



# Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

## Memorandum

Room 029 State Capitol, Denver, CO 80203-1784

Phone: (303) 866-3521 • Fax: (303) 866-3855

lcs.ga@state.co.us • leg.colorado.gov/lcs

March 26, 2020

**TO:** Interested Persons

**FROM:** Luisa Altmann, Senior Research Analyst, 303-866-3518

**SUBJECT:** State Paid Family and Medical Leave Laws

### Summary

To date, eight states have enacted paid family and medical leave laws. These states include California, Connecticut, Massachusetts, New Jersey, New York, Oregon, Rhode Island, and Washington. In addition, Hawaii has a paid medical leave law. This memorandum provides a summary of the major components of the paid family and medical leave laws in each of these states.

### Contents

Summary	Page 1
California	Page 1
Connecticut	Page 3
Hawaii	Page 4
Massachusetts	Page 5
New Jersey	Page 6
New York	Page 8
Oregon	Page 9
Rhode Island	Page 10
Washington	Page 12

### California

California's State Disability Insurance (SDI) Program was originally established in 1946 to provide partial wage-replacement benefits for eligible workers who take time off work due to the worker's own sickness or injury. The SDI program was expanded in 2002 to include paid family leave insurance. The SDI program is administered by the California Employment Development Department.<sup>1</sup>

**Reasons for leave.** Under the SDI program, workers may take paid medical leave due to their own sickness or injury. Workers may take paid family leave to care for a seriously ill family member or to bond with a newborn child or newly placed child through adoption or foster care. Beginning in 2021, family leave may be taken to allow workers to participate in a qualifying exigency related to the worker's spouse, domestic partner, child, or parent's active military duty.

**Contributions.** The SDI program is paid for solely through employee payroll contributions. California law directs the department to establish the contribution rate based on the Disability Fund balance. The law specifies that the rate may be between 0.1 percent and 1.5 percent of an employee's wages. According to the department, the current employee contribution rate is 1.0 percent, up to a maximum withholding of \$1,229.09 per year.

<sup>1</sup>Cal. Unemp. Ins. Code § 2601, *et seq.* and § 3300, *et seq.*

**Employee eligibility requirements.** To be eligible to take paid family or medical leave under the SDI program, a worker must have earned at least \$300 during the disability base period. The disability base period includes wages subject to SDI tax that were paid 5 to 18 months before an employee's claim. Individuals performing domestic service work who earned at least \$750 in a calendar quarter are also eligible for paid leave.

**Amount of leave.** The maximum amount of time a worker may take off due to his or her own sickness or injury is 52 weeks. The maximum amount of time a worker may take off for family leave is currently six weeks within any 52-month period. Beginning July 1, 2020, this will increase to eight weeks.

**Benefits.** California law outlines the following weekly wage-replacement benefits under the SDI program:

- if an individual's quarterly wages are less than \$929, he or she receives \$50 in benefits each week;
- if an individual's quarterly wages are \$929 or more, but less than one-third of the state average quarterly wage, he or she receives 70 percent of their average weekly wage; or
- if an individual's quarterly wages is one-third of the state average quarterly wage or higher, he or she receives either 23.3 percent of the state average weekly wage or 60 percent of the individual's average weekly wage, whichever is greater.

Weekly benefits are subject to a maximum based on the state average weekly wage. According to the department, for claims in 2020, weekly benefits range from \$50 to a maximum of \$1,300.

**Definition of family.** Under the California state disability insurance law, family members for whom a worker may take paid time off to care for under the SDI program include the worker's child, spouse, parent (includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person acting *in loco parentis* to the employee when the employee was a child), grandparent, grandchild, sibling, or domestic partner.

**Job protection benefits.** California's state disability insurance law does not provide job protection benefits. However, employees may qualify for job protection benefits under other California laws. Under the California New Parent Leave Act, employers with at least 20 employees within a 75-mile radius are required to provide employees with job-protected parental leave of up to 12 weeks to bond with a new child within one year of the child's birth, adoption, or foster care placement. To qualify, an employee must have worked for the employer for more than 12 months and have at least 1,250 hours of service with the employer during the previous 12-month period. Under the California Pregnancy Disability Leave Law, employers with five or more employees are required to allow an employee who is disabled by pregnancy, childbirth, or related medical condition to take leave for a reasonable period of time, not to exceed four months, and thereafter return to work. Additionally, employers with 50 or more employees may be required to provide job protection benefits under the California Family Rights Act or the Federal Family and Medical Leave Act.

