

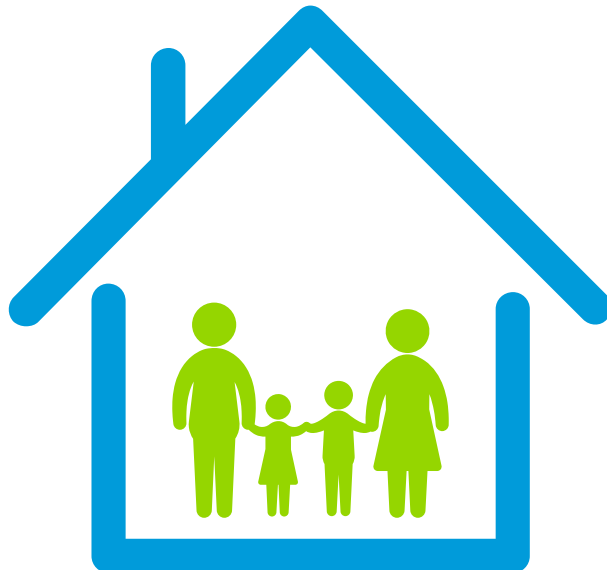


White Paper

STATE FAMILY AND MEDICAL LEAVE

FOR PRIVATE EMPLOYERS

August 2018



STATE FAMILY AND MEDICAL LEAVE FOR PRIVATE EMPLOYERS



STATE	APPLICATION	LEAVE AND PAY	PURPOSES
<p>California Family Rights Act (CFRA) (unpaid)</p>	<p>Employer: Private employers with 50 or more employees and the state and any political or civil subdivision of the state and cities.</p> <p>Employee: Eligible employees must have worked for 12 months and 1,250 hours in the 12 months prior to the need for the leave, and they must work at a location with 50 or more employees in a 75-mile radius.</p>	<p>Up to a total of 12 workweeks of unpaid job-protected leave.</p> <p>An employee also is entitled to take pregnancy leave for a reasonable period of time not to exceed four months.</p> <p>An employee may elect, or the employer may require, substitution of accrued vacation leave or other accrued time off or other paid or unpaid time off negotiated with the employer.</p> <p>An employee may use accrued sick leave for his or her own serious health condition (but not for other purposes unless the employer and employee agree).</p> <p>No requirement that spouses share leave.</p>	<p>For the birth of a child or adoption or foster care placement of a child.</p> <p>To care for the employee's spouse, child under age 18 or a dependent adult child, or parent with a serious health condition.</p> <p>For the employee's own serious health condition.</p>
<p>California New Parent Leave Act (unpaid)</p>	<p>Employer: Employers with at least 20 employees.</p> <p>Employee: Eligible employees must have worked for more than 12 months and at least 1,250 hours in the 12 months prior to leave at a location with at least 20 employees in a 75-mile radius.</p>	<p>Up to 12 weeks of unpaid, job-protected leave.</p> <p>Employees may utilize accrued vacation pay, paid sick time, other accrued paid time off, or other paid or unpaid time off negotiated with the employer during parental leave.</p> <p>Leave for parents working for the same employer capped at 12 weeks for both, in totality, but employers may grant simultaneous leave to parents.</p>	<p>For bonding with a new child within one year of the child's birth, adoption, or foster care placement.</p>

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<p>California Paid Family Leave (PFL) (paid)</p>	<p>Employer: Employers with 50 or more employees.</p> <p>Employee: Eligible employees must have worked for 12 months and 1,250 hours in the 12 months prior to leave at a location with 50 or more employees in a 75-mile radius and be covered by state disability insurance (SDI) or a voluntary plan in lieu of SDI.</p>	<p>Up to six weeks of wage replacement benefits in a 12-month period. Provides approximately 55 percent of lost wages.</p> <p>Employers may require that employees use up to two weeks of any earned but unused vacation leave or paid time off prior to the initial receipt of benefits.</p> <p>Provides benefits but no job-protection or return rights.</p> <p>Note: Effective as of January 1, 2018 and per California Assembly Bill 908, the seven-day waiting period for individuals to be eligible for PFL has been removed and the level of benefits increases from the previous level of 55 percent to either 60 or 70 percent, depending on the applicant's income.</p>	<p>To bond with the employee's new biological child or the new biological child of the employee's spouse or registered domestic partner.</p> <p>To bond with a minor child in connection with the adoption or foster care placement of the child with the employee or the employee's spouse or registered domestic partner.</p> <p>To care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner.</p>
<p>Connecticut Family and Medical Leave Act (unpaid)</p>	<p>Employer: Private employers with 75 or more employees, determined annually on October 1.</p> <p>Employee: Eligible employees must have performed at least 1,000 hours of service during the 12-month period preceding the first day of leave.</p>	<p>Up to 16 weeks of unpaid job-protected leave in a 24-month period.</p> <p>Employers may require accrued paid leave to be substituted in some cases. The law places no limits on substituting paid vacation or personal leave.</p> <p>An employee may not substitute paid sick, medical, or family leave for any situation not covered by any employers' leave plan.</p> <p>Spouses working for the same employer must share leave (the aggregate number of workweeks of leave to which both may be entitled may be limited to 16 workweeks during any 24-month period).</p>	<p>For birth, placement of child for adoption, or foster care.</p> <p>To provide care for employee's own parent (including individuals who exercise parental responsibility under state law), child, spouse, or spouse's parent with a serious health condition.</p> <p>For an employee's own serious health condition.</p> <p>To serve as an organ or bone marrow donor.</p>

