

# State Paid Family & Medical Leave Insurance Laws

MAY 2022

Paid leave laws are or will soon be in place in **twelve states** across the country, including in the District of Columbia.

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## Status

Location	Status
California	Enacted 2002, effective 2004; expanded 2016, effective 2018; expanded 2017 and 2019, effective 2020 <sup>1</sup>
New Jersey	Enacted 2008, effective 2009; expanded 2019, effective 2019 and 2020 <sup>2</sup>
Rhode Island	Enacted 2013, effective January 2014; expanded effective January 2022 <sup>3</sup>
New York	Enacted 2016, effective January 2018; expanded effective January 2022 <sup>4</sup>
District of Columbia	Enacted 2017, effective July 2020; expanded effective October 2021 and July 2022 <sup>5</sup>
Washington	Enacted 2017, effective January 2019 (premiums) and January 2020 (benefits); expanded 2021, effective 2021; <sup>6</sup> expanded March 2022, effective June 9, 2022 <sup>7</sup>
Massachusetts	Enacted 2018, effective July 2019 (premiums) and January 2021 (benefits) <sup>8</sup>
Connecticut	Enacted 2019, effective January 2021 (premiums) and January 2022 (benefits) <sup>9</sup>
Oregon	Enacted 2019, effective January 2023 (premiums) and September 2023 (benefits); expanded in 2021 prior to implementation. <sup>10</sup>
Colorado	Enacted 2020, effective January 2023 (premiums) and January 2024 (benefits) <sup>11</sup>
Maryland	Enacted 2022, effective October 2023 (premiums) and January 2025 (benefits) <sup>12</sup>
Delaware	Enacted 2022, effective January 2025 (premiums) and January 2026 (benefits) <sup>13</sup>

<sup>1</sup> A.B. 908, 2015- 2016 Leg., Reg. Sess. (Cal. 2016) (enacted); S.B. 63, 2017- 2018 Leg., Reg. Sess. (Cal. 2017) (enacted), S.B. 83, 2019-2020 Leg., Reg. Sess. (Cal. 2019) (enacted)

<sup>2</sup> N.J. Stat. Ann. § 43:21-38; A. 3975, 218th Leg., Reg. Sess. (N.J. 2019)

<sup>3</sup> R.I. Gen. Laws § 28-41-35(h); H.B. 6090, § 1, 2021-2022 Leg. Sess. (R.I. 2021) (enacted)

<sup>4</sup> S. 6406C, Part SS, 239th Leg., Reg. Sess. (N.Y. 2016) (enacted); S. 2928, §§ 1-2, 244<sup>th</sup> Leg., Reg. Sess. (N.Y. 2021) (enacted)

<sup>5</sup> D.C. Law 21- 264 (D.C. 2016); D.C. Code Ann. § 32-541.01 *et seq.*

<sup>6</sup> S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>7</sup> S.B. 5649, 67th Leg., Reg. Sess. (Wash. 2022) (enacted)

<sup>8</sup> H. 4640 § 29, 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>9</sup> S.B. 1 § 3, 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>10</sup> H.B. 2005 § 63, 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted); H.B. 3398 § 6a, 81<sup>st</sup> Leg. Assembly, Reg. Sess. (Or. 2021) (enacted)

<sup>11</sup> Colo. Rev. Stat. §§ 8-13.3-501-524

<sup>12</sup> S.B. 275, § Subtitle 6, 8.3-601(A), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>13</sup> S.B. 1 § 3705(b) & § 3704(a)(3), 151<sup>st</sup> Leg., Reg. Sess. (Del. 2022)

## Reasons for Paid Leave

Location	Reasons for Paid Leave
California	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own disability (must be unable to perform regular or customary work), includes pregnancy</li> <li>4. As of January 1, 2021, qualifying exigency arising out of spouse, domestic partner, child or parent being on active duty (or having been notified of an impending call or order to active duty)<sup>14</sup></li> </ol>
New Jersey	<ol style="list-style-type: none"> <li>1. Care for new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own disability (must be continuously and totally unable to perform customary work), includes pregnancy</li> <li>4. Engaging in certain activities related to individual or family member being victim of domestic or sexual violence<sup>15</sup></li> </ol>
Rhode Island	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own disability (must be unable to perform regular or customary work; partially unemployed workers may be able to claim benefits)<sup>16</sup></li> </ol>
New York	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Qualifying exigency arising out of spouse, domestic partner, child or parent being on active duty (or having been notified of an impending call or order to active duty)</li> <li>4. Care for own disability (must be unable to perform work)<sup>17</sup></li> </ol>
District of Columbia	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own serious health condition, explicitly including stillbirth and miscarriage<sup>18</sup></li> <li>4. Care for own pregnancy</li> </ol>

<sup>14</sup> Cal. Unemp. Ins. Code §§ 2626, 3302(e); S.B. 83, 2019-2020 Leg., Reg. Sess. (Cal. 2019) (enacted)

<sup>15</sup> N.J. Stat. Ann. §§ 43:21-27(g), (o); A. 3975, 218th Leg., Reg. Sess. (N.J. 2019)

<sup>16</sup> R.I. Gen. Laws §§ 28-39-2, 28-41-5(d), 28-41-35(a)

<sup>17</sup> N.Y. Workers' Comp. Law § 201(14) (as amended by S. 6406C)

<sup>18</sup> D.C. Law 21-264 §§ 101(12)-(17), 104(a)-(b) (D.C. 2016)

