

Statutory Leave Benefit Guide



Introduction

This **Statutory Leave Benefit Guide** outlines certain features of the thirteen jurisdictions, including key dates for new states' implementations.

▶ **Six jurisdictions have laws that require employers to provide disability benefits for non-occupational disabilities:**

California, Hawaii, New Jersey, New York, Rhode Island, and the Commonwealth of Puerto Rico.

▶ **Six additional jurisdictions have passed laws that require employers to provide Medical Leave and Paid Family Leave benefits:**

Washington, Washington DC, Massachusetts, Connecticut, Oregon, and Colorado.

▶ **New, in 2021:**

New Hampshire enacted a voluntary PFL program to be developed in 2022.



For more information regarding the MetLife PFML Statutory programs, please refer to our website:

[MetLife.com/PFML](https://www.MetLife.com/PFML)

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The information in this brochure is for general informational purposes only and does not purport to be complete or cover every situation. You must consult with your own legal advisors to determine how these laws will affect you. Like most group benefit programs, benefit programs offered by MetLife contain certain exclusions, exceptions, waiting periods, reductions, limitations, and terms for keeping them in force. Ask your MetLife group representative for costs and complete details.

California

<https://www.edd.ca.gov/disability/>

Date law enacted	Disability Insurance Start Date: 1946 Family Leave Insurance: Start Date: 2004 (Enhancements: 2021)
Annual updates due	November
Benefits can be used for	DI can be used for a worker's own serious off-the job illness or injury. Paid Family Leave (PFL) can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; or (2) care for a family member with a serious health condition; or (3) address certain military family needs.
Type of law	Competitive between state fund and private plans — former automatic if latter not elected by employer, following approval by a majority of employees.
Funding source	Tax-supported state fund provides benefits — like Unemployment Compensation. Voluntary plans must exceed the state's offering without additional costs to employees.
Types of private plans	Self-insured plans exceeding state fund standards. Employee vote required before state will approve a voluntary private CA VDI/PFL plan.
Limitations upon right to establish private plans	Must not result in substantial selection of risks adverse to the state fund.
Employee contributions	State or private; not more than 1.1% of the first \$145,600 of annual wages (maximum of \$1,601.60).
Employer contributions required	State: None Private plan: Service fees for self-insured plan administration
Employers covered	Employers of one or more and pay more than \$100 of wages in any quarter — same as Unemployment Compensation.
Employees excluded	Certain employees of certain non-profit organizations, railroad and government employees, real estate salesmen, and others.
Religious exemptions	Members of any sect, etc., which depends on prayer for healing in the practice of religion, upon filing waiver of benefits.
Employee eligibility requirements	Earnings in base year of not less than \$300, from which state disability taxes were withheld.
How benefits are computed	Wage replacement is: 60% for individuals who earn one-third or more of the State's Average Quarterly Wage (SAWW); or 70% for individuals who earn less than one-third of the SAWW. SAWW Q1 2021 = \$1,383

California (continued)

Minimum weekly benefits	\$50
Maximum weekly benefits	\$1,540
Maximum duration	Disability: 52 weeks PFL: 8 weeks
Waiting period	Disability: 7 days PFL: None
Maternity benefits	Pregnancy-related disabilities treated as any other illness.
Effect of continued pay from employer during disability	Can still receive disability benefits for each day of disability in amount which, together with wages, does not exceed 1/7 of regular weekly wage immediately prior to disability.
State sick leave mandate	Yes. One hour for every 30 hours worked, can use up to 24 hours, accrue up to 48 hours. In-Home Supportive Service Workers: From January 1, 2020 to December 31, 2021 (scheduled), can use up to 16 hours. From January 1, 2022 onwards, can use up to 24 hours.
State program benefits financed by	State fund, which will be credited with a percentage of taxable wages paid to employees for each calendar year.
Post-employment	None
Job protection	None
Family leave covered relatives	Child, parent, grandparent, grandchild, sibling, spouse, or registered domestic partner.
Definition of wages used in contribution and benefit calculations	Wages are payments made to an employee for his or her personal services, including commissions, bonuses, and the reasonable cash value of all amounts paid to employees in any medium other than cash (for example, taxable benefits).
Benefit taxation	SDI: No, unless an employee was receiving unemployment first, then qualifies for SDI. In this instance, state-paid DI benefits are taxable for federal income tax and the state will issue a 1099-G. PFL: State-issued benefits are taxable for federal income tax and the state will issue a 1099-G. Please visit here for more information: https://www.edd.ca.gov/Disability/SDI_FAQ_for_1099G.htm Voluntary plan taxation for DI/PFL can be different. In many cases, plan administrators issue a W2 for benefits received under an employer-sponsored self-insured private plan.

