



Maine Paid Family and Medical Leave Commission

November 15, 2021

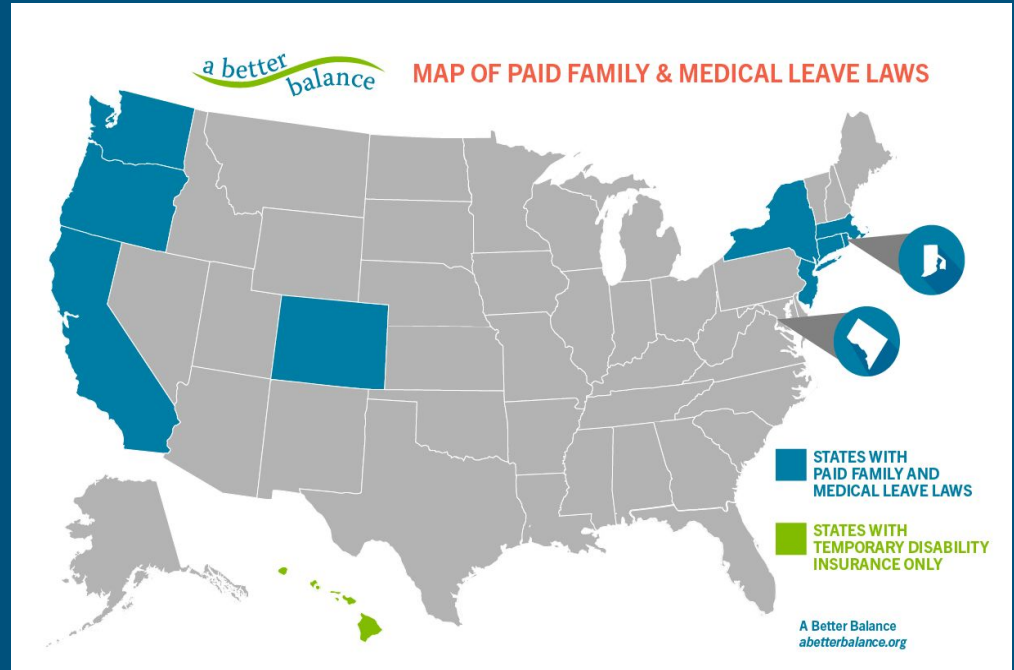


A Better Balance

WHO WE ARE A national legal and policy nonprofit organization with offices around the country. Our expert legal team has been working on paid family and medical leave and related issues throughout the U.S. at the state and federal level for over a decade, including working closely with state partners to draft, pass, and implement paid leave laws around the country and assisting workers with their rights under these laws through our free legal helpline.

States with Paid Family and Medical Leave Laws

- Rhode Island
- California
- New Jersey
- New York
- Washington, D.C.
- Washington State
- Massachusetts
- Connecticut
- Oregon
- Colorado



COVERED WORKERS

What states with paid family and medical leave laws do:

- All states cover nearly all private sector (non-government) employees.
- Some states also cover public sector (government) employees and/or allow government employers to opt in.
- No state has a minimum number of employees to be covered greater than one.
- All states cover at least some domestic workers.
- Most states allow self-employed workers to opt-in.

COVERED PURPOSES

What states with paid family and medical leave laws do:

- All cover leave for workers' own serious health needs, bonding with a new child, and caring for a seriously ill loved one.
 - In all states, leave to bond with a new child is available to parents of any gender and includes foster and adoptive parents.
- Most cover leave for military family needs in connection with deployment.
- Four states (NJ, CT, OR, and CO) cover certain non-medical needs when workers or their family members are victims of sexual or domestic violence.

FAMILY DEFINITION

Paid family and medical leave laws specify the family members for whom workers can take leave to care for when the family member has a serious health condition.

FAMILY DEFINITION

What states with paid family and medical leave laws do:

- All cover at least workers' parents, spouses, children (including adult children), grandparents, parents-in-law, and at least some domestic partners.
- Nearly all state paid family leave laws cover workers' siblings and grandchildren.
- In NJ, CT, OR, CO, and WA, workers can also take leave to care for other loved ones—whether biologically related or not—to whom the worker has a close association or significant personal bond that is the equivalent of a family relationship or where there is an expectation of care, though their exact definitions vary.

NUMBER OF WEEKS

What states with paid family and medical leave laws do:

- Nearly all programs provide at least 12 weeks of benefits for a workers' own serious health needs.
 - Half of the state programs provide more than 12 weeks of benefits for a workers' own serious health needs.
- Most states provide 12 weeks of benefits for bonding and caregiving purposes (and, where applicable, deployment-related needs).
- Nearly all programs allow workers to combine benefits such that workers may be able to receive more than a total of 12 weeks of benefits per year.