Washington	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own serious health condition</li> <li>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)<sup>19</sup></li> </ol>
Massachusetts	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own serious health condition</li> <li>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)</li> <li>5. Care for family member who is a covered servicemember<sup>20</sup></li> </ol>
Connecticut	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own serious health condition</li> <li>4. Serving as organ or bone marrow donor</li> <li>5. Qualifying exigency arising out of spouse, child or parent being on active duty (or having been notified of an impending call or order to active duty)<sup>21</sup></li> </ol>
Oregon	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own serious health condition</li> <li>4. Certain purposes arising out of employee or employee's minor child/dependent experiencing domestic violence, harassment, sexual assault or stalking<sup>22</sup></li> <li>5. Effective in 2022, care for a child whose school or childcare provider has closed due to a public health emergency<sup>23</sup></li> </ol>
Colorado	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own serious health condition</li> <li>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)</li> </ol>

<sup>19</sup> S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>20</sup> H. 4640 § 29(2)(a), 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>21</sup> S.B. 1 § 18(a)(2), 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>22</sup> H.B. 2005 § 2(17), (19), (21), § 4; 80th Leg. Assembly, Reg Sess. (Or. 2019) (enacted); Or. Rev. Stat. § 659A.272

<sup>23</sup> H.B. 2474 § 6, 81st Leg. Assembly, Reg. Sess. (Or. 2021) (enacted)

	5. Engaging in certain activities related to individual or family member being victim of domestic violence, stalking, sexual assault or abuse <sup>24</sup>
Maryland	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster, kinship care)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own serious health condition</li> <li>4. Care for service individual who is next of kin</li> <li>5. Qualifying exigency arising out of deployment of service member who is a family member<sup>25</sup></li> </ol>
Delaware	<ol style="list-style-type: none"> <li>1. Bonding with new child (birth, adoption, foster)</li> <li>2. Care for family member with serious health condition</li> <li>3. Care for own serious health condition</li> <li>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)<sup>26</sup></li> </ol>

## Definition of Family Member

Location	Definition of Family Member
California	Child, parent, spouse, domestic partner Amended in 2013 (effective 2014) to add grandparent, grandchild, sibling and parent of a spouse or domestic partner <sup>27</sup>
New Jersey	Child, parent, parent-in-law, spouse, domestic partner, civil union partner, sibling, grandparent, grandchild, any person related by blood, any person with whom employee has close association that is equivalent of a family relationship <sup>28</sup>
Rhode Island	Child, parent, spouse, domestic partner, grandparent <sup>29</sup>
New York	Child, parent, spouse, domestic partner, grandparent, grandchild, and (effective January 2022) sibling <sup>30</sup>

<sup>24</sup> Colo. Rev. Stat. e 8-13.3-504(2); 8-13.3-503(16), (18)

<sup>25</sup> S.B. 275 § Subtitle 3, 8.3-302, (1-5), 444<sup>th</sup> Leg, Reg. Sess. (Md. 2022)

<sup>26</sup> S.B. 1 § 3702(a), 151<sup>st</sup> Leg, Reg. Sess. (Del. 2022)

<sup>27</sup> Cal. Stat. §§ 3302(f)-(j)

<sup>28</sup> N.J. Stat. Ann. § 43:21-27(n); A. 3975, 218<sup>th</sup> Leg., Reg. Sess. (N.J. 2019)

<sup>29</sup> R.I. Gen. Laws § 28-41-35(a)

<sup>30</sup> N.Y. Workers' Comp. Law § 201(16), (17), (19)-(21) (as amended by S. 6406C and S. 2928)

District of Columbia	Child, parent, spouse, domestic partner, grandparent, sibling <sup>31</sup>
Washington	Child, parent, spouse, domestic partner, grandchild, grandparent, sibling, any person who regularly resides in the employee’s home and has an expectation that the employee will care for them, any person whose relationship with the employee creates an expectation that the employee will care for the person and that person depends on the employee for care <sup>32</sup>
Massachusetts	Child, parent or parent of a spouse or domestic partner, spouse, domestic partner, grandchild, grandparent, sibling <sup>33</sup>
Connecticut	Child, parent, parent-in-law, spouse, grandparent, grandchild, sibling, individual related by blood or affinity whose close association the employee shows to be the equivalent of those family relationships <sup>34</sup>
Oregon	Child, parent or parent of a spouse or domestic partner, spouse, domestic partner, grandparent or grandparent’s spouse or domestic partner, grandchild or grandchild’s spouse or domestic partner, sibling or sibling’s spouse or domestic partner, individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship <sup>35</sup>
Colorado	Child, parent or parent of a spouse or domestic partner, spouse, domestic partner, grandparent, grandchild, sibling, individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship <sup>36</sup>
Maryland	Child, parent, parent-in-law, legal guardian or ward, spouse, legal guardian or ward of the covered individual’s spouse, grandparent, grandchild, sibling <sup>37</sup>
Delaware	Child, parent (as defined under the FMLA), spouse (as defined under the FMLA) <sup>38</sup>

<sup>31</sup> D.C. Law 21- 264 § 101(7) (D.C. 2016)

<sup>32</sup> S.B. 5975 § 2, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>33</sup> H. 4640 § 29(1), 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>34</sup> S.B. 1 § 17(6), 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>35</sup> H.B. 2005 § 2(18), 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted)

<sup>36</sup> Colo. Rev. Stat. § 8-13.3- 503(11)

<sup>37</sup> S.B. 275 § Subtitle 1, 8.3-101(l)(1-10), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>38</sup> S.B. 1 § 3701(11), 151<sup>st</sup> Gen. Assembly (Del. 2022)

## Maximum Length of Paid Leave

Location	Maximum Length of Paid Leave
California	Started at six weeks for family leave, increased to eight weeks on July 1, 2020 <sup>39</sup> 52 weeks for own disability <sup>40</sup>
New Jersey	Started at six weeks for family leave, increased to 12 weeks on July 1, 2020 26 weeks for own disability <sup>41</sup>
Rhode Island	Started at four weeks for family leave; increased to five weeks in 2022 and will increase to six weeks in 2023. <sup>42</sup> 30 weeks for own disability; no more than 30 weeks total/year for combined own disability and family care <sup>43</sup>
New York	For family leave, started at eight weeks in 2018, increased to 10 weeks in 2019 and to 12 weeks in 2021 26 weeks for own disability <sup>44</sup>
District of Columbia	Eight weeks for parental leave, six weeks for family care, six weeks for own serious health condition (increased from two weeks effective October 2021), and two weeks for prenatal leave (effective October 2021), but no more than eight weeks total/year for combined family and medical leave <sup>45</sup>  The duration of leave is increasing effective October 2022 to 12 weeks for parental, family care, and own serious health condition . Two weeks of prenatal leave remains the same <sup>46</sup>
Washington	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) <sup>47</sup>