Colorado

<https://famli.colorado.gov/>

Date law enacted	Public vote approving Paid Family and Medical Leave Insurance Program: November 3, 2020 Employee Assessment begins: 1/1/2023 Benefits start: 1/1/2024
Benefits can be used for	Medical Leave can be used for a worker's own serious health condition. Family Leave can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; (2) care for a family member with a serious health condition; (3) respond to military exigency. Safe Leave to address needs relating to being a victim of domestic violence, stalking and/or sexual abuse or assault.
Type of law	Competitive between state insurance program and private plans — former automatic if latter not elected by employer.
Funding source	Tax-supported state insurance provides benefits. Private plans may be substituted.
Types of private plans	Insured and self-insured private plans may be substituted.
Employee contributions	State or Private: up to 0.45% up to a state maximum based on the Social Security wage index.
Employer contributions required	State: up to 0.45% (0.9% employee and employer contribution. Shared equally). Private Plan: balance of cost
Employers covered	Employers with one or more employees during each of 20 work weeks in the current or preceding calendar year or paid wages of \$1,500 or more during any calendar quarter in the preceding calendar year.
Employee eligibility requirements	Workers are eligible for leave after earning \$2,500 in wages during their base period (the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year).
How benefits are computed	Starting in 2024, for employees earning 50% or less than the statewide average weekly wage: 90% of the employee's average weekly wage, up to the cap. For employees earning greater than 50% of the statewide average weekly wage, the sum of (1) 90% of one-half the state average weekly wage and (2) 50% of the difference of the employee's average weekly wage and 50% of the state average weekly wage, up to the cap.
Maximum weekly benefits	\$1,100/week
Maximum duration	12 weeks within a 12-month period; extra 4 weeks due to incapacitation during pregnancy or due to childbirth.
Waiting period	None

Colorado (continued)

Maternity benefits	If incapacitated during pregnancy or due to childbirth, may receive up to an additional 4 weeks up to a total of 16 weeks in a 12-month period.
Job protection	Yes, if the employee has been at their current job for at least 180 days.
Family leave covered relatives	Child, parent, parent of a spouse or domestic partner, spouse, domestic partner, grandparent, grandparent of a spouse or domestic partner, grandchild, grandchild of a spouse or domestic partner, sibling, sibling of a spouse or domestic partner, or as shown by the worker, any other individual with whom the worker has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

Connecticut

<https://ctpaidleave.org>

Date law enacted	Family and Medical Leave Insurance Act (FMLI) Enacted: 6/25/19 Employee Assessment begins: 1/1/2021 Benefits start: 1/1/2022
Benefits can be used for	Medical Leave can be used for a worker's own serious health condition. Family Leave can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; (2) care for a family member with a serious health condition; (3) address certain military family needs; or (4) address needs relating to being a victim of family violence. Benefits began January 1, 2022.
Type of law	Competitive between state fund and private plans — former automatic if latter not elected by employer, following approval by a majority vote of employees.
Funding source	Tax supported state fund provides benefits — like Unemployment Compensation, but Private Plans may be substituted.
Types of private plans	Insured and Self-insured Private Plans may be substituted. Employee vote required before state will approve a CT PFML private plan.
Limitations upon right to establish private plans	Must not result in substantial selection of risks against state fund.
Employee contributions	State or Private: Employee tax of 0.5% up to Social Security cap. Up to \$735.00 in 2022.
Employer contributions required	State: none Private Plan: balance of cost
Employers covered	Employers with one or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer.
Employees excluded	Federal government, the state or a municipality, a local or regional board of education or a nonpublic elementary or secondary school, except that the state, municipal employer or local or regional board of education is an employer with respect to its covered public employees.
Religious exemptions	None
Employee eligibility requirements	Earnings at least \$2,325 during the highest earning quarter within the base period. The base period is the first 4 of the 5 most recently completed quarters. This can be a combination of hours worked at more than one employer.
How benefits are computed	95% of a worker's base weekly earnings up to an amount equal to 40 times the state minimum wage and 60% of a worker's base weekly earnings above an amount equal to 40 times the state minimum wage, up to a cap of 60 times the minimum wage.

Connecticut (continued)

Minimum weekly benefits	None
Maximum weekly benefits	60 times the state minimum wage. As of January 1, 2022, the cap is \$780 and increasing to \$840 on July 1, 2022.
Maximum duration	12 weeks within a 12-month period; extra 2 weeks if incapacitated during pregnancy. 12 days if an employee is a victim of family violence.
Waiting period	None
Maternity benefits	If incapacitated during pregnancy, may receive up to an additional 2 weeks up to a total of 14 weeks in a 12-month period.
Effect of continued pay from employer during disability	Generally, employee may receive compensation concurrently with any employer-provided plan. Total compensation shall not exceed such covered employee's regular pay.
State sick leave mandate	Yes. Employees whose place of business has 50 or more employees accrue one hour of paid sick time for every 40 hours worked and can accrue and use up to 40 hours. Covers sick time for employee or family members' care and for absences associated with domestic violence or sexual assault.
State program benefits financed by	State fund to be created in 2021 from employee contributions of no more than 0.5% of wages up to Social Security (SS) cap.
Post-employment	Yes, if they met the eligibility above. And those not employed but had been employed by a covered Connecticut employer within the last 12 weeks.
Job protection	No. But may be available under another state or federal leave program.
Family leave covered relatives	Spouse, sibling, child, grandparent, grandchild, parent, parent-in-law, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.
Definition of wages used for contributions and benefits	"Total wages" means all remuneration for employment and dismissal payments, including the cash value of all remuneration paid in any medium other than cash except the cash value of any remuneration paid for agricultural labor or domestic service in any medium other than cash.
Benefit taxation	Both CT PFL and PML will be subject to state and federal taxes. State-paid PFL and PML benefits will receive a 1099-G. Private plans can be different. PFL will receive a 1099-misc; PML will receive a W2.

