



# STATE PAID FAMILY & MEDICAL LEAVE

2022 Fact Sheet

**A summary of statutory disability income insurance and paid family and medical leave programs for California, Connecticut, Hawaii, Massachusetts, New Jersey, New York, Puerto Rico, Rhode Island, Washington D.C., and Washington.**

## ABOUT PAID FAMILY LEAVE

The nation's federal program for family and medical leave protection, the Family and Medical Leave Act (FMLA), requires employers with 50 or more employees to offer unpaid time off for family and medical leave. But FMLA does not require employers to provide paid leave. Also, it only covers about 60 percent of the workforce, due to its strict limitations.

The first version of FMLA was introduced to Congress in 1984 and went through various iterations until finally it was signed into law in 1993. Despite multiple attempts in ensuing years, FMLA benefits have not expanded to the extent that many would hope.

Instead, the cause has been taken up on the state level. Currently, nine states and the District of Columbia have state-mandated paid family leave (PFL) programs. Also, municipalities are championing their own PFL programs, like San Francisco, Kings County in Washington, Austin, and Kansas City.

All state programs require employers to provide a specific amount of paid leave benefits (up to a certain percentage of weekly wages) for new parents to bond with their child or care for a family member with a serious medical condition.

In addition, state programs have varying degrees of additional benefits, such as job protection, paid leave for those who need to assist loved ones being deployed with the military, and protection for COVID-19 related quarantine.

Some states require that their PFL programs be entirely employee-paid, while other states allow the costs to be shared between the employer and employee, or even paid completely by the employer.

In some states, when state PFL is combined with FMLA and state disability programs, eligible employees can experience up to 52 weeks (within a 12-month period) of paid leave.



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### STATE DISABILITY BENEFITS LAW

**Website:** <https://www.ny.gov/services/apply-federal-disability-benefits>

**Approved Plans:** NY State Insurance Fund or private insured or self-insured plans. PFL must be written with DBL.

**Employer Eligibility:** Have one or more employees for 30 days in a calendar year.

**Employee Eligibility:** Employees or recent employees of a covered employer who have worked at least 4 consecutive weeks (those who've changed jobs from one employer to another are covered on the first day of the new job)

**Benefit:** 50% of employee's Average Weekly Wage, for a weekly maximum of \$170 or \$4,420 annual maximum.

**Benefit Duration:** Maximum of 26 weeks during any disability period or during any consecutive 52-week period.

**Employee Contribution:** 0.5% of employee's first \$120 weekly wages, maximum of 60 cents a week. Employer pays the balance of plan costs. Benefits start on the eighth consecutive day of disability.

### PAID FAMILY LEAVE

**Website:** <https://paidfamilyleave.ny.gov/>

**Approved Plans:** NY State Insurance Fund or private insured or self-insured plans. PFL must be written with DBL.

**Employer Eligibility:** Have one or more employees for 30 days in a calendar year.

**Employee Eligibility:** Full-time employees that work 20+ hours/week for 26 or more consecutive weeks. Part-time employees working less than 20 hours/week are eligible after 175 days of employment.

**Job Protection:** Yes.

**Health Benefits:** Yes.

**Benefit:** 67% of employee's Average Weekly Wage capped at 67% of NYSAWW, for a weekly maximum of \$1,068.36 or \$12,820.32 annual maximum. (The NYSAWW \$82,917.63.)

**Benefit Duration:** 12 weeks. Maximum combined duration for DBL and PFL is 26 weeks in a 52-week period. Benefits start on first day of leave.

**Employee Contribution:** Maximum of \$423.71/year. (0.511% of employee's gross annualized wages of first \$82,914.64 of pay, which includes a 0.005% risk adjustment for COVID-19 quarantine claims. Employer pays the balance of plan costs.)



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## TEMPORARY DISABILITY INSURANCE

**Website:** <https://myleavebenefits.nj.gov/>

**Approved Plans:** State or private insured or self-insured plans that are at least equal to the state plan.

**Employer Eligibility:** Have one or more employees for 30 days in a calendar year. Minimum \$1,000 annual payroll.

**Employee Eligibility:** Employees must have earned at least \$200 per week for 20 weeks during the base year (or a combined total of \$10,000).