<sup>39</sup> Cal. Unemp. Ins. Code § 3301(c); S.B. 83, 2019-2020 Leg., Reg. Sess. (Cal. 2019) (enacted)

<sup>40</sup> Cal. Unemp. Ins. Code § 2653

<sup>41</sup> N.J. Stat. Ann. § 43:21-38; A. 3975, 218th Leg., Reg. Sess. (N.J. 2019)

<sup>42</sup> R.I. Gen. Laws § 28-41- 35(d)(1); H.B. 6090, § 1, 2021-2022 Leg. Sess. (R.I. 2021) (enacted)

<sup>43</sup> R.I. Gen. Laws §§ 28-41-7, 28- 41-35(e)

<sup>44</sup> N.Y. Workers' Comp. Law §§ 204(2)(A), 205(1)(A) (as amended by S. 6406C)

<sup>45</sup> D.C. Law 21- 264 §§ 101(12)- (17), 104(d) (D.C. 2016) as amended by D.C. Act 24-159. Fiscal Year 2022 Budget Support Emergency Act of 2021. Subtitle G

<sup>46</sup> D.C. Law 21- 264 §§ 101(12)- (17), 104(d) (D.C. 2016) as amended by D.C. Act 24-159. Fiscal Year 2022 Budget Support Emergency Act of 2021. Subtitle G

<sup>47</sup> S.B. 5975 § 6, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

	1 week for bereavement leave starting from the death of an employee’s child if the employee would have qualified for medical leave or family leave for the new child but for the child’s death (effective June 9, 2022) <sup>48</sup>
Massachusetts	12 weeks for family leave 26 weeks for caring for a covered service member 20 weeks for own serious health condition No more than 26 weeks total/year for combined family and medical leave <sup>49</sup>
Connecticut	12 weeks (14 if employee experiences incapacitating serious health condition that occurs during pregnancy); if two spouses work for same employer, can only take 12 weeks combined <sup>50</sup>
Oregon	12 weeks (14 if employee experiences limitations related to pregnancy, childbirth or a related medical condition, including but not limited to lactation) <sup>51</sup>
Colorado	12 weeks (16 if employee experiences a serious health condition related to complications of pregnancy or childbirth) <sup>52</sup>
Maryland	12 weeks, with an additional 12 weeks if the covered individual is eligible for leave both to bond with a new child (birth, adoption, foster, kinship care) AND is eligible for leave to care for own serious health condition in the same year. Either event can come first. <sup>53</sup>
Delaware	12 weeks in a one-year period to care for a new child (if both parents work for the same employer, then they can only take up to 12 weeks combined) 6 weeks in a two-year period for all other kinds of leave <sup>54</sup>

<sup>48</sup> S.B. 5649 § 1(10)(d), 67th Leg., Reg. Sess. (Wash. 2022) (enacted)

<sup>49</sup> H. 4640 § 29(2)(c), 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>50</sup> S.B. 1 § 18, 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>51</sup> H.B. 2005 § 4, 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted)

<sup>52</sup> Colo. Rev. Stat. § 8-13.3-505

<sup>53</sup> S.B. 275, § Subtitle 1, 8.3-702(A)(1-2), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>54</sup> S.B. 1 § 3703(a), 151<sup>st</sup> Gen. Assembly (Del. 2022)

## Minimum Increment of Leave Time for Which Benefits are Payable

Location	Minimum Increment of Leave Time for Which Benefits are Payable
California	Statute does not mention the minimum length of leave time, just benefits for intermittent leave <sup>55</sup>
New Jersey	Statute does not mention the minimum length of leave time, just benefits for intermittent leave <sup>56</sup>
Rhode Island	No minimum increment of leave time; claimants must initially be out of work for at least seven consecutive days to be eligible for benefits <sup>57</sup>
New York	For family care, benefits can be paid in increments of one full day or one-fifth of the weekly benefit <sup>58</sup>
District of Columbia	Leave can be taken in one day increments <sup>59</sup>
Washington	Eight consecutive hours <sup>60</sup>
Massachusetts	Statute does not mention the minimum length of leave time, just benefits for intermittent leave <sup>61</sup>
Connecticut	Statute does not mention the minimum length of leave time, just benefits for intermittent leave <sup>62</sup>
Oregon	Leave can be taken in increments equivalent to one workday <sup>63</sup>
Colorado	One hour <sup>64</sup>
Maryland	Four hours <sup>65</sup>
Delaware	One day per week <sup>66</sup>

<sup>55</sup> Cal. Unemp. Ins. Code § 3303); Employment Development Department, State of California. (n.d.). *Part-time/Intermittent/Reduced Work Schedule*. Retrieved 19 November 2021, from <https://edd.ca.gov/Disability/Part-time-Intermittent-Reduced-Work-Schedule.htm>

<sup>56</sup> N.J. Stat. Ann. § 43:21-39

<sup>57</sup> 11-000-002 R.I. Code R. §§ 16(G), 37(D)

<sup>58</sup> N.Y. Workers' Comp. Law § 204(2)(A) (as amended by S. 6406C)

<sup>59</sup> D.C. Law 21- 264 § 101(9) (D.C. 2016)

