



# PAID FAMILY + MEDICAL LEAVE

## PLAYBOOK

Our Policy Playbook is a summary of resources that we have compiled from state and national advocates, organizers, and leading policy organizations across the country. Here you will find communications and messaging guidance, a menu of policy solutions, legislative language, and national organizations and experts who can support your efforts.

This document is meant to serve as a starting point for thinking about legislation in this issue area. It does not contain a model bill, though since this is an evolving policy space, we do reference some sample legislative language. Drafting new policy requires state-specific research, analysis of underlying state and local law, and consideration of a complex range of issues. Legislators should also consider the political landscape and practical needs of their states in determining which policy approaches make the most sense. This document seeks to facilitate that process by providing information and a range of approaches and best practices from across the country.

As a reminder, legislators are always encouraged to work with state partners to assess the local and state dynamics and to craft the strongest and most feasible legislation for their state—ensuring alignment with the work of groups in the field. On a related note, this resource is not meant to supersede working with advocacy organizations and policy experts to chart the most effective path for introducing such legislation. To get connected to state and national groups or individual experts on this topic, or to receive support on legislative research or drafting, please contact SiX at: [helpdesk@stateinnovation.org](mailto:helpdesk@stateinnovation.org).

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# INTRODUCTION

The Family and Medical Leave Act of 1993 (FMLA) was a momentous piece of federal legislation that secured the right of working Americans to take up to 12 unpaid weeks off of work for the birth of their child, to care for their newborn or newly adopted child, to care for a loved one with a serious illness, or to respond to their own serious illness. Its passage represented a consensus that hardworking individuals should not lose their jobs if they become seriously ill, and new parents should be given time to recover from pregnancy and bond with their new child.

However, nearly 30 years later, our country has fallen behind the rest of the world in paid leave protections. [Approximately 40% of Americans do not qualify for leave under the FMLA at all](#), and many of those who are covered cannot afford to take unpaid leave without falling into financial distress. The United States remains the only wealthy nation in the world that does not guarantee any form of paid leave.

For working families who are living paycheck to paycheck, lack of access to paid family and medical leave policies can have dramatic effects. For example, in the year following a child's birth, [women who are able to take paid leave are 39% less likely to need public assistance](#) than those who did not take leave. And a [study on the impact of California's paid family leave program](#) found that paid family and medical leave decreased the risk of poverty for new mothers by just over 10%. Ultimately, nearly all workers need to take time away at some point to deal with a serious personal or family illness or to care for a new child.

Laws providing paid family and medical leave allow workers to meet these needs without jeopardizing their economic security, which strengthens working families and thereby grows the economy.

# PAID FAMILY AND MEDICAL LEAVE: COMMUNICATIONS & MESSAGING

## VALUES-BASED MESSAGING

Lead with your values. While facts and figures can be helpful to back up your position, connect with constituents in a way that opens their hearts and minds to hearing what you have to say. Leading with a values-based message allows you to make that connection.

## TOPLINE MESSAGE

No matter our differences, we all want similar things, including being able to care for a sick loved one, to take care of a new child, or to take care of ourselves when we face a serious personal crisis. Most of us believe family comes first and that's why it's essential that we create a paid family and medical leave insurance fund so that everyone can take care of themselves and their families without jeopardizing their economic security.

## KEY MESSAGES

- People of all races and classes experience big life events like the welcoming of a new child, the ailing of a family member, or a medical diagnosis, yet not everyone has the ability to take care of themselves or their families without putting their job at risk.
- Working people, whether white, Black, or brown, shouldn't have to choose between being there for their families and keeping their jobs.
- All workers need paid time off to care for their families. Providing for those you love isn't negotiable.
- The Family and Medical Leave Act (FMLA) was passed by Congress in 1993. At that time, it was a big step forward in protecting the jobs of some workers who needed to take unpaid time off to care for a sick loved one or a new child, or deal with a serious personal or family crisis. It's been over 25 years since FMLA passed, yet most working Americans still don't have access to paid family leave.
- Over the last quarter century, the cost of everything from housing to health insurance has gotten exponentially more expensive, and very few working people, whether white, Black, or brown, can afford to take time off without pay.
- Many working families are [just a paycheck or two away](#) from financial ruin, and if their only leave option is unpaid, it can force them to sacrifice caring for themselves or a family member.
- Everyone deserves the chance to care for their family. Right now, workers who have adequate access to paid leave programs tend to be among the highest paid in the workforce, while working families with lower incomes are least likely to have access to paid family and medical leave.
- Young workers and workers of color are particularly likely to lack access to paid family and medical leave. For families of color, the lack of paid leave is compounded by the racial wealth gap, which makes these families less likely to have resources to weather a job loss or other financial emergency.
- Workers without access to paid leave are at greater risk of experiencing expensive health complications. Parents who give birth and their newborns are both at a higher risk of rehospitalization when families do not have access to paid leave, particularly Black, brown, and low-income families. Likewise, adopting parents and their children need time to readjust to a new normal.
- It's time to level the playing field so that all workers—not just the wealthy few—can spend time with a new child, care for loved ones when they are seriously ill, and address their own serious medical conditions.
- Paid family and medical leave creates greater economic security for working families, strengthens the middle class, and thereby helps grow the economy.
- The majority of small business owners support [paid leave insurance, which helps make this important benefit affordable](#), enabling them to attract and retain talented employees and compete with large businesses.
- Paid leave saves businesses money in the long term by increasing employee retention—reducing the high cost of turnover.

Note: Much of this framing is from the [Race-Class Narrative project](#), which has developed an empirically tested narrative on race and class that resonates with all working people and offers an alternative to—and neutralizes the use of—dog-whistle racism.

## SUPPORTING FACTS

- See this [data map from NPWF](#) for statistics on each state.
- California has had a state paid leave program for over a decade.
- A [majority of businesses](#) in California (87%) had no increased costs as a result of the state's paid leave program, and 9% indicated that the program had generated cost savings for their business by reducing employee turnover or reducing their own benefit costs.
- California's paid leave program led to an 11% relative [decline in elderly nursing home use](#).
- Out of 185 nations surveyed by the International Labor Organization, the United States is [one of only two countries](#) (the other is Papua New Guinea) that don't guarantee paid maternity leave for their workers.

## POLLING

- According to a nationally representative [2018 Perry Udem and Bellwether Research survey](#), eight in 10 voters, including 94% of Democrats, 83% of Independents, and 74% of Republicans, support a comprehensive paid family and medical leave policy that covers all people who work.
- More than half of voters (53%) [believe they would benefit from a paid family and medical leave program](#), and another fifth (19%) don't rule it out. Voters who expect to need paid leave are most likely to say they will use it to care for a family member who is elderly, seriously ill, injured, or disabled (65%); 57% say they would need it to address their own serious health condition; and 39% expect to need it to bond with a newborn or adopted child.
- Two-thirds of voters (66%) say they would [face serious financial hardship if they had to take up to a few months of unpaid leave](#) for family or medical reasons.
- One in four women in America (26%)—including about four in 10 Latinas and Asian Pacific Islander women—say that [in the last year or two caregiving demands have had a negative impact on their ability to keep a job or advance in the workplace](#). About half of all women (48%), including around six in 10 Latinas, Asian Pacific Islander women, and Black women, say greater access to paid leave for health and family purposes would help “a lot” with managing these needs.
- According to [a poll by the Roosevelt Institute](#), 83% of respondents, and 67% of Republicans, said that paid family and sick leave would be effective in creating a better economy.
- [A leaked Luntz Global survey](#) of 1,000 C-suite executives who are current or prospective Chamber of Commerce members found that over 80% support “time off for workers who need to care for sick children or relatives” and paid paternity leave.
- According to a [2018 poll released by The Mainstreet Alliance](#), a majority of small businesses support publicly administered family medical leave insurance pools funded by employees. A majority also support the program if jointly funded by contributions from employees and employers.
- SiX polling in six states shows strong support for paid family and medical leave programs:
  - [83% of Arizonans](#) support a six-week paid family leave program
  - [64% of Coloradans](#) support creating a family medical leave program
  - [81% of Floridians](#) support creating a family medical leave program
  - [87% of Marylanders](#) support a six-week paid family leave program
  - Between nearly [60% and 79% of North Carolinians](#) indicate having paid family leave is a very important part of having a job
  - [63% of Virginians](#) support creating a state insurance fund to pay for medical or family leave

# OPPOSITION MESSAGING & RESPONSES

## Opposition Argument #1:

### It's Too Expensive and Burdensome for Employers

"It's one of the most frightening things businesses have looked at this entire session. ... It would drive small businesses out of business. They can't afford it." --Jon Hurst, president of the Retailers Association of Massachusetts, MassLive, 7/21/2016 ([http://www.masslive.com/politics/index.ssf/2016/07/massachusetts\\_senate\\_to\\_consider\\_2.html](http://www.masslive.com/politics/index.ssf/2016/07/massachusetts_senate_to_consider_2.html))

**Response:** Providing paid family and medical leave to workers actually saves businesses money in the long term by significantly increasing employee retention and improving morale and productivity. [One estimate](#) found that after introducing paid leave, firms experienced more than \$2.00 in return for every dollar invested and saw a 3-6% improvement in productivity. In California, which has had a state paid leave program for over a decade, a vast majority of businesses—87%—have reported no increased costs as a result of the program. Meanwhile, 9% reported that the program had already begun to generate savings for their business by reducing employee turnover or cutting their own benefit costs.

## Opposition Argument #2:

### It's Harmful to Workers

"We often talk about these leave policies as if there's no cost associated with them. They cost workers in salary and wages. For women, they make employers view you as more risky [sic] and...more costly to employ at a time when the economy is sort of just chugging along." --Sabrina Schaeffer, executive director of the conservative Independent Women's Forum, POLITICO, 10/21/2015 (<http://www.politico.com/story/2015/10/paul-ryan-family-leave-speaker-house-215034>)

"If businesses are required to provide paid leave, something else has to give—fewer benefits, less flexibility, and more regimented hours." -- Dale J. Venturini, President/CEO of RI Hospitality Association (RIHA) and RI Hospitality Education Foundation (RIHEF), RI Hospitality Association, 5/8/2017 ([https://www.rihospitality.org/riha/Dales\\_Corner/6958](https://www.rihospitality.org/riha/Dales_Corner/6958))

**Response #2:** Far from being harmful, paid family and medical leave supports working families by making it easier for employees to take care of a new child or care for loved ones when they are sick—without forcing them to risk their job or sacrifice their livelihood to do it. Additionally, mothers who take paid leave are more likely to return to work and earn higher wages over time. The need for these policies is clear: nearly three-quarters of people say that without a paid family leave option, dealing with a new child or with a personal or family illness would cause them financial problems, and millions cannot afford to take time off without pay.

Employers do not pay out of pocket. All existing laws and major proposals use a social insurance approach to provide benefits—everyone makes a small contribution to the fund and when workers need benefits, the fund pays them, not their employer.

### Opposition Argument #3:












#### Workers Will Abuse the System

“One of the biggest areas of abuse we commonly see are poor-performing employees requesting FMLA leave just before they are to be terminated. [...] Typically, these employees know that the writing is on the wall—perhaps they’ve received multiple write-ups in the last few months or have been subject to disciplinary action.” -- Brittany Bogaerts, an attorney with Nixon Peabody in Chicago, SHRM, 6/21/2017 (<https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/fmla-abuse-odd-reasons.aspx>)

**Response #3:** Despite the [common misconception](#) that workers exploit paid leave systems, the data doesn’t support such fears. Across various surveys, employers report markedly low rates of abuse—if at all. In a 2011 survey of employers in California, [91% of surveyed employers](#) reported that they were unaware of any instances of abuse. In a survey of New Jersey business owners and human resource managers, [not a single respondent](#) reported a case of employees abusing the states paid family leave insurance. Employee exploitation of the paid family and medical leave systems and fraudulent claims are incredibly rare. Indeed, in a review of 2017 paid leave claims in California, only [16 out of 948,897](#) claims were identified and prosecuted as fraudulent. Evidently, system abuse is a negligible part of paid family and medical leave programs—less than .01% in California’s case—and benefits like [higher employee retention](#) far outweigh the miniscule risks.