**Benefit:** 85% of employee's Average Weekly Wage, for a weekly maximum of 70% of SAWW (\$993/week) or \$25,818 annual maximum.

**Benefit Duration:** Maximum of 26 weeks, not to exceed the period necessary for benefits to equal one-third of total wages in the base year. Benefits start on the eighth consecutive day of disability. Payment is retroactive to Day One if disability lasts longer than 21 days.

**Employee Contribution:** 0.14% of employee's first \$151,900 annual wages to a maximum of \$212.66

**Employer Contribution:** 0.5% of employee's first \$35,300 annual wages.

## FAMILY LEAVE INSURANCE

**Website:** <https://myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/>

**Approved Plans:** State or private insured or self-insured plans that are at least equal to the state plan.

**Employer Eligibility:** Have one or more employees for 30 days in a calendar year. Minimum \$1,000 annual payroll.

**Employee Eligibility:** Employees must have earned at least \$240 per week for 20 weeks during the base year (or a combined total of \$12,000).

**Benefit:** 85% of employee's Average Weekly Wage, for a weekly maximum of 70% of SAWW (\$993/week) or \$5,958 annual maximum.

**Benefit Duration:** 6 weeks in a 12-month period. 20 days a year to care for a family member who is a victim of domestic or sexual violence. Benefits start on first day of leave.

**Employee Contribution:** 0.14% of employee's first \$151,900 annual wages.

**Employer Contribution:** 0%.



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## STATE DISABILITY INCOME INSURANCE

**Website:** <https://edd.ca.gov/Disability/>

**Approved Plans:** SDI state plan or self-insured plans that exceed the state plan benefits in at least one provision.

**Employer Eligibility:** Have one or more employees and a quarterly payroll of \$100 or more, including employers of domestic employees with a quarterly payroll of \$750 or more.

**Employee Eligibility:** Part-time or full-time public or private sector employees if they have contributed to the SDI through payroll deductions at some point over the previous 18 months.

**Benefit:** 60% for employees earning one-third or more of the average quarterly wage in the prior four quarters; or 70% for those who earned less than one-third. For a weekly minimum of \$50 and a maximum of \$1,540, or \$80,080 annual maximum.

**Benefit Duration:** Maximum combined duration for SDI and PFL is 52 weeks in a 12-month period. Benefits start on the eighth consecutive day of disability.

**Employee Contribution:** Maximum of \$1,601.60/year. (1.1% of employee's wages which includes PFL contributions. Employer may elect to pay all or part of the plan costs.)

## PAID FAMILY LEAVE

**Website:** [https://edd.ca.gov/Disability/Paid\\_Family\\_Leave.htm](https://edd.ca.gov/Disability/Paid_Family_Leave.htm) and [https://www.edd.ca.gov/pdf\\_pub\\_ctr/de8714cf.pdf](https://www.edd.ca.gov/pdf_pub_ctr/de8714cf.pdf)

**Approved Plans:** PFL state plan or self-insured plans that exceed the state plan benefits in at least one provision.

**Employer Eligibility:** Based on participation in SDI plan.

**Employee Eligibility:** Based on participation in SDI plan.

**Benefit:** 60% for employees earning one-third or more of the average quarterly wage in the prior four quarters; or 70% for those who earned less than one-third. For a weekly minimum of \$50 and a maximum of \$1,540, or \$12,320 annual maximum.

**Job Protection:** No. However, FMLA, CFRA, and NPLA do require it. See below.

**Health Benefits:** Not required. However, FMLA and CFRA do require it.

**Benefit Duration:** 8 weeks in a 12-month period. Maximum combined duration for SDI and PFL is 52 weeks in a 12-month period. Benefits start on first day of leave.

**Employee Contribution:** Maximum of \$1,601.60/year. (1.1% of employee's wages, which includes SDI contributions. Employer may elect to pay all or part of the plan costs.)