**Private plans.** Employers may apply to the department to offer a voluntary plan to provide paid disability and family leave benefits to employees. To be approved, a voluntary plan must provide employees with rights that are greater than those provided under the state plan. Additionally, a majority of the employer's employees must have consented to the voluntary plan.

**Program website.** More information about the California program can be found here: <https://www.edd.ca.gov/disability/>.

## Connecticut

Connecticut's Paid Family and Medical Leave Insurance law was enacted in 2019. Employee contributions are scheduled to begin January 2021, and paid leave benefits are scheduled to begin January 2022. The program is administered by the Paid Family and Medical Leave Insurance Authority board of directors, which consists of 15 members representing various interests.<sup>2</sup>

**Reasons for leave.** An employee may take paid family and medical leave for any of the following reasons: the birth or placement of a child through adoption or foster care; to care for a family member with a serious health condition; because of the employee's own serious health condition; to serve as an organ or bone marrow donor; because of any qualifying exigency related to active military duty for the employee's spouse, child, or parent; and leave related to incidents of family violence.

**Contributions.** The paid leave benefits are funded solely through employee payroll contributions, with worker contributions beginning January 2021. The percentage of earnings that an employee must contribute is to be determined by the authority. The authority may adjust the contribution rate annually based on the Family and Medical Leave Insurance Trust Fund balance; however, the law specifies that the contribution rate must not exceed 0.5 percent of a worker's wages. The wages that are subject to the contribution percentage is capped at the federal Social Security contribution and benefit base.

**Employee eligibility requirements.** To be eligible to claim paid family or medical leave under the program, a worker must have earned at least \$2,325 in earnings during the employee's highest earning quarter within the base period of the first four of the five most recent quarters. An eligible worker must also be presently employed or have been employed by an employer in the previous 12 weeks.

**Amount of leave.** The program provides up to 12 weeks of paid family and medical leave during any 12-month period. An additional two weeks of paid leave are available for workers with a serious health condition resulting in incapacitation that occurs during a pregnancy.

**Benefits.** Paid family and medical leave program benefits will become payable beginning January 2022. The weekly benefits offered under the program equal 95 percent of the employee's base weekly earnings up to an amount equal to 40 times the minimum fair wage, and 60 percent of the employee's base weekly earnings above that amount. The total weekly benefit shall not exceed an amount equal to 60 times the minimum fair wage. If employee contributions are not sufficient to ensure solvency of the program, the program authority is directed to reduce these benefits by the minimum amount necessary.

**Definition of family.** Under the Connecticut law, family members for whom an employee may take paid time off to care for under the program include the employee's spouse, sibling, child, grandparent,

---

<sup>2</sup>Conn. Gen. Stat. § 31-49e, *et seq.*

grandchild, parent, and individuals related to the employee by blood or affinity whose close association the employee shows to be the equivalent to those family relationships. Guidelines regarding factors to be considered when determining whether an individual's close association with an employee is equivalent of a family member is to be established by regulation.

**Job protection benefits.** Employees who take paid leave under the program are entitled to job protection benefits. Upon returning from leave, an employee is entitled to be restored to his or her original position. If the specific position is no longer available, the employee must be restored to an equivalent position with equivalent terms and conditions of employment. If the employee is medically unable to perform the original job after returning from paid medical leave, the employee is to be transferred to work that is suitable to the employee's physical condition, if such work is available.

**Private plans.** Employers may apply to the authority for approval to provide paid family and medical leave benefits to their employees through a private plan. In order to be approved by the authority, a private plan must be at least equivalent to the state plan in all aspects.

## Hawaii

Hawaii requires that private businesses provide temporary disability insurance for employees. The law outlining the requirements for disability insurance was enacted in 1969.<sup>3</sup>

**Reasons for leave.** Medical leave under the program is available for workers who suffer temporary disabilities resulting from an accident, sickness, pregnancy, the termination of a pregnancy, or organ donation.

