



## State Paid Family Leave Insurance Laws

February 2015

	<b>California</b>	<b>New Jersey</b>	<b>Rhode Island</b>	<b>Washington</b>
<b>Status</b>	Enacted 2002, effective 2004	Enacted 2008, effective 2009	Enacted 2013, effective January 2014  (R.I. Gen. Laws §28-41-35(h))	Signed in 2007, not yet in effect due to lack of funding mechanism and, per 2013 law, deadline for implementation removed
<b>Reasons for paid leave</b>	1. Care for new child (birth, adoption, foster)  2. Care for family member with serious health condition  3. Care for own disability (must be continuously and totally unable to perform customary work), includes pregnancy  (Cal. Unemp. Ins. Code § 2626)	1. Care for new child (birth, adoption, foster)  2. Care for family member with serious health condition  3. Care for own disability (must be continuously and totally unable to perform customary work), includes pregnancy  (N.J. Admin. Code § 43:21-25 et seq.)	1. Bonding with new child (birth, adoption, foster)  2. Care for family member with serious health condition  (R.I. Gen. Laws § 28-41-35(a))  3. Care for own disability (partially unemployed workers may be able to claim benefits)  (R.I. Gen. Laws § 28-41-5(d))	Birth or adoption of new child  (Wash. Rev. Code § 49.86.010 (8))

	<b>California</b>	<b>New Jersey</b>	<b>Rhode Island</b>	<b>Washington</b>
<b>Definition of family member</b>	Child, parent, spouse, domestic partner  Amended in 2013 (effective 2014) to add grandparent, grandchild, sibling and parent-in-law  (Cal. Stat. §3302(e))	Child, parent spouse, domestic partner, civil union partner	Child, parent, parent-in-law, grandparent, spouse, domestic partner  (R.I. Gen. Laws § 28-41-35(a))	Not applicable; leave is for parents only
<b>Maximum length of paid leave</b>	Six weeks for family care  (Cal. Unemp. Ins. Code § 3301(c))  52 weeks for own disability  ( <a href="http://www.edd.ca.gov/Disability/FAQs_for_Disability_Insurance.htm#Eligibility">http://www.edd.ca.gov/Disability/FAQs_for_Disability_Insurance.htm#Eligibility</a> )	Six weeks for family care  26 weeks for own disability  (N.J. Stat. Ann. § 43:21-38)	Four weeks for family care  (R.I. Gen. Laws § 28-41-35(d)(1))  30 weeks for own disability; no more than 30 weeks total/year for combined own disability and family care  ( <a href="http://www.dlt.ri.gov/tdi/tdifaqs.htm">http://www.dlt.ri.gov/tdi/tdifaqs.htm</a> )	Five weeks  (Wash. Rev. Code § 49.86.050)
<b>Minimum amount of leave time</b>	Leave can be taken in one day increments  Provision for returning to work part time  (Cal. Unemp. Ins. Code § 3303)	Statute does not mention the minimum length of leave time, just benefits for intermittent leave  (N.J. Admin. Code §873(6)(a)(2) & 11)	Family care leave must last at least seven days	Eight hours  (Wash. Rev. Code § 49.86.060(2))
<b>Employee eligibility</b>	Employee must have been paid \$300 in gross	Employee must have had at least 20 calendar	Employee must have been paid wages in	1. Must establish a “qualifying year” (have

	<b>California</b>	<b>New Jersey</b>	<b>Rhode Island</b>	<b>Washington</b>
<b>requirements</b>	wages during the base period ( <a href="http://www.edd.ca.gov/disability/PFL_Benefit_Amounts.htm">http://www.edd.ca.gov/disability/PFL_Benefit_Amounts.htm</a> )	weeks of covered New Jersey employment, each being a week of being paid \$165 or more, or having been paid \$8,300 or more in such employment during the base period  ( <a href="http://lwd.state.nj.us/lab-or/fli/content/fli_faq.html#22">http://lwd.state.nj.us/lab-or/fli/content/fli_faq.html#22</a> )	Rhode Island and paid into the TDI/TCI fund and must have been paid at least \$10,800 in the base period  ( <a href="http://www.dlt.ri.gov/tdi/tdifaqs.htm">http://www.dlt.ri.gov/tdi/tdifaqs.htm</a> )	worked four out of five quarters prior to leave application)  2. Must have been employed for at least 680 hours in the qualifying year  (Wash. Rev. Code § 49.86.030)
<b>Discrimination prohibited</b>	Not more than federal FMLA and California Family Rights Act (CFRA)	Not more than federal FMLA and NJ FMLA	Not more than federal FMLA and RI Parental and Family Medical Leave Act	Yes  (Wash. Rev. Code § 49.86.130)
<b>Method to fund insurance system</b>	Own disability and family care funded by employee only (currently at 0.9 percent of annual wages combined)  ( <a href="http://www.edd.ca.gov/disability/sdi_contribution_rates.htm">http://www.edd.ca.gov/disability/sdi_contribution_rates.htm</a> )	The state's temporary disability insurance program is financed jointly by employee and employer payroll contributions. Starting January 1, 2015, each worker contributes 0.25 percent of the taxable wage base (the first \$32,000 in covered wages paid during the calendar year). The contribution rate for employers varies from 0.10 to 0.75 percent. For 2015, employers contribute between \$32	Own disability and family care funded by employee only  The current withholding rate as of January 1, 2015, is 1.2 percent of worker's first \$64,200 in wages.  ( <a href="http://www.dlt.ri.gov/lmi/news/quickref.htm">http://www.dlt.ri.gov/lmi/news/quickref.htm</a> )	Not yet determined; statute created a Joint Legislative Task Force to make determination  (Wash. Rev. Code § 49.86.005(2))