District of Columbia

<https://dcpaidfamilyleave.dc.gov/>



Date law enacted	Universal Paid Leave (UPL) Benefits Assessment Starts: 4/1/2019 Tax Due to State: 7/1/2019 Benefit Start: 7/1/2020
Annual updates due	October
Benefits can be used for	UPL can be used (1) for a worker's own serious health condition; (2) to bond with a child within one year of the child's birth or placement for foster care or adoption; or (3) to care for a family member with a serious health condition.
Type of law	District run only — no private plans allowed in substitution.
Funding source	Employer tax
Types of private plans	None
Limitations upon right to establish private plans	Not applicable
Employee contributions	None
Employer contributions required	0.62% of the covered employee's total wages each quarter.
Employers covered	Any business performing services in the District of Columbia that also pays Unemployment Insurance (UI) taxes for its employees, including non-profits and household employers that pay UI tax.
Employees excluded	If an employer does not pay UI tax on an employee for a quarter, then the employee is excluded. (i.e. work less than 50% in DC or on temporary assignment). Federal government and DC employees also excluded.
Religious exemptions	None
Employee eligibility requirements	In general, at least 50% of work occurs in the District of Columbia for a covered DC-based employer. Has been a covered employee for at least one week during the 52 calendar weeks preceding the qualifying event for leave.
How benefits are computed	For employees who earn 150% or less of DC's minimum wage multiplied by 40: 90% of the employee's average weekly wage, up to the cap. For employees who earn more than 150% of DC's minimum wage multiplied by 40: (1) 90% of 150% of DC's minimum wage multiplied by 40 plus (2) 50% of the amount above 150% of DC's minimum wage multiplied by 40, up to the cap.
Minimum weekly benefits	None
Maximum weekly benefits	\$1,009

District of Columbia (continued)

Maximum duration	<p>Combined max 8 weeks per 52-week period: Own health: 6 weeks Care for sick relative: 6 weeks Bonding: 8 weeks Prenatal: 2 weeks</p> <p>(May be subject to increase in 2022)</p>
Waiting period	<p>None</p> <p>(Normally 1 week, however it is waived starting 10/1/2021 through one year after the COVID-19 pandemic.)</p>
Maternity benefits	Pregnancy-related disabilities treated as any other serious health condition.
Effect of continued pay from employer during disability	<p>Generally, sick pay and benefits may be received simultaneously.</p> <p>STD can be received at the same time, but cannot be offset by payments received under this plan.</p>
State sick leave mandate	<p>Yes. Employees accrue one hour of paid sick time for every 37 to 87 hours worked and can accrue and use up to three to seven days, depending on employer's size. Employees in certain industries receive one hour for every 43 worked and can accrue and use up to five days regardless of employer size. Covers sick time for employee or family members' care and for absences associated with domestic violence, sexual abuse, or stalking.</p>
State program benefits financed by	Employer Tax-paid to the Department of Employment Securities (DOES) for District fund.
Post-employment	None
Job protection	No
Family leave covered relatives	Child, parent, parent-in-law, spouse, grandparent, sibling, or registered domestic partner.
Definition of wages used for contributions and benefits	<p>"Wages" means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. Gratuities customarily received by an individual in the course of his employment from persons other than his employer shall be treated as wages received from his employer. The reasonable cash value of remuneration in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with the regulations prescribed by the Council of the District of Columbia. There are also some statutory exceptions.</p>

Hawaii

<https://labor.hawaii.gov/dcd/home/about-tdi/>

Date law enacted	Temporary Disability Insurance (TDI) Start Date: 1969
Annual updates due	December
Benefits can be used for	TDI can be used for a worker's own serious off-the-job illness or injury.
Type of law	Only private plan (No state fund or plan)
Funding source	Employer must provide benefits — like workers' compensation, but employees share cost.
Types of private plans	Insured and self-insured plans equal to or exceeding statutory requirements and continuation of certain existing plans (collective bargaining).
Limitations upon right to establish private plans	None
Employee contributions	0.5% of their weekly pay up to maximum weekly wage base (\$1,200.30), to a maximum of \$6.00 per week.
Employer contributions required	Balance of cost
Employers covered	All employers
Employees excluded	Certain domestic servants, non-profit organization employees and others referenced in the statute.
Religious exemptions	Ministers or members of religious order employed by a nonprofit organization.
Employee eligibility requirements	At least 14 weeks of Hawaii employment, during each of which the employee was paid for 20 hours or more and earned at least \$400 during the 52 weeks immediately before the disability. The 14 weeks can be with multiple employers and does not need to be consecutive.
How benefits are computed	58% of average weekly earnings, up to the cap.
Minimum weekly benefits	If employee's average weekly wage is less than \$26, weekly benefit amount is the average weekly wage, up to \$14.
Maximum weekly benefits	\$697 in 2022.
Maximum duration	26 weeks for any disability or within a benefit year.
Waiting period	7 days
Maternity benefits	Pregnancy-related disabilities treated as any other illness.
Effect of continued pay from employer during disability	No disqualification from benefits, but salary continuance may be used as part of compliance with benefit provisions of the law.

Hawaii (continued)

State sick leave mandate	No
State program benefits financed by	Special fund created on July 1, 1969, from employer contribution of 0.2% of covered wages. Levy on employers or insurers when balance is below \$500,000.
Post-employment	2 weeks
Job protection	No
Family leave covered relatives	Not applicable
Definition of wages used for contributions and benefits	“Wages” means all remuneration for services from whatever source, including commissions and bonuses, tips or gratuities paid directly to an individual by a customer of the employer and reported to the employer, and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the Department of Labor and Industrial Relations.
Benefit taxation	If the employee pays all or a portion of premium with before-tax dollars, the benefit is subject to taxes.