## SAMPLE SOCIAL MEDIA CONTENT

Here are some sample tweets you can adapt for your own use. The language can also be easily modified for posting on Facebook:

-  No one should have to choose between caring for a sick family member and paying for groceries. It’s time for #PaidLeave.
-  #PaidLeave has been proven to have a positive or neutral effect on business costs - reduces turnover & increases productivity.
-  Millions of Americans can’t afford to take unpaid leave to care for a loved one. It’s time to level the playing field. It’s time for #PaidLeave.
-  #PaidLeave: It’s about strengthening families.
-  #PaidLeave: It’s about honoring loved ones.
-  #PaidLeave: It’s about keeping workers healthy.
-  #PaidLeave: It’s about supporting new parents.
-  #PaidLeave: It’s about creating healthier workplaces.
-  #PaidLeave: It’s about honoring our parents and keeping seniors independent.
-  The U.S. = one of only one of two countries without #PaidLeave provided to workers. #FMLA
-  All workers need paid time off to care for their families. Providing for those you love isn’t negotiable. #PaidLeave

State lawmakers know we all deserve to care for our families without losing our jobs. Check out this video to see what’s happening in your state. #PaidLeave <https://youtu.be/HcvC26fEOz8>

# POLICY DESIGN

In this section, we present a range of paid family and medical leave (PFML) policy options with select legislative language and analysis from the earliest adopters of PFML (California, New Jersey, New York, Rhode Island) as well as more recent initiatives passed in Massachusetts, Washington, Connecticut, and Oregon. While the District of Columbia also has enacted a paid family and medical leave law, the examples below focus on state laws. We include relevant legislative language in order to provide an extra level of detail and highlight exemplary legislation where appropriate.

The early adopters of PFML started by implementing paid medical leave through temporary disability insurance, or TDI, and then adding in a family leave component. However, only a handful of states have TDI programs, so in most states a new insurance system has to be created to administer paid family and medical leave. Such a system can be funded through employee contributions, employer contributions, or shared employee/employer contributions.

[The Model State Paid Family & Medical Leave Statute](#) drafted by the [National Partnership for Women & Families](#) (NPWF) and [A Better Balance](#) (ABB) is a model bill template for creating a paid family and medical leave insurance system in states without TDI. Additionally, we recommend reviewing this [NPWF table](#) and [ABB chart](#) of State Paid Family and Medical Leave Insurance Laws that compare the laws within these eight states plus the District of Columbia.

We hope that this section serves to improve understanding of both the policy options and how these policies translate into statutory language. As always, SiX strongly recommends working with state advocacy organizations before crafting or introducing a bill, as well as with national and state policy experts to draft specific bill language, and SiX can assist with these efforts. For referrals to national and state-based advocates and coalitions, contact SiX at [info@sixaction.org](mailto:info@sixaction.org).

## KEY POLICY ELEMENTS

### **DETERMINING ELIGIBILITY**

Eligibility for paid leave has four main components: [\(1\)](#) eligible purposes for paid family and medical leave, [\(2\)](#) eligible workers who can apply for this leave, [\(3\)](#) eligible family members who can be cared for by the worker when the family member has a serious medical condition, and [\(4\)](#) what constitutes a serious medical condition. While the details of the definitions vary across states, all paid family and medical leave laws recognize the birth of a child, the adoption or foster placement of a child, and the serious medical care of a direct family member (child, parent, spouse, grandparent) as valid reasons to take paid leave from work without forfeiting one's job or employment.

### **EMPLOYER TYPE**

State paid leave programs cover employees at employers of all sizes and in all industries, an important difference between paid leave and many other employment-related laws. Because the programs are funded through small insurance premiums paid by the employee or a combination of the employee and the employer, the cost to small employers is affordable. Many states also allow self-employed individuals to opt in to coverage. Some paid leave programs exempt certain political subdivisions; this varies according to the state. And while all state PFML programs cover workers in small businesses, Washington allows small business employers to opt-out of paying the employer contribution and subsidizes eligible small businesses that pay their share.

### **DURATION OF LEAVE BENEFITS**

The duration of leave benefits varies by both state and by purpose. For medical leave in which workers take off for the worker's health, all states provide at least 12 weeks, and in TDI states (California, New Jersey, New York, and Rhode Island) the maximum duration of medical leave is 26 to 52 weeks. The provisions for family leave are shorter, ranging from four weeks in Rhode Island to at least 12 weeks in Connecticut, Massachusetts, New Jersey, New York, Oregon, and Washington once all their programs are fully phased in. Coalitions in non-



TDI states are pushing for a minimum of 12 weeks for family and medical leave. Generally, states that have most recently passed PFML (Massachusetts and Washington) offer longer parental and family leave benefit windows for workers. A few states subsequently added on conditional extensions for unpredictable issues like serious, pregnancy-related health problems.

### **BENEFIT RATE**

The ABB/NPWF model paid family and medical leave law lays out three options for how an employee's weekly benefits are determined: (1) weekly benefits as a flat percentage of wages earned during a prior base period, (2) weekly benefits as a progressive percentage of wages, where the wage replacement rate is reduced for wages over a certain amount, and (3) weekly benefits as a fixed dollar amount. All states with paid family and medical leave structure benefits as a percentage of wages (either flat or progressive).

### **EMPLOYEE CONTRIBUTION RATE**

PFML insurance pools are typically funded by employees themselves or through combined employer-employee contributions. In most states, the *family* leave portion of PFML is funded entirely by employees, while *medical* leave costs are shared with employers. Some states also allow for exceptions for small businesses that allow them to exempt themselves from employer contribution requirements. It should be noted that this exempts small employers from making contributions but not from the PFML program itself. A few states have since created a grant and financial assistance infrastructure to help support the small businesses that choose to opt in to the paid family and medical leave programs instead of providing private insurance options that meet or exceed the standards.

### **INSURANCE FUND/POOL**

A state will need to provide a mechanism for receiving employee and/or employer contributions into a shared insurance pool. For states without TDI, this will likely require developing a new insurance mechanism. Four states have subsequently created paid family and medical leave trust funds through their state treasuries, which manage the expenditures for the fund (paid leave compensation and administrative costs) as well as expand the fund (through investments, grants, donations, etc.). While the specific details of how the money is handled vary by state, all of the states that created new insurance mechanisms hold such funds independent and removed from the general fund and any other financial account.

### **NON-RETALIATION/JOB PROTECTION**

Any paid leave program should be coupled with laws to protect workers who take advantage of these programs, including both an affirmative right to reinstatement to their jobs upon returning from leave, protection against retaliation for taking leave, and ideally continuation of health insurance while on leave. Rhode Island's law was the first to include job protection for all workers taking family leave, soon followed by New York's law. Massachusetts now provides job protection to all workers taking family or medical leave, and states like Connecticut and Oregon provide a similarly expansive protection after an employee has been employed for three months. As subsequent states have enacted their own non-retaliation laws to protect employees who take paid family and medical leave, they have expanded the scope of such laws to include broader definitions of discrimination, more legal recourse for employees deprived of their rights to return to work, and more categories of job protection.

### **ADDITIONAL OPTIONS: SMALL BUSINESS GRANTS, PUBLIC OUTREACH, COMPLAINT PROCESS**

States have enacted additional policy components that have been used for coalition building and improved implementation, such as small business grants, education campaigns, and formalized complaint processes. This section highlights a few examples, but as with any bill, we strongly recommend that you work with both national and local advocates to determine what policy components to include for your state.

# SAMPLE LANGUAGE

## COVERED PURPOSES

All states with paid leave allow employees to use the benefit to bond with a new child, to address a serious personal health condition, or to care for a covered family member with a serious health need. Several states—[California](#) (beginning in 2021), [Connecticut](#), Massachusetts, New York, and [Washington](#)—also permit leave for specific needs in military families, all based on the qualifying exigencies for active deployment in FMLA. Massachusetts’s law explicitly encompasses caring for a family member who is also a covered servicemember of the Armed Forces, in addition to the FMLA deployment exigencies. Connecticut, New Jersey, and Oregon also provide or will provide benefits for certain needs that arise when workers or their loved ones are victims of domestic or sexual violence.

### New Jersey

#### [NJ Statutes § 43:21-27](#)

3. As used in this act, unless the context clearly requires otherwise:

[. . .]

(o) “Family temporary disability leave” means leave taken by a covered individual from work with an employer to (1) participate in the providing of care, as defined in the “Family Leave Act,” P.L.1989, c.261 (C.34:11B-1 et seq.) and regulations adopted pursuant to that act, for a family member of the individual made necessary by a serious health condition of the family member; or (2) be with a child during the first 12 months after the child’s birth, if the individual, or the domestic partner or civil union partner of the individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the individual. “Family temporary disability leave” does not include any period of time in which a covered individual is paid benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.) because the individual is unable to perform the duties of the individual’s employment due to the individual’s own disability.

#### [NJ Statutes § 43:21-29](#)

(a) In the case of the disability of a covered individual, disability shall be compensable subject to the limitations of P.L.1948, c.110 (C.43:21-25 et al.) if the disability is the result of the covered individual suffering an accident or sickness not arising out of and in the course of the individual’s employment or if so arising not compensable under the workers’ compensation law, R.S.34:15-1 et seq., and resulting in the individual’s total inability to perform the duties of employment.

### New York

#### [NY Workers’ Compensation Law § 201](#)

15. “Family leave” shall mean any leave taken by an employee from work: (a) to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member; or (b) to bond with the employee’s child during the first twelve months after the child’s birth, or the first twelve months after the placement of the child for adoption or foster care with the employee; or (c) because of any qualifying exigency as interpreted under the family and medical leave act . . . arising out of the fact that the spouse, domestic partner,

child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

## Massachusetts

### [MA General Laws Chapter 175M § 2](#)

(a)(1) Family leave shall be available to any covered individual for any of the following reasons: (i) to bond with the covered individual's child during the first 12 months after the child's birth or the first 12 months after the placement of the child for adoption or foster care with the covered individual; (ii) because of any qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces; or (iii) in order to care for a family member who is a covered servicemember.

[. . .]

(c)(1) A covered individual shall not be eligible for more than 12 weeks of family leave in a benefit year; provided, however, that a covered individual taking family leave in order to care for a covered servicemember pursuant to clause (iii) of paragraph (1) of subsection (a) shall not be eligible for more than 26 weeks of family leave in a benefit year. A covered individual shall not be eligible for medical leave for more than 20 weeks in a benefit year. A covered individual shall not take more than 26 weeks, in the aggregate, of family and medical leave under this chapter in the same benefit year. Nothing in this section shall prevent a covered individual from taking a medical leave during pregnancy or recovery from childbirth if supported by documentation by a health care provider that is immediately followed by family leave, in which case the 7 day waiting period for family leave shall not be required.

## SAMPLE LANGUAGE EMPLOYEE ELIGIBILITY

In order to define which employees are eligible to apply for paid medical and family leave, states must set a definition for “employee” and the requirements to qualify for paid leave. [California](#), [Connecticut](#), Massachusetts, New Jersey, Oregon, and Rhode Island all require that an employee have earned a specific amount of money within the base year (and depending on the state sometimes over a shorter time period) to qualify—with state minimums ranging from \$300 over a year in the case of [California](#) to \$2,325 over a quarter in the case of [Connecticut](#). In Oregon and [Connecticut](#), eligibility for benefits is portable (workers can qualify using earnings from multiple employers), though workers must have been employed by their current employer for at least 90 days to qualify for job protection. Washington requires workers to have worked a total of 820 hours, almost 21 weeks at 40 hours per week, but this can include combined work from multiple employers. New York is the only state that requires workers to have worked a minimum amount of time with a particular employer to qualify (about six months for family leave and four weeks for medical leave). In most states, previously covered workers can receive benefits during unemployment if they experience a qualifying event. It is also important to note that in many cases eligibility rules for job protection (which may be provided through a separate law such as the federal FMLA or a state FMLA) differ from eligibility for the paid leave benefit.

