



## State Paid Family Leave Insurance Laws

February 2017

	California	New Jersey	Rhode Island	Washington	New York	District of Columbia
<b>Status</b>	Enacted 2002, effective 2004; expanded 2016, effective 2018  (A.B. 908, 2015-2016 Leg., Reg. Sess. (Cal. 2016) (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))	Signed in 2007, not yet in effect due to lack of funding mechanism and, per 2013 law, deadline for implementation removed	Enacted 2016, effective January 2018  (S. 6406C, Part SS, 239th Leg., Reg. Sess. (N.Y. 2016) (enacted))	Enacted 2017, effective July 2020
<b>Reasons for paid leave</b>	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  (Cal. Unemp. Ins. Code §§ 2626, 3302(e))	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  (N.J. Stat. Ann. §§ 43:21-27(g), (o))	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)  (R.I. Gen. Laws §§ 28-39-2, 28-41-5(d)), 28-41-35(a))	Birth or adoption of new child  (Wash. Rev. Code § 49.86.010(8))	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 work)  4. Qualifying exigency arising out of spouse, domestic partner, child or parent being on active duty (or having been notified of an impending	1. Bonding with new child (birth, adoption, foster)  2. Care for family member with serious health condition  3. Care for own serious health condition

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					call or order to active duty) (N.Y. Workers' Comp. Law § 201(14) (as amended by S. 6406C))	
<b>Definition of family member</b>	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))	Not applicable; leave is for parents only	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
<b>Maximum length of paid leave</b>	Six weeks for family care  (Cal. Unemp. Ins. Code § 3301(c))  52 weeks for own disability  (Cal. Unemp. Ins. Code § 2653)	Six weeks for family care  26 weeks for own disability  (N.J. Stat. Ann. § 43:21-38)	Four weeks for family care  (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))	Five weeks  (Wash. Rev. Code § 49.86.050)	For family care, 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
<b>Minimum increment of leave time for</b>	Statute does not mention the minimum length of leave time, just benefits for intermittent leave	Statute does not mention the minimum length of leave time, just benefits for intermittent leave	No minimum increment of leave time; claimants must initially be out of work for at least seven	Eight hours  (Wash. Rev. Code § 49.86.060(2))	For family care, benefits can be paid in increments of one full day or one-fifth of the weekly benefit	Leave can be taken in one-day increments

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<b>which benefits are payable</b>	(Cal. Unemp. Ins. Code § 3303; <a href="http://www.edd.ca.gov/disability/Part-time%20Intermittent%20Reduced%20Work%20Schedule.htm">http://www.edd.ca.gov/disability/Part-time Intermittent Reduced Work Schedule.htm</a> )	(N.J. Stat. Ann. § 43:21-39)	consecutive days to be eligible for benefits  (11-000-002 R.I. Code R. §§ 16(G), 37(D))		(N.Y. Workers' Comp. Law § 204(2)(A) (as amended by S. 6406C))	
<b>Employee eligibility requirements</b>	Employee must have been paid \$300 in wages during the base period ( <a href="http://www.edd.ca.gov/Disability/State%20Disability%20Insurance%20(SDI)%20Benefit%20Amounts.htm">http://www.edd.ca.gov/Disability/State Disability Insurance (SDI) Benefit Amounts.htm</a> )	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  ( <a href="http://lwd.state.nj.us/labor/fli/content/fli_faq.html#21">http://lwd.state.nj.us/labor/fli/content/fli_faq.html#21</a> )	Employee must have been paid wages in Rhode Island and paid into the TDI/TCI fund and must have been paid at least \$11,520 in the base period  Alternately, employees qualify if they earned at least \$1,920 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 during their base period are \$3,840 or more  ( <a href="http://www.dlt.ri.gov/tdi/t difaqs.htm">http://www.dlt.ri.gov/tdi/t difaqs.htm</a> )	1. Employee must establish a "qualifying year" (have worked four out of five quarters prior to leave application) and  2. Must have been employed for at least 680 hours in the qualifying year  (Wash. Rev. Code § 49.86.030, .010(11))	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 days of employment for part-time employees)  (N.Y. Workers' Comp. Law § 203 (as amended by S. 6406C))	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 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

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						weeks preceding the covered event, and must have opted into the paid leave program
<b>Discrimination prohibited</b>	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  (Wash. Rev. Code § 49.86.130)	Yes  (N.Y. Workers' Comp. Law § 120 (as amended by S. 6406C))	Yes
<b>Method to fund insurance system</b>	Own disability and family care are funded by the employee only (currently at 0.9 percent of annual wages combined)  ( <a href="http://www.edd.ca.gov/disability/sdi_contribution_rates.htm">http://www.edd.ca.gov/disability/sdi_contribution_rates.htm</a> )	State's temporary disability insurance program is financed jointly by employee and employer payroll contributions. As of January 1, 2016, each worker contributes 0.2 percent of the taxable wage base (the first \$32,600 in covered wages paid during the calendar year), up to \$65.20 per year. The contribution rate for employers varies from 0.10 to 0.75 percent. For 2016, employers contribute between \$32.60 and \$244.50 on the first \$32,600 paid to each employee during the calendar year.	Own disability and family care are funded by the employee only. The current withholding rate is 1.2 percent of worker's first \$66,300 in wages.  ( <a href="http://www.dlt.ri.gov/lmi/news/quickref.htm">http://www.dlt.ri.gov/lmi/news/quickref.htm</a> )	Not yet determined; statute created a Joint Legislative Task Force to make determination  (2007 Wash. Sess. Laws Ch. 357, § 2)	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.  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.	Funded by employer only. The current rate is 0.62 percent of wages or of annual self-employment income.