<sup>60</sup> S.B. 5975 § 6, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>61</sup> H. 4640 § 29(2)(c), 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>62</sup> S.B. 1 § 18(c), 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>63</sup> H.B. 2005 § 12(4), 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted)

<sup>64</sup> Colo. Rev. Stat. § 8-13.3-505(3)

<sup>65</sup> S.B. 275, § Subtitle 7, 8.3-701(B)(3), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>66</sup> S.B. 1 § 3706, 151<sup>st</sup> Gen. Assembly (Del. 2022)

## Employee Eligibility Requirements

Location	Employee Eligibility Requirements
California	Employee must have been paid \$300 in wages during the base period <sup>67</sup>
New Jersey	Employee must have had at least 20 calendar weeks of covered New Jersey employment, earning \$172 or more each week, or must have been paid \$8,600 or more in such employment during the base period <sup>68</sup>
Rhode Island	Employee must have been paid wages in Rhode Island and paid into the TDI/TCI fund and must have been paid at least \$12,600 in the base period  Alternately, employees qualify if they earned at least \$2,100 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 \$4,200 or more <sup>69</sup>
New York	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) <sup>70</sup>
District of Columbia	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 weeks preceding the covered event, and must have opted into the paid leave program <sup>71</sup>

<sup>67</sup> Employment Development Department, State of California. (n.d.). *Am I Eligible for Paid Family Leave Benefits?* Retrieved 25 April 2022, from [http://www.edd.ca.gov/Disability/Am\\_I\\_Eligible\\_for\\_PFL\\_Benefits.htm](http://www.edd.ca.gov/Disability/Am_I_Eligible_for_PFL_Benefits.htm)

<sup>68</sup> Department of Labor and Workforce Development, State of New Jersey. (n.d.). *Temporary Disability Insurance*. Retrieved 25 April 2022, from <https://myleavebenefits.nj.gov/labor/myleavebenefits/worker/tdi/>

<sup>69</sup> Department of Labor and Training, State of Rhode Island. (n.d.). *TDI / TCI For Employers*. Retrieved 25 April 2022, from <https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance/tdi-tci-employers>

<sup>70</sup> N.Y. Workers' Comp. Law § 203 (as amended by S. 6406C)

<sup>71</sup> D.C. Law 21-264 §§ 101(3)-(4), (6) (D.C. 2016)

Washington	Must have worked for at least 820 hours in four out of the five quarters prior to leave application <sup>72</sup>
Massachusetts	Must meet the financial eligibility requirements of the state unemployment insurance law (currently, one must have earned at least \$4,700 in the last four completed calendar quarters and at least 30 times the weekly unemployment benefit amount that person would be eligible to collect) <sup>73</sup>
Connecticut	Must have earned at least \$2,325 from one or more employers during the highest-earning quarter of the base period and have been employed by an employer in the previous 12 weeks <sup>74</sup>
Oregon	During the base year or alternative base year, must have earned at least \$1,000 in wages and paid into the Paid Family and Medical Leave Insurance Fund. Must also have worked at least 180 days for the employer at an average of at least 24 hours per week (effective 2022, this requirement is reduced to at least 30 days and 25 hours during a public health emergency), but there is no hours requirement for leave to take care of a new child <sup>75</sup>
Colorado	Must have earned at least \$2,500 in wages subject to premiums during the base period <sup>76</sup>
Maryland	Must have worked at least 680 hours over the 12-month period immediately preceding the date on which leave is to begin <sup>77</sup>
Delaware	Must have been employed for at least 12 months by the employer the worker is requesting leave from and must have been employed for at least 1,250 hours of service with that employer during the previous 12-month period <sup>78</sup>

<sup>72</sup> S.B. 5975 §§ 2-3, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>73</sup> H. 4640 § 29(1), 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted); Commonwealth of Massachusetts. (n.d.) *Check eligibility for unemployment benefits*. Retrieved 25 April 2022, from <https://www.mass.gov/service-details/check-eligibility-for-unemployment-benefits>

<sup>74</sup> S.B. 1 § 1, 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>75</sup> H.B. 2474 § 2, 81<sup>st</sup> Leg. Assembly, Reg. Sess. (Or. 2021) (enacted)

<sup>76</sup> Colo. Rev. Stat. § 8-13.3- 503(3)(a)

<sup>77</sup> S.B. 275 § Subtitle 1, 8.3-101 (D), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>78</sup> S.B. 1 § 3701(3), 151<sup>st</sup> Gen. Assembly (Del. 2022)

## Discrimination Prohibited

Location	Discrimination Prohibited
California	Not more than federal Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA)
New Jersey	Not more than federal FMLA and New Jersey Family Leave Act (NJ FLA)
Rhode Island	Not more than federal FMLA and RI Parental and Family Medical Leave Act (PFMLA)
New York	Yes <sup>79</sup>
District of Columbia	Yes <sup>80</sup>
Washington	Yes <sup>81</sup>
Massachusetts	Yes <sup>82</sup>
Connecticut	Yes <sup>83</sup>
Oregon	Yes <sup>84</sup>
Colorado	Yes <sup>85</sup>
Maryland	Yes <sup>86</sup>
Delaware	Yes <sup>87</sup>

## Method to Fund Insurance System

Location	Method to Fund Insurance System
California	Own disability and family care are funded by the employee only (currently at 1 percent of worker's first \$118,371 in wages) <sup>88</sup>

<sup>79</sup> N.Y. Workers' Comp. Law § 120 (as amended by S. 6406C)

<sup>80</sup> D.C. Law 21-264 §§ 101(18), 110 (D.C. 2016)

<sup>81</sup> S.B. 5975 § 72, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>82</sup> H. 4640 § 29(9), 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>83</sup> S.B. 1 § 21, 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>84</sup> H.B. 2005 § 11, 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted)

<sup>85</sup> Colo. Rev. Stat. § 8-13.3-509(4)