## Oregon

### [2019 OR Chapter 700 \(HB 2005\)](#)

Sec 2. (11) “Eligible employee” means:

(a)(A) An employee who has earned at least \$1,000 in wages during the base year; or

(B) If an employee has not earned at least \$1,000 in wages during the base year, an employee who has earned at least \$1,000 in wages during the alternate base year; and

(b) Who may apply for paid family and medical leave insurance benefits under section 3 of this 2019 Act.

[...]

Sec 3. Family and medical leave insurance benefits are available to any of the following during a period of family leave, medical leave or safe leave: (1) An eligible employee who: (a) During the base year or alternate base year, as applicable, contributes to the Paid Family and Medical Leave Insurance Fund established under section 39 of this 2019 Act in accordance with section 16 of this 2019 Act; and (b) Submits a claim for benefits in accordance with the requirements under section 12 of this 2019 Act

## Massachusetts

### [2018 MA Act 121 \(HB 4640\)](#)

Sec 1. “Covered individual”, either: (i) an employee who meets the financial eligibility requirements of subsection (a) of section 24 of chapter 151A, provided that all such employment has been with an employer in the commonwealth; (ii) a self-employed individual who has: (A) elected coverage under subsection (j) of section 2 of this chapter and (B) reported earnings to the department of revenue from self-employment that meet the financial eligibility requirements of subsection (a) of section 24 of chapter 151A, as if the individual were an employee.

### [MA General Laws Chapter 151A Section 24](#)

An individual, in order to be eligible for benefits under this chapter, shall—(a) Have been paid wages in the base period amounting to at least thirty times the weekly benefit rate; provided, however, that for the period beginning on January first, nineteen hundred and ninety-five the individual has been paid wages of at least two thousand dollars during said base period; provided, further, that said amount shall be increased annually proportionately, rounding to the nearest one hundred dollars, to any increases which have occurred during the prior calendar year in the minimum wage as set forth in section one of chapter one hundred and fifty-one; and, provided further, that any such increase shall be effective beginning on the first Sunday in January.

Based on benefits calculations in Massachusetts, this generally means that a worker must work at least 15 weeks to be eligible.

## Rhode Island

### [RI Statutes § 28-41-11](#)

(b) In order to be deemed eligible for benefits, an individual whose benefit year begins on or after October 7, 1990: must have been paid wages in:

(1) Any one calendar quarter of the base period which are at least two hundred (200) times the minimum hourly wage, as defined in chapter 12 of this title, and must have been paid wages in the base period amounting to at least one and one-half (1 1/2) times the wages paid to the individual in that calendar quarter of the base period in which the individual's wages were highest; provided, that the minimum amount of total base period wages paid to the individual must be at least four hundred (400) times the minimum hourly wage, as defined in chapter 12 of this title. The base period wages must have been paid to the individual for performing services in employment for one or more employers subject to chapters 39 - 41 of this title; or, in the alternative,

(2) The base period for performing services in employment for one or more employers subject to chapters 39 - 41 of this title amounting to at least three (3) times the total minimum amount required in subdivision (1) of this subsection.

(c) In addition to the provisions of subsection (b) of this section, for benefit years that begin on or after July 1, 2012, an individual must have been unemployed due to sickness for at least seven (7) consecutive days in order to be eligible for benefits.

This language requires both a minimum amount of wages earned in a calendar quarter but also over the total base period.

## New York

### [NY Workers' Compensation Law § 203](#)

Employees eligible for benefits under section two hundred four of this article. Employees in employment of a covered employer for four or more consecutive weeks and employees in employment during the work period usual to and available during such four or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for disability benefits as provided in section two hundred four of this article. Employees in employment of a covered employer for twenty-six or more consecutive weeks and employees in employment during the work period usual to and available during such twenty-six or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for family leave benefits as provided in section two hundred four of this article. Every such employee shall continue to be eligible for family leave benefits only during employment with a covered employer. . .

## New Jersey

### [NJ Statutes § 43:21-4](#)

17. (d) (2) With respect to periods of disability commencing on or after January 1, 2001, no individual shall be entitled to benefits under this act unless the individual has, within the 52 calendar weeks preceding the week in which the individual's period of disability commenced, established at least 20 base weeks or earned not less than 1,000 times the minimum wage in effect pursuant to section 5 of P.L.1996, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the disability commences, which amount shall be adjusted to the next higher multiple of \$100.00, if not already a multiple thereof.

## Washington

### [WA Revised Code § 50A.05.010](#)

(4)(a) "Employee" means an individual who is in the employment of an employer.

(b) "Employee" does not include employees of the United States of America.

### [WA Revised Code § 50A.15.010](#)

Employees are eligible for family and medical leave benefits as provided in this title after working for at least eight hundred twenty hours in employment during the qualifying period.

## SAMPLE LANGUAGE ELIGIBLE FAMILY MEMBERS

States must define eligible family members that an employee may take leave to care for, and policies vary slightly in this regard. The earliest versions of Paid Medical and Family Leave (PMFL) laws only included the child, spouse, domestic partner, civil union partner, or parent of a covered individual as eligible family members. Today, the definition has expanded in many states to include a wide range of relationships. Rhode Island has the fewest additions to recognized family—making it the narrowest definition—while [Connecticut](#), Massachusetts, Oregon, and New Jersey currently have some of the most inclusive definitions of family. Massachusetts and New York include both registered and unregistered domestic partners, and [Connecticut](#), Oregon, and New Jersey have similarly broad language by including anyone whose relationship to the covered employee is close enough to resemble that of a family member. It is noteworthy that all states now recognize parents-in-law and grandparents in their PMFL laws; all but Rhode Island recognize grandchildren; and all but New York and Rhode Island cover siblings.

## Rhode Island

### [RI Statutes § 28-41-34](#)

The purpose of this chapter is to establish, within the state temporary disability insurance program, a temporary caregiver insurance program to provide wage replacement benefits in accordance with the provisions of this chapter, to workers who take time off work to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, grandparent, or to bond with a new child.

## New York

### [NY Workers' Compensation Law § 201](#)

19. "Parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

20. "Family member" means a child, parent, grandparent, **grandchild**, spouse, or domestic partner as defined in this section.

## California

### [CA Unemployment Insurance Code § 3302](#)

(f) "Family member" means child, parent, grandparent, grandchild, **sibling**, spouse, or domestic partner as defined in this section.

[. . .]

(i) "Parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

## Oregon

### [2019 OR Chapter 700 \(HB 2005\)](#)

#### SECTION 2.

(18) "Family member" means:

(a) The spouse of a covered individual;

(b) A child of a covered individual or the child's spouse or domestic partner;

(c) A parent of a covered individual or the parent's spouse or domestic partner;

(d) A **sibling or stepsibling** of a covered individual or the sibling's or stepsibling's spouse or domestic partner;

(e) A **grandparent** of a covered individual or the grandparent's spouse or domestic partner;

(f) A **grandchild** of a covered individual or the grandchild's spouse or domestic partner;

(g) The domestic partner of a covered individual; or

(h) **Any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.**

[. . .]

(20) "Parent" means:

(a) A biological parent, adoptive parent, stepparent or foster parent of a covered individual;

(b) A person who was a foster parent of a covered individual when the covered individual was a minor;

(c) A person designated as the legal guardian of a covered individual at the time the covered individual was a minor or required a legal guardian;

In addition to recognizing the spouse or domestic partner of all recognized family categories (child, parent, sibling, grandparent, grandchild), Oregon also includes any blood-relation or relationship close enough to resemble that of a family member.

(d) A person with whom a covered individual was or is in a relationship of in loco parentis; or

(e) A parent of a covered individual's spouse or domestic partner who meets a description under paragraphs (a) to (d) of this subsection.

## Massachusetts

### [MA General Laws Chapter 175M Section 1](#)

"Domestic partner", a person not less than 18 years of age who: (i) is dependent upon the covered individual for support as shown by either unilateral dependence or mutual interdependence that is evidenced by a nexus of factors including, but not limited to: (A) common ownership of real or personal property; (B) common householding; (C) children in common; (D) signs of intent to marry; (E) shared budgeting; and (F) the length of the personal relationship with the covered individual; or (ii) has registered as the domestic partner of the covered individual with any registry of domestic partnerships maintained by the employer of either party, or in any state, county, city, town or village in the United States.

[. . .]

"Family member", the spouse, domestic partner, child, parent or parent of a spouse or domestic partner of the covered individual; a person who stood in loco parentis to the covered individual when the covered individual was a minor child; or a grandchild, grandparent or sibling of the covered individual.

## New Jersey

### [2019 NJ Chapter 37 \(AB 3975\)](#)

C.43:21-27 Definitions.

3. As used in this act, unless the context clearly requires otherwise:

[. . .]

(k) "Child" means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, including a child who becomes the child of a parent pursuant to a valid written agreement between the parent and a gestational carrier.

(l) "Domestic partner" means a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3).

(m) "Civil union" means a civil union as defined in section 2 of P.L.2006, c.103 (C.37:1-29).

(n) "Family member" means a sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.



## Washington

### [WA Revised Code § 50A.05.010](#)

(10) “Family member” means a child, grandchild, grandparent, parent, sibling, or spouse of an employee.

## SAMPLE LANGUAGE

### DEFINITION OF SERIOUS HEALTH CONDITION

One area in which the states with current laws do not significantly differ is the definition of “serious health condition,” which is modeled on the definition in the federal FMLA. All the states share a basic definition of a “serious health condition” and [California](#), [New Jersey](#), and [Massachusetts](#) use nearly identical language to that of Rhode Island. Both New York and [Connecticut](#) modify the standard definition to include outpatient supervision or supervision without active treatment by a health care provider. Washington, Oregon, and Connecticut also provide additional leave time for disability due to pregnancy or for prenatal care.

## Rhode Island

### [RI Statutes § 28-41-34. Temporary caregiver insurance.](#)

(11) “Serious health condition” means any illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, residential health care facility, or continued treatment or continuing supervision by a licensed health care provider.

## New York

### [NY Workers’ Compensation Law § 201](#)

18. “Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility, continuing treatment or continuing supervision by a health care provider. Continuing supervision by a health care provider includes a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective where the family member is under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

## Washington

### [WA Revised Code § 50A.05.010](#)

(20)(a) (ii) [...] A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(A) A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (1) Treatment two or more times, within thirty days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services, such as a physical therapist, under

Washington law details what types of incapacity (and the duration of the incapacity period) constitute “continuing treatment”

orders of, or on referral by, a health care provider; or (II) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;

(B) Any period of **incapacity due to pregnancy**, or for prenatal care;

(C) Any period of incapacity or treatment for such **incapacity due to a chronic serious health condition**. A chronic serious health condition is one which: (I) Requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; (II) Continues over an extended period of time, including recurring episodes of a single underlying condition; and (III) May cause episodic rather than a continuing period of incapacity, including asthma, diabetes, and epilepsy;

(D) A period of **incapacity which is permanent or long term due to a condition for which treatment may not be effective**. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider, including Alzheimer's, a severe stroke, or the terminal stages of a disease; or

(E) Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: (I) Restorative surgery after an accident or other injury; or (II) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

## Oregon

[OR Statutes § 659A.150 \(2017\)](#), Amended by [2019 Oregon Laws Chapter 265 \(SB 796\)](#)

(6) **"Serious health condition"** means: [...]

(b) An illness, disease or condition that in the medical judgment of the treating health care provider **poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care**; or

(c) Any **period of disability due to pregnancy**, or period of absence for prenatal care; or

(d) Any **period of absence for the donation of a body part, organ or tissue**, including preoperative or diagnostic services, surgery, postoperative treatment and recovery.

Oregon specifies that a serious health conditions includes those in which the diagnosed person has a high likelihood of death or the donation of an organ or tissue at any stage.

## Connecticut

[2019 CT Act 25 \(SB 1\)](#)

Sec. 17. Section 31-51kk of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2022):

As used in sections 31-51kk to 31-51qq, inclusive, as amended by this act:

[. . .]

(13) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, nursing home or residential medical care facility; or (B) continuing treatment, including outpatient treatment, by a health care provider;

[. . .]

Sec. 18. Section 31-51ll of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2022):

(a) (1) . . . Such employee may take up to two additional weeks of leave during such twelve-month period for a serious health condition resulting in incapacitation that occurs during a pregnancy.

