

HR COMPLIANCE OVERVIEW



Paid Family and Medical Leave— State Law Overview

As a growing trend, states across the country are enacting paid employee leave laws. Currently, Colorado, Connecticut, Massachusetts, New York, Oregon, Washington and the District of Columbia have paid family and medical leave laws. In general, these laws provide employees with paid time off from work to care for an injured or ill family member or for their own medical conditions.

In addition, California, New Jersey and Rhode Island have family leave insurance programs that provide partial wage replacement for employees on family leave. New Hampshire has also passed legislation creating a voluntary family leave insurance program, to be available beginning Jan. 1, 2023.

This Compliance Overview provides a high-level summary of current statewide paid family and medical leave laws and insurance programs.

LINKS AND RESOURCES

- [California Employment Development Department \(EDD\)](#)
- [Connecticut Paid Leave Authority](#)
- [District of Columbia Office of Paid Family Leave](#)
- [Massachusetts Department of Family and Medical Leave](#)
- [New York Paid Family Leave: Information for Employers](#)
- [Oregon Employment Department](#)
- [Rhode Island Department of Labor and Training](#)
- [Washington Employment Security Department](#)

Paid Leave Laws

States with paid family and medical leave laws:

- Colorado (benefits begin Jan. 1, 2024)
- Connecticut (benefits begin Jan. 1, 2022)
- District of Columbia
- Massachusetts
- New York
- Oregon (benefits begin Sept. 3, 2023)
- Washington

Wage Replacement Programs

States with family or family and medical leave insurance programs providing partial wage replacement:

- California
- New Jersey
- New Hampshire (beginning Jan. 1, 2023)
- Rhode Island

Provided to you by **Employers Select Insurance Services**

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State Paid Family Leave Laws and Programs

STATE	KEY REQUIREMENTS
<p data-bbox="188 485 326 516">California</p> <p data-bbox="147 552 367 617">Paid family leave insurance program</p>	<p data-bbox="431 434 1511 533">Type of benefit: Partial wage replacement program administered by a state agency. It does not guarantee employer-approved time off or job protection. However, an employee may have leave rights under the federal FMLA or the California Family Rights Act.</p> <p data-bbox="431 556 1523 690">Eligible employees: Employees must have contributed to the state disability insurance program through mandatory payroll deductions during the prior 18 months. Employers may require employees to use up to two weeks of unused vacation leave or paid time off before receiving paid family leave benefits.</p> <p data-bbox="431 714 1446 779">Paid leave duration: An employee may receive up to eight weeks of paid family leave benefits during a 12-month period in order to:</p> <ul data-bbox="443 802 1419 919" style="list-style-type: none">• Bond with a new child (either by birth, adoption or foster care placement); or• Care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner). <p data-bbox="431 942 1523 1041">On Jan. 1, 2021, the paid family leave insurance program also began providing benefits for a qualifying exigency related to the covered active duty (or call to covered active duty) of the employee’s spouse, domestic partner, child or parent in the U.S. Armed Forces.</p> <p data-bbox="431 1064 1500 1163">Paid leave benefits: The weekly benefit amount is approximately 60% to 70% (depending on income) of wages earned 5 to 18 months before an individual’s claim start date, up to the maximum weekly benefit amount. In 2021, weekly benefits range from \$50 to \$1,357.</p> <p data-bbox="431 1186 1500 1285">Program funding: The paid leave program is funded by employees through state disability insurance deductions from their paychecks. In 2021, the withholding rate is 1.2%, which includes both disability insurance and paid family leave.</p> <p data-bbox="431 1308 1523 1373">Benefit administration: California’s paid family leave program is administered by the state’s Employment Development Department (EDD).</p>
<p data-bbox="188 1400 321 1432">Colorado</p> <p data-bbox="118 1467 399 1533">Paid family and medical leave law</p> <p data-bbox="118 1556 399 1724">Employers begin remitting contributions to the state Jan. 1, 2023. Leave becomes available Jan. 1, 2024.</p>	<p data-bbox="431 1411 1511 1476">Type of benefit: Paid family and medical leave with benefits funded through employer and employee payroll taxes and administered by a state agency.</p> <p data-bbox="431 1499 1511 1598">Eligible employees: Workers are eligible if they perform labor or services for the benefit of another, and they have earned at least \$2,500 during the first four of the last five completed calendar quarters before the benefit year.</p> <p data-bbox="431 1621 1511 1686">Paid leave duration: Workers may take up to 12 weeks of leave per year, or 16 weeks for a serious health condition related to pregnancy or childbirth complications.</p> <p data-bbox="431 1709 1500 1808">Paid leave benefits: Workers on leave collect 90% of the part of their weekly wage that is no more than 50% of the state average weekly wage (SAWW). Any portion of the weekly wage that is higher than 50% of the SAWW is paid at a rate of 50%. Benefits are capped at</p>