<sup>86</sup> S.B. 275 § Subtitle 9, 8.3-902(1-4), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>87</sup> S.B. 1 § 3708(b), 151<sup>st</sup> Gen. Assembly (Del. 2022)

<sup>88</sup> Employment Development Department, State of California. (n.d.). *Rates, Withholding Schedules, and Meals and Lodging Values*. Retrieved 25 April 2022, from [http://www.edd.ca.gov/Payroll\\_Taxes/Rates\\_and\\_Withholding.htm](http://www.edd.ca.gov/Payroll_Taxes/Rates_and_Withholding.htm)

New Jersey	<p>State’s temporary disability insurance program is financed jointly by employee and employer payroll contributions. In 2022, each worker contributes 0.14 percent of their wages on the first \$151,900 they make in a calendar year. The contribution rate for employers varies from 0.10 to 0.75 percent of the employee’s wages on the first \$39,800 they make in 2022<sup>89</sup></p> <p>Family care is funded entirely by the employee. In 2022, each worker contributes 0.14 percent of their wages on the first \$151,900 they make during the calendar year<sup>90</sup></p>
Rhode Island	<p>Own disability and family care are funded by the employee only. The current withholding rate is 1.1 percent of worker’s first \$71,000 in wages<sup>91</sup></p>
New York	<p>Own disability is funded jointly by employee and employer payroll contributions. Each worker contributes one half of 1 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<sup>92</sup></p> <p>Family care is funded by the employee only. The current rate is 0.153 percent of the worker’s first \$70,568.63 in wages, up to \$107.97 per year<sup>93</sup></p>
District of Columbia	<p>Funded by employer only. The current rate is 0.62 percent of wages or of annual self-employment income but that is expected to lower to .26 percent in July 2022<sup>94</sup></p>
Washington	<p>For the program’s first year, the total premium rate is 0.4 percent of the worker’s first \$132,900 in wages; 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 in the next four years while limiting premium rates<sup>95</sup></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<sup>96</sup></p>

<sup>89</sup> Department of Labor and Workforce Development, State of New Jersey. (n.d.). *Information for Employers*. Retrieved 25 April 2022, from <https://www.nj.gov/labor/ea/employer-services/rate-info/>

<sup>90</sup> Department of Labor and Workforce Development, State of New Jersey. (n.d.). *Information for Employers*. Retrieved 25 April 2022, from <https://www.nj.gov/labor/ea/employer-services/rate-info/>

<sup>91</sup> Department of Labor and Training, State of Rhode Island. (n.d.) *TDI / TCI For Employers*. Retrieved 25 April 2022, from <https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance/tci-tci-employers>

<sup>92</sup> Workers Compensation Board, New York State. (n.d.). *Disability Benefits*. Retrieved 25 April 2022, from <http://www.wcb.ny.gov/content/main/DisabilityBenefits/employee-disability-benefits.jsp>

<sup>93</sup> Paid Family Leave, New York State. (n.d.). *Paid Family Leave Information for Employers*. Retrieved 25 April 2022, from <https://paidfamilyleave.ny.gov/employers>

<sup>94</sup> D.C. Law 21- 264 § 103 (D.C. 2016)

<sup>95</sup> S.B. 5649 § 7(2)(a), 67th Leg., Reg. Sess. (Wash. 2022) (enacted)

<sup>96</sup> S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted); Washington: Paid Family & Medical Leave. (n.d.). *Employers: Learn about your role in Paid Family and Medical Leave*. Retrieved 25 April 2022, from <https://paidleave.wa.gov/employers/>

Massachusetts	For the program’s first year, the total premium rate is 0.63 percent of an employee’s wages; employers can deduct from the employee’s wages the full amount of the premium for family leave and 40 percent of the premium for medical leave. For each following year, the premium rate is adjusted based on the fund’s expenditures Employers with fewer than 25 employees are not required to pay their portion <sup>97</sup>
Connecticut	Funded by employee only. Contribution rate shall be set by the Paid Family and Medical Leave Insurance Authority, but shall not exceed 0.5 percent <sup>98</sup>
Oregon	Funded jointly by employee and employer payroll contributions. Total contribution rate shall not exceed 1 percent of the worker’s first \$132,900 in wages; employee pays 60 percent of this total rate and employer pays 40 percent. The premium rate is adjusted annually based on the fund’s expenditures. Employers with fewer than 25 employees are not required to pay their portion; if they do pay, they are eligible for state assistance <sup>99</sup>
Colorado	Funded jointly by employee and employer payroll contributions. For the program’s first two years, the total premium rate is 0.9 percent of an employee’s wages. Employers can deduct 50 percent of the premium from the employee’s wages. For each following year, the premium rate is adjusted based on the fund’s expenditures, not to exceed 1.2 percent. Employers with fewer than 10 employees are not required to pay their portion <sup>100</sup>
Maryland	Funded jointly by employees, employers with 15 or more employees, and self-employed individuals participating in the program  Once every two years, beginning in 2025, the Secretary of Labor will conduct an analysis to determine the cost-sharing formula between employers and employees. The cost share must range between 75 percent employers and 25 percent employees and 25 percent employers and 75 percent employees <sup>101</sup>
Delaware	Funded jointly by employee and employer payroll contributions. For the program’s first two years, the total premium rate is 0.8 percent of an employee’s wages. Employers can deduct 50 percent of the premium from the employee’s wages. For each following year, the premium rate is adjusted based on the fund’s expenditures, not to exceed 1 percent <sup>102</sup>

<sup>97</sup> H. 4640 §§ 29(6)-(7), 30, 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>98</sup> S.B. 1 § 3, 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>99</sup> H.B. 2005 § 16, 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted)

<sup>100</sup> Colo. Rev. Stat. § 8-13.3-507

<sup>101</sup> S.B. 275 § Subtitle 6, 8.3-601(A-C), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>102</sup> S.B. 1 § 3705(a)-(b), 151<sup>st</sup> Gen. Assembly (Del. 2022)