Massachusetts

<https://www.mass.gov/orgs/departments-of-family-and-medical-leave>



Date law enacted	Paid Family and Medical Leave (PFML) Enacted 6/20/2018 Premiums start 10/1/2019 Benefits start 1/1/2021
Annual updates due	October
Benefits can be used for	Medical Leave can be used for a worker's own serious health condition. Family Leave can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; (2) care for a family member with a serious health condition; or (3) address certain military family needs.
Type of law	Competitive between state fund and private plans — former automatic if latter opt out not elected by employer.
Funding source	Employee and employer contributions.
Types of private plans	Insured and self-insured private plans may be substituted. Private plans may cover Medical Leave only; Family Leave only; or combined Family and Medical Leave coverage.
Limitations upon right to establish private plans	None
Employee contributions	Employee contributions: up to 40% of medical rate (deducted from wages by employer) and up to 100% of family leave benefits up to state set maximums. In 2022: total = \$176.40 PFL + \$329.28 = \$505.68.
Employer contributions required	Employer contributions up to 60% of medical rate or balance of costs for private plan. In 2022: \$493.92.
Employers covered	Employers of one or more on any day in current or previous calendar year.
Employees excluded	Services performed for son, daughter or spouse, those under 18, services performed by inmates of penal institution, railroad workers, real estate brokers, commission-only workers, newspaper sales, work-study students, religious workers.
Religious exemptions	Employment by churches and certain religious organizations are exempt.
Employee eligibility requirements	Minimum earnings of \$5,700 during the base period (last 4 completed quarters or 3 most recent with partial 4th quarter) and must meet an earnings requirement tied to the worker's average earnings that, generally, means the worker must have worked about 15 weeks. Can combine hours worked at more than one employer.
How benefits are computed	80% of a worker's average weekly wage up to an amount equal to 50% of the statewide average weekly wage and 50% of a worker's average weekly wage above an amount equal to 50% of the statewide average weekly wage.

Massachusetts (continued)

Minimum weekly benefits	State Program: Will not pay a weekly benefit for less than a minimum of 8 hours; and minutes will be paid in 15-minute increments. Each month, the state will batch together benefits earned and pay out if less than 8 hours. (No minimum dollar amount identified.) Private Plan: May pay as earned
Maximum weekly benefits	In 2022: 64% of the state average weekly wage, \$1,084.31.
Maximum duration	Own health: up to 20 weeks Child bonding, family leave and military exigency: up to 12 weeks Military family care: up to 26 weeks Combined 26 weeks max
Waiting period	7 days (Waived for PFL-child bonding starting directly after PML).
Maternity benefits	Pregnancy-related disabilities treated as any other serious health condition.
Effect of continued pay from employer during disability	Employee may receive compensation concurrently with any employer-provided plan. Total compensation shall not exceed such covered employee's regular pay.
State sick leave mandate	Yes. Employees whose place of business has 11 or more employees accrue one hour of paid sick time for every 30 hours worked and can accrue and use up to 40 hours. All others receive equivalent unpaid time. Covers sick time for employee or family members' care and for absences associated with employee or dependent child's domestic violence.
State program benefits financed by	State Fund created in January 2020 from Employee and Employer contributions. Private Plan can be a combination of employee and employer contributions.
Post-employment	Yes, 26 weeks post termination.
Job protection	Yes
Family leave covered relatives	Spouse, domestic partner, child, parent, parent of a spouse or domestic partner (registration not required), grandchild, grandparent, or sibling.
Definition of wages used for contributions and benefits	For the most part, the PFML law follows the unemployment statute (M.G.L. c. 151A) for determining what constitutes wages. This means that contributions should be based on the same wage base you report to the Department of Unemployment Assistance. Generally, the following are considered wages: Salaries, hourly pay, non-cash tips, and stipends, commissions and bonuses, overtime, vacation, or sick pay, 401K employer contributions and cash tips.
Benefit taxation	Both MA PFL and PML will be subject to state and federal taxes. State-paid PFL and PML benefits will receive a 1099-G. Private plans can be different. PFL will receive a 1099-misc; PML will receive a W2.

New Hampshire

Date law enacted	Granite State Paid Family Leave Plan (NH PFL) Enacted 7/1/2021 Benefits payable 1/1/2023
Updates due	March 31, 2022
Benefits can be used for	PFL can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; (2) care for a family member with a serious health condition; or (3) respond to military exigency.
Type of law	NH State workers primary focus; Voluntary opt-in for employers who wish to provide PFL coverage; and Individuals will be able to opt in to paid family and medical leave through the state purchasing pool if it is not available through their employer.
Funding source	Budget bill from the NH governor's office. Employers who opt in to the state program will have the same pricing structure as the state; private plans can be different.
Types of private plans	Insured and self-insured plans equaling or exceeding state fund standards, and can be a rider/amendment to an employer's disability benefits.
Limitations upon right to establish private plans	Private plan cannot exclude any class of employees, determined by age, sex, race, or wages.
Employee contributions	TBD
Employer contributions required	TBD
How benefits are computed	60% wage replacement up to Social Security taxable wage maximum.
Maximum Durations	6 weeks

New Hampshire will issue a Request for Information (RFI) or Request for Proposal (RFP) to identify an insurance carrier or carriers that will administer the NH PFL benefits for the state's workforce, and also allow for employers and individuals to opt in for coverage. The law also creates a purchasing pool where employees who work for employers that do not offer these benefits can purchase coverage through the pool. The RFI/RFP process is scheduled to begin no later than March 31, 2022. Since New Hampshire is relying on private insurance to administer benefits, the program will begin paying benefits January 1, 2023.

