

QUICK REFERENCE CHART: STATUTORY DISABILITY AND PAID FAMILY & MEDICAL LEAVE PROGRAMS

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Employers with employees in states that have statutory disability and leave programs are obligated to comply with the provisions of those programs, including possible wage withholding and notice requirements as well as granting paid time off for qualified reasons. This publication provides employers with a high-level overview of statutory Disability Insurance (DI), Paid Family Leave (PFL) and Paid Family & Medical Leave (PFML) programs that are currently in force or scheduled to begin in the near future. For additional information about state leave and disability programs, see the separate state-specific NFP publications on this topic.

Statutory DI provides partial wage replacement to eligible employees who are seriously ill, injured or disabled for a circumstance that is not work related. Some states also cover “safe leave”, generally for an employee or their family member who is a victim of domestic violence, stalking, or sexual assault or abuse. If an employer sponsors a short-term disability (STD) insurance plan through a private insurer, the STD insurance generally supplements any statutory benefits and runs concurrently with those benefits for the same qualifying reason.

Statutory PFL provides partial wage replacement to eligible employees to care for a qualified family member with a serious health condition; to bond with a newly born, adopted or foster child; or to care for a military family member injured during active duty or to provide support for family members when deployed abroad on active military duty. Additionally, some states have combined DI and PFL to create a Paid Family and Medical Leave (PFML) program that grants coverage for both personal and family reasons under qualified circumstances.

The family relationships that are recognized under statutory programs vary from state to state and often include relationships, such as domestic partners, siblings, grandparents and grandchildren, that are not otherwise recognized under the federal Family & Medical Leave Act (FMLA). For information about establishing a working definition of domestic partner for the administration of state leave programs, see the NFP publication **Domestic Partner Benefits: A Guide for Employers**.

There are some key points to consider in connection with this publication. First, employers that are covered by the federal FMLA (and/or state’s FMLA) will run such leave concurrently whenever a qualifying reason for leave and a covered family member are the same. If a state’s definition of covered family members is broader than the federal FMLA definition, those family members are bolded throughout the Reference Chart to indicate that the federal FMLA would not apply. Also of note, eligibility for DI, PFL and PFML is generally determined based on an employee’s primary work location and not their state of residence. (Employers should confer with their tax consultant as needed to determine the applicable state tax nexus for employees whose worksite of record is in one state but who predominantly work remotely from another state.) Lastly, whenever a benefit contribution amount is indicated as an employee’s responsibility, employers have discretion to contribute on behalf of their employees but are not required to do so. In some cases, imputed income may apply to such discretionary payments.

The state-by-state details appear in this publication in the order shown on the chart below. To discuss your state leave compliance considerations and other aspects of your employee benefits program, or for copies of NFP publications, contact your NFP benefits consultant. For further information regarding NFP's full range of consulting services, see [NFP.com](https://www.nfp.com).

Checklist of Statutory Disability and Paid Family Leave

State	Disability	Paid Family Leave	Effective Dates	Private Option Available?
California	X	X	In force	Yes
Colorado	X	X	Payroll deduction effective 1/1/2023; Benefits effective 1/1/2024	Yes
Connecticut	X	X	In force	Yes
Delaware	X	X	Payroll deduction effective 1/1/2025; Benefits effective 1/1/2026	Yes
District of Columbia (DC)	X	X	In force	No
Hawaii	X		In force	Yes
Maryland	X	X	Payroll deduction effective 10/1/2023; Benefits effective 1/1/2025	Yes
Massachusetts	X	X	In force	Yes
New Hampshire	X (Limited circumstances)	X	Benefits effective 1/1/2023 (Participation is voluntary for private ERs)	Yes
New Jersey	X	X	In force	Yes
New York	X	X	In force	Yes
Oregon	X	X	Payroll deduction effective 1/1/2023; Benefits effective 9/1/2023	Yes
Puerto Rico	X		In force	Yes
Rhode Island	X	X	In force	No
Virginia	X	X	Effective 7/1/2022; (Participation is voluntary)	Yes
Washington	X	X	In force	Yes

CALIFORNIA

State Disability Insurance (SDI), Disability Insurance (DI) and Paid Family Leave (PFL): DI Effective 1946 | PFL Effective 2004

Disability

PFL

Covered Employers

All private sector and some public sector employers (ERs) with at least one employee (EE) in CA whose quarterly payroll is \$100 or more, and domestic EEs with a quarterly payroll of \$750 or more.

Funding for the Program

2022 rate: 1.1% of taxable wages up to \$145,600 (i.e., maximum \$1,601.60/year) for combined DI and PFL:

- 100% paid by CA EEs

Eligibility to Take Leave

EEs must have earned wages of at least \$300 from which SDI deductions were withheld during the base period to be eligible. The base period is the first four of the last five completed calendar quarters of covered employment. For example, a claim beginning on 6/20/2022 uses a base period of 1/1/2021 – 12/31/2021.

Qualified Reasons for Leave

DI

- EE's own non-work-related disability (illness, injury, pregnancy and childbirth recovery)

PFL

- For an eligible EE to:
 - Care for a seriously ill family member
 - Bond with a new child within one year of the birth or placement of the child through foster care or adoption
 - Participate in a qualifying event because of a family member's military deployment to a foreign country

Qualifying Family Members

Child, parent, **parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner.**

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- 60% – 70% of EE's average weekly earnings in highest quarter of base period
- 2022 weekly benefit limits: min. \$50 max. \$1,540

Maximum Benefits Duration

- DI: 52 weeks
- PFL: 8 weeks
- Leave can be taken intermittently on an hourly, daily or weekly basis as needed

Waiting Period

- DI: 7 days
- PFL: None

Job Protection & Health Plan Continuation Requirements

- Not included

Note: However, California Pregnancy Disability Leave Act provides job protection to employees disabled by pregnancy and related conditions. California Family Rights Act provides job protection for non-pregnancy related leave. Job protection may also be available from the federal FMLA.