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		<p><a href="http://lwd.dol.state.nj.us/abor/tdi/worker/state/sp_cost.html">http://lwd.dol.state.nj.us/abor/tdi/worker/state/sp_cost.html</a>)</p> <p>Family care is funded entirely by the employee. Currently, each worker contributes 0.08 percent of the taxable wage base (first \$32,600 in covered wages paid during the calendar year), and the maximum yearly deduction for family leave insurance is \$26.08.</p> <p><a href="http://lwd.dol.state.nj.us/abor/fli/content/cost.html">http://lwd.dol.state.nj.us/abor/fli/content/cost.html</a>)</p>			(N.Y. Workers' Comp. Law §§ 209(3)(A), (B) (as amended by S. 6406C))	
<b>Size of employer covered</b>	<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>Only some public employees are covered</p> <p><a href="http://www.edd.ca.gov/disability/FAQ_PFL_Eligibility.htm">http://www.edd.ca.gov/disability/FAQ_PFL_Eligibility.htm</a>)</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 some exceptions for government employers</p> <p><a href="http://lwd.state.nj.us/labor/fli/content/fli_faq.html">http://lwd.state.nj.us/labor/fli/content/fli_faq.html</a>; <a href="http://lwd.state.nj.us/labor/tdi/employer/state/sp_emp_coverage.html">http://lwd.state.nj.us/labor/tdi/employer/state/sp_emp_coverage.html</a>)</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>All employers are covered</p> <p>(Wash. Rev. Code §49.86.010(6))</p> <p>Self-employed individuals can opt in</p> <p>(Wash. Rev. Code § 49.86.110)</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 government) can opt in to family care or own disability; the state government, certain public employers, and public employees represented by an employee organization</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>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>

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					<p>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>	
<b>Benefit amount</b>	<p>The typical weekly benefit is 55 percent of a worker's weekly wage, up to a maximum of \$1,173 in 2017 (maximum adjusted annually based on statewide average weekly wage); beginning in 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, the weekly benefit rate will be 23.3</p>	<p>The weekly benefit rate is 66 percent of a worker's average weekly wage, with a maximum benefit of \$633 in 2017 (maximum adjusted annually based on statewide average weekly wage)</p> <p>(<a href="http://lwd.dol.state.nj.us/abor/fli/worker/state/FL_S_P_calculating_benefits.html">http://lwd.dol.state.nj.us/abor/fli/worker/state/FL_S_P_calculating_benefits.html</a>; <a href="http://lwd.dol.state.nj.us/abor/tdi/worker/state/sp_calculating_bene_amounts.html">http://lwd.dol.state.nj.us/abor/tdi/worker/state/sp_calculating_bene_amounts.html</a>)</p> <p>The average weekly benefit for family care was \$505 in 2014</p> <p>(<a href="http://lwd.dol.state.nj.us/abor/forms_pdfs/tdi/FLI%20Summary%20Report%20for%202014.pdf">http://lwd.dol.state.nj.us/abor/forms_pdfs/tdi/FLI%20Summary%20Report%20for%202014.pdf</a>)</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 \$817 per week for claims effective July 3, 2016 or later (maximum adjusted annually based on statewide average weekly wage)</p> <p>(<a href="http://www.dlt.ri.gov/tdi/tdifaqs.htm">http://www.dlt.ri.gov/tdi/tdifaqs.htm</a>)</p> <p>In December 2015, the average weekly benefit was \$519 for caregiving; the average weekly benefit for own disability is not publicly available</p> <p>(<a href="http://www.dlt.ri.gov/lmi/uiadmin.htm">http://www.dlt.ri.gov/lmi/uiadmin.htm</a>)</p>	<p>\$250 per week for individuals who were working 35 hours or more per week at the time they took leave; pro-rated for part-time workers</p> <p>(Wash. Rev. Code § 49.86.060)</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 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</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 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>

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	<p>percent of the state average weekly wage OR 60 percent of the worker's weekly wage, whichever is greater.</p> <p>The weekly benefit cannot exceed the maximum set yearly by the Department of Industrial Relations. Workers with quarterly earnings less than \$929 will receive a weekly benefit of \$50.</p> <p>(<a href="http://www.edd.ca.gov/Disability/About_PFL.htm">http://www.edd.ca.gov/Disability/About_PFL.htm</a>; 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 combined weekly benefit equals 100 percent of the employee's weekly wage.</p>				<p>their full average weekly wage</p> <p>(N.Y. Workers' Comp. Law §§ 204(2)(A), (B) (as amended by S. 6406C))</p>	

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	<p>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 2015, the average weekly benefit in the state for family care was \$553 and the average for own disability was \$498</p> <p>(<a href="http://www.edd.ca.gov/about_edd/Quick_Statistics.htm">http://www.edd.ca.gov/about_edd/Quick_Statistics.htm</a>)</p>					
<b>Job protection while on leave</b>	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>	<p>Yes, for employees who:</p> <ol style="list-style-type: none"> <li>1. Work for an employer with 25 or more employees;</li> <li>2. Have worked for that employer for at least 12 months;</li> <li>and 3. Have worked at least 1,250 hours in that time</li> </ol>	<p>Leave for family care is job-protected but leave for own disability is no more protected than under FMLA or NY PFMLA</p> <p>(N.Y. Workers' Comp. Law § 203-b (as amended by S. 6406C))</p>	Not more than FMLA and D.C. FMLA



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				(Wash. Rev. Code § 49.86.090 and FMLA)		
<b>Waiting period</b>	One week; beginning in 2018, no waiting period  (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))	One week without pay from the insurance system  (Wash. Rev. Code § 49.86.050)	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