New Jersey

<https://myleavebenefits.nj.gov/>



Date law enacted	<p>Temporary Disability Insurance (TDI) Plan Start Date: 1948 (revised 2019)</p> <p>Family Leave Insurance (FLI) Start Date: 2009 (revised 2019)</p>
Annual updates due	November
Benefits can be used for	<p>TDI can be used for a worker's own serious off-the-job illness or injury.</p> <p>FLI can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; (2) care for a family member with a serious health condition; or (3) address certain nonmedical needs arising from domestic or sexual violence, also known as "safe time."</p>
Type of law	Competitive between state fund and private plans
Funding source	Tax-supported state fund provides benefits — like Unemployment Compensation, but private plans may be substituted.
Types of private plans	Insured and self-insured plans equaling or exceeding state fund standards, and continuation of certain other existing plans.
Limitations upon right to establish private plans	Private plan cannot exclude any class of employees, determined by age, sex, race, or wages.
Employee contributions	<p>TDI: 0.14% of maximum subject wages (\$151,900). Maximum of \$212.66.</p> <p>FLI: 0.14% of maximum subject wages (\$151,900). Maximum of \$212.66.</p>
Employer contributions required	<p>State Plan: 0.10% - 0.75% of maximum subject wages (2022: employer taxable wage base is \$39,800), determined annually. Also subject to experience rating.</p> <p>Private Plan: Balance of cost</p>
Employers covered	Employers of one or more who pay \$1,000 or more in total wages — same as Unemployment Compensation.
Employees excluded	Federal government employees, out-of-state employees, and workers that are not technically employees (such as contractors).
Religious exemptions	Members of any sect, etc., which depends upon prayer for healing or other spiritual means upon filing waiver of benefits.
Employee eligibility requirements	Either 20 base weeks of work in covered employment during base year with earnings of at least \$200 in each week (equivalent to 20 times the minimum wage); or \$11,000 of annual earnings.
How benefits are computed	85% of average weekly wage, subject to a maximum of 70% of the statewide average weekly wage.

New Jersey (continued)

Minimum weekly benefits	None
Maximum weekly benefits	\$993 in 2022
Maximum duration	TDI: 26 weeks with respect to any one period of disability FLI: 12 weeks
Waiting period	Disability: 7 days for each disability, but if benefits are payable for 3 consecutive weeks, then benefits become payable with respect to the first 7 days. Family: None
Maternity benefits	Pregnancy-related disabilities treated as any other illness.
Effect of continued pay from employer during disability	Reduces benefits if benefits plus continued employer pay exceeds regular weekly wages.
State sick leave mandate	Yes. Employees accrue one hour of paid sick time for every 30 hours worked and can accrue up to 40 hours in a year. Covers sick time for employee or family members' care and for absences associated with employee or family member's care; absences associated with employee or family member's domestic violence, sexual assault or stalking; closures for public health emergencies or attending child's school-related conference or meeting.
State program benefits financed by	State Plan: Provides for employer assessment not to exceed 1/10 of 1% of taxable wages paid in preceding year if account has deficit over \$200,000. Private Plan: Can be a combination of employee and employer contributions.
Post-employment	2 weeks
Job protection	2019 amendment included anti-retaliation provisions.
Family leave covered relatives	Child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, registered domestic partner, civil union partner, any other person related to the worker by blood, and any other person that the worker shows to have a close association with the worker which is the equivalent of a family relationship.
Definition of wages used for contributions and benefits	Wages include salaries, tips, fees, commissions, bonuses, and any other payments received for services performed as an employee.
Benefit taxation	TDI State tax: No. If the employee pays all or a portion of premium with before-tax dollars, the benefit is subject to federal income tax and FICA. PFL State tax: No. Federal: yes. State-paid benefits are recorded in a 1099-G. Private Plan taxation may be different and issue a W2 for benefits paid.

