



Raising Expectations:

A State-by-State Analysis of Laws That Help Working Family Caregivers

SEPTEMBER 2018



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About the National Partnership for Women & Families

At the National Partnership for Women & Families, we believe that actions speak louder than words, and for 45 years we have fought for every major federal policy advance that has helped women and families.

Today, we promote fairness in the workplace, reproductive health and rights, access to quality, affordable health care, and policies that help women and men meet the dual demands of their jobs and families. Our goal is to create a society that is fair and just, where nobody has to experience discrimination, all workplaces are family friendly, and no family is without quality, affordable health care and real economic security.

Founded in 1971 as the Women’s Legal Defense Fund, the National Partnership for Women & Families is a nonprofit, nonpartisan 501(c)(3) organization located in Washington, D.C.

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The research, findings and conclusions presented here are current as of August 19, 2018.

Dear Readers,

Twenty-five years ago, the National Partnership for Women & Families (then the Women’s Legal Defense Fund) played a central role in winning the federal Family and Medical Leave Act (FMLA). The FMLA, which created a national baseline for unpaid family and medical leave, has been used by mothers and fathers, sons and daughters and spouses more than 200 million times to care for new children or ailing loved ones or to address their own serious health issues. But the FMLA is woefully incomplete and was always intended as a first step. Its enactment was a landmark achievement, but in the time since, we have worked with national, state and local partners to win more victories for women and all working people, especially those who are caring for loved ones. These state and local victories built and improved upon the FMLA’s protections.

Thirteen years ago, we set out to chart state progress. Our first *Expecting Better* report in 2005 examined and documented laws that expanded on the federal FMLA to protect more workers or provide a longer period of leave. At that time, only one state – California – had enacted a paid family leave law, and not a single state or city had enacted a paid sick days law.

Our subsequent editions of *Expecting Better* in 2012, 2014 and 2016 and this report, *Raising Expectations* in 2018, have mapped growing innovation as more states began to enact family friendly workplace policies. Between our 2005 report and this one, five more states and the District of Columbia have enacted paid family leave programs, 10 states and the District of Columbia have enacted paid sick days laws and nine states expanded job-protected leave.

Looking back at these reports, it is clear that the movement for family friendly policies has grown exponentially. Our victories have built on each other as coalitions of advocates representing diverse constituencies, businesses and lawmakers across the country fought for – and won – laws that protect working families. The laws have become stronger and the protections broader and more inclusive of a range of family caregiving needs.

In honor of these victories and to underscore our conviction that, in fighting for paid and expanded unpaid leave, we must not leave anyone behind, in our fifth edition of this report this year, we are raising the bar. Our 2012, 2014 and 2016 reports graded states only on how expansively they protected new and expecting parents, discussing family caregiving only in a special, ungraded section. *Raising Expectations*, however, documents and grades each state on laws that help all working people – new parents, people who are caring for seriously ill, injured or disabled family members, and workers addressing a full range of their own health needs. Families and caregiving needs come in all forms, and advocates have increasingly pressed for and won new and expanded laws that account for this reality. Laws that help new and expecting parents are necessary, but they are not sufficient – and, by grading states on a broader set of caregiving needs this year, we underscore that fact. Too often, this point is lost or put to the side in policy conversations, but we strongly believe it must be at the center.

In elevating state progress and examining a range of policy solutions, we aim to help build toward a more fair and family friendly country, in which all working people – no matter their state, employer or job, and no matter their gender, race or wage level – are able to support themselves and their families while providing or receiving care. The level of national interest and debate around family friendly workplace policies has reached an unprecedented level, and it will only continue to grow – so examining the tried and tested solutions that are paving the way for future state and national progress is crucial.