## Size of Employer Covered

Location	Size of Employer Covered
California	All private sector employers are covered; self-employed individuals can opt in; only some public employees are covered <sup>103</sup>
New Jersey	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 <sup>104</sup>
Rhode Island	All private sector employers are covered. Only some public employees are covered <sup>105</sup>
New York	Most private sector employers are covered Self-employed individuals can opt in 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 can only opt in to family care <sup>106</sup>
District of Columbia	Private sector employers covered by the D.C. Unemployment Compensation Act are covered Self-employed individuals can opt in 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 <sup>107</sup>  Self-employed individuals can opt in 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 <sup>108</sup>
Washington	All employers are covered (except those with collective bargaining agreements in effect on Oct. 19, 2017, that have not been reopened, renegotiated, or expired; this exception expires at the end of 2023). <sup>109</sup> Self-employed individuals and independent contractors can opt in <sup>110</sup>

<sup>103</sup> Cal. Unemp. Ins. Code §§ 3302, 2606, 675, 135; Employment Development Department, State of California. (n.d.). *Paid Family Leave Eligibility*. Retrieved 25 April 2022, from [https://www.edd.ca.gov/disability/FAQ\\_PFL\\_Eligibility.htm](https://www.edd.ca.gov/disability/FAQ_PFL_Eligibility.htm)

<sup>104</sup> Division of Temporary Disability and Family Leave Insurance, State of New Jersey. (n.d.). *Family Leave Insurance*. Retrieved 25 April 2022, from <https://www.myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/>; Department of Temporary Disability and Family Leave Insurance, State of New Jersey. (n.d.). *Temporary Disability Insurance*. Retrieved 25 April 2022, from <https://www.myleavebenefits.nj.gov/labor/myleavebenefits/worker/tdi/index.shtml>

<sup>105</sup> R.I. Gen. Laws §§ 28-39-2, -3

<sup>106</sup> N.Y. Workers' Comp. Law §§ 201(4), 212(2), (4)(B), 212-A, 212-B (as amended by S. 6406C)

<sup>107</sup> D.C. Law 21- 264 § 101(4) (D.C. 2016)

<sup>108</sup> D.C. Law 21- 264 § 101(4) (D.C. 2016)

<sup>109</sup> S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>110</sup> S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

Massachusetts	Private sector employers and the state government are covered Self-employed individuals and local governments can opt in (though some self-employed individuals may be automatically covered) <sup>111</sup>
Connecticut	All private sector employers are covered Self-employed individuals and state or local collective bargaining units can opt in (S.B. 1 § 1, 2019 Leg., Reg. Sess. (Conn. 2019) (enacted))
Oregon	All employers are covered Self-employed individuals and independent contractors can opt in <sup>112</sup>
Colorado	Private sector employers and the state government are covered Local government employers can opt out Self-employed individuals and independent contractors can opt in <sup>113</sup>
Maryland	All employers are covered. Self-employed individuals can opt in <sup>114</sup>
Delaware	Employers with 10 to 24 employees during previous 12 months covered only for parental leave. Employers with 25 or more employees during previous 12 months covered for all forms of leave. Any business closed in its entirety for 30 consecutive days or more per year is not covered <sup>115</sup>

## Benefit Amount

Location	Benefit Amount
California	Beginning on January 1, 2018, for a four year period: 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; A) For workers whose quarterly earnings 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. B) The maximum weekly benefit is \$1,540 in 2022 (maximum adjusted annually based on statewide average weekly wage). Workers with quarterly earnings less than \$929 will receive a weekly benefit of \$50. <sup>116</sup> Note: The San Francisco Board of Supervisors passed an ordinance requiring covered employers to provide supplemental compensation to covered employees

<sup>111</sup> H. 4640 §§ 29(1), (6)(e), 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>112</sup> H.B. 2005 §§ 2(14), 3, 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted)

<sup>113</sup> Colo. Rev. Stat. § 8-13.3-503(8), -514, -522

<sup>114</sup> S.B. 275 § Subtitle 2, 8.3-201(B)(1), 444th Leg., Reg. Sess. (Md. 2022)

<sup>115</sup> S.B. 1 § 3701(7), 151st Gen. Assembly (Del. 2022)

<sup>116</sup> Employment Development Department, State of California. (n.d.). *Calculating Paid Family Leave Benefit Payment Amounts*. Retrieved 25 April 2022, from [https://www.edd.ca.gov/Disability/Calculating\\_PFL\\_Benefit\\_Payment\\_Amounts.htm](https://www.edd.ca.gov/Disability/Calculating_PFL_Benefit_Payment_Amounts.htm); A.B. 908, 2015-2016 Leg., Reg. Sess. (Cal. 2016) (enacted))

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. This requirement applies to employers with 20 or more.<sup>117</sup> As of 2021, the average weekly benefit in the state for family care was \$786 and the average for own disability was \$720<sup>118</sup>

**New Jersey** Previously, the weekly benefit rate was 66 percent of a worker's average weekly wage (AWW), with a maximum benefit of \$650 in 2019 (maximum adjusted annually based on statewide AWW)<sup>119</sup>

Effective July 2020, the weekly benefit rate is 85 percent of a worker's AWW, with a maximum benefit equivalent to 70 percent of the statewide AWW.<sup>120</sup> The average weekly benefit in 2019 was \$556 for family care and \$491 for own disability<sup>121</sup>

**Rhode Island** The average weekly benefit rate is 4.62 percent of wages paid during the highest quarter of worker's base period, up to \$852 per week for claims effective January 1, 2019 or later (maximum adjusted annually based on statewide average weekly wage).<sup>122</sup> In March 2022, the average weekly benefit was \$600 for family care and the average for own disability was \$676<sup>123</sup>