New York

DBL: www.wcb.ny.gov/content/main/DisabilityBenefits/lp_disability-benefits.jsp

PFL: www.ny.gov/programs/new-york-state-paid-family-leave

Date law enacted	Disability Benefit Law (DBL): Start Date: 1949 Paid Family Leave (PFL): Start date: 1/1/2018
Annual updates due	September
Benefits can be used for	DBL is disability insurance that can be used for a worker's own serious off-the-job illness or injury. PFL can be used to (1) bond with a child within one year of the child's birth or placement in foster care or adoption; (2) care for a family member with a serious health condition; or (3) address a family member's military exigency.
Type of law	Competitive between state fund and private plans — employer must choose.
Funding source	Employer required to provide benefits or obtain insurance coverage — like Workers' Compensation, but employees responsible for the cost.
Types of private plans	Insured and self-insured plans equaling or exceeding statutory requirements and continuation of certain existing plans.
Limitations upon right to establish private plans	None
Employee contributions	DBL: 0.5% of employee's wages, but not more than \$.60 weekly. (\$31.20 annually) PFL: 0.511% of employee's weekly wage and is capped at an annual maximum of \$423.71 in 2022. PFL coverage is paid 100% by employees.
Employer contributions required	DBL: Balance of cost; PFL: No contribution
Employers covered	Employers of one or more on each of at least 30 days in one calendar year.
Employees excluded	Certain elementary and high school day students, casual employees, employees of non-profit organizations and others referenced in the statute.
Religious exemptions	Members of a religious order which depends upon prayer for healing or other spiritual means upon filing waiver of benefits.
Employee eligibility requirements	DBL: generally, 4 consecutive weeks of covered employment, not necessarily with current employer. PFL: employees with a regular work schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment. Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.
How benefits are computed	DBL: 50% of average weekly wage, subject to a maximum of \$170. PFL: 67% of average weekly wage of \$1,594.57.

New York (continued)

Minimum weekly benefits	DBL: \$20, or average weekly wage, whichever is less PFL: \$100 or average weekly wage, whichever is less
Maximum weekly benefits	DBL: \$170 (unchanged since 5/1/89) PFL: \$1,068.36
Maximum duration	Combined DBL/PFL: 26 weeks PFL: 12 weeks
Waiting period	DBL: 7 days for each disability PFL: none
Maternity benefits	Pregnancy-related disabilities treated as any other illness.
Effect of continued pay from employer during disability	Generally, sick pay and benefits may be received simultaneously, though benefits may be reduced by other income benefits received. Cannot receive PFL and DBL at same time.
State sick leave mandate	Yes. Beginning 9/30/2020, employees began to accrue sick leave at a rate of one hour for every 30 hours worked. Employees can start to take the leave 1/1/2021. 100+ Employees: Employers with 100 or more employees must provide up to 56 hours of paid sick leave per calendar year. 5-99 Employees: Employers with 5-99 employees must provide up to 40 hours of paid sick leave per calendar year. 0-4 Employees: If net income is \$1 million or less, employer must provide up to 40 hours of unpaid sick leave. If net income is greater than \$1 million, employer must provide up to 40 hours of paid sick leave.
State program benefits financed by	Assessment on insurance companies, self-insurers, state insurance fund and existing plans, without limit.
Post-employment	DBL: 4 weeks; PFL: None
Job protection	DBL: No; PFL: Yes
Family leave covered relatives	Child, parent, parent-in-law, spouse, grandchild, grandparent, or domestic partner (registration not required).
Definition of wages used for contributions and benefits	“Wages” means the money rate at which employment with a covered employer is recompensed under the contract of hiring with the covered employer and shall include the reasonable value of board, rent, housing, lodging, or similar advantage received.
Benefit taxation	DBL: If the employee pays all or a portion of premium with before-tax dollars, the benefit is subject to taxes. PFL: Yes. Benefits paid to the employee is recorded on a 1099-misc.

Oregon

<https://www.oregon.gov/employ/PFMLI/Pages/default.aspx>

Date law enacted	Paid Family and Medical Leave (PFML) Contributions Start: 1/1/2023 Benefits payable: 9/3/23
Annual updates due	July
Benefits can be used for	Starting 9/3/2023 Medical Leave can be used for a worker's own serious health condition. Family Leave can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; or (2) care for a family member with a serious health condition. Safe leave can be taken to address certain medical and nonmedical needs arising from domestic violence, harassment, sexual assault, or stalking.
Type of law	State fund primarily with self-insured voluntary plan option.
Funding source	Employee and employer contributions.
Types of private plans	Insured and self-insured private plans may be substituted. Combined Family and Medical Leave coverage only (cannot separate medical and family benefits).
Limitations upon right to establish private plans	TBD
Employee contributions	Employee contributions: 60% of total rate (deducted from wages by employer).
Employer contributions required	Employer contributions: 40% of total rate.
Employers covered	Employers of one or more on any day in current or previous calendar year.
Employees excluded	Federal government or a tribal government.
Religious exemptions	None
Employee eligibility requirements	Earnings from all employers of \$1,000 during the base year (first 4 of the last 5 completed quarters or the 4 most recently completed quarters).
How benefits are computed	If an employee's average weekly wage is equal to or less than 65% of the statewide average weekly wage, 100% of the employee's average weekly wage, up to the cap. If an employee's average weekly wage is more than 65% of the statewide average weekly wage, the sum of (1) 65% of the statewide average weekly wage plus (2) 50% of the employee's average weekly wage that is more than 65% of the statewide average weekly wage, up to the cap.
Minimum weekly benefits	5% of the statewide average weekly wage.
Maximum weekly benefits	Up to 120% of state average weekly wage. Estimated benefit in 2023 is \$1312.