Sincerely,



Debra L. Ness
President



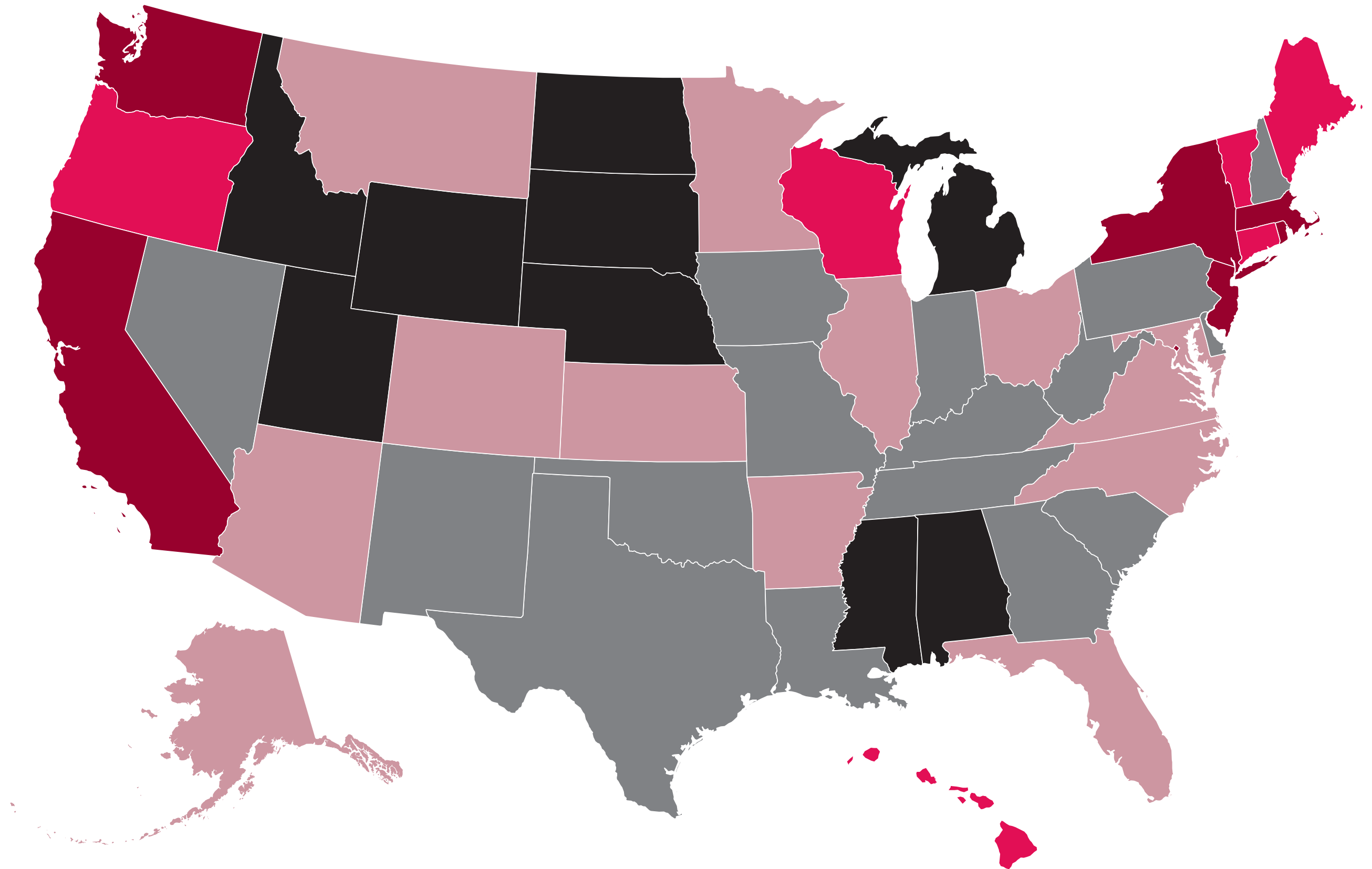
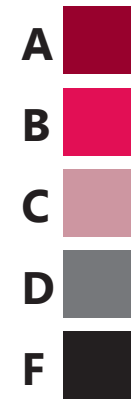
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State Grades

FOR COMPLETE REPORT CARD, SEE PAGE XX.



Glossary of Terms

Family Leave

Leave taken to provide care for a family member who is seriously ill, or to provide care for a new baby or newly adopted or placed foster child.

Flexible Use of Sick Time

Sick time that may be used to care for a family member who is recovering from an illness, to accompany a family member to a medical appointment or, in some cases, to care for a new child.

Job-Protected Leave

Protection provided by law, regulation, contract or agreement that prohibits an employer from firing, demoting or otherwise penalizing a worker for taking leave, and requires that a worker be returned to the same or an equivalent position after the leave is over.

Maternity Leave

A broad term that encompasses both pregnancy disability leave (medical leave) and parental leave to care for a new baby (family leave). It applies only to pregnant women or birth or adoptive mothers (not to fathers).

Medical Leave

Leave taken to recover from one's own serious health condition.

Paid Family Leave

Full or partial wage replacement for a worker who takes leave to care for a seriously ill family member or new child. Paid family leave may be provided through a state-administered system or through an employer's family care or parental leave benefit.