Private Plan Options

- State-administered
- Private plan
 - Must apply to and get approval from the Employment Development Department
 - Must offer at least the same benefits and it must not cost more than SDI
 - Must provide at least one benefit element that is better than SDI
 - Must match any increase in benefits that SDI implements from legislation or regulation

Coordination with Other Benefits

EEs can receive other benefits, such as STD, accrued PTO or ER payment to supplement DI or PFL benefits as long as it does not exceed 100% of normal weekly wages during their DI or PFL benefit period. CA DI and PFL leaves cannot be taken simultaneously.

CA PFL runs concurrently with the federal FMLA, CA Pregnancy Disability Leave and CA Family Rights Act for applicable qualifying events. Coordination with the San Francisco Paid Parental Leave Ordinance.

EEs who work in San Francisco and receive CA PFL benefits to bond with a new child may be eligible for fully-paid parental leave for up to 8 weeks. ERs are required to supplement the CA PFL benefits to make EEs' salaries whole. For the details, please refer to the [Paid Parental Leave Ordinance](#) site.

Key Dates/Updates:

CFRA expanded the definition of family members to include parents-in-law effective 1/1/2022.

Official Sites: [California Disability Insurance](#)
[2022 California Employer's Guide](#)

COLORADO

Family and Medical Leave Insurance Program (FAMLI): Payroll Deduction Effective 1/1/2023 | Benefits Effective 1/1/2024

Disability

PFL

Covered Employers

Any ER with at least one EE during 20 or more calendar workweeks in the current or immediately preceding calendar year, or ERs that have paid wages of \$1,500+ during any calendar quarter in the preceding calendar year. (Excludes federal/local government and self-employed. Local government EEs may opt in voluntarily.)

Funding for the Program

Contributions start 1/1/2023.

2023-2024 rate: 0.9% of the EE's wages, capped at the federal Social Security Administration limit and adjusted annually:

- ER's with 10+ EEs:
 - ER's share: 50%
 - EE's share: Remaining amount, up to 50% of premium
- ERs with fewer than 10 EEs:
 - ER's share: Do not have to contribute; however, ERs are responsible for collecting and remitting the EE's share to the FAMLI fund
 - EE's share: 50%
- 50% of premium is also the rate cap for local government EEs opting-in to the program

Eligibility to Take Leave

EEs must have earned at least \$2,500 in wages within the state during the last 4 calendar quarters to be eligible.

Qualified Reasons for Leave

- EE's own non-work-related disability (illness, injury, pregnancy and childbirth recovery)
- For an eligible EE to:
 - Care for a family member with a serious health condition
 - Bond with a new child (by birth, adoption, or placement through foster care) within one year of the qualifying event
 - Qualify for military exigency
 - Use safe leave for when an EE or EE's family member is a victim of domestic violence, stalking or sexual assault

Qualifying Family Members

Child (**any age**), parent, spouse, **grandparent, domestic partner, grandchild, sibling, or any individual with whom the EE has a significant personal bond that is like a family relationship.**

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- 90% of the EE's average weekly wage equal to or less than 50% of the state average weekly wage, adjusted annually
- 2024 weekly benefit maximum: \$1,100 (regardless of average weekly wage)

Maximum Benefits Duration

- 12 weeks/year max. combining all qualified leave reasons
- An additional 4 weeks of leave is available to an EE experiencing complications from pregnancy or childbirth
- Leave can be taken continuously or intermittently

Waiting period

- None

Job Protection & Health Plan Continuation Requirements

- Included if an EE is employed for at least 180 days prior to taking leave
- ERs are required to maintain any health care benefits the EE had prior to taking the leave

Private Plan Options

- State-administered
- Private plan (fully insured or self-insured)

Coordination with Other Benefits

ER cannot require EE to use or exhaust any accrued vacation leave, sick leave or other paid time off prior to or while receiving CO PFML benefits. However, EE and ER may mutually agree that the EE may use any accrued vacation leave, sick leave, or other paid time off to "top off" or cover the remaining balance of their typical weekly wage in order to make whole their take-home pay while on leave.

Colorado also has a statutory version of the federal FMLA titled, "Colorado Family Care Act." The definition of family members extends beyond the federal FMLA and includes an employee's partner in a civil union and a domestic partner. Additionally, any paid leave an ER provides for birth parents, it must provide for adoptive parents.

Key Dates/Updates:

- Contributions start on 1/1/2023
- Benefits payable on 1/1/2024

Official Sites: [Colorado FAMLI](#)

[Poster, Pay Stub HR Fact Sheet](#)

CONNECTICUT**CT Paid Family and Medical Leave Act (PFMLA): Effective 1/1/2022**

Disability
PFL

Covered Employers

Most private ERs with at least one EE working in CT with few exceptions. Self-employed and sole proprietors are not required to participate but are eligible to opt in to the program.

Funding for the Program

2021-2022 rate: 0.5% of taxable wages up to Social Security maximum (\$147,000 for 2022):

- 100% paid by CT EEs through payroll deductions. ERs are responsible for remitting the deductions to the CT Paid Leave Authority quarterly

Eligibility to Take Leave

EEs must have earned wages of at least \$2,325 in the highest-earning quarter of the first four of the five most recent completed quarters (the "base period") and are currently employed, or have been employed within the last 12 weeks (for former EEs) to be eligible.

Qualified Reasons for Leave

- EE's own non-work-related serious health condition
- For an eligible EE to:
 - Care for a family member with a serious health condition
 - Bond with a new child (by birth, adoption or fostering) within 52 weeks of the date of the qualifying event
 - Care for a military family member injured during active duty or a qualified exigency related to a family member's call to active duty
 - Seek medical care or psychological care from family violence
 - Serve as a bone marrow or organ donor

Qualifying Family Members

Spouse, **sibling**, child, **grandparent**, **grandchild**, parent; or, **an individual related to the EE by blood or affinity, and whose close association with the EE shows to be the equivalent of those family relationships.**

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- 95% of EE's average weekly wage up to a maximum depending on the income level
- Total weekly benefit not to exceed 60x the state minimum wage, determined annually
- Weekly benefit maximum:
 - Effective 1/1/2022: \$780
 - Effective 7/1/2022: \$840
 - Effective 6/1/2023: \$900

Maximum Benefits Duration

- The combined max. length per benefit year is 12 weeks total (14 weeks if the EE was incapacitated due to pregnancy complications)
- Up to 12 days for instances of family violence
- Leave can be taken continuously; intermittently in certain circumstances where some scenarios require ER consent

Waiting Period

- None

Job Protection & Health Plan Continuation Requirements

- Not included

Note: However, the federal FMLA or the CT Family and Medical Leave Act provide job-protected leave, which may run concurrently on some of the qualifying events. The CT DOL's proposed final regulations released in March 2022 would expand the CT FMLA rights to be more aligned with the CT PFMLA if finalized.