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	<p>90% of the SAWW and (for leave beginning before Jan. 1, 2025) at a weekly benefit amount of \$1,100.</p> <p>Program funding: Funding is split evenly between employers and employees, although employers with fewer than 10 employees are exempt from contributing. Beginning Jan. 1, 2023, employers must remit premiums to the state, in the total amount of 0.9% of the employee’s wages. The employee portion may be collected as a wage deduction. Starting in 2025, the premium rate will be set by the Division of Family and Medical Leave Insurance, at up to 1.2% of employee wages. The amount of wages subject to premium assessment is capped at the maximum subject to social security tax.</p> <p>Benefit administration: The program will be administered by a newly created state Division of Family and Medical Leave Insurance.</p>
<p>Connecticut</p> <p>Paid family and medical leave law</p> <p>Employers began withholding employee contributions Jan. 1, 2021.</p> <p>Benefits become available Jan. 1, 2022.</p>	<p>Type of benefit: Paid family and medical leave funded by an employee payroll tax and administered by a state agency.</p> <p>Eligible employees: Virtually all employees in Connecticut who have worked for their employer for at least three months before the request for leave and at least 1,000 hours during the 12 months before leave starts.</p> <p>Paid leave duration: In any 12-month period, employees may take up to 12 weeks for family and medical leave, 14 weeks for pregnancy disability leave and 26 weeks to care for a covered service member. If two spouses have the same employer, the spouses may be limited to 12 weeks combined for the birth or placement of a child or to care for a sick family member. In any case, spouses of the same employer may be limited to 26 weeks of leave combined.</p> <p>Paid leave benefits: 95% of the employee’s salary up to 40 times the minimum wage, plus 60% of their salary exceeding the minimum wage, up to a maximum of 60 times the minimum wage (\$780 on a \$13 minimum wage, \$840 on a \$14 minimum wage and \$900 on a \$15 minimum wage).</p> <p>Program funding: Paid family and medical leave is funded by a mandatory payroll tax on employees of 0.5% of income, up to the Social Security wage base. There is no required employer contribution.</p> <p>Benefit administration: The paid family and medical leave program is administered by the Connecticut Paid Leave Authority.</p>
<p>District of Columbia</p> <p>Universal Paid Leave Act</p>	<p>Type of benefit: Paid family and medical leave with benefits funded through employer payroll taxes and administered by a District agency.</p> <p>Eligible employees: To be eligible, an employee must have spent more than 50% of his or her work time working in the District during some or all of the 52-week period before the leave event.</p> <p>Paid leave duration: Amendments passed in 2021 establish the following amounts of paid leave for claims filed from Oct. 1, 2021, through Sept. 30, 2022:</p>

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- Eight weeks of parental leave (within one year following birth or placement of child) (unchanged by 2021 amendments);
- Eight weeks to care for a family member with a serious health condition (up from six weeks before the amendments);
- Six weeks for an employee’s own serious health condition (up from two before the amendments); and
- Two weeks of prenatal leave (this is a new category created by the amendments).

In future years, the District may adjust leave amounts up or down depending on the size of the Universal Paid Leave Fund; however, leave amounts will not be reduced below those allowed before October 2021. Leave could be expanded to as much as 12 weeks each for medical, parental and family leave.

Maximum yearly limits apply to the amount of covered combined leave individuals may take. The 2021 amendments provide that individuals may receive the full amounts of both prenatal and parental leave available in the fiscal year benefit claims are filed. However, individuals may not receive prenatal and medical leave that exceeds the maximum amount of medical leave available for that fiscal year. Otherwise, in a 52-week period, an employee’s covered combined leave is limited to the maximum duration of parental leave available in the fiscal year the claims are filed.