## SAMPLE LANGUAGE

### CERTIFICATION OF SERIOUS HEALTH CONDITION

Some states require a certification to verify the medical legitimacy of the paid leave. California and New Jersey both require a series of official paperwork including a diagnosis or series of medical facts certified by the health care provider, the start and possible end dates of the condition, a specific estimate of how long the employee will need to be absent from work to take care of their loved ones, and an official statement from the relevant health care professional that the employee is needed in the care process.

#### California

##### [CA Unemployment Insurance Code § 2708](#)

(b) An employee shall be required to file a certificate to establish eligibility when taking leave to care for a family member with a serious health condition. The certificate shall be developed by the department. In order to establish medical eligibility of the serious health condition of the family member that warrants the care of the employee, the information shall be within the physician's or practitioner's knowledge and shall be based on a physical examination and documented medical history of the family member and shall contain all of the following:

- (1) A diagnosis and diagnostic code prescribed in the International Classification of Diseases, or, if no diagnosis has yet been obtained, a detailed statement of symptoms.
- (2) The date, if known, on which the condition commenced.
- (3) The probable duration of the condition.
- (4) An estimate of the amount of time that the physician or practitioner believes the employee needs to care for the child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.
- (5) (A) A statement that the serious health condition warrants the participation of the employee to provide care for his or her child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.  
(B) "Warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging "third party" care for the child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as well as directly providing, or participating in, the medical care.

California law specifies that an employee's participation may be warranted for more than physical supervision, including psychological comfort and the arrangement of third-party care.

## New Jersey

### [NJ Statutes § 43:21-39.2. Duration of family temporary disability leave: continuous or intermittent; certification.](#)

11. b. Any period of family temporary disability leave for the serious health condition of a family member of the covered individual shall be supported by certification provided by a health care provider. The certification shall be sufficient if it states:

- (1) The date, if known, on which the serious health condition commenced;
- (2) The probable duration of the condition;
- (3) The medical facts within the knowledge of the provider of the certification regarding the condition;
- (4) A statement that the serious health condition warrants the participation of the covered individual in providing health care . . .;
- (5) An estimate of the amount of time that the covered individual is needed for participation in the care of the family member;
- (6) If the leave is intermittent, a statement of the medical necessity for the intermittent leave and the expected duration of the intermittent leave; and
- (7) If the leave is intermittent and for planned medical treatment, the dates of the treatment.

## SAMPLE LANGUAGE EMPLOYER TYPE

Although some state PFML laws allow certain small businesses to opt out of employer contribution requirements (as is the case in Washington), state PFML laws cover all employees in the private sector regardless of employer size. However, state PFML laws vary on the inclusion of employees working in the public sector, political divisions, or self-employment. [Washington](#) covers all workers in the public and private sectors, with no explicit exceptions for political subdivisions. Connecticut and [California](#) include political subdivisions conditionally, while [New York](#) fully exempts political subdivisions. Other states generally do not cover political subdivisions (and in some cases state employees) but may include the opportunity for public sector employers to opt in or for public sector unions to negotiate to opt in through the bargaining process.

## New Jersey

### [2019 NJ Chapter 37 \(AB 3975\)](#)

#### [NJ Statutes § 43:21-27](#)

Section 3. (a)(1) "Covered employer" means, with respect to whether an employer is required to provide benefits during an employee's own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, who is an employer subject to the "unemployment compensation law" (R.S.43:21-1 et seq.), except the State, its political subdivisions, and any instrumentality of the State unless such governmental entity elects to become a covered employer pursuant

to paragraph (2) of this subsection (a); provided, however, that commencing with the effective date of this act, the State of New Jersey, including Rutgers, The State University and the New Jersey Institute of Technology, shall be deemed a covered employer, as defined herein.

“Covered employer” means, after June 30, 2009, with respect to whether the employer is an employer whose employees are eligible for benefits during periods of family temporary disability leave pursuant to P.L.1948, c.110 (C.43:21-25 et al.), and, after December 31, 2008, whether employees of the employer are required to make contributions pursuant to R.S.43:21-7(d)(1)(G)(ii), any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or domestic or foreign corporation, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, who is an employer subject to the “unemployment compensation law” (R.S.43:21-1 et seq.), including any governmental entity or instrumentality which is an employer under R.S.43:21-19(h)(5), notwithstanding that the governmental entity or instrumentality has not elected to be a covered employer pursuant to paragraph (2) of this subsection (a).

(2) Any governmental entity or instrumentality which is an employer under R.S.43:21-19(h)(5) may, with respect to the provision of benefits during an employee’s own disability pursuant to P.L.1948, c.110 (C.43:21-25 et al.), elect to become a “covered employer” under this subsection beginning with the date on which its coverage under R.S.43:21-19(h)(5) begins or as of January 1 of any year thereafter by filing written notice of such election with the division within at least 30 days of the effective date. Such election shall remain in effect for at least two full calendar years and may be terminated as of January 1 of any year thereafter by filing with the division a written notice of termination at least 30 days prior to the termination date.

## Oregon

### [2019 OR HB 2005](#)

SECTION 2. Definitions. As used in sections 1 to 51 of this 2019 Act:

(14)(a) “Employer” means any person that employs one or more employees working anywhere in this state or any agent or employee of such person to whom the duties of the person under sections 1 to 51 of this 2019 Act have been delegated.

(b) “Employer” includes:

(A) A political subdivision of this state or any county, city, district, authority or public corporation, or any instrumentality of a county, city, district, authority or public corporation, organized and existing under law or charter;

(B) An individual;

(C) Any type of organization, corporation, partnership, limited liability company, association, trust, estate, joint stock company or insurance company;

(D) Any successor in interest to an entity described in subparagraph (C) of this paragraph;

(E) A trustee, trustee in bankruptcy or receiver; or

(F) A trustee or legal representative of a deceased person.

(c) “Employer” does not include the federal government or a tribal government.

Oregon has the widest definition of employer yet excludes the federal government and tribal governments because of the limits of state jurisdiction.

## Connecticut

### [2019 CT PA 19-25](#)

Section 1. (NEW) (Effective from passage) As used in this section and sections 2 to 16, inclusive, of this act:

(5) “Covered public employee” means an individual who is (A) employed in state service, as defined in section 5-196 of the general statutes, and who is not in a bargaining unit established pursuant to sections 5-270 to 5-280, inclusive, of the general statutes, or (B) a member of a collective bargaining unit whose exclusive collective bargaining agent negotiates inclusion in the program, in accordance with chapter 68 of the general statutes, sections 7-467 to 7-477, inclusive, of the general statutes or sections 10-153a to 10-153n, inclusive, of the general statutes. If a municipal employer, as defined in section 7-467 of the general statutes, or a local or regional board of education negotiates inclusion in the program for members of a collective bargaining unit, “covered public employee” also means an individual who is employed by such municipal employer or local or regional board of education and who is not in a bargaining unit established under sections 7-467 to 7-477, inclusive, of the general statutes, or sections 10-153a to 10-153n, inclusive, of the general statutes;

[...]

(8) “Employer” means a person engaged in any activity, enterprise or business who employs one or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer. “Employer” does not mean the federal government, the state or a municipality, a local or regional board of education or a nonpublic elementary or secondary school, except that the state, a municipal employer or local or regional board of education is an employer with respect to each of its covered public employees;

## SAMPLE LANGUAGE

### DURATION OF FAMILY AND MEDICAL LEAVE/BENEFITS

States provide a wide variety of paid medical leave periods for serious personal health conditions—up to 52 weeks in California, 30 weeks in Rhode Island, 26 weeks in New Jersey and New York, and 20 weeks in Massachusetts, but the duration of benefits for paid family leave is consistently lower in these states. Indeed, the benefits of paid family leave range from four weeks to 12 weeks (with some exceptions). Oregon, Massachusetts, [Washington](#), Connecticut, New Jersey, and soon [New York](#) all provide 12 weeks of paid family leave benefits, while [California](#) provides eight weeks, and Rhode Island provides only four weeks. It is important to note that while we describe paid medical leave and paid family leave separately, many of the states allow for

the use of one and then the other depending on the circumstance. For example, in Rhode Island, a pregnant woman could receive at least six weeks of paid medical leave and then four weeks of paid family leave, and her partner could receive four weeks of paid family leave as well.

In addition to their standard weeks of paid family and medical leave, several states include conditional expansions to the number of paid leave weeks an employee may take. For example, Oregon, [Washington](#), and Connecticut allow extra paid weeks for health issues related to pregnancy, and Massachusetts allows a total of 26 paid leave weeks for military caregivers. Notably, three states have progressively increased their standard paid family leave periods over time, expanding up to 12 weeks in the cases of New Jersey and [New York](#), and up to eight weeks in the case of [California](#).

## Oregon

### [2019 OR HB 2005](#)

*SECTION 4. Duration of benefits. (1) A covered individual may qualify for up to 12 weeks of family and medical leave insurance benefits per benefit year for leave taken for any of the following purposes, in any combination:*

- (a) Family leave;*
- (b) Medical leave; or*
- (c) Safe leave.*

*(2) Notwithstanding section 5 of this 2019 Act and except as provided under subsection (3) of this section, a covered individual who has taken any amount of paid leave available under subsection (1) of this section may take a total of 16 weeks of leave in the benefit year in any combination of the paid leave available under subsection (1) of this section, not to exceed 12 weeks, and unpaid leave under ORS 659A.159 for which the covered individual is eligible under ORS 659A.156. The leave may be taken for any purpose for which leave is allowable under the respective leave programs.*

*(3) In addition to the leave available under subsections (1) and (2) of this section, a covered individual may qualify for up to two additional weeks of benefits for limitations related to pregnancy, childbirth or a related medical condition, including but not limited to lactation, for a total amount of leave under this subsection and subsections (1) and (2) of this section, not to exceed 18 weeks per benefit year.*

## Massachusetts

### [MA General Laws Chapter 175M Section 2](#)

*(c)(1) A covered individual shall not be eligible for more than 12 weeks of family leave in a benefit year; provided, however, that a covered individual taking family leave in order to care for a covered servicemember pursuant to clause (iii) of paragraph (1) of subsection (a) shall not be eligible for more than 26 weeks of family leave in a benefit year. A covered individual shall not be eligible for medical leave for more than 20 weeks in a benefit year. A covered individual shall not take more than 26 weeks, in the aggregate, of family and medical leave under this chapter in the same benefit year. Nothing in this section shall prevent a covered individual from taking a medical leave during pregnancy or recovery from childbirth if supported by documentation by a health care provider that is immediately followed by family leave, in which case the 7 day waiting period for family leave shall not be required.*

Massachusetts more than doubles the amount of paid family leave available in the event that an employee uses such time to care for a covered military servicemember.

## Connecticut

### [2019 CT Act 25 \(SB 1\)](#)

Sec. 3. (c) (1) Beginning on January 1, 2022, but not later than February 1, 2022, covered employees shall receive compensation under this section for up to twelve weeks of leave in any twelve-month period taken for one or more of the reasons listed in subdivision (2) of subsection (a) of section 31-51ll of the general statutes, as amended by this act, or subsection (i) of said section or section 31-51ss of the general statutes, as well as for two additional weeks for a serious health condition resulting in incapacitation that occurs during a pregnancy . . .

By allowing 2 additional weeks for pregnancy-related serious health conditions that result in incapacity, Connecticut has the most narrow pregnancy-conditional paid leave laws of the three states that make such distinctions.

## New Jersey

### [2019 NJ Chapter 37 \(AB 3975\)](#)

C.43:21-39 Limitation of benefits.

15. Limitation of benefits. Notwithstanding any other provision of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.), no benefits shall be payable under the State plan to any individual:

[. . .]