Paid Medical Leave

Full or partial wage replacement for a worker on leave for their own medical reasons. Paid medical leave may be provided through a state-administered system, called a State Disability Insurance (SDI) or Temporary Disability Insurance (TDI) program. Paid medical leave may also be available through privately purchased or employer-provided short-term disability insurance, or through employer-provided paid sick days or paid time off.

Paid Parental Leave

Full or partial wage replacement for a worker who takes leave to provide care for a new baby or newly adopted or placed foster child. Paid parental leave may be provided through a state-administered system or through an employer's parental leave benefit.

Paid Sick Days/Paid Sick Time

Employer-provided full wage replacement to a worker who takes sick time for their own illness or medical appointment or a family member's illness or medical appointment.

Parental Leave

A type of family leave taken by a mother or father to provide care for a new baby or newly adopted or placed foster child.

Pregnancy Disability Leave

A type of medical leave taken by an expecting or new birth mother who is temporarily disabled by her pregnancy, childbirth or a related medical condition. It may be taken prior to and/or following childbirth for the period during which a woman is actually disabled.

Unemployment Insurance Modernization

Amendments to state unemployment insurance (UI) laws that cover attending to certain compelling family caregiving needs within the definition of "good cause" for leaving employment. This makes caregivers who are ready to return to work eligible for UI benefits during their job search.



Executive Summary

This report, *Raising Expectations*, examines and grades states based on whether and to what extent their laws help people manage their work, health and care needs by guaranteeing workers’ access to paid or unpaid workplace leave. Its analysis is undergirded by a growing body of research that demonstrates why paid sick days and paid family and medical leave are critically important for the health and economic well-being of people and the country.

States receive credit for laws affecting private and public sector workers that provide access to workplace leave that goes beyond the baseline set by the FMLA. State grades are based on whether they have enacted laws in one or more of the following categories: (1) more expansive unpaid leave for family and medical needs, (2) paid sick time for routine, short-term personal or family health needs, (3) paid family and medical leave for more serious long-term family or medical health needs, or (4) requirements that any employer-provided sick time also be available to workers who need to care for a sick family member.

Our analysis finds that a handful of states far exceed the federal baseline by providing a broad range of protections to all working people; others have done much more than federal law requires but still not enough to meet the needs of working people and families in their states. Shockingly, 25 years after the federal FMLA set a floor, 25 states received a grade of “D+” or below for doing little or nothing to offer additional protections to the working families in their states.

A summary of state grades follows:

- ▶ Six states and the District of Columbia received grades in the “A” range, with one state and the District of Columbia receiving “A” grades and five states receiving “A-.” No state received an “A+.”
- ▶ Six states received grades in the “B” range, with two states receiving a “B+,” two receiving a “B” and two receiving a “B-.”
- ▶ Thirteen states received grades in the “C” range, with three states receiving a “C+,” four receiving a “C” and six receiving a “C-.”
- ▶ Sixteen states received grades in the “D” range, with seven states receiving a “D+,” four receiving a “D” and five receiving a “D-.”
- ▶ Nine states received a grade of “F.”

States with the highest grades lead the way, raising the bar and promoting competition among states to do better. The states that received grades in the “A” range all have paid family and medical leave programs in place as well as paid sick days laws and expanded unpaid leave – but even among these states, there are significant variations.

Deeply concerning, however, is the lack of meaningful action in fully half of the states. This underscores the urgent need for new federal standards – a federal paid family and medical leave program modeled on the best practices of the states; a national paid sick days law to ensure that the 34.2 million private sector workers who do not have sick time now can earn it; and a more expansive federal FMLA so that people in smaller businesses and in all types of work arrangements and families can care for themselves and their loved ones without risking their jobs.

State action is important, but this report – like all our earlier editions of *Expecting Better* – provides a compelling reminder that a state-by-state approach perpetuates significant disparities, magnifies inequalities and leaves too many people – often the most vulnerable – behind. We can and must raise our expectations when it comes to family friendly policies by seeking – and winning – federal solutions.



Introduction

Over the last several decades, the U.S. workforce has changed dramatically. Women now make up nearly half of the labor force and in nearly 70 percent of households with children, all parents work.¹ Women and men are having children at later ages, during their prime working years, making parental leave a necessity.² At the same time, our nation is aging rapidly: By 2056, demographers project that the population 65 years or older will be larger than the population under 18.³ In 2010, the number of potential family caregivers for each person age 80 and older was one in seven; that number is expected to fall to one in four by 2030 and to less than one in three by 2050.⁴

In the future, families will have fewer people at home to fulfill caregiving responsibilities just as our nation's caregiving needs are growing. These changes mean that people will become more and more stretched as they try to care for their loved ones and themselves. This will affect their economic stability, mobility, their own health and the health of their loved ones.