Private Plan Options

- State-administered
- Private plan (fully insured or self-insured)
 - Requires votes, and once approved, effective for a 3-year period

Coordination with Other Benefits

An ER may require or may permit an EE to use any accrued paid leave or paid time off while on approved leave, but the EE must be able to retain a balance of at least 2 weeks of accrued leave. The total amount of the combined compensation cannot exceed 100% of their regular rate of pay.

Key Dates/Updates:

- Contribution collection started on 1/1/2021
- Benefits became payable on 1/1/2022
- Notice requirements to EEs begin: 7/1/2022

Official Sites: [Connecticut Paid Leave](#)

[Registering Business and Accessing Model Poster](#)

DELAWARE

**Family and Medical Leave Insurance Program (“FMLI”) (a.k.a. “the Healthy Delaware Families Act”):
Payroll Deduction Effective 1/1/2025 | Benefits Effective 1/1/2026**

Disability

PFL

Covered Employers

- ERs with 10-24 covered EEs* must comply with the parental leave requirements only
- ERs with 25+ covered EEs must comply with all of the parental, family caregiving and medical leave requirements
- *Covered EEs are those who primarily report to work at a Delaware worksite unless otherwise excluded. However, ERs can reclassify an EE as a covered EE even when the EE works at a worksite in another state
- Excludes federal government and any business that is closed for 30 consecutive days or more per year

Funding for the Program

2025-2026 Rate

- Parental Leave: 0.32% of the EE’s wages
- Family Caregiving Leave: 0.08% of the EE’s wages
- Medical Leave: 0.4% of the EE’s wages
- Up to 50% of the total contribution amount can be imposed on EEs

ERs are required to remit the total premium to the state at least quarterly as regulated by the Department.

Eligibility to Take Leave

EEs who have worked at least 1,250 hours over the 12-month period immediately preceding the date on which leave is to begin.

Qualified Reasons for Leave

- EE’s own serious health condition
- For an eligible EE to:
 - Care for a family member with a serious health condition
 - Bond with a new child (by birth, adoption or fostering) during the first 12 months after the child’s birth or placement
 - Attend to a qualifying exigency arising out of a family member’s military deployment

Qualifying Family Members

Spouse, children and parents (as defined in the federal FMLA).

Maximum Benefits Amount

- 80% of the EE’s average weekly wage up to \$900 (in 2026 and 2027) (After 2027, revisited annually and adjusted by the state as appropriate.)

Maximum Benefits Duration

- Total of up to 12 weeks per an application year
- Parental leave: 12 weeks per application year
- Other qualifying reasons: 6 weeks in any 24-month period
- Leave can be taken continuously, intermittently or on a reduced schedule basis, but only when medically necessary and supported by documentation

Waiting Period

- TBD

Job Protection & Health Plan Continuation Requirements

- Included
- Any health benefits must be continued in the same manner as required under the federal FMLA

Private Plan Options

- State-administered
- Private plan (fully insured or self-insured)

Coordination with Other Benefits

The FMLI runs concurrently with the federal FMLA for the same qualifying reason.

Key Dates/Updates:

- Contribution collection starts on 1/1/2025
- Benefits become payable on 1/1/2026

Legislation: [Senate Bill 1](#)

DISTRICT OF COLUMBIA (DC)

Universal Paid Leave Program: Effective 7/1/2020

Disability
PFL

Covered Employers

All private ERs with at least one EE working in Washington, DC.

Funding for the Program

Rate: 0.62% quarterly payroll tax based on the immediate past quarter of gross or total wages paid:

New Rate Effective 7/1/2022: the ER contribution rate will be reduced to 0.26%. (The ER contribution rate will be re-evaluated in March 2023.)

- 100% paid by ERs

Eligibility to Take Leave

EEs must spend more than 50% of the time working in DC, including teleworking or telecommuting for a covered employer, and must have completed that work during the year prior to requesting leave. EEs don't have to work a certain amount of time to become eligible for the benefit.

Qualified Reasons for Leave

- EE's own non-work-related serious health condition
 - Medical leave also covers medical care related to miscarriage (defined as loss of a pregnancy before 20 weeks' gestation), and stillbirth (defined as loss of a pregnancy after 20 weeks' gestation)
- Temporary relief: Prenatal care and pregnancy loss coverage (2 additional weeks) (Effective 10/1/2021 – 9/30/2022)
 - Routine and specialty appointments, exams, and treatments associated with a pregnancy, as provided by a health care provider
 - Treatment for pregnancy complications
 - Bedrest that is required or prescribed by a health care provider
 - Prenatal physical therapy
- For an eligible EE to:
 - Care for a family member with a serious health condition
 - Bond with a new child (by birth, adoption or fostering) within 52 weeks of the date of the qualifying event

Qualifying Family Members

Spouse, **domestic partner**, child (biological, adopted, foster child, or stepchild), parents, **parent-in-law, grandparent, grandchild, sibling**.

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- 90% of the EE's average weekly wage up to a maximum of \$1,009/week

Maximum Benefits Duration

- 8 weeks to bond with a newly born, adopted or foster child (parental leave)
- 6 weeks to care for a family member with a serious health condition (family leave)
- 6* weeks to care for an EE's own serious health condition
- 2* weeks for prenatal care
- Leave can be taken continuously or intermittently
- Additional unpaid leave may be available under DC FMLA

**Annual maximum leave period is 8 weeks, except when taken for both prenatal and parental leaves, in which case, an EE can take up to 10 weeks of combined parental/bonding leave during the 52-week period.*

Effective 7/1/2022,* the maximum benefits duration will be increased in parental leave from 8 to 12 weeks, and medical and family leaves from 6 to 12 weeks. The maximum combined leaves will also increase from 8 weeks to 12 weeks per year. In addition, for prenatal/pregnancy leave of 2 weeks will be in addition to the newly increased 12 week max.