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<p>District of Columbia Family and Medical Leave Act (D.C. FMLA) (unpaid)</p>	<p>Employer: All employers, including the District of Columbia government, with 20 or more employees during 20 or more calendar workweeks in either the current or preceding calendar year.</p> <p>Employee: Eligible employees must have worked for 1,000 hours during the 12-month period immediately preceding the first day of leave without a break in service except for regular holiday, sick, or personal leave granted by the employer.</p>	<p>Up to 16 weeks of unpaid job-protected family leave (to care for family member) plus 16 weeks of unpaid, job-protected medical leave (for employee's own serious health condition) in any 24-month period.</p> <p>Employee may elect accrued paid family, vacation, personal, or compensatory leave to be substituted, plus the employee may utilize an employer-run program to use paid leave of another employee under certain conditions that have been met (leave bank).</p> <p>Leave must be shared by family members working for the same employer.</p>	<p>For the birth of a child, adoption, or other permanent placement of a child with the employee.</p> <p>To care for a family member who has a serious health condition. Family membership includes a person to whom the employee is related by blood, legal custody, or marriage, sharing mutual residence and committed relationship with the employee. Also includes a child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility.</p> <p>To care for employee's own serious health condition.</p>
<p>Hawaii Family Leave Law (HFLL) (unpaid)</p>	<p>Employer: Private employers with 100 or more employees within the state for each working day during 20 or more calendar weeks in the current or preceding calendar year.</p> <p>Employee: Eligible employees must have worked six consecutive months for the employer. The law has no minimum number of hours worked requirement.</p>	<p>Up to four weeks job-protected unpaid leave during any calendar year (any 12-month period).</p> <p>The employer may require or the employee may elect to substitute accrued paid leave. Sick leave may not be substituted unless it is normally granted for such family leave purposes, or upon mutual agreement by the employer and employee.</p> <p>No requirement that spouses share leave.</p>	<p>For birth of the employee's child or the adoption of a child.</p> <p>To care for an employee's child, spouse, or reciprocal beneficiary, or parent with a serious health condition.</p> <p>No provision of leave for employee's own serious health condition.</p>
<p>Maine Family and Medical Leave Act (unpaid)</p>	<p>Employer: Employers with 15 or more workers at one location, any state agency, and any city, town, or municipal agency that has 25 or more workers.</p> <p>Employee: Eligible employees must have worked for the same employer for 12 consecutive months preceding the leave period.</p>	<p>Up to 10 workweeks of job-protected unpaid leave in any two year period, unless employed at a permanent worksite with less than 15 employees.</p> <p>For employers that provide paid family medical leave for less than 10 weeks, the additional weeks of leave added to attain the total of 10 weeks may be unpaid.</p> <p>No requirement that spouses share leave.</p>	<p>For birth of the employee's or domestic partner's child or the adoption of a child.</p> <p>To care for a child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition.</p> <p>For employee's own serious health condition.</p> <p>The donation of an organ of that employee for a human organ transplant.</p>