## CALIFORNIA FAMILY RIGHTS ACT / THE NEW PARENT LEAVE ACT

California's Family Rights Act (CFRA) requires employers with 50 or more employees to provide job-protected leave for eligible employees to care for a child and to care for a loved one. The New Parent Leave Act (NPLA) requires employers with 20 or more employees to provide job-protected leave for eligible employees to care for a child.

**Website:** <https://www.dfeh.ca.gov/Employment/>



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### PAID FAMILY AND MEDICAL LEAVE ACT

The Connecticut Paid Leave (CTPL) program covers all employers with one or more employees. Those who are self-employed or sole proprietors may opt into the program.

The Paid Family and Medical Leave Act (PFMLA) expands the Connecticut Family and Medical Leave Act (CTFMLA). Through this expansion, employees can take paid leave to care for a new child or family member, an extra two weeks after the birth of a child if medically necessary, up to 12 days to recover from family violence, to serve as a bone marrow or organ donor, to care for a family member injured in active duty, and for various other reasons related to active duty.

**Website:** <https://www.cga.ct.gov/2015/rpt/pdf/2015-R-0308.pdf>

**Approved Plans:** PFML state plan or self-insured plans that at least meets the state plan benefits and must be approved by the majority of employees. The employer must file and receive an exception from the CT Paid Leave Authority to participate in a private plan.

**Employer Eligibility:** Have one or more employees.

**Employee Eligibility:** Must have earned at least \$2,325 within the first four or five most recently completed quarters and be presently employed or employed within the previous 12 weeks.

**Benefit:** 95% of weekly wages up to 40 times CT's minimum wage and 60% of weekly wages above 40 times the minimum wage. For a maximum of 60 times the minimum wage, equaling \$780 effective 1/1/22 and \$840 effective 7/1/22. (The minimum wage is \$12/hour and increasing to \$13/hour on 8/1/21, \$14/hour on 7/1/22, and \$15/hour on 6/1/23.)

**Job Protection:** No. Job protection is offered through CTFMLA and the federal FMLA program for covered employees.

**Health Benefits:** Not required. However, FMLA requires it.

**Benefit Duration:** 12 weeks in a 12-month period, plus an additional 2 weeks for pregnancy-related complications. Benefits start on first day of leave.

**Employee Contribution:** Fully funded by employee. (0.5% of employee's weekly wages up to \$147,000. Employer may elect to pay all or part of the plan costs and must pay anything more than the state rate under a private plan.)



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## TEMPORARY DISABILITY INSURANCE

The Hawaii Temporary Disability Insurance (TDI) law was enacted in 1969, which requires employers to provide partial “wage replacement” insurance coverage to their eligible employees for nonwork-related injury or sickness, including pregnancy.

**Website:** <https://labor.hawaii.gov/dcd/home/about-tdi/>

**Approved Plans:** No state plan exists. Must be provided by a private insured or self-insured plan, or an approved collective bargaining agreement that provides sick leave and disability benefits.

**Employer Eligibility:** Have one or more employees, including employers of domestic employees with a quarterly payroll of \$225 or more.

**Employee Eligibility:** Must have earned at least \$400 in the 52 weeks preceding the first day of disability, have at least 14 weeks of HI employment in which they were paid for 20 hours or more in each of those weeks and must be currently employed.

**Benefit:** 58% of employee’s average weekly earnings, for a weekly minimum of \$14/week and a weekly maximum of \$697, or \$18,122 annual maximum.

**Job Protection:** No (Job protection is offered through FMLA or the Hawaii Family Leave Law (HI FLL)).

**Medical Benefits:** Not required. However, FMLA requires it.

**Benefit Duration:** 26 weeks. Benefits start on the eighth consecutive day of disability.

**Employee Contribution:** Up to half of the plan costs but no more than 0.5% of employee’s average weekly wages up to \$6.00 per week, whichever is less (up to the Taxable Wage Base of \$1,200.30/wk). Employer must pay at least half of the plan costs and may elect to pay the entire all of the plan costs or the balance.