Paid leave benefits: 90% of the employee’s average weekly wage for an employee who earns no more than 150% of the District’s minimum wage.

An employee whose wage is more than 150% of the District’s minimum wage is entitled to (i) 90% of 150% of the District minimum wage; plus (ii) 50% of the amount by which the employee’s average weekly wage exceeds 150% of the District minimum wage.

All eligible workers are limited to a **maximum weekly benefit of \$1,009**, adjusted for inflation annually on Oct. 1.

Program funding: Covered employers are required to make contributions of 0.62% of the wages paid to eligible employees. These contributions are pooled into a collective fund for the paid leave program—the Universal Paid Leave Fund mentioned above.

Benefit administration: The paid family and medical leave benefits are administered by the [District of Columbia Office of Paid Family Leave](#).

Massachusetts

[Paid family and medical leave law](#)

Workers became eligible for paid leave benefits **Jan. 1, 2021**.

Type of benefit: Paid family and medical leave with benefits funded through employer and employee payroll taxes and administered by a state agency.

Eligible employees: Virtually all employees working in the state.

Paid leave duration: The paid family and medical leave program provides the following leave amounts for each benefit year:

- **Family leave:** Up to 12 weeks (26 weeks to care for a covered service member);
- **Medical leave:** Up to 20 weeks; and

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	<ul style="list-style-type: none">• Combined family/medical leave: Up to 26 weeks. <p>Paid leave benefits: 80% of the employee’s salary up to 50% of the average weekly wage, plus 50% of the employee’s salary exceeding 50% of the average weekly wage, up to a maximum of \$850 per week in 2021 and \$1,084.31 per week in 2022. Weekly benefit payments begin after an initial seven-day waiting period.</p> <p>Program funding: The paid family and medical leave program is funded by a mandatory payroll tax of 0.75% of employees’ wages, to be adjusted annually. The payroll tax is reduced to 0.68% in calendar year 2022. The tax is shared between employers and employees, with employers paying 60% of the medical leave contribution. However, for employers with fewer than 25 employees, no employer contribution is required. No employers are required to contribute to the family leave portion of the program.</p> <p>Benefit administration: The state’s paid family and medical leave program is administered by the Massachusetts Department of Family and Medical Leave.</p>
<p>New Hampshire Family leave insurance</p> <p>Scheduled to become available Jan. 1, 2023.</p>	<p>Type of benefit: Partial wage replacement program. Under the legislation creating the program, coverage must be available for purchase by Jan. 1, 2023.</p> <p>Eligible employees: Permanent state employees must be covered at no cost. Program is voluntary for private employers. Employers with more than 50 employees who choose to sponsor coverage will contract directly with the insurance carrier chosen by the state. Workers whose employers do not offer coverage may opt into the plan.</p> <p>Paid leave duration: Wage replacement benefits are provided for a maximum of six weeks, for the following reasons:</p> <ul style="list-style-type: none">• Birth of a child of the employee, or placement of a child with the employee for adoption or fostering, within the past 12 months;• Serious health condition of a family member; or• Qualifying military exigency, or to care for a service member with a serious injury or illness. <p>Employers may require the leave to run concurrently with other leaves.</p> <p>Paid leave benefits: Workers receive 60% of their average weekly wage.</p> <p>Program funding: Private employers may voluntarily fund part or all of the cost of coverage. The law allows a tax credit equal to 50% of premiums paid by the employer.</p>
<p>New Jersey Family leave insurance</p>	<p>Type of benefit: Partial wage replacement program administered by a state agency. It does not guarantee employer-approved time off or job protection. However, an employee may have leave rights under the federal FMLA or the New Jersey Family Leave Act.</p> <p>Eligible employees: To be eligible, an employee must have paid into the insurance program (either the state plan or an approved private plan) through his or her employer and meet minimum gross earnings requirements. These requirements may change year to year. For</p>

