



## State Paid Family Leave Insurance Laws

July 2017

	<b>California</b>	<b>New Jersey</b>	<b>Rhode Island</b>	<b>New York</b>	<b>District of Columbia</b>	<b>Washington</b>
<b>Status</b>	<p>Enacted 2002, effective 2004; expanded 2016, effective 2018</p> <p>(A.B. 908, 2015-2016 Leg., Reg. Sess. (Cal. 2016) (enacted))</p>	<p>Enacted 2008, effective 2009</p> <p>(N.J. Stat. Ann. § 43:21-38)</p>	<p>Enacted 2013, effective January 2014</p> <p>(R.I. Gen. Laws § 28-41-35(h))</p>	<p>Enacted 2016, effective January 2018</p> <p>(S. 6406C, Part SS, 239th Leg., Reg. Sess. (N.Y. 2016) (enacted))</p>	<p>Enacted 2017, effective July 2020</p>	<p>Enacted 2017, effective January 2019 (premiums) and January 2020 (benefits)</p>
<b>Reasons for paid leave</b>	<p>1. Bonding with new child (birth, adoption, foster)</p> <p>2. Care for family member with serious health condition</p> <p>3. Care for own disability (must be unable to perform regular or customary work), includes pregnancy</p> <p>(Cal. Unemp. Ins. Code §§ 2626, 3302(e))</p>	<p>1. Care for new child (birth, adoption, foster)</p> <p>2. Care for family member with serious health condition</p> <p>3. Care for own disability (must be continuously and totally unable to perform customary work), includes pregnancy</p> <p>(N.J. Stat. Ann. §§ 43:21-27(g), (o))</p>	<p>1. Bonding with new child (birth, adoption, foster)</p> <p>2. Care for family member with serious health condition</p> <p>3. Care for own disability (must be unable to perform regular or customary work; partially unemployed workers may be able to claim benefits)</p> <p>(R.I. Gen. Laws §§ 28-39-2, 28-41-5(d)), 28-41-35(a))</p>	<p>1. Bonding with new child (birth, adoption, foster)</p> <p>2. Care for family member with serious health condition</p> <p>3. Care for own disability (must be unable to perform work)</p> <p>4. Qualifying exigency arising out of spouse, domestic partner, child or parent being on active duty (or having been notified of an impending</p>	<p>1. Bonding with new child (birth, adoption, foster)</p> <p>2. Care for family member with serious health condition</p> <p>3. Care for own serious health condition</p>	<p>1. Bonding with new child (birth, adoption, foster)</p> <p>2. Care for family member with serious health condition</p> <p>3. Care for own serious health condition</p> <p>4. Qualifying exigency arising out of family member being on active duty (or having been notified of an impending call or order to active duty)</p>

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				call or order to active duty) (N.Y. Workers' Comp. Law § 201(14) (as amended by S. 6406C))		(S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
<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))	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))
<b>Maximum length of paid leave</b>	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 condition that results in incapacity)

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						(S.B. 5975 § 6, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
<b>Minimum increment of leave time for which benefits are payable</b>	<p>Statute does not mention the minimum length of leave time, just benefits for intermittent leave</p> <p>(Cal. Unemp. Ins. Code § 3303; <a href="http://www.edd.ca.gov/disability/Part-time-Intermittent-Reduced-Work-Schedule.htm">http://www.edd.ca.gov/disability/Part-time-Intermittent-Reduced-Work-Schedule.htm</a>)</p>	<p>Statute does not mention the minimum length of leave time, just benefits for intermittent leave</p> <p>(N.J. Stat. Ann. § 43:21-39)</p>	<p>No minimum increment of leave time; claimants must initially be out of work for at least seven consecutive days to be eligible for benefits</p> <p>(11-000-002 R.I. Code R. §§ 16(G), 37(D))</p>	<p>For family care, benefits can be paid in increments of one full day or one-fifth of the weekly benefit</p> <p>(N.Y. Workers' Comp. Law § 204(2)(A) (as amended by S. 6406C))</p>	<p>Leave can be taken in one-day increments</p>	<p>Eight consecutive hours</p> <p>(S.B. 5975 § 6, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))</p>
<b>Employee eligibility requirements</b>	<p>Employee must have been paid \$300 in wages during the base period (<a href="http://www.edd.ca.gov/Disability/State-Disability-Insurance-(SDI)-Benefit-Amounts.htm">http://www.edd.ca.gov/Disability/State-Disability-Insurance-(SDI)-Benefit-Amounts.htm</a>)</p>	<p>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</p> <p>(<a href="http://lwd.state.nj.us/labor/fli/content/fli_faqs.html#21">http://lwd.state.nj.us/labor/fli/content/fli_faqs.html#21</a>)</p>	<p>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</p> <p>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</p>	<p>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)</p> <p>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)</p>	<p>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</p>	<p>1. Employee must establish a “qualifying period” (have worked four out of five quarters prior to leave application) and</p> <p>2. Must have been employed for at least 820 hours in the qualifying period</p> <p>(S.B. 5975 §§ 2-3, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))</p>

