poster_March2016.pdf.
- 13 State of Washington, "Senate Bill 5975," 2017.
 Available at: https://static.votesmart.org/static/billtext/60356.pdf.
- 14 Washington State Department of Labor & Industries, "Family Leave Act," 2019.

 Available at: https://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/LawsPolicies/FamilyLeave/default.asp.

- 15 Commonwealth of Massachusetts, "Parental Leave in Massachusetts," 2019. Available at: https://www.mass.gov/service-details/parental-leave-in-massachusetts.
- 16 Connecticut Campaign for Paid Family Leave, "Frequently Asked Questions," 2019. Available at: https://paidfamilyleavect.org/faq/
- 17 State of Connecticut, "Family & Medical Leave Act (FMLA)," 2019. Available at: https://www.ctdol.state.ct.us/wgwkstnd/fmla.htm.
- 18 State of Oregon, "Oregon Family Leave Act," January 2019.

 Available at: https://www.oregon.gov/boli/TA/docs/OFLA-Poster.pdf.
- 19 State of Rhode Island, "S 0643 Bill Text," 2019.

 Available at: http://webserver.rilin.state.ri.us/BillText19/HouseText19/H5912.pdf.
- 20 State of California, "Contribution Rates and Benefit Amounts, Employment Development Department, January 2019. Available at: https://www.edd.ca.gov/disability/Contribution_Rates_and_Benefit_Amounts.htm.
- 21 New York State, "Disability Benefits."

 Available at: http://www.wcb.ny.gov/content/main/offthejob/db-overview.jsp.
- 22 Washington State, "Premiums," Employment Security Department, 2019. Available at: https://paidleave.wa.gov/premiums.
- 23 Commonwealth of Massachusetts, "Family and Medical Leave Contribution Rates for Employers," 2019. Available at: https://www.mass.gov/info-details/family-and-medical-leave-contribution-rates-for-employers#contribution-rate-split-for-employers-with-25-or-more-covered-individuals-.
- 24 Rhode Island Department of Labor and Training, "2019 UI and TDI Quick Reference." Available at: http://www.dlt.ri.gov/lmi/news/quickref.htm.
- 25 The Economic Progress Institute, "Expanding Access to Paid Family Leave," March 2019. Available at: http://www.economicprogressri.org/wp-content/uploads/2019/04/TCI-fact-sheet-MARCH-2019-1.pdf.
- 26 New York State, "New York Paid Family Leave Updates for 2019 Overview." Available at: https://paidfamilyleave.ny.gov/2019.
- 27 GovDocs, "Connecticut Passes Expansive Paid Family and Medical Leave Act," July 2019. Available at: https://www.govdocs.com/connecticut-passes-expansive-paid-family-and-medical-leave-act/.
- 28 Stephen Scott and Alexander Wheatley, "Oregon Passes Nation's Most Generous Paid Family Leave Law," SHRM, July 16, 2019. Available at: https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/oregon-passes-generous-paid-family-leave-law.aspx.