**Note: The effective date of these expansions may be delayed until 10/1/2022.*

Waiting Period

- 7 days
- Waiting period applies once in a 52-week period and does not count against EEs total number of workweeks of paid-leave benefits due

Temporary Relief: No waiting period for claims filed after October 1, 2021, until 1 year and 1 day after the end of the COVID-19 public health emergency.

Job Protection & Health Plan Continuation Requirements

- Not included

Note: However, the federal FMLA and/or DC FMLA may run concurrently with DC PFL and provide job protection.

Private Plan Options

State-administered only. No private plan option.

Key Dates/Updates:

Several enhancements were made to DC PFL effective 10/1/2021. These temporary changes are scheduled to expire on 9/30/2022.

The new model notice was released in Fall 2021. It can be found [here](#). For additional information about the notice/poster requirements, the [DC PFL Employer Toolkit](#) is a helpful resource (page 9-11).

Most STD plans are prohibited from offsetting their STD benefits for DC PFL benefits. Further, DC PFL benefits are never offset by employer provided STD benefits.

Official Site: [DC Paid Family Leave](#)

HAWAII

Temporary Disability Insurance (TDI): Effective 1969

Disability

Covered Employers

Most ERs that have at least one EE working in Hawaii.

Funding for the Program

2022 rate: capped at the weekly maximum of \$6 (based on the weekly maximum wage, \$1,200.30):

- EE's contribution cannot exceed 0.5% of the EE's weekly wages up to the state max, set annually

Eligibility to Take Leave

EEs must currently be employed and have at least 14 weeks of Hawaii employment during each of which they were paid for 20 hours or more, and have earned not less than \$400 in the 52 weeks preceding the first day of disability to be eligible.

The 14 weeks need not be consecutive nor with only one ER.

For exclusion and ineligibility for benefits; see sections [392-5](#) and [392-27](#) of the Hawaii Revised Statutes.

Qualified Reasons for Leave

EE's own off-the-job disability (illness, injury, pregnancy and childbirth recovery).

Maximum Benefits Amount

- 58% of average weekly wages, capped at the benefit amount annually set by the Disability Compensation Division.
- 2022 weekly benefit maximum: \$697

Maximum Benefits Duration

- 26 weeks

Waiting Period

- 7 days

Job Protection & Health Plan Continuation Requirements

- Not included

Note: However, the federal FMLA and/or the Hawaii Family Leave Law (HFL) may run concurrently with TDI.

Private Plan Options

- No state-administered plan
- Private plans insured from approved carriers, self-insured plan approved by state, or provided through a collective bargaining agreement

Official Site: [Hawaii Disability Compensation Division](#)

Note: Hawaii proposed paid family and medical leave legislation in 2020. However, as of this publication, it hasn't been enacted.

MARYLAND

Family and Medical Leave Insurance Program (“FAMLI”) (a.k.a. “Time to Care Act of 2022”):
Payroll Deduction Effective 10/1/2023 | Benefits Effective 1/1/2025

Disability

PFL

Covered Employers

Most ERs with at least one EE working in Maryland. (Self-employed individuals are not required to participate but may opt-into the program.)

Funding for the Program

Beginning October 1, 2023, ERs with 15 or more EEs are required to contribute to the state’s Family Medical Leave Insurance (FAMLI) fund. ERs with fewer than 15 EEs are not required to contribute. EEs with any employer size are required to contribute or the ERs have an option to pay on their behalf. The Maryland secretary of labor will determine the rate by June 1, 2023, and the rate will remain the same until 12/31/2025. ERs will be required to remit the premiums to the state on a quarterly basis.

Eligibility to Take Leave

EEs who have worked at least 680 hours over the 12-month period immediately preceding the date on which leave is to begin.

Note: An individual receiving unemployment insurance or workers’ compensation benefits is not eligible to receive FAMLI benefits.

Qualified Reasons for Leave

- EE’s own serious health condition
- For an eligible EE to:
 - Care for a family member with a serious health condition
 - Bond with a new child (by birth, adoption or fostering) during the first 12 months after the child’s birth or placement
 - Attend to a qualifying exigency arising out of a family member’s military deployment
 - Manage family affairs when a family member is on or has been called to active duty while in the armed forces, including the National Guard or Reserves

Qualifying Family Members

Spouse, children,* parents or legal guardian,* **grandchildren,* grandparents*** and **siblings.***

(*Includes biological, adopted, foster and step-relations through legal guardianship or loco parentis.)

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- 2025: Based on individual average weekly wage, ranges from \$50 to \$1,000 cap that is indexed to inflation thereafter
- For an EE’s average weekly wage 65% or less than the state average: 90% of the EE’s average weekly wage
- For an EE’s average weekly wage greater than 65% of the state average: 90% of the portion of the EE’s wage up to that threshold plus 50% of the portion of the wage above that threshold

Maximum Benefits Duration

- 12 weeks within the 12-month period following the EE applying for benefits
- An additional 12 weeks is provided if an EE qualifies for both parental leave (i.e., bonding with a new child) and a medical leave due to the EE’s own serious health condition in the same application year
- Leave can be taken continuously or intermittently (minimum increment of 4 hours)

Waiting Period

- TBD

Job Protection & Health Plan Continuation Requirements

- Included (ERs may only terminate an EE on leave for “cause,” and the denial is necessary to prevent “substantial and grievous economic injury” by retaining the EE)
- Any health benefits must be continued in the same manner as required under the federal FMLA

Private Plan Options

- State-administered
- Private plan (fully insured or self-insured)

Coordination with Other Benefits

The FAMLI runs concurrently with the federal FMLA for the same qualifying reasons. Likely, Maryland’s unpaid Parental Leave Act will run concurrently with PFMLI bonding leave.

Key Dates/Updates:

- Contribution collection starts on 10/1/2023
- Benefits become payable on 1/1/2025

Legislation: [Senate Bill 275](#)

MASSACHUSETTS**Paid Family and Medical Leave (PFML): Effective 1/1/2021**

Disability

PFL

Covered Employers

Most ERs with at least one EE working in Massachusetts. (For a list of excluded ERs, please refer to state guidance [here](#). Excluded ERs may opt in voluntarily.)