WAGE REPLACEMENT RATE

The wage replacement rate is the percentage of their own income workers receive while they are on leave.

In all states, the benefit is subject to a cap, typically stated as a percentage of the statewide average weekly wage (though the percentage varies by state).

WAGE REPLACEMENT RATE

What states with paid family and medical leave laws do:

- Seven states use progressive wage replacement rates, where lower-income workers receive a higher percentage of their incomes.
 - In these programs, the highest wage replacement rate varies from 70% (CA) to 100% (OR), with a sliding scale for higher-income workers.
- Three states offer the same wage replacement rate to all workers, up to a cap.

ELIGIBILITY REQUIREMENTS

State programs usually set a minimum eligibility standard to demonstrate attachment to the workforce in that state before qualifying for benefits.

Similar to unemployment insurance, these requirements typically set a minimum amount of income, time worked, or both to qualify.

ELIGIBILITY REQUIREMENTS

What states with paid family and medical leave laws do:

- Seven states set eligibility based on minimum earnings. In some states, income must be earned over a certain period of time.
- In nearly all state paid family and medical leave programs, benefits are portable, allowing workers to keep their benefits as they move from job to job or combine multiple sources of income and allowing previously covered workers to access benefits during unemployment.

EMPLOYMENT PROTECTIONS

Most state laws provide some form of employment protection rights in connection with covered leave, in addition to monetary benefits.

These protections can include the right to get your job back following leave, protection against retaliation or interference with leave-taking, and continuation of health insurance coverage during leave.

EMPLOYMENT PROTECTIONS

What states with paid family and medical leave laws do:

- MA, CT, OR, and CO give workers the right to return to work following paid family and medical leave (though in some states, there's a short employment duration requirement to qualify).
- NY & RI provide the right to return to work to all workers taking paid family leave under their laws.
- Most state programs provide some form of protection against retaliation for exercising one's rights under the law.
- Typically, where states protect workers' rights to return to work, they also protect workers' health insurance while on leave.

FUNDING

All state paid family and medical leave laws are paid for through small payroll contributions to an insurance system, whether paid for by employers, employees, or a combination of both.

These contributions are typically set as a percentage of workers' wages, which is adjusted annually, often up to a maximum annual contribution.

FUNDING

What states with paid family and medical leave laws do:

- In six states, employers and employees share the cost of the program, though exact split varies by state.
 - In four of these states, smaller employers do not have to pay the employer share of the contribution (though they are still covered by the program).
- In CA, RI, and CT, employees cover the full cost of the program.
- In D.C., employers cover the full cost of the program.

FUNDING

- The amount of the contribution varies by state and in response to the program's parameters.
- In most states, the *total* contributions (which may be split between employers and employees) are under 1% of employee wages, often up to a cap.

PROGRAM STRUCTURE

All existing state paid family and medical leave programs create a system where contributions are made for each employee into an insurance system that then provides benefits when needed.

Typically, this means the creation of a state-run insurance fund to provide benefits. In some cases, states allow employers to get approval to provide state-required benefits privately, either through self-insurance or commercial insurance policies.

IMPLEMENTATION TIMELINES

	Date of Enactment	Start of Contributions	Start of Benefits Payments	Total Time from Enactment to Benefits
States without Temporary Disability Insurance Programs				
D.C.	2/17/2017	7/1/2019	7/1/2020	3 years, 4.5 months
Washington State	7/5/2017	1/1/2019	1/1/2020	2 years, 6 months
Massachusetts	6/28/2018	10/1/2019	1/1/2021	2 years, 6 months
Connecticut	6/25/2019	1/1/2021	1/1/2022	2 years, 6 months
Oregon	8/9/2019	1/1/2023	9/1/2023	4 years, 1 month
Colorado	11/3/2020	1/1/2023	1/1/2024	3 years, 2 months

MORE INFORMATION

- [Comparative Chart of Paid Family and Medical Leave Laws in the United States](#)
- [The U.S. Needs Paid Family and Medical Leave](#)
- [At A Glance: The Case for Paid Medical Leave](#)
- [The Health Case for Paid Family and Medical Leave](#)
- [The Business Case for Paid Family and Medical Leave](#)
- [Key Components: The Essential Elements of a Strong Paid Family and Medical Leave Law](#)
- [The Importance of an Inclusive, Realistic Family Definition in Paid Family and Medical Leave and Paid Sick Time Policies](#)

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