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	<p>2021, an employee must have worked at least 20 weeks earning \$220 or more per week, or have earned at least \$11,000 in the past 12 months to be eligible.</p> <p>Paid leave duration: An employee may receive up to 12 weeks of cash benefits in a 12-month period to bond with a newborn, newly adopted child or newly placed foster child or to provide care for a seriously ill or injured family member (spouse, domestic partner, civil union partner, parent, child, sibling, parent-in-law, grandparent, grandchild, other blood relative and any other individual who has a close association with the employee that is the equivalent of a family relationship).</p> <p>Paid leave benefits: The weekly benefit for family leave insurance is based on an employee's average weekly wage. The weekly benefit is 85% of the employee's average weekly wage, up to a maximum of 70% of the statewide average weekly wage for all workers. The maximum possible benefit for 2021 is \$903.</p> <p>Program funding: The paid leave program is funded by employees through payroll deductions. For calendar year 2021, each employee contributes 0.28% of the taxable wage base of \$138,200. The maximum employee contribution for 2021 is \$386.96. For 2022, workers contribute 0.14% on the first \$151,900 in covered wages earned. The maximum worker contribution for 2022 is \$212.66. The taxable wage base changes each year.</p> <p>Benefit administration: New Jersey's family leave insurance program is administered by the state's Department of Labor and Workforce Development.</p>
<p>New York</p> <p>Paid family leave law</p>	<p>Type of benefit: Paid family leave with benefits funded through employee payroll deductions and provided through an insurance policy (typically a rider to an existing disability insurance policy).</p> <p>Eligible employees: Any employee who works at least 20 hours per week if the employee works for a covered employer for at least 26 consecutive weeks. A part-time employee (an employee who works fewer than 20 hours per week) is eligible for paid family leave after he or she has worked for a covered employer for 175 days.</p> <p>Paid leave duration and benefits: Following a phase-in period over several years, as of Jan. 1, 2021, eligible employees have been able to receive up to 12 weeks of paid family leave at 67% of their average weekly wage, up to a maximum of 67% of the statewide average weekly wage. For 2022, the weekly maximum benefit amount is \$1,068.36—a \$96.75 increase over the 2021 amount.</p> <p>Employees may receive paid family leave benefits for the following types of leave:</p> <ul style="list-style-type: none">• Leave to participate in providing care, including physical or psychological care, to a family member with a serious health condition;• Leave to bond with the employee's child during the first 12 months after the child's birth, or after the placement of the child for adoption or foster care with the employee;• Leave taken because of any qualifying exigency as interpreted under the federal FMLA arising out of the fact that the spouse, domestic partner, child or parent of the employee

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	<p>is on active duty (or has been notified of an impending call or order to active duty) in the U.S. Armed Forces; or</p> <ul style="list-style-type: none">• Leave to help a family member prepare for, and recover from, surgery related to organ or tissue donation.• Leave for certain workers under a COVID-19 quarantine or isolation order issued by an authorized government entity, or workers who have a minor child under such an order. This benefit is not available to workers who are able to work through remote access or other means. <p>Program funding: Paid family leave is funded entirely through employee payroll deductions. For 2021, employers may deduct 0.511% of an employee’s weekly wage, with an annual cap of \$385.34. The contribution percentage for 2022 remains at 0.511%, but the maximum annual employee contribution is increased to \$423.71. Employers are not required to contribute to or fund the paid family leave benefit, although they may choose to do so.</p> <p>Benefit administration: Paid family leave coverage is usually a rider to the employer’s disability insurance coverage. For more information, see New York’s Paid Family Leave: Information for Employers and Weekly Payroll Deduction Calculator.</p>
<p>Oregon</p> <p>Paid family and medical leave law</p> <p>Payroll tax takes effect Jan. 1, 2023.</p> <p>Benefits become available Sept. 3, 2023.</p>	<p>Type of benefit: Paid family and medical leave program, funded by a mandatory payroll tax on employees and employers with more than 25 workers and administered by a state agency.</p> <p>Eligible employees: Virtually all employees working in Oregon who have earned at least \$1,000 in wages during four of the last five calendar quarters—or, alternatively, the last four completed calendar quarters—preceding the benefit year as determined by the Oregon Employment Department.</p> <p>Leave duration: Workers receive up to 12 weeks of paid family and medical leave, up to 16 weeks of paid and unpaid family and medical leave combined, and up to 18 weeks of pregnancy disability leave.</p> <p>Paid leave benefits: Workers whose average weekly wage is 65% or less of the state average weekly wage receive 100% of their weekly wage. Workers whose average weekly wage is greater than 65% of the state average weekly wage receive 65% of the average weekly wage plus 50% of that part of their average weekly wage that exceeds 65% of the state average weekly wage.</p> <p>Program funding: 60% of program funding will come from a payroll tax on employees and 40% from a payroll tax on employers with 25 workers or more. Employers with fewer than 25 employees are exempt from payments, although those who elect to pay into the program are eligible for grant funding. The contribution rate will be set by the Oregon Employment Department but will not exceed 1% of the employee’s wages.</p> <p>Benefit administration: the Oregon Employment Department.</p>