**New York** For family care, in 2019, the weekly benefit rate is 55 percent of a worker's average weekly wage (AWW), not to exceed 55 percent of the state AWW; benefit amounts increase 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 weekly wage, with a maximum benefit of \$170; however, if the employee earns less than \$20 per week, the benefit will be their full AWW<sup>124</sup>

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<sup>117</sup> San Francisco, Cal. Ordinance 160065

<sup>118</sup> Employment Development Department, State of California. (n.d.). *Quick Statistics*. Retrieved 25 April 2022, from [https://edd.ca.gov/about\\_edd/Quick\\_Statistics.htm](https://edd.ca.gov/about_edd/Quick_Statistics.htm)

<sup>119</sup> Division of Temporary Disability and Family Leave Insurance, State of New Jersey. (n.d.). *Family Leave Insurance*. Retrieved 19 November 2021, from <https://www.myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/>; Department of Temporary Disability and Family Leave Insurance, State of New Jersey. (n.d.). *Temporary Disability Insurance*. Retrieved 19 November 2021, from <https://www.myleavebenefits.nj.gov/labor/myleavebenefits/worker/tdi/index.shtml>

<sup>120</sup> A. 3975, 218th Leg., Reg. Sess. (N.J. 2019)

<sup>121</sup> Division of Temporary Disability and Family Leave Insurance, State of New Jersey. (2020, August). *Annual Report for 2019: Family Leave Insurance and Temporary Disability Insurance Programs*. Retrieved 25 April 2022, from [https://www.myleavebenefits.nj.gov/labor/myleavebenefits/assets/pdfs/ANNUAL\\_FLI-TDI\\_REPORT\\_FOR\\_2019.pdf](https://www.myleavebenefits.nj.gov/labor/myleavebenefits/assets/pdfs/ANNUAL_FLI-TDI_REPORT_FOR_2019.pdf)

<sup>122</sup> Department of Labor and Training, State of Rhode Island. (n.d.). *Temporary Disability (TDI) FAQ*. Retrieved 25 April 2022, from <https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance/temporary-disability-tdi-faq>; Department of Labor and Training, State of Rhode Island. (n.d.) *TDI / TCI For Employers*. Retrieved 25 April 2022, from <https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance/tdi-tci-employers>

<sup>123</sup> Department of Labor and Training, State of Rhode Island. (n.d.). *Unemployment Insurance (UI) & Temporary Disability Insurance (TDI) Statistics*. Retrieved 25 April 2022, from <https://dlt.ri.gov/labor-market-information/data-center/unemployment-insurance-ui-temporary-disability-insurance-tdi>

<sup>124</sup> N.Y. Workers' Comp. Law §§ 204(2)(A), (B) (as amended by S. 6406C)

District of Columbia	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 (AWW) 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 of the D.C. minimum wage multiplied by 40 plus 50 percent of the amount by which the worker's AWW 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) <sup>125</sup>
Washington	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 to an amount equaling 90 percent of the state AWW <sup>126</sup>
Massachusetts	For workers paid 50 percent or less of the statewide average weekly wage (AWW), the weekly benefit rate is 80 percent of the worker's AWW. For workers paid more than 50 percent of the statewide AWW, the weekly benefit rate is 80 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 \$850 in the program's first year, and will be adjusted annually to an amount equaling 64 percent of the state AWW <sup>127</sup>
Connecticut	For workers paid wages less than or equal to the Connecticut minimum wage multiplied by 40, the weekly benefit rate is 95 percent of the worker's average weekly wage (AWW) rate. For workers paid more than the Connecticut minimum wage multiplied by 40, the weekly benefit rate is 95 percent of the Connecticut minimum wage multiplied by 40 plus 60 percent of the amount by which the worker's AWW exceeds the Connecticut minimum wage multiplied by 40, up to a maximum of 60 times the Connecticut minimum wage <sup>128</sup>
Oregon	For workers paid 65 percent or less of the statewide average weekly wage (AWW), the weekly benefit rate is 100 percent of the worker's AWW. For workers paid more than 65 percent of the statewide AWW, the weekly benefit rate is 65 percent of the statewide AWW plus 50 percent of the employee's wages above that amount. The

<sup>125</sup> D.C. Law 21- 264 § 104(g) (D.C. 2016)

<sup>126</sup> S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>127</sup> H. 4640 § 29(3(b)), 30, 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>128</sup> S.B. 1 § 3(c)(2), 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

maximum weekly benefit is 120 percent of the statewide AWW, and the minimum weekly benefit is 5 percent of the statewide AWW<sup>129</sup>

**Colorado** The weekly benefit rate is 90 percent of the individual's average weekly wages (AWW) that are at or below 50 percent of the statewide AWW, plus 50 percent of the individual's AWW that are above 50 percent of the statewide AWW. The maximum weekly benefit is \$1,100 in the program's first year, and will be adjusted annually to an amount equaling 90 percent of the state AWW<sup>130</sup>

**Maryland** For workers paid 65 percent or less of the state's average weekly wage (AWW), the weekly benefit rate is 90 percent of the worker's AWW. If the worker's AWW is greater than 65 percent of the state AWW, then the weekly benefit rate is 90 percent of the worker's AWW up to 65 percent of the state AWW plus 50% of the worker's AWW that is greater than 65 percent of the state AWW<sup>131</sup>

If the worker is taking partially paid leave, the benefit amount is the lesser of these two amounts: 1) the amount required to make up the difference between the wages paid to the worker while the worker is taking partially paid leave and the full wages the worker is normally paid; and (if the worker's AWW is greater than 65 percent of the state AWW), the sum of 90 percent of the worker's AWW up to 65 percent of the state AWW plus 50 percent of the worker's AWW that is greater than 65 percent of the state AWW.<sup>132</sup>