Funding for the Program

2022 rate: 0.68% of an EE's wages up to the Social Security income limit (\$147,000 for 2022):

- ERs with 25+ covered individuals
 - EE's share: 0.344%* of wages (0.224% medical leave and 0.12% family leave)
 - ER's share: 0.336% of wages
- ERs with fewer than 25 covered individuals
 - EEs share: 0.344%* of wages (0.224% medical leave and 0.12% family leave) ER's share: Waived

Note: The 25 threshold is based on the EEs in MA.

Eligibility to Take Leave

EEs must meet both the general eligibility and the earnings requirement.

General Eligibility

- W-2 employees who work in MA (e.g., FT, part-time or seasonal)
- Self-employed individuals if opting-in voluntary
- Certain 1099-MISC contractors in MA who work for a business that issues 1099-MISC forms to more than 50% of its workforce
- Former EEs who have been unemployed for 26 weeks or fewer

Earnings Requirement

- An EE must have earned at least \$5,400 during the last 4 completed calendar quarters, and at least 30x more than the benefit amount the EE is eligible to receive each week

Qualified Reasons for Leave

- EE's own serious health condition
- For an eligible EE to:
 - Care for a family member with a serious health condition
 - Bond with a new child (by birth, adoption or fostering) during the first 12 months after the child's birth or placement
 - Care for a family member who is or who was a member of the Armed Forces, National Guard or Reserves and developed or aggravated a serious health condition in line of duty on active duty while deployed.
 - Manage family affairs when a family member is on or has been called to active duty while in the armed forces, including the National Guard or Reserves

Qualifying Family Members

Spouse, **domestic partner**, children,* parents,* **grandchildren,* grandparents*** and **siblings.***

(*Includes biological, adopted, foster, through legal guardianship or loco parentis. Full list [here](#).)

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- Based on individual average weekly wage and capped at the state average weekly wage for Massachusetts workers. Also impacted by the type of leave an EE is taking; see below
- 2022 weekly benefit maximum: \$1,084.31

Maximum Benefits Duration

- EE's own serious health condition: 20 weeks
- Caring for a family member or bonding: 12 weeks
- Caring for a covered service member: 26 weeks
- Leave can be taken on a continuous, reduced or intermittent schedule
- Any combination of the above leave reasons: 26 weeks

Waiting Period

- 7 calendar days (the waiting period will count against the EE's total available leave for the benefit year)
- Waived when family leave (bonding) is taken immediately after a medical leave taken for pregnancy or recovery from childbirth-related disability

Job Protection & Health Plan Continuation Requirements

- Included

Private Plan Options

- State-administered
- Private plan (fully insured or self-insured)

Coordination with Other Benefits

EEs cannot use accrued PTO on the same days that they are receiving the PFML benefits. EEs are allowed to use accrued PTO during the 7 day waiting period, or after the PFML is exhausted or during the intermittent leave if it's not used at the same time.

Official Site: [Massachusetts Department of Family and Medical Leave](#)

Notice/Poster Requirement: All covered ERs are required to display a poster and distribute the state's provided poster and notice to their EEs. (The model notice and poster can be found [here](#).)

NEW HAMPSHIRE

Granite State Paid Family Leave (PFL) Plan Provides Family Medical Leave Insurance (FMLI): Benefits Effective 1/1/2023

Disability

PFL

Covered Employers

All state government ERs. Other public ERs and private ERs with more than 50 employees can participate on a "voluntary basis."

Note: Individuals who are employed by private ERs not offering FMLI coverage under the state plan or a comparable leave program may choose to purchase FMLI coverage through the individual pool.

Funding for the Program

Private sector and non-state public ERs can choose to provide FMLI on a contributory or partially contributory basis or at no cost to their EEs.

Eligibility to Take Leave

All EEs who work for a covered ER and EEs who opt in to individual coverage are eligible. The NH Commissioner of Administrative Services is expected to issue additional eligibility requirements, among other guidance, as the plan effective date approaches.

Qualified Reasons for Leave

- EE's personal serious health condition that is independent of employment, if the employer does not offer short-term disability insurance (applies to all participating private and non-state public ERs & EEs)
- For an eligible EE to:
 - Bond with a new child (by birth, adoption or fostering) during the first 12 months after the child's birth or placement
 - Care for a family member with a serious health condition
 - Care for a family member who is in the military

Qualifying Family Members

Child; a child's biological, adoptive, step- or foster-parent, step-parent, or legal guardian of the child; or a child's spouse or **domestic partner**; a **biological, adoptive, step- or foster grandparent**; a spouse or **domestic partner**; and **next of kin*** (limited to military caregiver leave).

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- 60% of EE's average weekly wage
- Weekly benefit maximum: Social Security taxable wage maximum

Maximum Benefits Duration

- 6 weeks with no minimum duration required

Waiting Period

- None
- Commissioner of Administrative Services may add a waiting period for employer-sponsored leave in future regulations

Job Protection & Health Plan Continuation Requirements

- Not explicitly stated at this time
- Appears to be included and require ERs to continue EEs' health insurance coverage during leave

Private Plan Options

The state will contract with private insurance carrier(s) to provide and administer the paid leave benefit.

Key Dates/Updates:

- 6/25/2021: Enacted the Granite State Paid Family Leave Act
- 3/28/2022: The state sent RFP to insurance carriers
- 1/1/2023: Coverage for EEs begin

Legislation: 2021 Ch.91, HB2. **New Hampshire House Bill 2**

NEW JERSEY**Temporary Disability Insurance (TDI) and Family Leave Insurance (FLI):
TDI Effective 1948 | FLI Effective 2009**

Disability

PFL

Covered Employers

All ERs with at least one EE working in NJ.

Note: Local governments, including school districts, are not required to participate in TDI but must participate in the FLI.

Funding for the Program

2022 rate:

- TDI
 - EE's share: 0.14% up to \$212.66/year maximum
 - ER's share: Remaining portion of the total rate
- FLI
 - EE's share: 0.14% up to \$212.66/year maximum
 - ER's share: Waived

Eligibility to Take Leave

EEs must have worked at least 20 weeks, earning at least \$240 weekly, or have earned a combined total of \$12,000 (2022) in the base year in NJ.

