



State Paid Family and Medical Leave Insurance Laws

February 2018

	California	New Jersey	Rhode Island	New York	District of Columbia	Washington
Status	Enacted 2002, effective 2004; expanded 2016, effective 2018; expanded 2017, effective 2020 (A.B. 908, 2015-2016 Leg., Reg. Sess. (Cal. 2016) (enacted); S.B. 63, 2017-2018 Leg., Reg. Sess. (Cal. 2017) (enacted))	Enacted 2008, effective 2009 (N.J. Stat. Ann. § 43:21-38)	Enacted 2013, effective January 2014 (R.I. Gen. Laws § 28-41-35(h))	Enacted 2016, effective January 2018 (S. 6406C, Part SS, 239th Leg., Reg. Sess. (N.Y. 2016) (enacted))	Enacted 2017, effective July 2020	Enacted 2017, effective January 2019 (premiums) and January 2020 (benefits)
Reasons for paid leave	<ul style="list-style-type: none"> 1. Bonding with new child (birth, adoption, foster) 2. Care for family member with serious health condition 3. Care for own disability (must be unable to perform regular or customary work), includes pregnancy 	<ul style="list-style-type: none"> 1. Care for new child (birth, adoption, foster) 2. Care for family member with serious health condition 3. Care for own disability (must be continuously and totally unable to perform customary work), includes pregnancy 	<ul style="list-style-type: none"> 1. Bonding with new child (birth, adoption, foster) 2. Care for family member with serious health condition 3. Care for own disability (must be unable to perform regular or customary work; partially unemployed workers may be able to claim benefits) 	<ul style="list-style-type: none"> 1. Bonding with new child (birth, adoption, foster) 2. Care for family member with serious health condition 3. Qualifying exigency arising out of spouse, domestic partner, child or parent being on active duty (or having been notified of an impending 	<ul style="list-style-type: none"> 1. Bonding with new child (birth, adoption, foster) 2. Care for family member with serious health condition 3. Care for own serious health condition 	<ul style="list-style-type: none"> 1. Bonding with new child (birth, adoption, foster) 2. Care for family member with serious health condition 3. Care for own serious health condition 4. Qualifying exigency arising out of family member being on active

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	(Cal. Unemp. Ins. Code §§ 2626, 3302(e))	(N.J. Stat. Ann. §§ 43:21-27(g), (o))	(R.I. Gen. Laws §§ 28-39-2, 28-41-5(d)), 28-41-35(a))	call or order to active duty 4. Care for own disability (must be unable to perform work) (N.Y. Workers' Comp. Law § 201(14) (as amended by S. 6406C))		duty (or having been notified of an impending call or order to active duty) (S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
Definition of family member	Child, parent, spouse, domestic partner Amended in 2013 (effective 2014) to add grandparent, grandchild, sibling and parent-in-law (Cal. Stat. §§ 3302(f)-(j))	Child, parent, spouse, domestic partner, civil union partner (N.J. Stat. Ann. § 43:21-27(n))	Child, parent, grandparent, spouse, domestic partner (R.I. Gen. Laws § 28-41-35(a))	Child, parent, grandparent, grandchild, spouse, domestic partner (N.Y. Workers' Comp. Law § 201(16), (17), (19)-(21) (as amended by S. 6406C))	Child, parent, spouse, domestic partner, grandparent, sibling	Child, grandchild, grandparent, parent, sibling, spouse, domestic partner (S.B. 5975 § 2, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
Maximum length of paid leave	Six weeks for family leave (Cal. Unemp. Ins. Code § 3301(c)) 52 weeks for own disability (Cal. Unemp. Ins. Code § 2653)	Six weeks for family leave 26 weeks for own disability (N.J. Stat. Ann. § 43:21-38)	Four weeks for family leave (R.I. Gen. Laws § 28-41-35(d)(1)) 30 weeks for own disability; no more than 30 weeks total/year for combined own disability and family care (R.I. Gen. Laws §§ 28-41-7, 28-41-35(e))	For family leave, eight weeks in 2018; increasing to 10 weeks in 2019 and to 12 weeks in 2021 (increases subject to delay) 26 weeks for own disability (N.Y. Workers' Comp. Law §§ 204(2)(A), 205(1)(A) (as amended by S. 6406C))	Eight weeks for parental leave, six weeks for family care, two weeks for own serious health condition	12 weeks for family leave 12 weeks for own serious health condition (14 if employee experiences pregnancy-related serious health condition that results in incapacity); no more than 16 weeks total/year for combined own serious health condition and family leave (18 if employee experiences pregnancy-related serious health