**Contributions.** Employers may require employees to cover half the cost of the insurance premiums, up to 0.5 percent of the weekly wages earned by the employee. Employers must cover the balance of the cost.

**Employee eligibility requirements.** Employees must have been employed for at least 14 weeks, during which they worked at least 20 hours and earned at least \$400 to be eligible for leave under the program.

**Amount of leave.** Employees are entitled to take up to 26 weeks of leave per year under the program.

**Benefits.** Employees are generally eligible to receive 58 percent of their average weekly wage, up to the state average weekly wage. According to the department, for 2020, the weekly benefit amount is capped at \$650.

**Job protection benefits.** Hawaii's law does not specifically include any job protection benefits for employees while on disability leave.

**Private plans.** Employers may choose to provide the required disability insurance by using a private insurance company or by self-funding benefits.

---

<sup>3</sup>Haw. Rev. Stat. § 392-1, *et seq.*

**Program website.** More information about the Hawaii program can be found here: <https://labor.hawaii.gov/dcd/home/about-tdi/>.

## Massachusetts

The Massachusetts paid family and medical leave law was enacted in 2018. Program contributions began in 2019, and paid leave benefits are scheduled to begin in 2021. The program is administered by the Department of Family and Medical Leave.<sup>4</sup>

**Reasons for leave.** Medical leave is available to any employee with a serious health condition that makes the employee unable to perform the functions of his or her position. Family leave is available for an employee to bond with a newborn child or a newly placed child through adoption or foster care, because of any qualifying exigency due to a family member's active military duty, or in order to care for a family member who is a covered service member. Family leave is also available for an employee to care for a family member with a serious health condition.

**Contributions.** The Massachusetts program is funded by employee and employer contributions. The total contribution rate is to be set annually by the department. For medical leave, employees contribute up to 40 percent of the total medical leave contribution, while employers contribute at least 60 percent of the total medical leave contribution. Employers with fewer than 25 employees are not required to pay the employer portion. For family leave, employees contribute up to 100 percent of the total family leave contribution and employers are not required to contribute. According to the department, the current employee contribution rate is 0.38 percent (0.13 percent for family leave and 0.25 percent for medical leave), with up to \$137,700 in earnings being subject to the withholding. Employers with 25 or more employees are responsible for contributing 0.37 percent of eligible wages for medical leave.

**Employee eligibility requirements.** According to the department, an individual must have earned at least \$4,700 in the previous 12 months to be eligible for paid leave. This amount is increased annually by the department in proportion to any increase in the minimum wage.

**Amount of leave.** An employee may take up to 20 weeks of paid medical leave in a benefit year. Up to 12 weeks of paid family leave may be taken in a benefit year. Up to 26 weeks of paid family leave may be taken in order to care for a family member who is a covered service member. No more than 26 weeks of total paid medical and family leave may be taken in a benefit year.

**Benefits.** Massachusetts law outlines the following weekly wage-replacement benefit rates under the program:

- if the employee's average weekly wage is equal to or less than 50 percent of the statewide average weekly wage, the employee's weekly benefit shall be 80 percent of the employee's average weekly wage; or

---

<sup>4</sup>Mass. Gen. Laws ch. 175M.

- if the employee's average weekly wage is greater than 50 percent of the statewide average weekly wage, the employee's weekly benefit shall be the sum of 80 percent of the statewide average weekly wage and 50 percent of the employee's average weekly wage that is greater than 50 percent of the statewide average weekly wage.

The weekly benefit amount is capped at no more than \$850 per week, or 64 percent of the statewide average weekly wage.

**Definition of family.** The law defines a family member to include an employee's spouse, domestic partner, child, parent, parent-in-law, grandchild, grandparent, and sibling. The definition also includes a person acting *in loco parentis* to the employee when the employee was a minor child.

**Job protection benefits.** The law requires that an employee who has taken family or medical leave must be restored to his or her original or equivalent position, with the same status, pay, employment benefits, length-of-service credit, and seniority as the date of leave. This does not apply if other employees of equal length of service credit and status in the same or equivalent positions were laid off due to economic conditions or other changes in operating conditions during the employee's leave.