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<p>Rhode Island</p> <p>Temporary caregiver insurance</p>	<p>Type of benefit: Partial wage replacement program administered by a state agency. Employers must hold an employee’s position, or offer a comparable position, upon the employee’s return.</p> <p>Eligible employees: To be eligible for temporary caregiver insurance (TCI) benefits, employees must have earned wages in Rhode Island and paid into the state’s TCI/disability fund. Employees must also meet certain earnings requirements.</p> <p>Paid leave duration: An employee may receive up to four weeks of paid family leave benefits during a benefit year in order to:</p> <ul style="list-style-type: none">• Care for a seriously ill child, spouse, domestic partner, parent, parent-in-law or grandparent; or• Bond with a newborn child, new adopted child or new foster-care child. <p>Employees will receive up to five weeks of benefits per year starting Jan. 1, 2022, and six weeks beginning Jan. 1, 2023.</p> <p>Paid leave benefits: An insured’s weekly benefit rate is equal to 4.62% of the worker’s wages in the highest quarter of his or her base period. Effective July 1, 2021, \$978 is the maximum benefit rate and \$107 is the minimum benefit rate (not including dependents’ allowance).</p> <p>Program funding: The TCI program is funded by employees through state disability insurance deductions from their paychecks. The withholding rate as of July 1, 2021, is 1.3% of the first \$74,000 earned, which includes both disability insurance and TCI coverage.</p> <p>Benefit administration: Rhode Island’s TCI program is administered by the state’s Department of Labor and Training.</p>
<p>Washington</p> <p>Paid family and medical leave law</p>	<p>Type of benefit: Paid family and medical leave with benefits funded through employer and employee payroll taxes and administered by a state agency.</p> <p>Eligible employees: Any employee who works at least 820 hours during the “qualifying period” is eligible for paid family and medical leave benefits. The qualifying period is defined as the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately before the employee’s application for leave. (Workers who do not meet the hours-worked requirement but are otherwise eligible for PFML may be eligible for a pandemic leave assistance employee grant for the benefit. The grants apply only to claims with a start date in 2021 through March 31, 2022.)</p> <p>Paid leave duration: The paid family and medical leave program provides the following leave amounts during a consecutive 52-week period:</p> <ul style="list-style-type: none">• Family leave: Up to 12 weeks;• Medical leave: Up to 12 weeks (14 weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity); and

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- **Combined family/medical leave:** Up to 16 weeks (18 weeks if the employee experiences a serious health condition with a pregnancy that results in incapacity).

Paid leave benefits: An eligible employee may receive up to 90% of his or her average weekly wage (AWW), based on the employee's AWW in comparison to the state AWW, up to the maximum weekly benefit, as follows:

- An employee whose AWW is 50% or less than the state AWW receives 90% of his or her AWW.
- An employee whose AWW is greater than 50% of the state AWW receives a weekly benefit that is the sum of 90% of the employee's AWW up to 50% of the state AWW and 50% of the employee's AWW that is greater than 50% of the state average weekly wage.

In any case, the **maximum weekly benefit for paid family and medical leave** is \$1,206 in 2021 and \$1,327 in 2022. This number is adjusted annually.

Program funding: The paid family and medical leave program is funded with employer and employee payroll contributions. For 2021, the **total premium** amount is **0.4%** of an employee's wages, up to the Social Security cap of \$142,800. For 2022, the total premium amount is **0.6%** of an employee's wages, up to the 2022 Social Security cap of \$147,000.

Employers with **fewer than 50 employees** employed in the state are not required to pay the employer portion of premiums for family and medical leave. However, if an employer with fewer than 50 employees chooses to pay the premiums, the employer will be eligible for grant assistance.

Benefit administration: The state's paid family and medical leave program is administered by the [Washington Employment Security Department](#).