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						condition that results in incapacity) (S.B. 5975 § 6, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
Minimum increment of leave time for which benefits are payable	Statute does not mention the minimum length of leave time, just benefits for intermittent leave (Cal. Unemp. Ins. Code § 3303; http://www.edd.ca.gov/disability/Part-time Intermittent Reduced Work Schedule.htm)	Statute does not mention the minimum length of leave time, just benefits for intermittent leave (N.J. Stat. Ann. § 43:21-39)	No minimum increment of leave time; claimants must initially be out of work for at least seven consecutive days to be eligible for benefits (11-000-002 R.I. Code R. §§ 16(G), 37(D))	For family care, benefits can be paid in increments of one full day or one-fifth of the weekly benefit (N.Y. Workers' Comp. Law § 204(2)(A) (as amended by S. 6406C))	Leave can be taken in one-day increments	Eight consecutive hours (S.B. 5975 § 6, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
Employee eligibility requirements	Employee must have been paid \$300 in wages during the base period (http://www.edd.ca.gov/Disability/Am_I_Eligible_for_PFL_Benefits.htm)	Employee must have had at least 20 calendar weeks of covered New Jersey employment, earning \$168 or more each week, or must have been paid \$8,400 or more in such employment during the base period (http://lwd.state.nj.us/labor/fli/content/fli_faq.html#21)	Employee must have been paid wages in Rhode Island and paid into the TDI/TCI fund and must have been paid at least \$12,120 in the base period Alternately, employees qualify if they earned at least \$2,020 in a quarter of their base period, their total base period taxable wages were at least 150 percent of their highest quarter of earnings, and their taxable wages	For family care, employee must be currently employed by a covered employer and must have been employed by a covered employer for 26 or more consecutive weeks (or 175 days of employment for part-time employees) For own disability, employee must have been employed by a covered employer for four or more consecutive weeks (or 25	Employee must spend more than 50 percent of work time in the District of Columbia for a covered employer or be based in the District of Columbia and regularly spend a substantial amount of work time for the covered employer in the District of Columbia and not more than 50 percent of work time for that covered employer in another jurisdiction; and must have been a covered employee for some or all	Must have worked for at least 820 hours in four out of the five quarters prior to leave application (S.B. 5975 §§ 2-3, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))

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			during their base period are \$4,040 or more (http://www.dlt.ri.gov/tdi/tdifaqs.htm)	days of employment for part-time employees) (N.Y. Workers' Comp. Law § 203 (as amended by S. 6406C))	of the 52 calendar weeks preceding the covered event Self-employed individual must have earned self-employment income for work performed more than 50 percent of the time in the District of Columbia during some or all of the 52 calendar weeks preceding the covered event, and must have opted into the paid leave program	
Discrimination prohibited	Not more than federal Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA)	Not more than federal FMLA and New Jersey Family Leave Act (NJ FLA)	Not more than federal FMLA and RI Parental and Family Medical Leave Act(PFMLA)	Yes (N.Y. Workers' Comp. Law § 120 (as amended by S. 6406C))	Yes	Yes (S.B. 5975 § 72, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
Method to fund insurance system	Own disability and family care are funded by the employee only (currently at one percent of worker's first \$114,967 in wages) (http://www.edd.ca.gov/Payroll_Taxes/Rates_and_Withholding.htm)	State's temporary disability insurance program is financed jointly by employee and employer payroll contributions. As of January 1, 2018, each worker contributes 0.19 percent of the taxable wage base (the first \$33,700 in covered wages paid during the calendar year), up to \$64.03 per year. The contribution	Own disability and family care are funded by the employee only. The current withholding rate is 1.1 percent of worker's first \$69,300 in wages. (http://www.dlt.ri.gov/lmi/news/quickref.htm)	Own disability is funded jointly by employee and employer payroll contributions. Each worker contributes one half of one percent of the worker's wages, up to 60 cents per week. The employer contributes the balance of the plan costs not covered by the employee.	Funded by employer only. The current rate is 0.62 percent of wages or of annual self-employment income.	For the program's first year, the total premium rate is 0.4 percent of an individual's taxable wage base; employers can deduct from the wages of each employee the full amount of the premium for family leave and 45 percent of the premium for medical leave. For each following year, the premium rate is