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<p>Massachusetts Family and Medical Leave</p> <p>(Leave will be available January 1, 2021, collection of taxes to pay for leave begins July 1, 2019, and proposed regulations will be published March 31, 2019.)</p>	<p>Employer: All employers are covered.</p> <p>Employee: Employees must meet the financial eligibility requirements of the state unemployment insurance law.</p>	<p>Up to 12 weeks paid leave per year to care for a family member or bond with a new child.</p> <p>Up to 20 weeks paid leave per year for an employee's own illness.</p> <p>Up to 26 weeks paid leave per year for an emergency related to deployment of a family member for military service.</p> <p>No more than 26 weeks total/year for combined family and medical leave.</p> <p>All leaves are job protected.</p>	<p>Family leave:</p> <ul style="list-style-type: none"> • For bonding, birth, or first 12 months after placement of child with employee. • Any qualifying exigency regarding active duty family member or notice of impending call or order to active duty in the Armed Forces, or to care for a family member who is a covered servicemember. • To care for a family member with a serious health condition. <p>Medical leave for employee's own serious health condition.</p>
<p>Massachusetts Parental Leave</p>	<p>Employer: All employers with six or more employees.</p> <p>Employee: All parents, men and women, whose employers have six or more employees.</p>	<p>Parents are eligible for eight weeks of leave per child.</p> <p>If both parents work for the same employer, they are only entitled to eight weeks of leave in the aggregate for the birth or adoption of the same child.</p> <p>Leave may be with or without pay at the employer's discretion.</p> <p>Job protected leave.</p>	<p>For giving birth.</p> <p>For the placement of a child under age 18, or under age 23 if the child has a mental or physical disability, for adoption.</p>

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<p>Massachusetts Small Necessities Leave (unpaid)</p>	<p>Employer: All employers with 50 or more employees.</p> <p>Employee: Eligible employees must have worked for the same employer for 12 months and 1,250 hours in the 12 months prior to the need for the leave, and they must work at a location with 50 or more employees in a 75-mile radius.</p>	<p>24 hours of job-protected unpaid leave during any 12-month period.</p> <p>An employee may elect, or the employer may require the employee to substitute any of the employee's accrued paid vacation leave, personal leave, or sick leave for any of the leave provided under the act.</p>	<p>To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school.</p> <p>To accompany the employee's son or daughter to routine medical or dental appointments, such as check-ups or vaccinations.</p> <p>To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing or group homes.</p>
<p>Minnesota Pregnancy and Parental Leave Act (unpaid)</p>	<p>Employer: Employers with at least 21 employees located at least at one worksite, including a corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.</p> <p>Employee: Eligible employees must have been employed for at least 12 consecutive months prior to the leave request and have worked for their employer for an average number of hours equal to one-half the full-time equivalent position in the employee's job classification in the 12-month period immediately preceding the leave.</p>	<p>Up to 12 weeks of job-protected unpaid leave.</p> <p>Parental leave can be reduced by the employer if an employee has paid leave in the forms of sick leave or paid vacation, so the total leave amount is not more than 12 weeks.</p> <p>No requirement that spouses share leave.</p>	<p>For birth or adoption of a child, within 12 months of the birth or adoption.</p> <p>May use personal sick leave for absences due to illness or injury to the employee's child/adult child on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury.</p>

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<p>New Jersey Family Leave Act (NJFLA) (unpaid)</p>	<p>Employer: Public and private employers with 50 or more employees each working day during each of 20 or more calendar workweeks in the current or immediately preceding calendar year; includes the state, any political subdivision thereof, and all public offices, agencies, boards, or bodies.</p> <p>Employee: Eligible employees must have worked for their employer for at least 12 months, and for at least 1,000 hours over the previous 12 months.</p>	<p>Up to 12 weeks of job-protected unpaid leave during a 24-month period.</p> <p>An employee may elect, or the employer may require, the employee to substitute any of the employee's accrued paid vacation leave, personal leave, or accrued sick leave for any of the leave provided under the act.</p> <p>If an employer provides paid family leave for fewer than 12 workweeks, the additional weeks of leave added to attain the 12-workweek-total required may be unpaid.</p> <p>No requirement that spouses share leave.</p>	<p>For the birth or adoption placement of a child.</p> <p>For a serious health condition of a child, parent, parent-in-law, or spouse.</p> <p>There is no provision for an employee's own personal illness.</p>
<p>New Jersey Family Leave Insurance (Temporary Disability Benefits Law) (paid)</p>	<p>Employer: All employers who employ one or more individuals and pay wages of \$1,000 or more in a calendar year.</p> <p>Employee: Eligible employees have at least 20 base weeks of earnings in covered employment during the base-year period or, in the alternative, have earned during that time a specific dollar amount or more in remuneration. The base week amount is 20 times the state hourly minimum wage and the alternate earnings test is 1,000 times the state hourly minimum wage.</p>	<p>Up to six weeks of paid family leave insurance (not a leave entitlement).</p> <p>Benefits are payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan.</p>	<p>To bond with a newborn child during the first 12 months after the employee's biological child's birth.</p> <p>To bond with an adopted child during the first 12 months after the child's placement.</p> <p>To care for a child, spouse, domestic partner, civil union partner, or parent of a covered individual with a serious health condition.</p>