(b) (1) for more than 26 weeks with respect to any one period of disability of the individual;

(2) for more than six weeks with respect to any one period of family temporary disability leave commencing before July 1, 2020 and more than 12 weeks if the period of leave commences on or after July 1, 2020, or for more than 42 days with respect to any one period of family temporary disability leave commencing before July 1, 2020 and more than 56 days if the period of leave commences on or after July 1, 2020, and is taken on an intermittent basis; and

(3) for more than six weeks of family temporary disability leave during any 12-month period commencing before July 1, 2020 and more than 12 weeks for any 12-month period commencing on or after July 1, 2020, or for more than 42 days of family temporary disability leave taken during any 12-month period commencing before July 1, 2020 and more than 56 days if the period of leave commences on or after July 1, 2020, on an intermittent basis, including family temporary disability leave taken pursuant to R.S.43:21-4(f)(2) while unemployed;

## Rhode Island

### [RI Statutes § 28-41-35. Benefits.](#)

(d)(1) Beginning January 1, 2014 temporary caregiver benefits shall be limited to a maximum of four (4) weeks in a benefit year;



# SAMPLE LANGUAGE

## BENEFIT RATE

While all the programs replace a percentage of workers' wages, newer PFML programs tend to apply a progressive rate whereas older programs rely on a flat percentage. Oregon, Washington, and Massachusetts use their states' "average weekly wage" to progressively match an employee's income—replacing lower income levels at higher rates. Connecticut ties the benefit rate to the "minimum fair wage," and all of these states also impose an annually adjusted cap on the total weekly leave allowance the state may distribute to a given worker. Both New York and New Jersey codify benefit increases in their laws: New York increases the benefits rate from 50% of an employee's weekly wages to 67% by 2021, and New Jersey increases the benefit rate from about 67% to 85% of wages in 2020.

### Oregon

#### [2019 OR HB 2005](#)

*SECTION 7. Amount of benefits. (1) The Director of the Employment Department shall set the weekly benefit amount of family and medical leave insurance benefits that a covered individual qualifies for as follows:*

*(a) If the eligible employee's average weekly wage is equal to or less than 65 percent of the average weekly wage, the employee's weekly benefit amount shall be 100 percent of the employee's average weekly wage.*

*(b) If the eligible employee's average weekly wage is greater than 65 percent of the average weekly wage, the employee's weekly benefit amount is the sum of:*

*(A) 65 percent of the average weekly wage; and*

*(B) 50 percent of the employee's average weekly wage that is greater than 65 percent of the average weekly wage.*

*(2) Notwithstanding subsection (1) of this section, the director shall establish:*

*(a) A maximum weekly benefit amount of 120 percent of the average weekly wage.*

*(b) A minimum weekly benefit amount of five percent of the average weekly wage.*

*(3) The director shall determine, based on the contribution amounts made by a self-employed individual, a tribal government or the employees of a tribal government under section 16 of this 2019 Act, the amount of benefits payable to a self-employed individual or to an employee of a tribal government.*

*(4) Benefits are payable only to the extent that moneys are available in the Paid Family and Medical Leave Insurance Fund for that purpose. The state, any political subdivision of the state and any state agency are not liable for any amount in excess of this limit.*

Oregon's law will provide for benefits of 100% of an employee's weekly wages for incomes up to 65% of the average weekly wage, and these benefits are cut in half for the proportion of workers' income above 65% of the average weekly wage. The benefit is limited to 120% of the average weekly wage.

### Connecticut

#### [2019 CT Act 25 \(SB 1\)](#)

*Sec. 3. (c) (2) The weekly compensation offered to covered employees shall be equal to ninety-five per cent of the covered employee's base*

Connecticut's new law provides benefits equal to 90% of an employee's base weekly earnings up to 40 times the minimum fair wage. Above that amount, the benefit rate falls to 60% of the employee's weekly earnings with a cap at 60 times the minimum fair wage.

weekly earnings up to an amount equal to forty times the minimum fair wage, as defined in section 31-58 of the general statutes, and sixty per cent of that covered employee's base weekly earnings above an amount equal to forty times the minimum fair wage, except that the total weekly compensation shall not exceed an amount equal to sixty times the minimum fair wage. Compensation shall be available on a prorated basis.

(3) Notwithstanding subdivision (2) of this subsection, if employee contributions are the maximum percentage allowed and the authority determines that employee contributions are not sufficient to ensure solvency of the program, the authority shall reduce the benefit for covered employees by the minimum amount necessary in order to ensure the solvency of the program.

## Washington

### [WA Revised Code § 50A.15.020](#)

(4) The weekly benefit for family and medical leave shall be determined as follows: If the employee's average weekly wage is: (a) Equal to or less than one-half of the state average weekly wage, then the benefit amount is equal to ninety percent of the employee's average weekly wage; or (b) greater than one-half of the state average weekly wage, then the benefit amount is the sum of: (i) Ninety percent of one-half of the state average weekly wage; and (ii) fifty percent of the difference of the employee's average weekly wage and one-half of the state average weekly wage.

(5)(a) The maximum weekly benefit for family and medical leave that occurs on or after January 1, 2020, shall be one thousand dollars. By September 30, 2020, and by each subsequent September 30th, the commissioner shall adjust the maximum weekly benefit amount to ninety percent of the state average weekly wage. The adjusted maximum weekly benefit amount takes effect on the following January 1st.

(b) The minimum weekly benefit shall not be less than one hundred dollars per week except that if the employee's average weekly wage at the time of family and medical leave is less than one hundred dollars per week, the weekly benefit shall be the employee's full wage.

## Massachusetts

### [MA General Laws Chapter 175M Section 3](#)

(b)(1) The weekly benefit amount for a covered individual on family or medical leave shall be determined as follows: (i) the portion of the covered individual's average weekly wage that is equal to or less than 50 per cent of the state average weekly wage shall be replaced at a rate of 80 per cent; and (ii) the portion of the covered individual's average weekly wage that is more than 50 per cent of the state average weekly wage shall be replaced at a rate of 50 per cent. For purposes of the calculation specified in this paragraph, a covered individual's average weekly wage shall include only those wages or payments subject to the contribution requirements of section 6.

(2) The maximum weekly benefit amount calculated pursuant to paragraph (1) shall be not more than \$850 per week; provided, however, that annually, not later than October 1 of each year thereafter, the department shall adjust the maximum weekly benefit amount to be 64 per cent of the state average weekly wage and the adjusted maximum weekly benefit amount shall take effect on January 1 of the year following such adjustment.

The maximum weekly benefit will start at \$850, which will be adjusted in future years.

## Rhode Island

### [RI Statutes § 28-41-5. Weekly benefit rate - Dependents' allowances.](#)

(a)(1) Benefit rate. The benefit rate payable under this chapter to any eligible individual with respect to any week of his or her unemployment due to sickness, when that week occurs within a benefit year, shall be, for benefit years beginning on or after October 7, 1990, four and sixty-two hundredths percent (4.62%) of the wages paid to the individual in that calendar quarter of the base period in which the individual's wages were highest; provided, however, that the benefit rate shall not exceed eighty-five percent (85%) of the average weekly wage paid to individuals covered by chapters 42 - 44 of this title for the preceding calendar year ending December 31. . .

Rhode Island has a weekly benefit rate based on a flat rate of 4.62% of the wages paid in the highest quarter of the base period, up to a total benefit of 30 times the weekly benefit rate. This works out to about 60% of a workers' average weekly wages.

## California

### [CA Unemployment Insurance Code § 2655](#)

#### [2016 California Chapter 5, Section 1](#)

(e) For periods of disability commencing on and after January 1, 2018, but before January 1, 2022,

an individual's "weekly benefit amount" shall be as follows:

(1) When the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest is less than nine hundred twenty-nine dollars (\$929), then fifty dollars (\$50).

(2) When the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest is nine hundred twenty-nine dollars (\$929) or more, and is less than one-third of the amount of the state average quarterly wage, then 70 percent of the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13. . .

(3) . . . when the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest is one-third of the amount of the state average quarterly wage, or more, then either (A) 23.3 percent of the state average weekly wage or (B) 60 percent of the amount of wages paid to the individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest divided by 13, whichever amount is greater. . .

For the most part, the weekly benefit amount in California is around 70% of average weekly wages, though the benefit rate drops to 60% for quarterly earnings of greater than around \$5,200.

## New Jersey

### [NJ Statutes § 43:21-40. Weekly and daily benefit amounts.](#)

*With respect to periods of disability commencing on or after July 1, 1961, an individual's weekly benefit amount shall be determined and computed by the division on the same basis as the weekly benefit rate is determined and computed pursuant to subsection (c) of R.S. 43:21-3, except that for periods of disability commencing on or after October 1, 1984, an individual's weekly benefit rate shall be two-thirds of his average weekly wage, subject to a maximum of 53% of the Statewide average weekly remuneration paid to workers by employers, as determined under subsection (c) of R.S. 43:21-3 . . .*

### [2019 NJ Chapter 37 \(AB 3975\)](#)

*C.43:21-38 Duration of benefits.*

*. . . The maximum total benefits payable to any eligible individual for any period of family temporary disability leave commencing on or after July 1, 2009 and before July 1, 2020, shall be six times the individual's weekly benefit amount or 1/3 of his total wages in his base year, whichever is the lesser; provided that the maximum amount shall be computed in the next lower multiple of \$1.00, if not already a multiple thereof. The maximum total benefits payable to any eligible individual for any period of family temporary disability leave commencing on or after July 1, 2020, shall be twelve times the individual's weekly benefit amount; provided that the maximum amount shall be computed in the next lower multiple of \$1.00, if not already a multiple thereof.*

## New York

### [NY Workers' Compensation Law § 204](#)

*2. (a) the weekly benefit for family leave that occurs (i) on or after January first, two thousand eighteen shall not exceed eight weeks during any fifty-two week calendar period and shall be fifty percent of the employee's average weekly wage but shall not exceed fifty percent of the state average weekly wage, (ii) on or after January first, two thousand nineteen shall not exceed ten weeks during any fifty-two week calendar period and shall be fifty-five percent of the employee's average weekly wage but shall not exceed fifty-five percent of the state average weekly wage, (iii) on or after January first, two thousand twenty shall not exceed ten weeks during any fifty-two week calendar period and shall be sixty percent of the employee's average weekly wage but shall not exceed sixty percent of the state average weekly wage, and (iv) on or after January first of each succeeding year, shall not exceed twelve weeks during any fifty-two week calendar period and shall be sixty-seven percent of the employee's average weekly wage but shall not exceed sixty-seven percent of the New York state average weekly wage in effect. . .*

# SAMPLE LANGUAGE

## EMPLOYEE CONTRIBUTION RATE

PFML policies are primarily sustained through contributions made either solely by employees or including an employer contribution. The District of Columbia is unique in that it is a 100% employer-funded program, but none of the states operate as such. While California, Connecticut, and Rhode Island are funded by employee contributions only, most PFML states have shared employer-employee contributions (Oregon, Massachusetts, New Jersey, New York, and Washington). Oregon, Massachusetts, and Washington do not require employers below a certain size to pay their portion of the premium, and both Oregon and Washington provide financial assistance to small businesses that opt to pay into the PFML insurance program. Washington and Massachusetts prohibit employers from deducting more than a specified percentage (45% and 40% respectively) of the required medical leave contributions and more than 100% of the required family leave contributions required for employees. The rate of the next year's contribution is generally tied to the amount of benefits disbursed from the fund during the prior year (plus taking into account the fund balance). There are two major considerations with setting the rate: how much a state wants to raise (usually with a buffer to account for year-to-year fluctuations) and the taxable wage base (the higher this is, the more progressive the calculation is, as it spreads it out to higher-wage individuals). Worker contributions are often capped at or below 1% of employee wages or set at a rate between 1.25% and 1.5% of the previous year's disbursements. Both New York (for TDI) and Connecticut limit weekly employee contributions to 0.5% of weekly wages.

### California

#### [CA Unemployment Insurance Code § 984](#)

*(a)(2)(A) Except as provided in paragraph (3), the rate of worker contributions for calendar year 1987 and for each subsequent calendar year shall be 1.30 times the amount disbursed from the Disability Fund during the 12-month period ending September 30 and immediately preceding the calendar year for which the rate is to be effective, less the amount in the Disability Fund on that September 30, with the resulting figure divided by total wages paid pursuant to Sections 926, 927, and 985 during the same 12-month period, and then rounded to the nearest one-tenth of 1 percent.*

[. . .]