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		<p>rate for employers varies from 0.10 to 0.75 percent. For 2018, employers contribute between \$33.70 and \$252.75 on the first \$33,700 paid to each employee during the calendar year.</p> <p>(http://lwd.dol.state.nj.us/abor/tdi/state/sp_cost.html)</p> <p>Family care is funded entirely by the employee. Currently, each worker contributes 0.09 percent of the taxable wage base (first \$33,700 in covered wages paid during the calendar year), and the maximum yearly deduction for family leave insurance is \$30.33.</p> <p>(http://lwd.dol.state.nj.us/abor/fli/content/cost.html)</p>		<p>Family care is funded by the employee only. The maximum employee contribution shall be determined by the Superintendent of Financial Services using sound actuarial principles.</p> <p>(N.Y. Workers' Comp. Law §§ 209(3)(A), (B) (as amended by S. 6406C))</p>		<p>adjusted annually based on the solvency of the fund.</p> <p>Employers with fewer than 50 employees are not required to pay their portion; if they do pay, they are eligible for state assistance. Employers with 150 or fewer employees are also eligible for state assistance with premiums.</p> <p>(S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))</p>
Size of employer covered	<p>All private sector employers are covered</p> <p>(Cal. Unemp. Ins. Code §§ 3302, 2606, 675, 135)</p> <p>Self-employed individuals can opt in</p>	<p>Private and public sector employers covered by the New Jersey Unemployment Compensation Law must provide paid leave for family care and temporary disability, with</p>	<p>All private sector employers are covered</p> <p>Only some public employees are covered</p> <p>(R.I. Gen. Laws §§ 28-39-2, -3)</p>	<p>Most private sector employers are covered</p> <p>Self-employed individuals can opt in</p> <p>Certain public employers (other than the state</p>	<p>Private sector employers covered by the D.C. Unemployment Compensation Act are covered</p> <p>Self-employed individuals can opt in</p>	<p>All employers are covered</p> <p>(S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))</p> <p>Self-employed individuals</p>

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	<p>Only some public employees are covered</p> <p>(http://www.edd.ca.gov/disability/FAQ_PFL_Eligibility.htm)</p>	<p>some exceptions for government employers</p> <p>(http://lwd.state.nj.us/labor/fli/content/fli_faq.html; http://lwd.state.nj.us/labor/tdi/employer/state/sp_e mp_coverage.html)</p>		<p>government) can opt in to family care or own disability; the state government, certain public employers, and public employees represented by an employee organization can only opt in to family care</p> <p>(N.Y. Workers' Comp. Law §§ 201(4), 212(2), (4)(B), 212-A, 212-B (as amended by S. 6406C))</p>	<p>Employees of the D.C. city government and the United States government, or of any employer the District is not authorized to tax under federal law or treaty, are not covered</p>	<p>and independent contractors can opt in</p> <p>(S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))</p>
Benefit amount	<p>Beginning on January 1, 2018, for a four-year period:</p> <p>A) For workers whose quarterly earnings are at least \$929 but less than 1/3 of the state average quarterly wage, the weekly benefit will be 70 percent of the worker's weekly wage;</p> <p>B) For workers whose quarterly earnings are at least 1/3 of the state average quarterly wage,</p>	<p>The weekly benefit rate is 66 percent of a worker's average weekly wage, with a maximum benefit of \$637 in 2018 (maximum adjusted annually based on statewide average weekly wage)</p> <p>(http://lwd.dol.state.nj.us/labor/fli/worker/state/FL_S_P_calculating_benefits.html; http://lwd.dol.state.nj.us/labor/tdi/state/sp_calculating_bene_amounts.html)</p> <p>The average weekly benefit for family care</p>	<p>The average weekly benefit rate is 4.62 percent of wages paid during the highest quarter of worker's base period, up to \$831 per week for claims effective January 1, 2018 or later (maximum adjusted annually based on statewide average weekly wage)</p> <p>(http://www.dlt.ri.gov/tdi/t difaqs.htm; http://www.dlt.ri.gov/lmi/news/quickref.htm)</p> <p>In December 2017, the average weekly benefit</p>	<p>For family care, in 2018, the weekly benefit rate is 50 percent of a worker's average weekly wage (AWW), not to exceed 50 percent of the state AWW; benefit amounts increase in 2019 to 55 percent of the worker's weekly wage up to 55 percent of the state AWW; in 2020 to 60 percent of the worker's weekly wage up to 60 percent of the state AWW; and in 2021, to 67 percent of the worker's weekly wage up to 67 percent of the state AWW (increases subject to delay)</p>	<p>For workers paid wages less than or equal to 150 percent of the D.C. minimum wage multiplied by 40, the weekly benefit rate is 90 percent of the worker's average weekly wage rate.</p> <p>For workers paid more than 150 percent of the D.C. minimum wage multiplied by 40, the weekly benefit rate is 90 percent of 150 percent the D.C. minimum wage multiplied by 40 plus 50 percent of the amount by which the worker's average weekly wage</p>	<p>For workers paid 50 percent or less of the statewide average weekly wage (AWW), the weekly benefit rate is 90 percent of the worker's AWW.</p> <p>For workers paid more than 50 percent of the statewide AWW, the weekly benefit rate is 90 percent of the employee's AWW up to 50 percent of the statewide AWW, plus 50 percent of the employee's AWW that is more than 50 percent of the statewide AWW.</p>

