



















Summary of State Temporary Disability and Paid Family Leave Laws for 2019

Statute	Federal 	California 	Massachusetts 	New Jersey 
Provision	Family and Medical Leave Act	Paid Family Leave ¹	Massachusetts Paid Family & Medical Leave	Family Leave Insurance/ Temporary Disability Leave Insurance ²
Effective Date	1993	2014	7/1/19 for Premium Contributions 01/01/21 for Benefits	2009
Employee Eligibility	<ul style="list-style-type: none"> 12 months of service 1250 hours worked Worksite with 50+ employees 	<ul style="list-style-type: none"> Unable to perform regular or customary work for at least 8 days due to need to care for seriously ill family member or to bond with new child Earned at least \$300 from which SDI deductions were withheld 	<ul style="list-style-type: none"> Employee has been paid wages in the base period amounting to at least 30 times the weekly benefit rate “Base period” is the last 4 completed calendar quarters immediately preceding the first day of an individual’s benefit year Includes former employees if above eligibility is met and within 26 weeks of separation Includes independent contractors (1099) if eligibility is met 	<ul style="list-style-type: none"> Worked 20 calendar weeks in covered NJ employment Earned at least 1000 times the NJ minimum wage during the 52 weeks preceding leave
Job Protection	Yes	No	Yes	No
Available for Employee Own Illness/Injury	Yes	No	Yes (as of 1/1/21)	Yes
Available for Family Members	Yes	Yes	Yes (as of 7/1/21)	Yes
Includes Bonding?	Yes	Yes	Yes	Yes
Covered Family Members	Parent/Child/Spouse	Parent/Child/Grandparent/Grandchild Sibling/Spouse/Domestic Partner (“DP”)/ Parent of DP or Spouse	Spouse/Child/Parent/Parent-in-law (including parent of domestic partner)/ Grandchild/Grandparent/Sibling/ Domestic Partner	Parent/Child/Spouse/Registered domestic partner/Civil union partner
Benefit Amount	Unpaid	55% of AWW through 2017; increases to 60% and 70% in 2018 (based on income level)	<ul style="list-style-type: none"> 80% of portion of employee’s AWW equal to or less than 50% of state AWW, <u>plus</u> 50% of portion of employee’s AWW greater than 50% of state AWW Capped at 64% of current state AWW 	2/3 of employee’s AWW
AWW = average weekly wage				

Statute	Federal 	California 	Massachusetts 	New Jersey 
Provision	Family and Medical Leave Act	Paid Family Leave ¹	Massachusetts Paid Family & Medical Leave	Family Leave Insurance/ Temporary Disability Leave Insurance ²
Maximum benefit	NA	2017: \$1,173/week 2018: \$1,215 (projected)	<ul style="list-style-type: none"> 64% of state AWW Subject to annual adjustment every October 1, effective the next January 1 Current AWW (August 2018) = \$1062.75 – 64% of \$1062.75 = \$ 680.16 Statute sets a maximum of \$850/week 	2017: \$633/week
Duration	12 weeks	6 weeks	Duration in 12-Month Period: <ul style="list-style-type: none"> Medical leave (employee’s SHC): 20 weeks Family leave (bonding, care for family member with SHC, military exigency): 12 weeks Care for a seriously ill or injured service member: 26 weeks Aggregate maximum of 26 weeks in a benefit year 	6 weeks
Funding Mechanism	NA	100% employee-funded through payroll deductions: <ul style="list-style-type: none"> 2017: 0.9% of first \$110,807 2017: Maximum contribution \$997 2018: 1.0% of first \$114,873 (projected) 	<ul style="list-style-type: none"> Employees and employers both contribute to premium Maximum wages subject to premium contributions based on SSA wage limit (\$128,400 in 2018) Adjusted annually starting October 1, 2021, effective the next January 1 Initial rate = Total of 0.63% of employee’s AWW (for ’19, ’20 & ’21) Premium for medical leave (employee’s own SHC): <ul style="list-style-type: none"> Employee pays not more than 40% of total premium Employer pays 60% or balance Premium for family leave: Employee pays 100% Total 0.63% premium not (yet) apportioned between medical leave and family leave Employer may elect to pay all or a portion of the employee’s share of the premium Employers with fewer than 25 employees in Massachusetts don’t have to pay employer share of medical leave contributions Independent contractors (“self-employed individuals”) responsible for own contributions BUT there is a conflicting provision for employers to submit contributions for independent contractors 	100% employee-funded through payroll tax, no employer funding
AWW = average weekly wage	NA			