Oregon (continued)

Maximum duration	12 weeks of paid leave (2 additional weeks for complications related to pregnancy). May also qualify for 4 weeks unpaid leave for a total of 16 approved leave weeks.
Waiting period	None
Maternity benefits	12 weeks of paid leave (2 additional weeks for complications related to pregnancy).
Effect of continued pay from employer during disability	Employee may receive compensation concurrently with any employer-provided plan. Total compensation shall not exceed such covered employee's regular pay.
State sick Leave mandate	Yes. Employees whose place of business has 10 or more employees (six or more employees if employer is in a city with population above 500k, so that Portland's law remains in effect) accrue one hour of paid sick time for every 30 hours worked and can accrue and use up to 40 hours. All others receive equivalent unpaid time. Covers sick time for employee or family members' care, for Oregon family leave purposes, for reasons related to a public health emergency and for absences associated with employee or minor child/dependent's domestic violence, sexual harassment, assault, or stalking.
State program benefits financed by	State fund to be created in 2022 from employee and employer contributions of no more than 1.0% of wages up to Social Security (SS) cap.
Post-employment	None
Job protection	Yes, if employed more than 90 days with same employer.
Family leave covered relatives	Spouse or registered domestic partner, sibling, child, child-in-law, child of the worker's registered domestic partner, grandparent, grandchild, parent, parent-in-law or parent of the worker's registered domestic partner, or any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.
Definition of wages used for contributions and benefits	Wages are payments made to an individual for personal services and the cash value of all compensation to that individual in any medium other than cash. Unless specifically excluded in ORS Chapter 657, wages include, but are not limited to, the following: salaries, hourly pay, piece rate, payments by the job, vacation, sick, holiday, disability, guaranteed wage payments, commissions, dividends, distributions, bonuses, gifts, fees, prizes, and tips.

Puerto Rico

<https://www.trabajo.pr.gov/sinot.asp>

Date law enacted	Seguro Incapacitate No Occupational (SINOT); Start date: 2008
Benefits can be used for	Seguro Incapacitate No Occupational (SINOT) is disability insurance that can be used for a worker's own serious off-the-job illness or injury.
Type of law	Competitive between state fund and private plans — former automatic if latter not elected by April 30 — to be effective July 1. Contributory plans require majority employee consent.
Funding source	Tax-supported state fund provides benefits — like Unemployment Compensation, but private plans may be substituted.
Types of private plans	Insured and self-insured plans equal to or exceeding statutory requirements and continuation of certain other existing plans.
Limitations upon right to establish private plans	Must agree to pay certain assessments.
Employee contributions	State or private plan: Total contribution is 0.3% of taxable wages up to \$27 (up to \$9,000 yearly taxable wages). Employee cost: 0.15%
Employer contributions required	0.3% of wages (up to \$9,000).
Employers covered	Employers of one or more on any day in current or previous calendar year.
Employees excluded	Certain domestic servants, students employed by school or college, government or nonprofit organization employees and others referenced in the statute.
Religious exemptions	Services performed for a nonprofit organization created and administered exclusively for religious purposes.
Employee eligibility requirements	Base year earnings of \$150 in covered employment.
How benefits are computed	65% of average weekly wage, subject to a maximum of \$113.
Minimum weekly benefits	\$12 (non-agricultural)
Maximum weekly benefits	\$113 (non-agricultural); there is a death benefit of \$4,000; also dismemberment benefits of \$2,000 to \$4,000.
Maximum duration	26 weeks for any disability or in any 52-week period.
Waiting period	7 days for each disability; if hospitalized during first 7 days, benefits begin on 1st day of hospitalization.
Maternity benefits	First 8 weeks: employer-paid leave at full salary per Working Mothers Act; regular SINOT benefits thereafter.

Puerto Rico (continued)

Effect of continued pay from employer during disability	Reduces benefit if combined total would exceed wages. Provision under state plan for benefit payment to employer if full pay continues.
State sick leave mandate	No
State program benefits financed by	Contributions under the Act. Private plans to be assessed annually on a basis considered to be an equitable share of cost.
Post-employment	2 weeks
Job protection	Yes
Family leave covered relatives	Not applicable

Rhode Island

<https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance>



Date law enacted	<p>Temporary Disability Insurance (TDI) Start Date: 1942</p> <p>Temporary Caregiver Insurance (TCI) Start Date: 2014</p>
Annual updates due	October
Benefits can be used for	<p>Temporary disability insurance (TDI) can be used for a worker's own serious off-the-job illness or injury.</p> <p>Temporary caregiver insurance (TCI) can be used to (1) bond with a child within one year of the child's birth or placement for foster care or adoption; or (2) care for a family member with a serious health condition.</p>
Type of law	State fund only — no private plans allowed in substitution.
Funding source	Tax-supported state fund provides benefits — like Unemployment Compensation.
Types of private plans	None
Limitations upon right to establish private plans	Not applicable
Employee contributions	1.3% of first \$74,000 of annual wages 2022 or \$962
Employer contributions required	None
Employers covered	Employers of one or more — same as Unemployment Compensation. Also, any city or town which elects coverage.
Employees excluded	Certain domestic servants, students employed by school or college, employees of certain non-profit organizations, government employees and others.
Religious exemptions	Members of any sect, etc., which depends upon prayer for healing or other spiritual means upon filing waiver of benefits.
Employee eligibility requirements	Either base year earnings of \$13,800; or at least \$2,300 in one of the base period quarters and base period wages of at least 1½ times the highest quarter earnings and total base period wages of at least \$4,600. Must be unemployed due to illness/injury at least 7 days.
How benefits are computed	4.62% of highest quarter wages in base period; subject to a maximum of 85% of statewide average of employees covered by Employment Security Act in the preceding calendar year.
Minimum weekly benefits	\$114, plus greater of \$10 or 7% of weekly benefit per dependent child to age 18, or over 18 if handicapped (maximum of 5 children).
Maximum weekly benefits	<p>\$978, plus greater of \$10 or 7% of benefit per dependent child (up to 5) under age 18 (or over 18 if handicapped).</p> <p>Maximum weekly with 5 dependents: \$1,320 per week.</p>