The maximum weekly benefit will be \$1,000 for the 12-month period beginning January 1, 2025 and will be adjusted annually based on the product of the maximum weekly benefit amount in the immediately preceding 12-month period and the annual percentage growth in the Consumer Price Index for the D.C. area in the immediately preceding 12-month period<sup>133</sup>

**Delaware** The weekly benefit is 80 percent of the worker's average weekly wages (AWW), rounded up to the nearest even \$1 increment, during preceding 12 months. Maximum weekly benefit is \$900 in 2026 and 2027. For each year after 2027, the maximum weekly benefit will increase in proportion to the Consumer Price Index for the Philadelphia area. The maximum amount, as determined using the Consumer Price Index, must be rounded to the nearest even \$5 increment<sup>134</sup>

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<sup>129</sup> H.B. 2005 § 7, 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted)

<sup>130</sup> Colo. Rev. Stat. § 8-13.3.506

<sup>131</sup> S.B. 275 § Subtitle 7, 8.3-703(A)(1-2); (B)(1)(I-II), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>132</sup> S.B. 275 § Subtitle 7, 8.3-703(B)(1)(III), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>133</sup> S.B. 275 § Subtitle 7, 8.3-703(B)(2-3), 444<sup>th</sup> Leg., Reg. Sess. (Md. 2022)

<sup>134</sup> S.B. 1 § 3704(a)(1-3), 151<sup>st</sup> Gen. Assembly (Del. 2022)

## Job Protection While on Leave

Location	Job Protection While on Leave
California	Leave for family care and own disability is protected, but not more than FMLA and CFRA Leave for parental leave is protected for individuals at employers with 20 or more employees Leave for pregnancy disability is protected for individuals at employers with five or more employees
New Jersey	Not more than FMLA and NJ FLA Beginning on June 30, 2019, NJ FLA is expanded to apply to employers with 30 or more employees <sup>135</sup>
Rhode Island	Leave for family care is job-protected but leave for own disability is no more protected than under FMLA or RI PFMLA <sup>136</sup>
New York	Leave for family care is job-protected but leave for own disability is no more protected than under FMLA or NY PFMLA <sup>137</sup>
District of Columbia	Not more than FMLA and D.C. FMLA (D.C. FMLA covers individuals at employers with 20 or more employees)
Washington	Not more than FMLA and WA FMLA <sup>138</sup> Leave for pregnancy disability is protected for six weeks for individuals at employers with eight or more employees
Massachusetts	Yes <sup>139</sup>
Connecticut	Yes, if employee has been employed for at least three months immediately preceding request for leave <sup>140</sup>
Oregon	Yes <sup>141</sup>
Colorado	Yes, if employee has worked for their employer for at least 180 days prior to the commencement of leave <sup>142</sup>
Maryland	Yes. However, an employer may refuse to protect the job if it is necessary to prevent substantial and grievous economic injury to the operations of employer. The employer must notify the employee of this and the employee must elect not to return to employment after receiving this notice. The right to job protection begins on the first day of a new job <sup>143</sup>

<sup>135</sup> A. 3975, 218th Leg., Reg. Sess. (N.J. 2019)

<sup>136</sup> R.I. Gen. Laws § 28-41-35(f)

<sup>137</sup> N.Y. Workers' Comp. Law § 203-b (as amended by S. 6406C)

<sup>138</sup> S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>139</sup> H. 4640 §§ 29(2)(e), 30, 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>140</sup> S.B. 1 § 17, 2019 Leg., Reg. Sess. (Conn. 2019) (enacted)

<sup>141</sup> H.B. 2005 § 10, 80th Leg. Assembly, Reg. Sess. (Or. 2019) (enacted)

<sup>142</sup> Colo. Rev. Stat. § 8-13.3-509

<sup>143</sup> S.B. 275 § Subtitle 7, 8.3-706(A-C), 444th Leg., Reg. Sess. (Md. 2022)

Delaware Yes<sup>144</sup>

## Waiting Period

Location	Waiting Period
California	None for family care (effective 2018); seven days for own disability <sup>145</sup>
New Jersey	None (effective July 1, 2019); seven days for own disability <sup>146</sup>
Rhode Island	None (effective July 1, 2012); seven days for own disability <sup>147</sup>
New York	None for family care; seven days for own disability <sup>148</sup>
District of Columbia	None (effective 2022) <sup>149</sup>
Washington	Seven days for family care and own serious health condition; one for bonding leave <sup>150</sup>
Massachusetts	Seven calendar days; waiting period is not required for family leave taken immediately after a period of medical leave for pregnancy or childbirth recovery <sup>151</sup>
Connecticut	None
Oregon	None
Colorado	None. Benefits are not payable until an employee has taken at least eight hours of leave <sup>152</sup>
Maryland	None
Delaware	None

<sup>144</sup> S.B. 1 § 3707(a), 151<sup>st</sup> Gen. Assembly (Del. 2022)

<sup>145</sup> Cal. Unemp. Ins. Code §§ 2627(b), 3303 (as amended by A.B. 908)

<sup>146</sup> N.J. Stat. Ann. § 43:21-38; A. 3975, 218th Leg., Reg. Sess. (N.J. 2019)

<sup>147</sup> 11-000-002 R.I. Code R. §§ 16(G), 37(D)

<sup>148</sup> N.Y. Workers' Comp. Law § 204(1) (as amended by S. 6406C)

<sup>149</sup> D.C. Law 21- 264 § 104(b) (D.C. 2016)

<sup>150</sup> S.B. 5975, 65th Leg., 3rd Special Sess. (Wash. 2017) (enacted)

<sup>151</sup> H. 4640 §§ 29(3(a)), 30, 190th Gen. Court, Reg. Sess. (Mass. 2018) (enacted)

<sup>152</sup> Colo. Rev. Stat. § 8-13.3-505(3)

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, reproductive health and rights, access to quality, affordable health care and policies that help all people meet the dual demands of work and family. More information is available at [NationalPartnership.org](http://NationalPartnership.org).

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