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<p>New York Paid Family Leave (New York Paid Family Leave Benefits Law or PFL) (paid through employee contributions)</p>	<p>Employer: As of January 1, 2018, all private employers must ensure employees are aware of the PFL program and that their policies comply with the law.</p> <p>Employee: Eligible employees:</p> <ul style="list-style-type: none"> • Employees with a regular work schedule of 20 or more hours per week are eligible after 26 weeks of employment; or • Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked. 	<p>Wage replacement benefits phase in over four years, as follows:</p> <ul style="list-style-type: none"> • 2018: 8 weeks of leave and either 50 percent of the employee's average weekly wage (AWW) or capped at 50 percent of the New York State Average Weekly Wage (NYSAWW). • 2019: 10 weeks of leave and either 55 percent AWW or capped at 55 percent NYSAWW. • 2020: 10 weeks of leave and either 60 percent of AWW or capped at 60 percent NYSAWW. • 2021: 12 weeks of leave and either 67 percent of AWW or capped at 67 percent NYSAWW. <p>If both spouses are working for the same employer, then the employer may deny PFL to one of the spouses if they asked for the same leave period to bond with the same child.</p>	<p>To bond with a newborn, adopted, or fostered child.</p> <p>To care for a family member with a serious health condition.</p> <p>For qualified exigencies arising when a family member is called to active military service.</p>

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<p>Oregon Family Leave Act (OFLA) (unpaid)</p>	<p>Employers: Employers with 25 or more employees for each working day during each of 20 or more calendar workweeks.</p> <p>Employees: To be eligible for leave, workers must be employed for the 180 day calendar period immediately preceding the leave and have worked at least an average of 25 hours per week during the 180-day period.</p> <p>For parental leave only, workers are eligible after being employed for 180 calendar days, without regard to the number of hours worked.</p>	<p>Up to 12 weeks of unpaid job-protected family leave within the employer's 12-month leave year.</p> <p>Employees may use any paid accrued vacation or sick leave offered by the employer as substitute for the unpaid leave.</p> <p>A woman using pregnancy disability leave is entitled to 12 additional weeks of leave in the same leave year for any qualifying OFLA purpose.</p> <p>A man or woman using a full 12 weeks of parental leave is entitled to take up to 12 additional weeks for the purpose of sick child leave.</p> <p>Employees are entitled to two weeks of bereavement leave to be taken within 60 days of the notice of the death of a covered family member.</p> <p>Two family members of the same employer may not take concurrent family leave except under limited circumstances.</p>	<p>For the birth of a child or adoption or foster placement of a child (including applicable legal processes).</p> <p>To care for the employee's own serious health condition or a spouse, parent, child, parent-in-law, grandparent, grandchild, or same gender domestic partner's serious health condition (including pregnancy disability).</p> <p>To care for an injured or ill child that requires home care but does not have a serious health condition.</p> <p>Bereavement leave for the death of a family member.</p>
<p>Rhode Island Parental and Family Medical Leave Act (unpaid)</p>	<p>Employers: Private employers with 50 or more employees; any state agency; and any city, town, or municipal agency with 30 or more employees.</p> <p>Employees: Eligible employees are full-time employees who work an average of 30 hours a week or more and have been employed continuously for at least 12 months.</p>	<p>13 consecutive weeks in any two calendar years of unpaid job-protected leave.</p> <p>Paid leave may be substituted.</p> <p>No requirement that spouses share leave.</p>	<p>For the birth of a child of an employee or placement of a child 16 years of age or younger with an employee in connection with adoption.</p> <p>For the employee's own or the employee's parent, spouse, child, mother-in-law, or father-in-law's serious illness.</p>