**Private plans.** Employers may apply to the department for approval to meet their obligations to provide paid family and medical leave through a private plan. In order to be approved by the department, a private plan must be at least equivalent to the state plan in all aspects.

**Program website.** More information about the Massachusetts program can be found here: <https://www.mass.gov/orgs/department-of-family-and-medical-leave>.

## New Jersey

The New Jersey Temporary Disability Insurance Program was established in 1948. In 2008, the program was expanded to include paid family leave insurance. The Department of Labor and Workforce Development administers the program.<sup>5</sup>

**Reasons for leave.** Temporary disability leave may be taken due to an employee's own injury or sickness that results in the individual's total inability to perform his or her duties of employment. Paid family leave may be taken by an employee to participate in providing care for a family member made necessary by a serious health condition, be with a newborn child or newly placed child through adoption or foster care, and activities necessitated by incidents of domestic violence or a sexually violent offense.

**Contributions.** Contributions to the temporary disability program are shared by employees and employers. The paid family leave program is funded solely through employee contributions. Contribution rates and the taxable wage cap are set by the department based on program metrics during the prior year.

---

<sup>5</sup>N.J. Rev. Stat. § 43:21-25, *et seq.*

In 2019, employee contributions for the temporary disability program were 0.17 percent on the first \$34,400 earned, up to a maximum of \$58.48 per year. In 2020, employee contributions were increased to 0.26 percent on the first \$134,900 earned, up to a maximum of \$350.74 per year. The contribution rate for each employer varies from 0.10 percent to 0.75 percent, based on program metrics for the individual employer. In 2020, each employer contributes between \$35.30 and \$264.75 on the first \$35,300 earned by each employee during the year.

In 2019, employee contributions for the paid family leave program were 0.08 percent of the first \$34,400 earned, up to a maximum of \$27.52 per year. In 2020, employee contributions were increased to 0.16 percent of the first \$134,900 earned, up to a maximum of \$215.84 per year.

**Employee eligibility requirements.** To be eligible to receive paid leave under the program, an individual must have worked at least 20 weeks or earned at least 1,000 times the effective minimum wage during the first four of the last five completed calendar quarters. According to the department, an individual must have worked at least 20 weeks, earning at least \$200 per week, or have earned a combined total of \$10,000 during the first four of the last five completed calendar quarters.

**Amount of leave.** Temporary disability benefits for an employee's own injury or sickness are available for up to 26 weeks. Family leave benefits are available for up to six weeks. Beginning July 1, 2020, this is extended to up to 12 weeks.

**Benefits.** Currently, the weekly benefit rate for employees taking temporary disability or paid family leave is two-thirds of the employee's average weekly wage, up to 53 percent of the statewide average weekly wage. Beginning July 1, 2020, the weekly benefit rate will be 85 percent of the employee's average weekly wage, subject to a maximum of 70 percent of the statewide average weekly wage.

**Definition of family.** For purposes of paid family leave, family members include an employee's sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, parent, any other individual related by blood to the employee, and any other individual who the employee shows to have a close association which is the equivalent of a family relationship.

**Job protection benefits.** The New Jersey temporary disability insurance law does not include any job protection benefits beyond the federal Family and Medical Leave Act. However, workers who have been employed for at least 12 months by an employer with 30 or more employees may be entitled to job protection benefits under the New Jersey Family Leave Act for certain instances of family leave.

**Private plans.** If approved by the department, an employer may establish a private plan for the payment of benefits in lieu of the state plan. In order to be approved, a private plan must be at least equivalent to the state plan in all aspects.

**Program website.** More information about the New Jersey program can be found here: <https://myleavebenefits.nj.gov/>.

## New York

New York requires that private businesses provide disability and paid family leave insurance for employees. The law outlining the requirements for disability insurance was enacted in 1949. The law outlining the requirements for paid family leave benefits was enacted in 2016, with employers required to begin offering paid family leave benefits in 2018.<sup>6</sup>

**Reasons for leave.** Disability insurance provides leave for employees with an off-the-job injury or illness. Paid family leave can be taken to participate in providing care for a family member with a serious health condition, to bond with a newborn child or newly placed child through adoption or foster care, or because of any qualifying exigency arising out of an employee's spouse, domestic partner, child, or parent's active military duty.