*(3) The rate of worker contributions shall not exceed 1.5 percent or be less than 0.1 percent. The rate of worker contributions shall not decrease from the rate in the previous year by more than two-tenths of 1 percent.*

### Rhode Island

#### [RI Statutes § 28-40-1. Amount of employee contributions - Wages on which based.](#)

*(a) The taxable wage base under this chapter for each calendar year shall be equal to the greater of thirty-eight thousand dollars (\$38,000) or the annual earnings needed by an individual to qualify for the maximum weekly benefit amount and the maximum duration under chapters 39 - 41 of this title. . .*

[. . .]

*(1) The total amount of disbursements made from the fund for the twelve (12) month period ending on the immediately preceding September 30 shall be divided by the total taxable wages paid*

Rhode Island ties its taxable wage rate to the maximum weekly benefit rate. In 2015, the withholding rate was 1.2% on the first \$64,200 of earnings.

by employers during the twelve (12) month period ending on the immediately preceding June 30. The ratio thus obtained shall be multiplied by one hundred (100) and the resultant product if not an exact multiple of one-tenth of one percent (0.1%) shall be rounded down to the next lowest multiple of one-tenth of one percent (0.1%);

(2) If the fund balance as of the preceding September 30 is less than the total disbursements from the fund for the six (6) month period ending on that September 30, that difference shall be added to the total disbursements for the twelve (12) month period ending September 30 for the purpose of computing the fund cost rate, and if the resulting fund cost rate is not an exact multiple of one-tenth of one percent (0.1%) it shall be rounded to the nearest multiple of one-tenth of one percent (0.1%).

Rhode Island has a lower taxable wage limit (less progressive) and a higher rate.

## New Jersey

### [2019 NJ Chapter 37 \(AB 3975\)](#)

6. R.S.43:21-7 is amended to read as follows:

[ . . . ]

(d)(1)(G)(ii) . . . For each of calendar years 2020 and 2021, the annual rate of contribution to be paid by workers pursuant to this subparagraph (ii) shall be the rate necessary to obtain a total amount of contributions equal to 125% of the benefits which the department anticipates will be paid for periods of family temporary disability leave during the respective calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits which the department anticipates during the respective calendar year, less the amount of net assets remaining in the account as of December 31 of the immediately preceding calendar year. For 2022 and any subsequent calendar year, the annual rate of contribution to be paid by workers pursuant to this subparagraph (ii) shall be the rate necessary to obtain a total amount of contributions equal to 125% of the benefits which were paid for periods of family temporary disability leave during the last preceding full fiscal year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the last preceding full fiscal year, less the amount of net assets remaining in the account as of December 31 of the immediately preceding calendar year. All increases in the cost of benefits for periods of family temporary disability leave caused by the increases in the weekly benefit rate commencing July 1, 2020 pursuant to section 16 of P.L.1948, c.110 (C.43:21-40) and increases in the maximum duration of benefits commencing July 1, 2020 pursuant to sections 14 and 15 of P.L.1948, c.110 (C.43:21-38 and 43:21-39) shall be funded by contributions made by workers pursuant to this paragraph (ii) and none of those increases shall be funded by employer contributions.

## Oregon

### [2019 OR HB 2005](#)

SECTION 16. Contributions. (1)(a) Except as otherwise provided in subsections (3) and (4) of this section, all employers and eligible

employees shall contribute to the Paid Family and Medical Leave Insurance Fund established under section 39 of this 2019 Act.

(b) Contributions shall be paid by employers and employees as a percentage of a total rate determined by the Director of the Employment Department.

(c) The total rate may not exceed one percent of employee wages, up to a maximum of \$132,900 in wages.

(2)(a) Employer contributions shall be paid in an amount that is equal to 40 percent of the total rate determined by the director.

(b) An employer shall deduct employee contributions from the wages of each employee in an amount that is equal to 60 percent of the total rate determined by the director.

(3) When an employment agency is acting as an employer, the employer contributions required under this section shall be the responsibility of the employment agency.

(4)(a) Employers that employ fewer than 25 employees are not required to pay the employer contributions under subsection (1) of this section.

(b) If an employer that employs fewer than 25 employees elects to pay the employer contributions under subsection (1) of this section, the employer may apply to receive a grant under section 42 of this 2019 Act.

(5) Notwithstanding subsection (1) of this section, an employer may elect to pay the required employee contributions, in whole or in part, as an employer-offered benefit.

(6) Subject to section 41 (2) and (3) of this 2019 Act, a self-employed individual who has elected coverage under section 41 (1) of this 2019 Act shall contribute to the fund, at a rate that may not exceed one percent of the individual's taxable income as determined by the director by rule, for a period of not less than three years from the date that the election becomes effective.

(7) A tribal government that elects coverage under section 41 of this 2019 Act and employees of the tribal government shall contribute to the fund in contribution amounts and at a rate that may not exceed one percent of employee wages, up to a maximum of \$132,900 in wages, as determined by the director by rule, for a period of not less than three years from the date that the election becomes effective.

(8) The director shall set rates for the collection of payroll contributions consistent with subsection (1) of this section and in a manner such that:

(a) At the end of the period for which the rates are effective, the balance of moneys in the fund is an amount not less than six months' worth of projected expenditures from the fund for performance of the functions and duties of the director under sections 1 to 51 of this 2019 Act; and

(b) The volatility of the contribution rates is minimized.

## New York

### [NY Workers' Compensation Law § 209](#)

5. In collecting employee contributions through payroll deductions, the employer shall act as the agent of his or her employees and shall use the contributions only to provide disability and family leave benefits as required by this article. In no event may the employee's annual contribution for family leave exceed his or her per capita share of the actual annual premium charged for the same year and must be determined consistent with the principle that employees should pay the total costs of family leave premium. In no event may the employee's weekly contribution for disability premium exceed one-half of one per centum of the employee's wages paid to him or her, but not in excess of sixty cents per week. . .

## Connecticut

### [2019 CT Act 25 \(SB 1\)](#)

Sec. 3. (b) (1) Beginning on January 1, 2021, but not later than February 1, 2021, each employee and each self-employed individual or sole proprietor who has enrolled in the program pursuant to section 9 of this act shall contribute a percentage of his or her subject earnings that shall not exceed the Social Security contribution and benefit base, as determined pursuant to 42 USC 430, as amended from time to time, to the Family and Medical Leave Insurance Trust Fund. Such percentage shall be established by the authority, provided that the percentage shall not exceed one-half of one per cent.

## Massachusetts

### [MA General Laws Chapter 175M Section 6](#)

(c)(1) For medical leave, an employer shall not deduct more than 40 per cent of the contribution required for an employee by subsection (a) from that employee's wages and shall remit the full contribution required under said subsection (a) to the trust fund.

(2) For family leave, an employer may deduct not more than 100 per cent of the contribution required for an employee by subsection (a) from that employee's wages, and shall remit the full contribution required under subsection (a) to the trust fund.

(d) Notwithstanding subsection (c), an employer employing less than 25 employees in the commonwealth shall not be required to pay the employer portion of premiums for family and medical leave. . .

### [2018 MA Chapter 121 \(HB 4640\)](#)

SECTION 30. The department of family and medical leave shall... (iii) on July 1, 2019, commence the collection of contributions required under subsection (a) of section 6 of said chapter 175M at an initial rate of 0.63 per cent of the employee's wages.



## Washington

### [WA Revised Code § 50A.10.030](#)

(2) For calendar year 2022 and thereafter, the commissioner shall determine the percentage of paid claims related to family leave benefits and the percentage of paid claims related to medical leave benefits and adjust the premium rates set in subsection (1)(b) and (c) of this section by the proportional share of paid claims.

(3)(a) Beginning January 1, 2019, and ending December 31, 2020, the total premium rate shall be four-tenths of one percent of the individual's wages subject to subsection (4) of this section.

(b) For family leave premiums, an employer may deduct from the wages of each employee up to the full amount of the premium required.

(c) For medical leave premiums, an employer may deduct from the wages of each employee up to forty-five percent of the full amount of the premium required.

(d) An employer may elect to pay all or any portion of the employee's share of the premium for family leave or medical leave benefits, or both.

[...]

(5)(a) Employers with fewer than fifty employees employed in the state are not required to pay the employer portion of premiums for family and medical leave.

(b) If an employer with fewer than fifty employees elects to pay the premiums, the employer is then eligible for assistance under RCW 50A.24.010.

## New Jersey

### [2019 NJ Chapter 37 \(AB 3975\)](#)

6. R.S.43:21-7 is amended to read as follows:

[. . .]

43:21-7. (b) Rate of contributions. Each employer shall pay the following contributions:

[. . .]

(4) For calendar years beginning on and after January 1, 2020, the "wages" of any individual, as defined in the preceding paragraph (2) of this subsection (b) for purposes of contributions of workers to the State disability benefits fund, including the "Family Temporary Disability Leave Account" [and the "Pregnancy Temporary Disability Account" of the State disability benefits fund] pursuant to subsection (d) of this section, shall be established and promulgated by the Commissioner of Labor and Workforce Development on or before September 1 of the preceding year and shall be 107 times the Statewide average weekly remuneration paid to workers by employers, as determined under R.S.43:21-3(c), raised to the next higher multiple of \$100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used.

# SAMPLE LANGUAGE

## INSURANCE FUND/POOL

Oregon, Connecticut, Massachusetts, and Washington each had to create new funding streams to manage PFML revenue since none of these states operated a pre-existing TDI pool. The legislative language shown below outlines the basic setup of these new insurance funds. Broadly, each state law listed below establishes a trust fund in the State Treasury which, separate from any other fund or account, is managed solely for the purpose of providing family and medical leave payments to covered individuals and any administrative costs connected to providing such payments. While all of the below laws establish that any additional money in the account (whether through investment, penalties, fees, etc.) beyond employee and employer contributions becomes part of the trust's pool, Connecticut and Massachusetts explicitly specify that the fund's manager should accept gifts, grants, and donations into the insurance account.

### Oregon

#### [2019 OR HB 2005](#)

*SECTION 39. Paid Family and Medical Leave Insurance Fund.*

*(1) The Paid Family and Medical Leave Insurance Fund is established in the State Treasury, separate and distinct from the General Fund. The Paid Family and Medical Leave Insurance Fund is declared to be a trust fund.*

*(2) The fund consists of moneys deposited in the fund from contributions made under section 16 of this 2019 Act and from penalties, fees, revenues and all other amounts deposited in or credited to the fund. Interest earned by the fund shall be credited to the fund.*

*(3) Moneys in the fund are continuously appropriated to the Director of the Employment Department and may be used solely to carry out the purposes set forth in sections 1 to 51 of this 2019 Act, including the payment of administrative costs and expenses that the director incurs in carrying out the provisions of sections 1 to 51 of this 2019 Act.*

### Connecticut

#### [2019 CT Act 25 \(SB 1\)](#)

*Sec. 5. (NEW) (Effective from passage) (a) There is established a fund to be known as the "Family and Medical Leave Insurance Trust Fund" for the purpose of providing family and medical leave compensation to covered employees. The Family and Medical Leave Insurance Trust Fund shall be a nonlapsing fund held by the State Treasurer separate and apart from all other moneys, funds and accounts. Investment earnings credited to the trust shall become part of the trust.*

*[. . .]*

*(e) The assets of the trust shall be used for the purpose of distributing family and medical leave compensation to covered employees, paying the operational and administrative costs of the authority, educating and informing persons about the program and paying the operational, administrative and investment costs of the trust, including those incurred pursuant to section 6 of this act.*

*Sec. 6. (NEW) (Effective from passage) The State Treasurer, on behalf of the Family and Medical Leave Insurance Trust Fund and for purposes of the trust, shall:*

Connecticut explicitly lists education and information initiatives as valid expenditures in the management of the FMLI Trust Fund.

(1) Receive and invest moneys in the trust in any instruments, obligations, securities or property in accordance with sections 3 to 5, inclusive, of this act;

(2) Procure insurance as the State Treasurer deems necessary to protect the trust's property, assets, activities or deposits or contributions to the trust; and

(3) Apply for, accept and expend gifts, grants or donations from public or private sources to carry out the objectives of the trust.