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Rhode Island Temporary Caregiver Insurance Program (TCI) (paid)	<p>Employer: All employers who opt into the program.</p> <p>Employee: Eligible employees must have worked in Rhode Island and paid into the Temporary Disability Insurance fund.</p>	<p>Up to four weeks of wage replacement benefits.</p> <p>No requirement that spouses share the four weeks. Both parents may individually apply for up to four weeks of TCI benefits.</p>	<p>To bond with a newborn child, adopted child, or foster child within the first 12 months of parenting.</p> <p>To care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, or grandparent.</p>
Vermont Parental and Family Leave (unpaid)	<p>Employer: Private and public employers with 10 or more employees for parental leave.</p> <p>Private and public employers with 15 or more employees for family leave.</p> <p>Employee: Eligible employees must have worked an average of 30 hours per week for at least 12 months (one year).</p>	<p>12 weeks of unpaid job-protected leave during any 12-month period.</p> <p>Employees may use up to six weeks of accrued sick, vacation, or other paid leave for parental or family related reasons.</p> <p>No requirement that spouses share leave.</p>	<p>During the pregnancy and/or after childbirth or within a year of placement of a child with the employee for adoption.</p> <p>For the employee's own serious illness or the serious illness of an employee's child (including foster, stepchild, or a child who lives with the employee), wife, husband, civil union partner, parent, or parent-in-law.</p>
Vermont Short-Term Family Leave (unpaid)	<p>Employer: Employers with at least 15 employees.</p> <p>Employee: Eligible employees must be employed for at least one year and must have worked an average of at least 30 hours each week.</p>	<p>Up to four hours in a 30-day period of unpaid job-protected leave, but not more than 24 hours in any 12-month period.</p> <p>Employers may require that the employee take at least two hours of leave at any one time.</p> <p>No requirement that spouses share leave.</p>	<p>To participate in preschool or school activities directly related to the advancement of the employee's child, stepchild, foster child, or child who lives with the employee (child).</p> <p>To go with a child, parent, spouse, or parent-in-law to routine medical or dental appointments.</p> <p>To go with a parent, spouse, or parent-in-law to appointments for professional services that are related to that individual's care and well-being.</p> <p>In response to a medical emergency of an employee's child, parent, spouse, or parent-in-law.</p> <p>Note: Short-term family leave is in addition to Vermont's Family and Medical Leave for serious illness and bringing new children into an employee's family.</p>

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<p>Washington State Family Leave Act (FLA) (unpaid)</p>	<p>Employers: Employers with 50 or more employees during 20 or more calendar weeks during the current or previous calendar year; or employers with 50 or more employees within 75 miles of the worksite.</p> <p>Employees: Eligible employees must be employed at least 12 months with the employer and must have worked 1,250 hours in the 12-month period preceding the requested leave.</p>	<p>Up to 12 weeks of unpaid job-protected leave in a 12-month period.</p> <p>Employee may choose or employer may require substitution of paid leave for unpaid leave.</p> <p>The 12 weeks of FLA is in addition to any leave taken because an employee is temporarily disabled by pregnancy or childbirth (pregnancy disability leave).</p> <p>Leave must be shared by family members working for the same employer.</p>	<p>For birth of a child of the employee and in order to care for the child, within 12 months of the birth.</p> <p>For placement of a child with the employee for adoption or foster care, within 12 months of placement.</p> <p>To care for an employee's family member, including a registered domestic partner, who has a serious health condition.</p> <p>For the employee's own serious health condition.</p>
<p>Washington Family Care Act (FCA) (paid)</p>	<p>Employers: All employers who provide a paid leave benefit are covered.</p> <p>Employees: Eligible employees must have paid leave available and be entitled to use that paid leave.</p>	<p>Employees can use their choice of earned paid leave such as sick leave, vacation, holiday, PTO, and some short-term disability plans for family care purposes.</p>	<p>For the care of minor children with a health condition requiring treatment or supervision.</p> <p>For spouses, registered domestic partners, adult children, parents, parents-in-law, and grandparents with a serious health condition or emergency condition.</p> <p>Permits use of paid leave to care for a child under 18 with a health condition that requires treatment or supervision, including preventive care.</p> <p>Permits use of paid leave to care for an adult child age 18 and older who is incapable of self-care because of disability.</p> <p>Permits short-term care of a spouse or registered domestic partner temporarily disabled because of pregnancy or childbirth.</p>

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<p>Wisconsin Family and Medical Leave Act (unpaid)</p>	<p>Employers: Private and public employers with at least 50 employees on a permanent basis (during at least six of the preceding 12 calendar months).</p> <p>Employees: Eligible employees must have worked for the employer for at least 52 consecutive weeks and at least 1,000 hours in the preceding 52 weeks.</p>	<p>All of the following leave periods are job-protected and unpaid:</p> <ul style="list-style-type: none"> • Up to six weeks for a birth or adoption in a calendar year. • Up to two weeks for serious health condition in a calendar year. • Up to two weeks for an employee's own serious health condition. <p>Employees may not take more than eight weeks in a year for any combination of these leave periods.</p> <p>Employees may elect to substitute accrued paid or unpaid leave.</p> <p>No requirement that spouses share leave.</p>	<p>For the birth or adoption of the employee's child; leave must begin within 16 weeks of the birth or placement.</p> <p>For care of the employee's child, spouse, domestic partner, parent, or parent-in-law with a serious health condition.</p> <p>For the employee's own serious health condition.</p>