**Contributions.** For disability insurance, employees contribute 0.5 percent of the employee's wages, up to \$0.60 per week. Employers are required to contribute an amount that makes up the difference between the actual costs and employee contributions. The employee contribution rate for paid family leave insurance is set annually by the Superintendent of Financial Services. Employers are not required to contribute to fund any portion of paid family leave benefits. According to the department, the current employee contribution rate is 0.270 percent up to a maximum of \$196.72 per year.

**Employee eligibility requirements.** To be eligible for paid disability leave, a worker must have been employed for four or more consecutive weeks. Workers continue to be eligible for paid disability insurance benefits for four weeks after employment terminates. To be eligible for paid family leave, a worker must be currently employed and have been employed for 26 or more consecutive weeks. Employees working part-time for a single employer become eligible for paid disability leave on the 25<sup>th</sup> day of employment and for paid family leave on the 175<sup>th</sup> day of employment.

**Amount of leave.** Employees are entitled to take up to 26 weeks of paid disability leave during any 52-week period. In 2018, paid family leave began with a maximum of eight weeks of leave allowed during any 52-week period. In 2019, this was increased to 10 weeks during any 52-week period. Beginning in 2021, this will again be increased to 12 weeks during any 52-week period. An employee is entitled to take a total of 26 weeks of combined disability and family leave during any 52-week period.

**Benefits.** While on disability leave, an employee is entitled to 50 percent of the employee's average weekly wage, up to \$170 per week. If the employee's average weekly wage is less than \$20, the weekly benefit must be equal to the employee's wage. The amount of benefits an employee is entitled to while on paid family leave has increased from 50 percent of the employee's average weekly wage in 2018 to 60 percent of the employee's average weekly wage in 2020. For 2020, the maximum weekly benefit is capped at 60 percent of the statewide average weekly wage. Beginning in 2021, employees will be eligible to receive 67 percent of the employee's average weekly wage, up to 67 percent of the statewide average weekly wage.

**Definition of family.** For purposes of family leave, family members include an employee's child, parent, grandparent, grandchild, spouse, or domestic partner.

---

<sup>6</sup>N.Y. Workers' Comp. Law § 200, *et seq.*



**Job protection benefits.** Employees who take paid disability or family leave must be restored to the previous employment position, or a comparable position.

**Private plans.** Employers may choose to provide the required disability and paid family leave insurance through the state fund, by using a private insurance company, or by self-funding benefits.

**Program website.** More information about the New York program can be found here: <https://paidfamilyleave.ny.gov/>

## Oregon

The Oregon Family and Medical Leave Insurance Program was enacted into law in September 2019. Program contributions are scheduled to begin January 1, 2022, and program benefits are scheduled to become available January 1, 2023. The program is administered by the Oregon Employment Department.<sup>7</sup>

**Reasons for leave.** Leave under the program may be taken for family, medical, or safe leave. Family leave may be taken to care for and bond with a newborn child or a newly placed child through adoption or foster care, or to care for a family member with a serious health condition. Medical leave may be taken due to an employee's own serious health condition. Safe leave includes leave necessitated by incidents of domestic violence, harassment, sexual assault, or stalking.

**Contributions.** The program will be funded by employer and employee contributions, which are scheduled to begin January 1, 2022. Contribution rates are calculated as a percentage of a total rate, which is set by the department. The total rate may not exceed 1.0 percent of employee wages, up to a maximum of \$132,900 in wages. Employers contribute 40 percent of the total rate and employees contribute 60 percent of the total rate. Employers may choose to pay a portion or all of the employee contribution as an employer-offered benefit. Employers with fewer than 25 employees are not required to pay the employer contribution; however, those that choose to pay are eligible to apply for certain assistance grants.

**Employee eligibility requirements.** To be eligible for paid family and medical leave, an employee must have earned \$1,000 in the past year.

**Amount of leave.** An employee may take up to 12 weeks of family and medical leave benefits per year. An additional two weeks of benefits may be provided for limitations related to pregnancy, childbirth, or a related medical condition. An employee is allowed to take a total of 16 weeks of paid and unpaid leave when combining leave under this program and the state's previously existing unpaid family leave law.