Sec. 7. (NEW) (Effective from passage) The State Treasurer shall invest the amounts on deposit in the Family and Medical Leave Insurance Trust Fund in a manner reasonable and appropriate to achieve the objectives of the trust, exercising the discretion and care of a prudent person in similar circumstances with similar objectives. The State Treasurer shall give due consideration to rate of return, risk, term or maturity, diversification of the total portfolio within the trust, liquidity, the projected disbursements and expenditures and the expected payments, deposits, contributions and gifts to be received. The State Treasurer shall not require the trust to invest directly in obligations of the state or any political subdivision of the state or in any investment or other fund administered by the State Treasurer. The assets of the trust shall be continuously invested and reinvested in a manner consistent with the objectives of the trust until disbursed upon order of the authority or expended on expenses incurred by the operations of the trust.

## Massachusetts

### [MA General Laws Chapter 175M Section 7](#)

(a) There shall be a Family and Employment Security Trust Fund to be administered by the director exclusively for the purposes of this chapter. Any sums received under this section shall not be considered revenue of the commonwealth but shall be held in trust for the exclusive benefit of covered individuals eligible for benefits under this chapter and for the administration of the department and shall not be expended, released, appropriated or otherwise disposed of for any other purpose and shall be expended by the director as required by this chapter to pay family and medical leave program benefits to covered individuals eligible to receive benefits and to pay the administrative costs of the department. The trust fund shall consist of: (i) contributions collected pursuant to section 6 together with any interest earned thereon; (ii) property or securities acquired through the use of money belonging to the trust fund together with any earnings of such property and securities; (iii) fines and penalties collected under this chapter; and (iv) other money received from any source, including any grants, gifts, bequests or money authorized by the general court or other party specifically designated to be credited to the trust fund. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. Amounts credited to the trust fund shall not be expended for any purpose other than the payment of benefits to covered individuals eligible for benefits under this chapter, and for the administration of the department and shall not be expended, released, appropriated, or otherwise disposed of for any other purpose. The trust fund shall maintain an annualized amount of not less than 140 per cent of the previous fiscal year's

Massachusetts establishes a minimum amount (140% of the previous year's expenditures) that must remain in the trust fund.

expenditure for benefits paid and for the administration of the department.

## Washington

### [WA Revised Code § 50A.05.070](#)

(1) The family and medical leave insurance account is created in the custody of the state treasurer. All receipts from premiums imposed under this title must be deposited in the account. Expenditures from the account may be used only for the purposes of the family and medical leave program. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments.

(2) Money deposited in the account shall remain a part of the account until expended pursuant to the requirements of this chapter or transferred in accordance with subsection (3) of this section. The commissioner shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriations act or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the family and medical leave insurance account.

Washington law required a one-time appropriation in order to pay administrative expenses, and continued funding from an account managed by the state treasurer.

## SAMPLE LANGUAGE

### NON-RETALIATION/JOB PROTECTION

Family and Medical Leave Act of 1993 (FMLA) and state FMLA laws already protect workers from job retaliation for unpaid leave. Some states, like California, apply the job-protection elements of FMLA and state FMLAs cover employees taking PFML while other states include additional job protection language in PFML laws themselves. Until recently, Rhode Island and New York were the only states to include additional job protection language for workers that take family leave (only), on top of protections offered through the federal FMLA and state-specific FMLA laws. Now, Massachusetts, Oregon, New Jersey, [Connecticut](#), and [Washington](#) have opted to include additional job protection language for workers who take paid leave, and [Connecticut](#) recently expanded protections for nearly all workers eligible for benefits under its state FMLA. All of the below laws list the right of employees to return to their former job, or the available equivalent, upon returning from their paid family and medical leave. New York, [Washington](#), Massachusetts, [Connecticut](#), and Oregon prohibit retaliation or discrimination against employees beyond the protections of the FMLA or state FMLA. As part of their non-retaliation laws, Oregon, Massachusetts, and New Jersey outline the right of an employee to institute a civil action in court if an employer interferes with their ability to return to the previous job or a job of equal status.

## Rhode Island

### [RI Statutes § 28-41-35. Benefits.](#)

(f) Any employee who exercises his or her right to leave covered by temporary caregiver insurance under this chapter shall, upon the expiration of that leave, be entitled to be restored by the employer to the position held by the employee when the leave commenced, or to a position with equivalent seniority, status, employment benefits,

pay, and other terms and conditions of employment including fringe benefits and service credits that the employee had been entitled to at the commencement of leave.

## New York

### [NY Workers' Compensation Law § 120](#)

*It shall be unlawful for any employer or his or her duly authorized agent to discharge or fail to reinstate pursuant to section two hundred three-b of this chapter, or in any other manner discriminate against an employee as to his or her employment because such employee has claimed or attempted to claim compensation from such employer, requested a claim form for injuries received in the course of employment, or claimed or attempted to claim any benefits provided under this chapter or because he or she has testified or is about to testify in a proceeding under this chapter and no other valid reason is shown to exist for such action by the employer. . .*

### [NY Workers' Compensation Law § 203-A](#)

*Retaliatory action prohibited for family leave*

*1. The provisions of section one hundred twenty of this chapter and section two hundred forty-one of this article shall be applicable to family leave.*

*2. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any collective bargaining agreement or employment contract.*

### [NY Workers' Compensation Law § 203-B](#)

*Reinstatement following family leave*

*Any eligible employee of a covered employer who takes leave under this article shall be entitled, on return from such leave, to be restored by the employer to the position of employment held by the employee when the leave commenced, or to be restored to a comparable position with comparable employment benefits, pay and other terms and conditions of employment. The taking of family leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Nothing in this section shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position to which the employee would have been entitled had the employee not taken the leave.*

New York explicitly recognizes the right of unions and employment contracts to supersede the law's protections and rights (from employment discrimination based on paid family leave) when such unions and contracts provide more robust protections than the law.

## Oregon

### [2019 OR HB 2005](#)

*SECTION 10. Employment protection; retaliation prohibited.*

*(1)(a) Except as provided in paragraph (b) of this subsection, after returning to work after a period of family leave, medical leave or safe leave, an eligible employee is entitled to be restored to the position of employment held by the employee when the leave commenced, if that position still exists, without regard to whether the employer filled*

the position with a replacement worker during the period of leave. If the position held by the employee at the time leave commenced no longer exists, the employee is entitled to be restored to any available equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

(b) For employers that employ fewer than 25 employees, if the position held by an eligible employee when the employee's leave commenced no longer exists, an employer may, at the employer's discretion based on business necessity, restore the eligible employee to a different position with similar job duties and with the same employment benefits and pay.

(2) During a period in which an eligible employee takes leave described under subsection (1) of this section, the employer shall maintain any health care benefits the employee had prior to taking such leave for the duration of the leave, as if the employee had continued in employment continuously during the period of leave.

(3) An eligible employee who has taken leave described under subsection (1) of this section does not lose any employment benefits, including seniority or pension rights, accrued before the date on which the leave commenced.

(4) It is an unlawful employment practice to discriminate against an eligible employee who has invoked any provision of sections 1 to 51 of this 2019 Act.

[. . .]

SECTION 11. Denying leave; discrimination and retaliation prohibited. (1) It is an unlawful employment practice for an employer to:

(a) Violate section 10 of this 2019 Act.

(b) Deny leave or interfere with any other right to which an eligible employee is entitled under sections 1 to 51 of this 2019 Act.

(c) Retaliate or in any way discriminate against an employee with respect to hire or tenure or any other term or condition of employment because the employee has inquired about the rights or responsibilities under sections 1 to 51 of this 2019 Act.

(2) An employee who alleges a violation of this section may bring a civil action under ORS 659A.885 or may file a complaint with the Commissioner of the Bureau of Labor and Industries in the manner provided by ORS 659A.820.

Oregon law establishes that small businesses with fewer than 25 employees may reasonably place a returning employee in a different position with the same job benefits if the job the employee formerly held has since expired.

Oregon law lists an employer's denial or interference with paid leave or tenure as prohibited forms of retaliation, thereby protecting employees before they begin or complete their paid leave.

## Massachusetts

### [MA General Laws Chapter 175M Section 9](#)

(a) It shall be unlawful for any employer to retaliate by discharging, firing, suspending, expelling, disciplining, through the application of attendance policies or otherwise, threatening or in any other manner discriminating against an employee for exercising any right to which such employee is entitled under this chapter or with the purpose of interfering with the exercise of any right to which such employee is entitled under this chapter.

[. . .]

(c) Any negative change in the seniority, status, employment benefits, pay or other terms or conditions of employment of an employee which occurs any time during a leave taken by an employee under this chapter, or during the 6 month period following an employee's leave or restoration to a position pursuant to this section, or of an employee who has participated in proceedings or inquiries pursuant to this section within 6 months of the termination of proceedings shall be presumed to be retaliation under this section...An employer found to have threatened, coerced or taken reprisal against any employee pursuant to this subsection shall rescind any adverse alteration in the terms of employment for such employee and shall offer reinstatement to any terminated employee and shall also be liable in an action brought under subsection (d).

(d) An employee or former employee aggrieved by a violation of this section or subsections (e) and (f) of section 2 of this chapter may, not more than 3 years after the violation occurs, institute a civil action in the superior court. A party to the action shall be entitled to a jury trial. All remedies available in common law tort actions shall be available to prevailing plaintiffs and shall be in addition to any legal or equitable relief provided in this section. The court may: (i) issue temporary restraining orders or preliminary or permanent injunctions to restrain continued violations of this section; (ii) reinstate the employee to the same position held before the violation or to an equivalent position; (iii) reinstate full fringe benefits and seniority rights to the employee; (iv) compensate the employee for 3 times the lost wages, benefits and other remuneration and the interest thereon; and (v) order payment by the employer of reasonable costs and attorneys' fees.

Massachusetts has the only state law to list a specific time period (6-month window) during which an employer's modification to an employee's position or job status, after paid family or medical leave, constitutes an automatic presumption of discrimination. Protections against retaliation extend beyond this 6-month window, but the presumption is not automatic at that point.

## New Jersey

### [2019 NJ Chapter 37 \(AB 3975\)](#)

C.43:21-55.2 Retaliation against employee for request, use of disability benefits prohibited; violations, penalties.

24. a. An employer shall not discharge, harass, threaten, or otherwise discriminate or retaliate against an employee with respect to the compensation, terms, conditions, or privileges of employment on the basis that the employee requested or took any temporary disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or family temporary disability leave benefits pursuant to P.L.2008, c.17 (C.43:21-39.1 et al.), including retaliation by refusing to restore the employee following a period of leave, except that, pursuant to section 2 of P.L.1948, c.110 (C.43:21-26), nothing in this section or any other section of P.L.1948, c.110 (C.43:21-25 et al.) or P.L.2008, c.17 (C.43:21-39.1 et al.) shall be construed as increasing, reducing or otherwise modifying any entitlement provided to a worker by the provisions of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) to be restored to employment by the employer after a period of family temporary disability leave.

b. Upon a violation of subsection a. of this section, an employee or former employee may institute a civil action in the Superior Court for relief. All remedies available in common law tort actions shall be available to a prevailing plaintiff. The court may also order any or all of

the following relief:

(1) an assessment of a civil fine of not less than \$1,000 and not more than \$2,000 for the first violation of any of the provisions of this section and not more than \$5,000 for each subsequent violation;

(2) an injunction to restrain the continued violation of any of the provisions of this section;

(3) reinstatement of the employee to the same position or to a position equivalent to that which the employee held prior to unlawful discharge or retaliatory action;

(4) reinstatement of full fringe benefits and seniority rights;

(5) compensation for any lost wages, benefits and other remuneration; and

(6) payment of reasonable costs and attorney's fees.

Similar to Massachusetts, New Jersey's law states that a judge may require an employer to cover the cost of attorney's fees if an employee institutes a civil action in court. As employees could be discouraged from acting for fear of the cost of attorneys' fees, such a law protects employee's access to the courts and further dissuades employers from discriminating against employees who take paid family and medical leave

## SAMPLE LANGUAGE

### SMALL BUSINESS GRANTS, PUBLIC OUTREACH, COMPLAINT PROCESS

In this section, we will overview some of the additional components that states with paid family and medical leave laws have implemented to improve the quality of paid leave for employees, employers, and families in their state.