## HAWAII FAMILY LEAVE LAW

Under the Hawaii Family Leave Law and rules, an employee may be eligible for up to four (4) weeks of unpaid family leave each calendar year for the birth or adoption of a child, or to care for his / her child, spouse, reciprocal beneficiary, or parent with a serious health condition.

An employee may substitute his / her accrued paid leave (i.e., vacation or sick leave) for any part of the State Family Leave. However, only the accrued and available sick leave in excess of the fifteen (15) days required under the State’s self-insured Temporary Disability Benefits Plan, can be applied toward family leave purposes.

**Website:** <https://dhrd.hawaii.gov/state-employees/employee-benefits/family-friendly-benefits/family-and-medical-leave/>



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## PAID FAMILY AND MEDICAL LEAVE ACT

If you work in Massachusetts and you need time off to care for yourself and your family, Paid Family and Medical Leave (PFML) gives you up to 26 weeks of paid time off in a benefit year.

**Website:** <https://www.mass.gov/orgs/department-of-family-and-medical-leave>

**Approved Plans:** State or private insured or self-insured plans that at least equal the state benefits.

**Employer Eligibility:** Have one or more eligible employees.

**Employee Eligibility:** Full-time, part-time, permanent, temporary, on-call, per diem, seasonal employees, and 1099-MISC contractors if the employer is a Covered Business Entity. They must provide services in MA and meet the minimum financial eligibility requirements.

**Benefit:** 60% of employee's Average Weekly Wage, capped at a weekly maximum of \$1,084.31 or \$28,192.06 annual maximum.

**Job Protection:** Yes.

**Health Benefits:** Yes.

**Benefit Duration:** 12 weeks for family leave. 20 weeks for own serious health condition. 26 weeks for caring for a covered service member. Maximum combined duration for DBL and PFL is 26 weeks in a 52-week period. Benefits start on first day of leave.

**Employee Contribution:** Maximum of \$196.72/year. (0.68% of employee's gross annualized wages. Employer pays the balance of plan costs.)

## PARENTAL LEAVE ACT

**Website:** <https://www.mass.gov/service-details/parental-leave-in-massachusetts>

## THE SMALL NECESSITIES LEAVE ACT

The Small Necessities Leave Act (SNLA) allows workers to take up to 24 hours per year off from work to go to their child's education-related school activities, or to accompany a child or elderly relative to medical or dental appointments.

**Website:** <https://www.mass.gov/info-details/massachusetts-law-about-small-necessities-act-leave>



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## PUBLIC TEMPORARY DISABILITY INSURANCE

Website: <https://secure.ssa.gov/poms.nsf/lnx/0452135215>

**Approved Plans:** State or private insured or self-insured plans that are at least equal to the public plan.

**Employer Eligibility:** Have one or more eligible employees during any day of the current or preceding year.

**Employee Eligibility:** Employees must have earned at least \$150.00 in covered employment during the base year.

**Benefit:** 65% of employee's weekly earnings, for a weekly minimum of \$12.00 and a maximum of \$113.00 per week (\$55/week for agricultural workers).

**Benefit Duration:** 26 weeks in a consecutive 52-week period. Benefits start on the eighth day of disability or the first day of hospitalization, if earlier.

**Employee / Employer Contribution:** 0.6% of first \$9,000 of annual earnings. Contribution may be shared in any combination. Employees may not contribute more than 0.30% annually.

# RHODE ISLAND

2022

## TEMPORARY DISABILITY INSURANCE

Website: <https://dlt.ri.gov/tdi/>

**Approved Plans:** State plan only.

**Employer Eligibility:** Have one or more employees who earn more than \$1,000 per calendar quarter.

**Employee Eligibility:** Employees must (1) have earned at least \$14,700.00 in the base period or (2) have earned at least \$2,450 in one of the base quarters and have total base period wages of at least \$4,900 and at least 1.5 times their highest quarter of earnings.