Statute	New York 	Rhode Island 	Washington, D.C. 	Washington State 
Provision	Paid Family Leave ³	Temporary Disability Insurance and Temporary Caregiver Insurance ⁴	Universal Paid Leave ⁵	Washington Paid Family Leave ⁶
Effective Date	1/1/2018	2014	1/1/2020	1/1/2020
Employee Eligibility	<ul style="list-style-type: none"> Employees scheduled for 20 hours or more per week are eligible after 26 weeks of employment Employees working less than 20 hours per week are eligible after 175 days worked 	<ul style="list-style-type: none"> Unable to work for at least 7 consecutive days due to need to care for a seriously ill family member or to bond with a new child Must have worked in RI and paid into the TDI fund 	<ul style="list-style-type: none"> Employee spends over 50% of his/her working time working in DC During some or all of the 52 calendar weeks immediately preceding the qualifying event for which paid leave is being taken 	<ul style="list-style-type: none"> Must work 820 hours in the “qualifying period,” defined as the first 4 of the prior 5 calendar quarters; OR If the employee is not yet eligible, the preceding 4 calendar quarters. Equates to about 15.75 hours per week
Job Protection	Yes	Yes	No	Yes
Available for Employee Own Illness/Injury	No	No	Yes	Yes
Available for Family Members	Yes	Yes	Yes	Yes
Includes Bonding?	Yes	Yes	Yes	Yes
Covered Family Members	Spouse/Domestic partner/Parent/ Parent In-law/Child/Grandparent/Grandchild	Child/Parent/Spouse/Domestic partner/Parent-in-law/Grandparent	Child/Parent/Parent-in-law/Spouse/Grandparent/Sibling/Registered domestic partner	Child (any age)/Parent/Spouse/State- registered domestic partner/Sibling/Grandparent/Grandchild
Benefit Amount AWW = average weekly wage	<ul style="list-style-type: none"> 2018 – 50% of AWW from 4 weeks prior to last day worked or State’s AWW (if higher) 2019 – 55% 2020 – 60% 2021 and after – When PFL Is fully-phased in as of 2021, workers will receive 67% of AWW 	Weekly benefit rate is 4.62% of the wages paid to employee in the highest quarter of employee’s Base Period (about 60% of AWW)	During the paid leave period, eligible individuals who earn 150 percent of the D.C. minimum wage or less will receive 90 percent of their average weekly wage. Eligible individuals who earn over 150 percent of the D.C. minimum wage will receive 90 percent of their average weekly wage, plus 50 percent of the amount by which their regular earnings exceed the D.C. minimum wage	<ul style="list-style-type: none"> Employees who make 50% or less than the state’s average weekly wage (AWW) will receive 90% of their AWW Employees who make greater than 50% of the state’s AWW will receive: 90% of their wages up to 50% of the state’s AWW; PLUS 50% of their AWW in excess of 50% of the state’s AWW (subject to the \$1000 cap)

Statute	New York 	Rhode Island 	Washington, D.C. 	Washington State 
Provision	Paid Family Leave ³	Temporary Disability Insurance and Temporary Caregiver Insurance ⁴	Universal Paid Leave ⁵	Washington Paid Family Leave ⁶
Maximum benefit	2017: \$652.96/week	2017: \$833.00/week	2020: \$1,000/week	2020: \$1,000/week
Duration	2018: 8 weeks 2019-2020: 10 weeks 2021: 12 weeks	4 weeks	<ul style="list-style-type: none"> 2 weeks: own 8 weeks: parental/bonding 6 weeks: caring for seriously ill family member 	<ul style="list-style-type: none"> 2 weeks: own 12 weeks: bonding, care for family member or military exigency 16 weeks: employee's leave and family leave reasons max. 18 weeks (additional 2 weeks for pregnancy complications)
Funding Mechanism	<ul style="list-style-type: none"> 100% Employee funded through payroll deductions Currently, 0.126% of wages (not applicable to wages in excess of \$1,305.92/week) 	<ul style="list-style-type: none"> 100% employee-funded through payroll deductions Employees contribute 1.2% of first \$68,100 (about \$817.20 max/year) 	Payroll tax on all covered D.C. employers amounting to 0.62 percent of all wages paid to eligible individuals. Beginning on July 1, 2019, D.C. will begin to collect taxes from covered employers, to be remitted to a D.C. government-administered fund.	<ul style="list-style-type: none"> For 2019 and 2020, the total premium is 0.4 percent of the employee's wages, capped at the state's AWW, beginning on January 1, 2019. Annual adjustments may be made thereafter An employee pays about 2/3 of the total premium through payroll deductions The employer pays about 1/3 of the total premium An employer may elect to pay all or a portion of the employee's share of the premium
W = average weekly wage				

- ¹ http://www.edd.ca.gov/Disability/Paid_Family_Leave.htm
- ² <http://lwd.dol.state.nj.us/labor/fli/fliindex.html>
- ³ <http://www.wcb.ny.gov/PFL/pfl-regs.jsp> <https://www.ny.gov/programs/new-york-state-paid-family-leave>
- ⁴ <http://www.dlt.ri.gov/tdi/>
- ⁵ <http://lims.dccouncil.us/Legislation/B21-0415?FromSearchResults=true>
- ⁶ <http://www.lni.wa.gov/WorkplaceRights/LeaveBenefits/FamilyCare/LawsPolicies/FamilyLeave/default.asp>

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