#### SMALL BUSINESS GRANTS

While there is no evidence that a paid family and medical leave program hinders small business operations, some states have provided concessions to small business interests. For example, Oregon's legislation experiments with providing employer assistance grants to aid small employers to cover the cost of hiring a temporary replacement worker. Oregon's law establishes eligibility requirements, creates several grants, and authorizes funding from the Paid Family and Medical Leave Insurance Fund.

##### Oregon

###### [2019 OR HB 2005](#)

*SECTION 42. Employer assistance. (1) Except as provided in subsection (2) of this section, employers that employ fewer than 25 employees and that make the required contributions under section 16 of this 2019 Act may apply to the Employment Department to receive one of the following grants:*

*(a) If the employer hires a temporary worker to replace an eligible employee who takes family leave, medical leave or safe leave for a period of seven or more days, a grant of up to \$3,000 to apply toward the costs of hiring the worker.*

*(b) A grant of up to \$1,000 as reimbursement for significant additional wage-related costs incurred during a period in which an eligible employee takes leave described under paragraph (a) of this subsection.*

*(2) In addition to a grant received under subsection (1)(b) of this section, an employer may receive a grant in the amount of the difference between the grant awarded and \$3,000 if:*



(a) After the commencement of a period of family leave, medical leave or safe leave taken by an eligible employee, the employee extends the period of leave beyond the employee's initial expected period of leave; and

(b) The employer hired a temporary worker to replace the eligible employee during the employee's period of leave.

(3) An employer may apply for a grant under subsection (1) of this section not more than 10 times per calendar year and not more than once for each eligible employee who takes leave under section 4 of this 2019 Act.

(4) To be eligible for a grant under this section, an employer shall provide to the Director of the Employment Department written documentation showing that the employer hired a temporary worker or that the wage-related costs incurred are due to an eligible employee's use of family leave, medical leave or safe leave.

(5) The grants awarded under this section shall be funded with moneys in the Paid Family and Medical Leave Insurance Fund established under section 39 of this 2019 Act.

(6) The director shall adopt any rules necessary to implement this section.

## PUBLIC OUTREACH

Some state PFML laws require public education campaigns and written notices from their employers to increase awareness of the program. Information campaigns increase users' program literacy which in turn familiarizes them with their rights, increases program participation, and reduces the likelihood of mistakes. Connecticut is included below as a robust example of a public outreach law that requires both the state authority and employers to actively educate community members and employees on their rights, relevant processes, and eligibility requirements.

### Connecticut

#### [2019 CT Act 25 \(SB 1\)](#)

Sec. 10. (NEW) (Effective January 1, 2020) (a) The authority shall conduct a public education campaign to inform individuals and employers regarding the Family and Medical Leave Insurance Program. Such campaign shall include, but not be limited to, information about the requirements for receiving family and medical leave compensation, how to apply for such compensation and the circumstances for which such compensation may be available. The authority may use funds contributed to the Family and Medical Leave Insurance Trust Fund for purposes of the public education campaign. Information distributed or made available under the campaign shall be available in English and Spanish and in any other language prescribed by the authority.

[. . .]

Sec. 13. (NEW) (Effective July 1, 2022) Each employer shall, at the time of hiring, and annually thereafter, provide written notice to each of the employer's employees (1) of the entitlement to family and medical leave under sections 31-51kk to 31-51qq, inclusive, of the general statutes, as amended by this act, and 31-51ss of the general statutes and the terms under which such leave may be used, (2) of the opportunity to file a claim for compensation under the program, (3) that retaliation

Connecticut law increases people's access to the information campaign by specifying that educational materials must be available in, at minimum, English and Spanish.

by the employer against the employee for requesting, applying for or using family and medical leave for which the employee is eligible is prohibited, and (4) that the employee has a right to file a complaint with the Labor Commissioner for any violation of said sections. The Labor Commissioner may adopt regulations, in accordance with chapter 54 of the general statutes, to establish additional requirements concerning the means by which employers shall provide such notice.

## California

### [CA Unemployment Insurance Code § 3308](#)

(a) In addition to English, the department shall distribute the application for family temporary disability insurance benefits in all non-English languages spoken by a substantial number of non-English-speaking applicants. As used in this section, “substantial number of non-English-speaking applicants” has the same meaning as “substantial number of non-English-speaking people” is defined in Section 7296.2 of the Government Code.

## COMPLAINT PROCESS

While all states include an appeals process, the following Connecticut example highlights what an appeals process for penalties imposed or denial of benefits could look like for a new paid leave law. By establishing an official complaint and appellate system, states streamline the process into an efficient system that can handle a larger load of casework than an unclear, ill-established, or unofficial system could. Similarly, the complaint and appellate system guarantees that the legal rights of all members involved will be respected.

## Connecticut

### [2019 CT Act 25 \(SB 1\)](#)

Sec. 12. (NEW) (Effective from passage) Any covered employee aggrieved by a denial of compensation under the Family and Medical Leave Insurance Program or any person aggrieved by the imposition of a penalty imposed pursuant to section 14 of this act may file a complaint with the Labor Commissioner. Upon receipt of any such complaint, the commissioner shall hold a hearing. After the hearing, the commissioner shall send each party a written copy of the commissioner’s decision. The commissioner may award the covered employee or person all appropriate relief, including any compensation or benefits to which the employee otherwise would have been eligible if such denial had not occurred. Any party aggrieved by the decision of the commissioner may appeal the decision to the Superior Court in accordance with the provisions of chapter 54 of the general statutes.

# ADDITIONAL RESOURCES

## OVERVIEW

- [Comparative Chart of Paid Family and Medical Leave Laws in the United States](#), A Better Balance, March 2019
- [State Paid Family and Medical Leave Insurance Laws](#), National Partnership for Women & Families, June 2019
- [Designing a State-Based Social Insurance Program for Paid Family and Medical Leave](#), National Academy of Social Insurance, June 2019
- [Paid Leave](#), The Bell Policy Center, January 2019: This Colorado-based think tank put together a helpful page that compares Massachusetts' and Washington's paid leave policies
- [Voters' Views on Paid Family + Medical Leave: Findings from a National Survey](#), NPWF, October 2018
- [Paid Family and Medical Leave: A Racial Justice Issue – and Opportunity](#), NPWF, August 2018
- [Paid Leave Works: Evidence from State Programs](#), NPWF, September 2018
- [Paid Family Leave in the United States](#), Urban Institute, May 2017: Includes a discussion on “Emerging Outcomes of Paid Family Leave”
- [Easing the Burden: Why Paid Family Leave Policies are Gaining Steam](#), Maya Rossin-Slater, Stanford Institute for Economic Policy Research, February 2018: Reviews research on the effects of paid family leave policies.
- [Overview of California's Paid Family Leave Program](#), CA Employment Development Department, June 2019
- [Paid Leave Means a Stronger Nation: Paid Leave Map](#), NPWF
- [Paid Leave Resources for Businesses](#), Businesses Advancing National Paid Leave
- [Principles on Paid Family and Medical Leave](#), Small Business for Paid Leave
- [Paid Family and Medical leave Policy Metrics](#), NPWF, December 2018

## FEDERAL LANDSCAPE

- [History of the FMLA](#), NPWF
- [Family And Medical Insurance Leave Act \(FAMILY Act\)](#), NPWF

## FACT SHEETS, MESSAGING & COMMUNICATIONS MATERIALS

- [Paid Family and Medical Leave Video](#), State Innovation Exchange
- [Paid Leave Fact Sheets](#), NPWF
- [At a Glance: The Case for Medical Leave](#), ABB, February 2019
- [Talking Points on Paid Family and Medical Leave](#), Main Street Alliance, May 2016
- [Voters' Views on Paid Family + Medical Leave](#), PerryUndem, NPWF, Bellwether, October 2018
- [Leading on Leave: Companies With New or Expanded Paid Leave Policies \(2015-2019\)](#), NPWF, August 2019
- [The Family and Medical Insurance Leave \(FAMILY Act\)](#), NPWF, 2019
- [Paid Family and Medical Leave: An Overview](#), NPWF, October 2017
- [Family and Medical Leave Insurance Fact Sheet](#), FV@W, August 2015
- [Paid Leave Works: Evidence from State Programs](#), NPWF, September 2019
- [Paid Family and Medical Leave: Good for Business](#), NPWF, September 2018
- [Paid Family and Medical Leave: Busting 10 Common Myths with Facts and Evidence](#), NPWF, April 2017
- [Older Adults and Family Caregivers Need Paid Family and Medical Leave](#), NPWF, November 2015
- [The Child Development Case for a National Paid Family and Medical Leave Program](#), ZERO TO THREE, NPWF, December 2018

## POLICY BRIEFS & REPORTS

- [Paid Family Leave Increases Mothers' Labor Market Attachment](#), IWPR, January 2020
- [Paid Leave Research](#), NPWF
- [Meeting the Promise of Paid Leave: Best Practices in State Paid Leave Implementation](#), NPWF, 2019
- [Report: Constructing 21st Century Rights for a Changing Workforce: A Policy Brief Series](#), ABB, February 2019
- [Report: Constructing 21st Century Rights for a Changing Workforce: A Policy Brief Series: Brief 2](#), ABB, February 2019
- [Report: For the Health of Our Families: Engaging the Health Community in Paid Family Leave Outreach and Education](#), ABB, October 2018
- [Paid Family and Medical Leave: A Racial Justice Issue – and Opportunity](#), NPWF, August 2018
- [A Foundation and A Blueprint](#), ABB, February 2018
- [First Impressions: Comparing State Paid Family Leave Programs in Their First Years: Rhode Island's](#)
- [First Year of Paid Leave in Perspective](#), NPWF, February 2015
- [Rhetoric vs. Reality: Paid Family and Medical Leave, Proposed Business Tax Credits and Pregnancy](#)
- [401\(k\)s Fall Short for Working Families](#), CAP, August 2016
- [Broader Paid Leave Would Provide Opportunity and Security for Millennial Caregivers](#), CAP, Generation Progress, December 2015
- [Investing in Our Families: The Case for Paid Family Leave in New York and the Nation](#), ABB, May 2015
- [The Cost of Doing Nothing: The Price We All Pay Without Paid Leave Policies to Support America's](#)
- [21st Century Working Families](#), U.S. Department of Labor, September 2015
- [Tech Companies Are Leading the Way on Paid Family Leave, and the Rest of the Country Should](#)
- [Catch Up](#), The Century Foundation, November 2015
- [Key Features of a Paid Family and Medical Leave Program that Meets the Needs of Working Families](#), NPWF, CAP, December 2014
- [The Economics of Paid and Unpaid Leave, The Council of Economic Advisors](#), White House, June 2014
- [Paid Parental Leave in the United States: What the Data Tell Us About Access, Usage, and Economic and Health Benefits](#), IWPR, January 2014

## RESOURCES TO SUPPORT WOMEN'S ECONOMIC SECURITY

- [Not Enough Family Friendly Policies: High Stakes for Women and Families](#), NPWF, April 2019
- [Analysis of 2015 Census Poverty Data](#), NWLC, September 2016
- [Status of Women in the States Data](#), IWPR, 2016
- [A Double Bind: When States Deny Abortion Coverage and Fail to Support Expecting and New Parents](#), NPWF, September 2016
- [Breadwinner Mothers by Race/Ethnicity and State](#), IWPR, September 2016
- [Babygate: Pregnant or Parenting While Working? Learn About Laws in Your State That Can Help](#), ABB, 2015
- [Moving Women & Families Forward: A Federal Roadmap to Economic Justice](#), NWLC, March 2016
- [Expecting Better: A State-by-State Analysis of Laws That Help Expecting and New Parents](#), NPWF, 2016
- [Work & Family Policy Database](#), NPWF
- [Time to Care: A Work Family Policy Toolkit](#), Work Family Strategy Council
- [Working Families Report Cards](#), U.S. House Committee on Education & the Workforce Democrats, October 2015
- [American Community Survey](#), U.S. Census Bureau

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