---

<sup>7</sup>Or. Rev. Stat. § 657B.005, *et seq.*

**Benefits.** Oregon law outlines the following weekly wage-replacement benefit rates under the program:

- if the employee's average weekly wage is equal to or less than 65 percent of the statewide average weekly wage, the employee's weekly benefit shall be 100 percent of the employee's average weekly wage; or
- if the employee's average weekly wage is greater than 65 percent of the statewide average weekly wage, the employee's weekly benefit shall be the sum of 65 percent of the statewide average weekly wage and 50 percent of the employee's average weekly wage that is greater than 65 percent of the statewide average weekly wage.

The minimum weekly benefit amount is equal to 5 percent of the statewide average weekly wage. The maximum weekly benefit amount is equal to 120 percent of the statewide average weekly wage.

**Definition of family.** For purposes of the program, a family member includes an employee's spouse, child, parent, sibling, sibling's spouse, grandparent, grandchild, domestic partner, and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

**Job protection benefits.** After returning from paid family, medical, or safe leave, an employee is entitled to be restored to the position he or she held when the leave commenced, if that position still exists. If the position no longer exists, the employee is entitled to be restored to any available equivalent position with equivalent employment terms. For employers with fewer than 25 employees, if the position held by an employee when the employee's leave commenced no longer exists, an employer may, at the employer's discretion based on business necessity, restore the employee to a different position with similar job duties and the same employment benefits and pay.

**Private plans.** An employer may apply to the department for approval of an employer-offered benefit plan that provides family and medical leave insurance benefits to its employees. In order to be approved, a private plan must be at least equivalent to the state plan in all aspects.

**Program website.** More information about the Oregon program can be found here: <https://www.oregon.gov/employ/PFMLI/Pages/default.aspx>

## Rhode Island

The Rhode Island Temporary Disability Insurance law was enacted in 1942. The program was later expanded to include Temporary Caregiver Insurance to provide paid family leave benefits in 2013. The program is administered by the Rhode Island Department of Labor and Training.<sup>8</sup>

**Reasons for leave.** Paid temporary disability may be taken by employees who are prevented from performing their work due to injury or sickness. Paid temporary caregiver insurance may be taken

---

<sup>8</sup>R.I. Gen. Laws § 28-39-1, *et seq.*; § 28-40-1, *et seq.*; and § 28-41-1, *et seq.*

by employees to care for a seriously ill family member or to bond with a newborn child or newly placed child through adoption or foster care.

**Contributions.** The program is funded solely through employee contributions. The employee contribution rate is determined annually based on performance metrics for the Temporary Disability Insurance Fund. The taxable wage base is \$38,000 or the annual earnings needed for an employee to qualify for the maximum weekly benefit amount and the maximum duration, whichever is greater. According to the department, the current withholding rate is 1.3 percent of an employee's first \$72,300 in earnings.

**Employee eligibility requirements.** To be eligible for paid disability or caregiver leave, an employee must have earned wages in any quarter of the last year of at least 200 times the minimum hourly wage, and must have been paid wages in the past year of at least one and one-half times the wages paid to the individual in that calendar quarter of the past year in which the individual's wages were highest. Additionally, an employee must have been paid wages of at least 400 times the minimum hourly wage in the past year. Alternatively, an employee may be eligible for paid leave if he or she earned an amount equal to at least three times the total minimum amount required under the prior calculations.

According to the department, an employee must have been paid at least \$12,600 in the past year. Employees who have not earned this amount may be eligible if they have earned at least \$2,100 in one quarter in the past year, the total past year taxable wages are at least one and one-half times the highest quarter of earnings, and the taxable wages from the past year are at least \$4,200.

**Amount of leave.** Employees may take up to 30 weeks of paid temporary disability leave for their own injury or sickness per year. Employees may take up to four weeks of paid caregiver leave per year. Employees may take up to 30 weeks for paid temporary disability leave and paid caregiver leave combined per year.

**Benefits.** An employee's weekly benefit amount shall be equal to 4.62 percent of the employee's quarterly wages. The maximum benefit rate shall not exceed 85 percent of the statewide average weekly wage. The total amount of benefits an employee may receive during a benefit year is equal to 36 percent of the employee's total wages.