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	<p>the weekly benefit rate will be 23.3 percent of the state average weekly wage OR 60 percent of the worker's weekly wage, whichever is greater.</p> <p>The maximum weekly benefit is \$1,216 in 2018 (maximum adjusted annually based on statewide average weekly wage). Workers with quarterly earnings less than \$929 will receive a weekly benefit of \$50.</p> <p>(http://www.edd.ca.gov/Disability/About_PFL.htm; A.B. 908, 2015-2016 Leg., Reg. Sess. (Cal. 2016) (enacted))</p> <p>Note: The San Francisco Board of Supervisors passed an ordinance requiring covered employers to provide supplemental compensation to covered employees taking leave to care for a new child for up to six weeks such that the</p>	<p>was \$524 in 2016; benefit for own disability is not publicly available</p> <p>(http://lwd.dol.state.nj.us/abor/forms_pdfs/tdi/FLI%20Summary%20Report%20for%202016.pdf)</p>	<p>was \$542 for family care and the average for own disability was \$492</p> <p>(http://www.dlt.ri.gov/lmi/uiadmin.htm)</p>	<p>For own disability, the weekly benefit rate is 50 percent of the employee's weekly wage, with a maximum benefit of \$170; however, if the employee earns less than \$20 per week, the benefit will be their full average weekly wage</p> <p>(N.Y. Workers' Comp. Law §§ 204(2)(A), (B) (as amended by S. 6406C))</p>	<p>exceeds 150 percent of the D.C. minimum wage multiplied by 40, up to a maximum of \$1,000 per week (beginning in 2021, maximum will be increased annually to account for inflation)</p>	<p>The maximum weekly benefit is \$1,000 in the program's first year, and will be adjusted annually to an amount equaling 90 percent of the state AWW.</p> <p>(S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))</p>

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	<p>combined weekly benefit equals 100 percent of the employee's weekly wage. This requirement applies to employers with 50 or more employees starting in January 2017, expands to employers with 35 or more employees in July 2017 and to employers with 20 or more employees in January 2018.</p> <p>(San Francisco, Cal. Ordinance 160065)</p> <p>As of December 2017, the average weekly benefit in the state for family care was \$601 and the average for own disability was \$550</p> <p>(http://www.edd.ca.gov/about_edd/Quick_Statistics.htm)</p>					
Job protection while on leave	Not more than FMLA and CFRA	Not more than FMLA and NJ FLA	<p>Leave for family care is job-protected but leave for own disability is no more protected than under FMLA or RI PFMLA</p> <p>(R.I. Gen. Laws § 28-41-35(f))</p>	Leave for family care is job-protected but leave for own disability is no more protected than under FMLA or NY PFMLA	Not more than FMLA and D.C. FMLA	Yes, for employees who: 1. Work for an employer with 50 or more employees; 2. Have worked for that employer for at least 12 months; and 3. Have worked at

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				(N.Y. Workers' Comp. Law § 203-b (as amended by S. 6406C))		least 1,250 hours in the last 12 months (S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
Waiting period	Beginning on January 1, 2018, none (Cal. Unemp. Ins. Code § 3303(b) (as amended by A.B. 908))	Seven days, but if disability lasts three weeks, the worker gets paid for those seven days; must be consecutive (N.J. Stat. Ann. § 43:21-38)	Due to a legislative approved change, claims filed effective July 1, 2012, or later no longer need to serve a non-paid waiting period Caregiver/bonding and own disability claims must be out of work for seven consecutive days as one of the eligibility requirements (11-000-002 R.I. Code R. §§ 16(G), 37(D))	For family care, none For own disability, seven days (N.Y. Workers' Comp. Law § 204(1) (as amended by S. 6406C))	One week without pay from the insurance system; only one waiting period per year regardless of the number of qualifying events for which a worker takes leave	For family care and own serious health condition, seven calendar days For bonding leave, none (S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))