Note: The base year is the first 4 quarters of the 5 completed quarters prior to the week your disability began.

Qualified Reasons for Leave

TDI

- EE unable to work due to a physical or mental health condition or other disability unrelated to work, including pregnancy/childbirth recovery
- May be granted if a healthcare provider certifies that an EE is unable to work because the EE is at high risk for COVID-19 due to an underlying health condition

FLI

- For an eligible EE to:
 - Bond with a new child (by birth, adoption or fostering)
 - Care for a family member with a physical or mental condition, including one that is due to COVID-19
 - Handle certain matters related to domestic or sexual violence

Qualifying Family Members

Spouse, **domestic partner**, children (biological, foster, step-children, **domestic partner's children**), parents, **parents-in-law, grandchildren, grandparents, siblings, any blood relative and any loved one who is the equivalent of family.**

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

Applies to both TDI/FLI:

- 85% of the EE's average earnings up to the maximum weekly benefit rate set for that calendar year
- 2022 weekly benefit maximum: \$993

Maximum Benefits Duration

- TDI: 26 weeks or the length of leave that equals 1/3 of total wages in base year, whichever is lesser
- FLI: 12 consecutive weeks, or for intermittent leaves, up to 8 weeks (56 days) during a 12-month period
- Leave can be taken on a continuous, reduced or intermittent schedule

Waiting Period

- TDI: 7 days (waived for organ or bone marrow donation leave)
- FLI: None

Job Protection & Health Plan Continuation Requirements

- Not included (except for organ or bone marrow donation leave)

Note: However, the federal FMLA and/or NJ Family Leave Act (FLA) or NJ Security and Financial Empowerment Act (SAFE) may run concurrently to provide job protection on certain qualifying events.

Private Plan Options

- State-administered
- Private plan (fully insured or self-insured)

All private plans must be approved by the Division of Temporary Disability Insurance.

Key Dates/Updates:

The NJ TDI contribution in 2022 decreased significantly. It became effective 1/1/2022.

NJ has the New Jersey Family Leave Act (NJ FLA) that provides up to 12-weeks of job-protected leave during any 24-month period for family related qualifying events. The NJ FLA applies to an employer with 30 or more employees worldwide, and an employee has been employed by the company for at least 1 year (and have worked at least 1,000 hours in the past 12 months). If eligible, NJ FLA may run concurrently with FLI.

Official Sites: [NJ Main Site for TDI & FLI](#)

[TDI FLI What HR & ERs Need to Know](#)

NEW YORK**Disability Benefits Law (DBL) and Paid Family Leave (PFL): DBL Effective 1949 | PFL Effective 1/1/2018**

Disability

PFL

Covered Employers

All private ERs with at least one EE working in NY. NY public ERs may opt in voluntarily.

Funding for the Program**DBL**

ER/EE share the contributions:

- EE's share: 0.5% of taxable wages up to \$0.60/week
- ER's share: Remaining amount

PFL

100% EE paid:

- EE's share: 0.511% of taxable wages up to state average wage (\$423.71/year for 2022)

Eligibility to Take Leave**DBL**

- Full-time EEs must work for 4 consecutive weeks of covered employment. Such employment need not be with the same employer.
- Part-time EEs become eligible on the 25th day of regular NY employment unless eligibility was previously satisfied.

PFL

- Full-time EEs who work 20 or more hours/week become eligible after 26 consecutive weeks of employment.
- Part-time EEs who work fewer than 20 hours/week become eligible after work for 175 days (do not need to be consecutive). No hour limit on a "day" worked.

Qualified Reasons for Leave**DBL**

- EE's own non-work-related serious health condition including pregnancy and childbirth recovery

PFL

- For an eligible EE to:
 - Care for a family member with a serious health condition
 - Bond with a new child (by birth, adoption or fostering) within 1 year of birth/placement
 - Care for a military family member injured during active duty or to provide support for family members when deployed abroad on active military duty
 - Certain instances where an employee or their minor dependent child are under an order of quarantine or isolation due to COVID-19

Qualifying Family Members

Spouse, **domestic partner**, child/ stepchild, parent/stepparent, **parent-in-law, grandparent, grandchild; (biological and adopted siblings, half-siblings and step-siblings)** will be added effective 1/1/2023).

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- DBL: 50% of EE's weekly wage up to \$170
- PFL: 67% of EE's average weekly wage capped at the state average weekly wage and updated annually
- 2022 weekly benefit maximum: \$1,068.36

Maximum Benefits Duration

- DBL: 26 weeks
- PFL: 12 weeks
- Total of DBL and PFL leaves in any 52-week period may not exceed 26 weeks
- Leave can be taken continuously or intermittently in full day increments

Waiting Period

- DBL: 7 days
- PFL: None

Job Protection & Health Plan Continuation Requirements

- DBL: Not included (if applicable, the federal FMLA may provide job protection during a leave)
- PFL: Included

Private Plan Options

- State Insurance Fund (NY SIF)
- Private plan (fully insured or self-insured)

Coordination with Other Benefits

ERs cannot require EEs to use paid time off prior to or alongside PFL. It is up to the employer to determine how PFL works with their other parental leave policies.

DBL and PFL cannot run concurrently. In cases of maternity and bonding leave, the leaves run consecutively at the discretion of the EE.

Official Sites:

NY PFL: [New York Paid Family Leave](#)

NY DBL: [New York Disability Benefits](#)

OREGON

Paid Family & Medical Leave Insurance (PFMLI) (a.k.a., Paid Leave Oregon): Payroll Deduction Effective 1/1/2023 | Benefits Effective 9/1/2023

Disability

PFL

Covered Employers

Any ER with one or more EEs working in OR (excludes self-employed, federal government and tribal government unless voluntarily opting in).