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			<a href="http://www.dlt.ri.gov/tdi/t difaqs.htm">http://www.dlt.ri.gov/tdi/t difaqs.htm</a>	(N.Y. Workers' Comp. Law § 203 (as amended by S. 6406C))	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	
<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  (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))
<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/Payroll_Taxes/Rates_and_Withholding.htm">http://www.edd.ca.gov/Payroll_Taxes/Rates_and_Withholding.htm</a> )	State's temporary disability insurance program is financed jointly by employee and employer payroll contributions. As of January 1, 2017, each worker contributes 0.24 percent of the taxable wage base (the first \$33,500 in covered wages paid during the calendar year), up to \$80.40 per year. The contribution rate for employers varies from 0.10 to 0.75 percent. For 2017, employers	Own disability and family care are funded by the employee only. The current withholding rate is 1.2 percent of worker's first \$68,100 in wages.  ( <a href="http://www.dlt.ri.gov/lmi/news/quickref.htm">http://www.dlt.ri.gov/lmi/news/quickref.htm</a> )	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	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 adjusted annually based on the solvency of the fund.

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		<p>contribute between \$33.50 and \$251.25 on the first \$33,500 paid to each employee during the calendar year.</p> <p>(<a href="http://lwd.dol.state.nj.us/abor/tdi/state/sp_cost.html">http://lwd.dol.state.nj.us/abor/tdi/state/sp_cost.html</a>)</p> <p>Family care is funded entirely by the employee. Currently, each worker contributes 0.1 percent of the taxable wage base (first \$33,500 in covered wages paid during the calendar year), and the maximum yearly deduction for family leave insurance is \$33.50.</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>		<p>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>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>
<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>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>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 government) can opt in to family care or own disability; 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>Employees of the D.C. city government and the</p>	<p>All employers are covered</p> <p>(S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))</p> <p>Self-employed individuals and independent contractors can opt in</p> <p>(S.B. 5975, 65th Leg., 3rd</p>

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	<a href="http://www.edd.ca.gov/disability/FAQ_PFL_Eligibility.htm">http://www.edd.ca.gov/disability/FAQ_PFL_Eligibility.htm</a> )	<a href="http://lwd.state.nj.us/labofli/content/fli_faq.html">http://lwd.state.nj.us/labofli/content/fli_faq.html</a> ; <a href="http://lwd.state.nj.us/labofli/tdi/employer/state/state_employee_coverage.html">http://lwd.state.nj.us/labofli/tdi/employer/state/state_employee_coverage.html</a> )		government, certain public employers, and public employees represented by an employee organization can only opt in to family care  (N.Y. Workers' Comp. Law §§ 201(4), 212(2), (4)(B), 212-A, 212-B (as amended by S. 6406C))	United States government, or of any employer the District is not authorized to tax under federal law or treaty, are not covered	Special Sess. (Wash. 2017) (enacted))
<b>Benefit amount</b>	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:  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  B) For workers whose quarterly earnings	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)  <a href="http://lwd.dol.state.nj.us/labofli/worker/state/FL_SP_calculating_benefits.html">http://lwd.dol.state.nj.us/labofli/worker/state/FL_SP_calculating_benefits.html</a> ; <a href="http://lwd.dol.state.nj.us/labofli/tdi/worker/state/state_employee_calculating_benefits.html">http://lwd.dol.state.nj.us/labofli/tdi/worker/state/state_employee_calculating_benefits.html</a> )  The average weekly benefit for family care was \$505 in 2014	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)  <a href="http://www.dlt.ri.gov/tdi/tdifaqs.htm">http://www.dlt.ri.gov/tdi/tdifaqs.htm</a> )  In December 2015, the average weekly benefit was \$519 for caregiving; the average weekly benefit for own disability is not publicly available	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)  For own disability, the weekly benefit rate is 50 percent of the employee's	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.  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	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.  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.  The maximum weekly benefit is \$1,000 in the program's first year, and will be adjusted annually

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	<p>are at least 1/3 of the state average quarterly wage, 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 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/Diability/About_PFL.htm">http://www.edd.ca.gov/Diability/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</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><a href="http://www.dlt.ri.gov/lmi/uiadmin.htm">http://www.dlt.ri.gov/lmi/uiadmin.htm</a></p>	<p>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>maximum of \$1,000 per week (beginning in 2021, maximum will be increased annually to account for inflation)</p>	<p>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>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. 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	Leave for family care is job-protected but leave for own disability is no more protected than under FMLA or RI PFMLA	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;



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			(R.I. Gen. Laws § 28-41-35(f))	(N.Y. Workers' Comp. Law § 203-b (as amended by S. 6406C))		and 3. Have worked at least 1,250 hours in the last 12 months  (S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted))
<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))	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))