**Benefit:** 4.62% of wages in the base period quarter in which wages were the highest, for a weekly minimum of \$114 and a maximum of \$978 per week or \$29,340 per year.

**Benefit Duration:** 30 weeks in a benefit year. Benefits start on the first day of disability, but must be out of work for at least 7 days due to a non-job-related illness or injury to qualify.

**Employee Contribution:** 1.1% of first \$81,500 of annual earnings up to a maximum of \$962.

**Employer Contribution:** 0%.

## TEMPORARY CAREGIVER INSURANCE

Website: <https://dlt.ri.gov/tdi/>

**Approved Plans:** State-administered Temporary Caregiver Insurance only.

**Employee / Employer Contribution:** Same as TDI.

**Benefit:** 4.62% of wages in the base period quarter in which wages were the highest, for a weekly minimum of \$114 and a maximum of \$978 per week or \$4,890 per year.

**Benefit Duration:** 5 weeks in a benefit year (and will reduce allowable weeks in TDI).

**Employee / Employer Contribution:** Same as TDI.



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### DC PAID FAMILY LEAVE

**Website:** <https://does.dc.gov/page/dc-paid-family-leave>

**Approved Plans:** State plan only.

**Employer Eligibility:** Any business performing services in D.C. that also pays Unemployment Insurance taxes.

**Employee Eligibility:** Employees must work at least 50% of the time in D.C. and must have been a covered employee for at least 1 week during the 52 calendar weeks preceding leave.

**Benefit:** 90% times employee's Average Weekly Earnings with a weekly maximum of \$1,009.

**Job Protection:** No. To receive job protection, employees must be covered under FMLA.

**Health Benefits:** No.

**Benefit Duration:** Personal medical leave is up to 6 weeks, family leave is up to 6 weeks, and child bonding is 8 weeks. Benefits start on the eighth day of the first event, waived for future weeks in a 52-week period.

**Employee Contribution:** 0%.

**Employer Contribution:** 100% with employers contributing 0.62% of the wages of a covered employee.

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### PAID FAMILY AND MEDICAL LEAVE

**Website:** <https://paidleave.wa.gov/employers/>

**Approved Plans:** State plan or voluntary self-insured plan that is at least equal to the state plan.

**Employer Eligibility:** Have one or more employees.

**Employee Eligibility:** Employees must have worked a minimum of 820 hours during the qualifying period, through one job or multiple jobs.

**Benefit:** 90% times the covered individual's AWW that is equal to or less than 50% of the SAWW, plus 50% times the covered individual's AWW that is more than 50% the SAWW. For a weekly minimum of \$100 and a maximum of \$1,327 per week. SAWW = \$1,475.

**Job Protection:** No. To receive job protection, employees must be covered under federal FMLA.

**Health Benefits:** No.

**Benefit Duration:** In general, employees are eligible for up to 12 weeks of PFL per year, should they have a medical condition, need to take care of a family member with a medical condition or go on leave to bond with a new child. In addition, they may take up to 16 weeks if they have multiple events in the same year, and 18 weeks if a pregnancy results in an incapacity. Benefits start at the end of the "waiting week," which starts on the Sunday on or before the minimum 8 hours of leave began and ends on the next Saturday.

**Employee Contribution:** About 73% with 0.6% of employee wage up \$147,000 for a maximum of \$882 annually.

**Employer Contribution:** About 27%. Employers with less than 50 employees are not required to pay the employer portion of the contribution. The state plan costs .4% of gross wages capped at the SS maximum.

State leave regulations were obtained from publicly available information. The information is believed to be factual, and its accuracy cannot be guaranteed. Please consult applicable state websites for the most current state leave regulation information. The information about paid leaves for employees is being provided for informational purposes only and does not constitute legal advice or a legal opinion on any specific facts or circumstances. You are urged to consult a lawyer concerning your own situation and any specific legal questions you have. Benefit Consulting Insurance Agency, LLC assumes no responsibility for any circumstances arising out of the use, misuse, interpretation, or application of any information supplied in this publication.

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