Rhode Island (continued)

Maximum duration	TDI: 30 weeks TCI: 5 weeks (growing to 6 weeks in 2023)
Waiting period	No
Maternity benefits	Pregnancy-related disabilities treated as any other illness.
Effect of continued pay from employer during disability	Generally, sick pay and benefits may be received simultaneously.
State sick leave mandate	Yes. Small Employers (1-17 employees) and Large Employers (18 or more employees): One hour for every 35 hours worked, can accrue and use up to 40 hours in 2020 and beyond.
State program benefits financed by	State plan
Post-employment	None
Job protection	Disability: No Family leave: Yes
Family leave covered relatives	Child, child of the workers' domestic partner, parent, parent-in-law or parent of the worker's registered domestic partner, grandparent, spouse, or registered domestic partner.
Definition of wages used for contributions and benefits	Total gross wages include, but are not limited to, commission, bonus, stipends, vacation, tips, and overtime pay.
Benefits taxation	TDI: Benefits are not subject to federal or state income taxes. TCI: Benefits are subject to federal and state income taxes. The state will issue a 1099-G for benefits paid.

Washington

<https://paidleave.wa.gov/>



Date law enacted	Paid Family & Medical Leave (PFML): Premiums started 1/1/2019 Benefit start date 1/1/2020
Annual updates due	October
Benefits can be used for	Medical Leave can be used for a worker's own serious health condition. Family Leave can be used to (1) bond with a child within one year of the child's birth or placement; (2) care for a family member with a serious health condition; or (3) address certain military family needs.
Type of law	State fund primarily with self-insured voluntary plan option.
Funding source	Employee and employer contributions.
Types of private plans	Self-insured only.
Limitations upon right to establish private plans	None
Employee contributions	Employee contributions: up to 45% of medical rate (deducted from wages by employer) and up to 100% of family leave benefits up to state-set maximums. Total premium 0.4% of the Social Security wage base.
Employer contributions required	Employer Contributions up to 55% of medical rate or balance of costs for self-insured plan.
Employers covered	Employers of one or more on any day in current or previous calendar year.
Employees excluded	Federal government employees, union members covered under a CBA negotiated before 10/19/2017, federally recognized tribes, independent contractors, self-employed individuals (may opt in) and federally recognized tribes (may opt-in).
Religious exemptions	None
Employee eligibility requirements	At least 820 hours worked in the state from all employers, during the qualifying period (first 4 of the 5 most recent completed quarters or, if eligibility isn't established, the 4 most recent completed quarters).
How benefits are computed	For employees earning 50% or less than the statewide average weekly wage: 90% of the employee's average weekly wage, up to the cap. For employees earning greater than 50% of the statewide average weekly wage, the sum of (1) 90% of one-half the state average weekly wage and (2) 50% of the difference of the employee's average weekly wage and 50% of the state average weekly wage, up to the cap.
Minimum weekly benefits	\$100 or the employee's full wage when the average weekly wage is less than \$100.
Maximum weekly benefits	\$1,327 in 2022

Washington (continued)

Maximum duration	Own health condition: up to 12 weeks (14 if complications during pregnancy) Family leave: up to 12 weeks, combined 16 weeks max (18 weeks if pregnancy complications)
Waiting period	7 days. None for child bonding.
Maternity benefits	Certain pregnancy-related health needs may receive up to an additional 2 weeks up to a total of 14 weeks in a 12-month period.
Effect of continued pay from employer during disability	Generally, employee may receive compensation concurrently with any employer-provided plan. They can receive benefits at the same time and may exceed their normal wage if receiving state benefits and employer-paid supplemental benefits.
State sick leave mandate	Yes. Employees accrue one hour of paid sick time for every 40 hours worked. Covers sick time for employee or a family member's care, absences associated with employee or a family member's domestic violence, sexual assault, or stalking, closures for public health reasons.
State program benefits financed by	State fund to be created in 2019 from employee and employer contributions.
Post-employment	Yes, so long as employee meets eligibility requirements.
Job protection	Yes, for workers who meet state's Family and Medical Leave Act (FMLA).
Family leave covered relatives	Individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care.
Wages used for contributions and benefits	Examples of wages: (a) Salary or hourly wages; (b) Cash value of goods or services given in the place of money; (c) Commissions or piecework; (d) Bonuses; (e) Cash value of gifts or prizes; (f) Cash value of meals and lodging when given as compensation; (g) Holiday pay; (h) Paid time off, including vacation leave and sick leave, as well as associated cash outs, unless these wages are considered supplemental benefit payments provided by the employer; (i) Separation pay including, but not limited to, severance pay, termination pay, and wages in lieu of notice; (j) Value of stocks at the time of transfer to the employee if given as part of a compensation package; (k) Compensation for use of specialty equipment, performance of special duties, or working particular shifts; and (l) Stipends/per diems unless provided to cover a past or future cost incurred by the employee as a result of the performance of the employee's expected job functions.
Benefit taxation	PFL – Benefits are taxable, and state-paid benefits will receive a 1099-G. PML – The state asks benefit recipients to talk to their tax professional and state will not issue a 1099-G. Voluntary plan administrators may be different, offering W2 for PML and 1099-misc for PFL.