**Definition of family.** Family members for whom an employee may take paid temporary caregiver leave for include the employee's child, spouse, domestic partner, parent, parent-in-law, and grandparent.

**Job protection benefits.** Employees who take temporary caregiver leave are entitled to be restored by the employer to the position held by the employee when the leave commenced, or to a position with equivalent employment terms and conditions. Employees who take temporary disability leave are not provided with any specific job protection benefits under Rhode Island law.

**Private plans.** The Rhode Island law does not provide the option for employers to provide benefits through a private plan.

**Program website.** More information about the Rhode Island program can be found here: <http://www.dlt.ri.gov/tdi/>.

## Washington

The Washington Family and Medical Leave Program was enacted into law in 2017. Program contributions began January 2019 and program benefits began January 2020. The program is administered by the Washington Employment Security Department.<sup>9</sup>

**Reasons for leave.** Medical leave may be taken by an employee because of the employee's own serious health condition. Family leave may be taken by an employee to participate in providing care for a family member with a serious health condition, to bond with a newborn child or newly placed child through adoption or foster care, or because of any qualifying exigency arising out of a family member's active military duty.

**Contributions.** Contributions to the program began in January 2019, and the program is funded through employee and employer contributions. For 2019 and 2020, the total premium rate is 0.4 percent of an employee's wages for the program. Of the total premium rate, one-third is the premium rate for paid family leave benefits, of which employees contribute the full amount. Of the total premium rate, two-thirds is the premium rate for paid medical leave benefits, of which employees may contribute 45 percent of the required amount and employers are required to contribute the remaining 55 percent. Employers with fewer than 50 employees are not required to pay the employer portion of the medical leave premiums. Employers may elect to pay all or any portion of the employee share of paid family and medical leave premiums. The department must annually set a maximum limit on the amount of wages that are subject to the premium. Beginning January 2021, the department must also charge a solvency surcharge between 0.1 percent and 0.6 percent if the insurance account balance falls below a certain level.

**Employee eligibility requirements.** An employee becomes eligible for paid leave under the program after working for at least 820 hours during the first four of the last four or five completed calendar quarters.

**Amount of leave.** Employees are eligible to take up to 12 weeks of paid medical or family leave in any 52-week period. The maximum amount of combined paid family and medical leave an employee can take in any 52-week period is 16 weeks. Employees who experience a serious health condition with a pregnancy that results in incapacity may be eligible for an additional two weeks of paid medical leave benefits.

**Benefits.** Paid family and medical leave benefits became available January 2020. An employee's weekly benefit for paid medical or family leave is calculated as follows:

- if the employee's average weekly wage is equal to or less than one-half of the statewide average weekly wage, the weekly benefit amount is equal to 90 percent of the employee's average weekly wage; or
- if the employee's average weekly wage is greater than one-half of the statewide average weekly wage, the weekly benefit amount is equal to the sum of 90 percent of one-half of the statewide average weekly wage and 50 percent of the statewide average weekly wage.

---

<sup>9</sup>Wash. Rev. Stat. § 50A.05.005, *et seq.*

The minimum weekly benefit shall not be less than \$100 per week, unless the employee's average weekly wage is less than \$100 per week, in which case the weekly benefit shall be the employee's full weekly wage. The maximum weekly benefit is \$1,000 per week. This amount is to be adjusted annually by the department to an amount equal to 90 percent of the statewide average weekly wage.

**Definition of family.** For purposes of family leave, family members for whom an employee may take paid family leave include an employee's child, grandchild, grandparent, parent, sibling, or spouse.

**Job protection benefits.** Employees who take paid family or medical leave under the program are entitled to be restored to their original position of employment or an equivalent position. This job protection requirement only applies to employees who work for an employer with 50 or more employees, who have been employed by their current employer for 12 months or more, and have worked for at least 1,250 hours during the 12 months immediately preceding the paid leave.

**Private plans.** An employer may apply to the department for approval of a voluntary plan for the payment of family and/or medical leave benefits. In order to be approved, a private plan must be at least equivalent to the state plan in all aspects.

**Program website.** More information about the Washington program can be found here: <https://esd.wa.gov/paid-family-medical-leave>.