	California	New Jersey	Rhode Island	Washington
		<p>and \$240 on the first \$32,000 paid to each employee during the calendar year.  <a href="http://lwd.dol.state.nj.us/labor/tdi/worker/state/sp_cost.html">http://lwd.dol.state.nj.us/labor/tdi/worker/state/sp_cost.html</a></p> <p>Family care is funded entirely by employee. Currently, each worker contributes 0.09 percent of the taxable wage base (first \$32,000 in covered wages paid during the calendar year), and the maximum yearly deduction for family leave insurance is \$28.80.</p> <p><a href="http://lwd.dol.state.nj.us/labor/fli/content/cost.html">http://lwd.dol.state.nj.us/labor/fli/content/cost.html</a>)</p>		
<b>Size of employer covered</b>	<p>All private sector employers are covered</p> <p>(Cal. Unemp. Ins. Code § 3300)</p> <p>Self employed can opt in</p> <p>Only some public employees are covered</p> <p><a href="http://www.edd.ca.gov/D">http://www.edd.ca.gov/D</a></p>	<p>All employers are covered for family care; all private sector employers but not all public sector employers are covered for own disability</p> <p><a href="http://www.nationalpartnership.org/research-library/work-family/expecting-better.pdf">http://www.nationalpartnership.org/research-library/work-family/expecting-better.pdf</a>)</p>	<p>All private sector employers covered</p> <p>Only some public employees are covered</p> <p>(R.I. Gen. Laws § 28-39-3)</p>	<p>All employers are covered</p> <p>(Wash. Rev. Code §49.86.010(6))</p> <p>Self employed can opt in</p> <p>(Wash. Rev. Code § 49.86.110)</p>

	<b>California</b>	<b>New Jersey</b>	<b>Rhode Island</b>	<b>Washington</b>
	<a href="#">isability/FAQs for Paid Family Leave.htm</a> )			
<b>Benefit amount</b>	<p>Typical benefit is 55 percent of weekly salary, up to a maximum of \$1,104 in 2015.</p> <p>(<a href="http://www.edd.ca.gov/Disability/FAQ_DI_Benefit_s.htm">http://www.edd.ca.gov/Disability/FAQ_DI_Benefit_s.htm</a>)</p> <p>As of January 2015, family care average weekly benefit is \$535, own disability average is \$486; maximum for both is \$1,104</p> <p>(<a href="http://www.edd.ca.gov/about_edd/Quick_Statistics.htm">http://www.edd.ca.gov/about_edd/Quick_Statistics.htm</a>)</p>	<p>The weekly benefit rate is 66 percent of worker's average weekly wage, with a maximum benefit of \$604.</p> <p>(<a href="http://lwd.dol.state.nj.us/labor/tdi/worker/state/sp_calculating_bene_amount_s.html">http://lwd.dol.state.nj.us/labor/tdi/worker/state/sp_calculating_bene_amount_s.html</a>)</p> <p>Average weekly benefit for family care was \$487 in 2012.</p> <p>(<a href="http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/FLI%20and%20TDI%20Annual%20Report%202012.pdf">http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/FLI%20and%20TDI%20Annual%20Report%202012.pdf</a>)</p>	<p>The maximum weekly benefit is \$770.</p> <p>(<a href="http://www.dlt.ri.gov/tdi/">http://www.dlt.ri.gov/tdi/</a>)</p> <p>Average weekly benefit for caregiver payments was \$474 for 2014.</p> <p>(<a href="http://www.dlt.ri.gov/lmi/uiadmin.htm">http://www.dlt.ri.gov/lmi/uiadmin.htm</a>)</p>	<p>\$250 per week for individuals who were working 35 hours or more per week at the time they took leave; pro-rated for part-time workers</p> <p>(Wash. Rev. Code § 49.86.060)</p>
<b>Job protection while on leave</b>	Not more than FMLA and CFRA	Not more than FMLA and NJ FMLA	<p>Yes, job and health benefits protection</p> <p>(R.I. Gen. Laws §28-41-35(f) et seq.)</p>	<p>Yes, for employees who:</p> <ol style="list-style-type: none"> <li>1. Work for an employer with 25 or more employees;</li> <li>2. Have worked for that employer for at least 12 months; and</li> <li>3. Have worked at least 1,250 hours in that time</li> </ol> <p>(RCW § 49.86.090) and FMLA</p>

	<b>California</b>	<b>New Jersey</b>	<b>Rhode Island</b>	<b>Washington</b>
<b>Waiting period</b>	<p>One week</p> <p>(Cal. Unemp. Ins. Code § 3303(b))</p>	<p>Seven days, but if disability lasts three weeks, the worker gets paid for those seven days; must be consecutive</p> <p>(N.J. Stat. Ann. § 43:21-38)</p>	<p>Due to a legislative approved change, claims filed effective July 1, 2012, or later no longer need to serve a non-paid waiting period.</p> <p>Caregiver/bonding claims must be out of work for seven consecutive days as one of the eligibility requirements.</p>	<p>One week without pay from the insurance system</p> <p>(Wash. Rev. Code § 49.86.050)</p>