Funding for the Program

- The Oregon Employment Department (OED) will determine the contribution rate, which cannot exceed 1% of employees' wages up to the maximum wage base of \$132,900, then indexed annually; contributions begin 1/1/2023
- ERs with 25+ EEs
 - ER's share: 40%, but may elect to contribute more or all
 - EE's share: Remaining amount, not to exceed 60%
- ERs with fewer than 25 EEs
 - ER's share do not have to contribute
 - EE's share: 60% of the contribution amount
 - If ER voluntarily contributes, may apply for a grant in certain scenarios
- ER is responsible for withholding the EE's contribution and remit to the PFMLI program

Eligibility to Take Leave

EEs must have earned at least \$1,000 in wages within Oregon during the base year (first 4 of the last 5 completed calendar quarters) or alternate base year (last 4 completed calendar quarters) prior to leave request. Independent contractors and federal government employees are not eligible. Self-employed and tribal governments may opt into the program.

Qualified Reasons for Leave

- EE's own non-work-related disability (illness, injury, pregnancy and childbirth recovery)
- Safe leave for victim of domestic violence, stalking or sexual assault
- For an eligible EE to:
 - Care for a seriously ill family member
 - Bond with a new child

Qualifying Family Members

Spouse, **domestic partner**, child/step-child (**any age**), parent and **parent-in-law, grandparent, grandchild, sibling, "any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship."**

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- Based on the EE's average weekly wage
 - If the EE has 65% or less than state average weekly wage, benefit is 100% of the EE's weekly wage

- If the EE has more than 65% of the state average weekly wage, benefit is the total of 65% of the state average weekly wage and 50% of the EE's average weekly wage that exceeds 65% of the state average weekly wage

Maximum Benefits Duration

- Generally, 12 weeks for all combined covered leave reasons in a benefit year
 - An additional 2 weeks of PFMLI leave may be available for pregnancy and childbirth related circumstances
 - An additional 4 weeks of unpaid, job-protected leave may be available under the state's family leave law
- Total leave cannot exceed 18 weeks in a benefit year

The state has not yet adopted rules for intermittent leaves.

Waiting Period

- No waiting period

Job Protection & Health Plan Continuation Requirements

- Included if an EE has worked for the ER for at least 90 days before the leave begins
- Not included for ERs with fewer than 25 EEs
- EEs are required to maintain any healthcare benefits the EE had prior to taking the leave

Coordination with Other Benefits

ER may permit an EE to use accrued paid sick time, vacation or any other paid leave in addition to receiving PFMLI benefits not to exceed 100% of EEs normal wages. PFMLI runs concurrently with Oregon Family Leave Act (OFLA) and the federal FMLA where applicable.

Private Plan Options

- State-administered
- Private plan (fully insured or self-insured)

Key Dates/Updates:

- 9/1/2022: Private plan application begins
- 1/1/2023: Contributions start; notice requirement due
- 9/3/2023: Benefits start

Legislation: HB 2005 OR Rev. Stat Ch.657B

Official Sites:

[Oregon Paid Family and Medical Leave Insurance](#)

[Oregon Paid Family and Medical Leave Frequently Asked Questions](#)

[Oregon House Bill 2005](#)

PUERTO RICO

Statutory Disability Benefits Program (“El Seguro por Incapacidad No Ocupacional Temporal (SINOT)”): Effective 1968

Disability

Covered Employers

Any ERs with at least one EE working in Puerto Rico in current or previous calendar year.

Funding for the Program

Both ER and EEs contribute 0.6% of first \$9,000 of annual earnings.

Eligibility to Take Leave

EEs must have received salaries of at least \$150 during their base period. (The base period is the first four of the last five completed calendar quarters before the first day of the disability period.)

Qualified Reasons for Leave

EEs’ non-work-related illness or injury, including pregnancy and childbirth recovery.

Note: Puerto Rico does not currently provide leave for family care.

Maximum Benefits Amount

- 65% of the EE’s weekly earnings
 - Weekly benefit maximum (non-agricultural workers): \$113
 - Weekly benefit maximum (agricultural workers): \$55
- Additional benefits available for death or dismemberment

Maximum Benefits Duration

- 26 weeks

Waiting Period

- 7 days (unless hospitalized within the first 7 days of disability, in which case benefits begin on the first day of disability)

Job Protection & Health Plan Continuation Requirements

- Included

Private Plan Options

- State-administered
- Private plan (fully insured or self-insured plan approved by the PR DOL)

Official Sites:

[Puerto Rico Statutory Disability Benefits](#)

RHODE ISLAND

Temporary Disability Insurance (TDI) and Temporary Caregiver Insurance (TCI): TDI Effective 1942 | TCI Effective 7/11/2013

Disability

PFL

Covered Employers

All private and some public ERs with at least one EE working in Rhode Island.

Funding for the Program

2022 rate: 1.1% of an EE's first \$81,500 in earnings:

- 100% EE paid

Eligibility to Take Leave

Monetary Eligibility

EEs must have earned at least \$14,700 in base period wages, or \$2,450 in one of the base period quarters and total base period wages of at least 1.5x the highest quarter earnings, and total base period earnings of at least \$4,900 in 2022.

Nonmonetary Eligibility

EEs must have worked for RI-covered ER and have medically certified disability.

Qualified Reasons for Leave

TDI (medical leave)

- EE's own non-work-related illness or injury

TCI (family leave)

For an eligible EE to:

- Bond with new child (by birth, adoption or fostering)
- Care for family member with serious health condition

Qualifying Family Members

Spouse, **domestic partner**, child, parent and **parent-in-law, grandparent, grandchild**.

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

Applies to both TDI/TCI:

- 4.62% of the wages paid in the highest quarter of the employee's base period
- 2022 weekly benefit limits: min. \$114, max. \$978

Additionally, if an EE has dependent children under 18 years of age or incapacitated children over 18, the EE may be entitled to a dependency allowance. The dependency allowance is limited to 5 dependents and is equal to the greater of \$10 or 7% of an EE's benefit rate.

Maximum Benefits Duration

- TDI: 30 weeks in any benefit year
- TCI: 5 weeks in 2022 and 6 weeks in 2023

Note: Combined RI TDI and TCI leaves cannot exceed 30 weeks.

Waiting Period

- No waiting period but must be out of work for a qualifying reason for a minimum of 7 days

Job Protection & Health Plan Continuation Requirements

- May be provided through state or federal laws such as the Family and Medical Leave Act or Rhode Island Parental and Family Medical Leave Act
- Upon return from TCI leave, ERs must offer EEs a comparable position, with the equivalent seniority, status employment benefits, pay and other terms and conditions including fringe benefits

Private Plan Options

State-administered program only; no private plan option available.

Coordination with Other Benefits

EEs can be compensated salary, sick and/or vacation pay while receiving the TDI/TCI benefits if an EE is unable to work due to illness or non-work-related injury, caregiver or bonding.

Key Dates/Updates:

TCI increased the max. leave duration TCI increased to 5 weeks per benefit year in 2022 and increases to 6 weeks per benefit year from 4 weeks per benefit year in 2023.

Official Site: [Rhode Island TDI and TCI for Employers](#)

VIRGINIA**Private Family Leave Insurance Act: Effective 7/1/2022**

PFL

Covered Employers

A **voluntary** and not a mandatory program. Virginia created paid family leave insurance as a class of insurance available in Virginia. Unlike other states' PFML programs, neither employers nor insurers are required to have PFL policies. The new law simply permits disability insurers to offer paid family leave insurance in a form of rider or stand-alone policy in addition to disability insurance. Family leave insurance may be written as an amendment or rider to a group disability income policy, included in a group disability income policy, or written as a separate group insurance policy purchased by an employer.

Funding for the Program

- No requirements

Eligibility to Take Leave

- No requirements

Qualified Reasons for Leave

- For an eligible EE to:
 - Care for a seriously ill family member
 - Bond with a new child (by birth, adoption or fostering)
 - Take time off for circumstances arising out of the fact that the employee's family member who is a service member is on active duty or has been notified of an impending call or order to active duty.

Qualifying Family Members

- No requirements

Maximum Benefits Amount

- No requirements

Maximum Benefits Duration

- No requirements

Waiting Period

- No requirements

Job Protection & Health Plan Continuation Requirements

- No requirements

Private Plan Options

- Private plan only. No state-operated program.

Coordination with Other Benefits

Though the legislation does not provide specific guidance on the coordination of benefits, it is expected that the PFL runs concurrently with the federal FMLA where applicable.

Key Dates/Updates:

Effective 7/1/2021, newly issued short-term disability policies must pay benefits for a full 12 weeks immediately following childbirth. There can be no exclusion or waiting period applied. The mandate will not apply to renewed short-term disability policies or long-term disability policies.

Bureau of Insurance Memo.**Legislation: Chapter 132**

Note: There is a proposed legislation (L. 2022, S1) that would establish a PFML program that provides up to 12 weeks of paid leave, beginning 1/1/2025. As of now, Virginia does not have a state-mandated paid family and medical leave program.

WASHINGTON**Paid Family & Medical Leave (PFML): Effective 10/19/2017**

Disability

PFL

Covered Employers

All private ERs and some public ERs of at least one EE working in Washington state.

Note: The exemption from PFML compliance for collective bargaining agreements in existence on 10/19/2017 will expire on 12/31/2023.

Funding for the Program

2022 rate: 0.6% of gross wages not including tips (up to the 2022 SSC cap, \$147,000):

- ERs with 50+ EEs
 - EE's share: 73.22%
 - ER's share: 26.78%
- ERs with fewer than 50 EEs
 - EE's share: 73.22%
 - ER's share: 0%

Note: The 50-EE threshold is based on EEs in WA.

Eligibility to Take Leave

EEs must have worked for the same or any employer at least 820* hours in the first four of the last five completed calendar quarters, or in the last four completed calendar quarters immediately preceding the application for leave.

Qualified Reasons for Leave

- EE's own non-work-related serious health condition
 - Postnatal period* is covered under medical leave unless the EE chooses to take it under family leave instead

*(The first 6 weeks after birth.)

Note: Further, the regulations prohibit requiring a medical certification for leave during postnatal period effective 6/9/2022.

- For an eligible EE to:
 - Care for a seriously ill family member
 - Bond with a new child (by birth, adoption or fostering)
 - Take bereavement leave for death of a child within 12 months of birth or adoption (effective 6/9/2022)

For more information, please refer to state guidance [here](#).

Qualifying Family Members

Spouse, **domestic partner**, child (biological, adopted, foster, stepchild, legal guardian), parents (and legal guardians), **parent-in-law, grandparents (or spouse's grandparents), grandchildren, siblings, child's spouse**, and **someone who has an expectation to rely on an EE for care, whether or not the EE lives with the dependent individual.**

Note: Family relationships displayed in bold are not recognized under the FMLA.

Maximum Benefits Amount

- Up to 90% of an EE's weekly wage
- 2022 weekly benefit maximum: \$1,327

Maximum Benefits Duration

- 12 weeks of medical leave or family leave
- 16 weeks of combined medical and family leave for more than one qualifying event within the same year
- 18 weeks of combined medical and family leave for a condition in pregnancy or birth that results in incapacity
- 7 calendar days of bereavement leave for death of a new child
- Leave can be taken continuously or intermittently

Waiting Period

- The first 7 consecutive calendar days beginning with the Sunday of the first week an eligible EE starts taking paid PFML
- A waiting period does not reduce the maximum duration of an EEs available PFML
- The waiting period does **not** apply to leaves taken for the birth of a child, bonding after the child's birth or placement, or a qualified military exigency

Job Protection & Health Plan Continuation Requirements

- Included for ERs with 50+ EEs and EEs who have worked for the ER for at least 12 months, and 1,250 hours in the year before the first day they take paid leave
- Not included for ERs with under 50 EEs

Private Plan Options

- State-administered
- Private plan ("voluntary plan")
 - ER can choose to set up a voluntary plan for family leave, medical leave or both
 - ♦ ERs must apply and be approved to operate a voluntary plan.

Coordination with Other Benefits

ERs can provide additional benefits ("supplemental benefits") to their EEs on top of the state's PFML benefits. E.g., ER offers EEs additional time off to bond with a new baby or additional pay to replace wages lost while they are on leave.

Key Date/Update:

The contribution amounts increased on 1/1/2022.

Official Site: [Washington Paid Family and Medical Leave](#)

Note: WA Cares (the WA state's LTD insurance program) premium collection and wage reporting was scheduled to begin effective 1/1/2022, but has been put on hold at the time of publication. For more information, visit [wacaresfund.wa.gov](#).

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