Despite these realities, our workplaces aren't designed to let working people meet their personal or family caregiving responsibilities. Too often, working people are penalized at work when they get sick, need to care for a loved one or address a serious personal medical issue. People need short-term paid time to care for themselves or a family member or to see a health care provider, yet nearly one in three private sector workers can't earn a single paid sick day; if they get sick or a loved one gets sick, they lose pay and may lose their jobs.⁵ People also need extended time away from work to care for a new child or a seriously ill or injured loved one, yet the vast majority of working people – 85 percent – don't have access to paid

family leave through their employers,⁶ and only about four in 10 have personal medical leave for a serious health issue through an employer's temporary disability insurance plan.⁷

Unpaid job-protected leave is available under the federal FMLA, but it covers only 59 percent of the workforce, and an even smaller share can afford to take it.⁸ This dismal situation punishes working families – particularly those with low incomes, for whom an unpaid leave can cause economic devastation. For a typical low-income family, just 2.7 unpaid days away from work jeopardizes the family's grocery budget for a month.⁹ The estimated wage loss from twelve weeks of unpaid leave would be enough to push more than 40 percent of lower-income working families below the federal poverty line.¹⁰

The status quo means working family caregivers – disproportionately women – cycle out of the labor force, are forced to reduce their hours or are denied opportunities to advance due to their caregiving responsibilities. The untapped value of women's lost labor force participation drains the country of an estimated \$500 billion per year.¹¹ The status quo also harms the income security, retirement security and health of women and families, and it magnifies gender and socioeconomic inequalities while fostering health, educational and economic disparities for future generations.

Families of color and low-income and working class families have been harmed the most by work/family conflict for decades.¹² Women of color disproportionately worked outside the home out of economic necessity, to help support their families, for generations before white women entered the paid labor force in droves.¹³ Low-income and working class families of all races have lost income due to family care and have often endured the least supportive work environments. Their health and economic security have suffered as a result.¹⁴

The discussion that follows summarizes some of the most striking evidence of the harms facing working people and families, communities and the economy when workers cannot take paid time away from their jobs to provide or receive care. It is intended to ground the discussion that follows, which highlights key findings about the benefits of paid sick days and paid family and medical leave laws from states and cities that have adopted them. This introduction provides context for the main section of this report, which grades states based on whether and to what extent their laws expand family and medical leave rights and protections – through paid family and medical leave, paid sick days, more expansive unpaid family and medical leave and flexible use of a worker's accrued sick leave for family caregiving.



Working People and Families Suffer Without Family Friendly Workplace Policies

Paid sick days, for routine health needs, and paid family and medical leave, for longer-term or more serious personal and family caregiving, offer critical supports to working people. The sections below explain the negative health and financial outcomes people face when they are forced to take unpaid leave from work to address family and medical needs. This reality is costly to working people, the families that rely on them, employers, taxpayers and the economy.

Paid Sick Days

Everyone gets sick, but many people cannot take the time they need to recover. Nearly one in three people in the private sector can't earn a single paid sick day, including the vast majority of people who are paid low wages (69 percent).¹⁵ More than 34.2 million U.S. workers in the private sector don't have access to this basic support,¹⁶ and millions more cannot use the sick time their employers provide to care for a sick family member.

TABLE 1. PERCENTAGE OF PRIVATE SECTOR WORKERS WITH ACCESS TO PAID SICK DAYS

WAGE LEVEL	PERCENTAGE WITH ACCESS
Workers in the lowest-wage decile (paid \$10.00 per hour or less)	31%
Workers in the lowest-wage quartile (paid \$12.75 per hour or less)	45%
Workers in the highest-wage quartile (paid \$30.08 per hour or more)	90%
Workers in the highest-wage decile (paid \$46.73 per hour or more)	92%

Source: U.S. Bureau of Labor Statistics. *Employee Benefits in the United States – March 2018*.

People without paid sick days can face dire economic consequences that force impossible choices between health and economic security. Being sick without pay can quickly jeopardize someone's livelihood and render them unable to pay their bills; for a typical worker without paid sick days, just two days away is the equivalent of a month's worth of gasoline, and less than three days away is the value of a month's worth of groceries.¹⁷ And for too many people without paid sick days, taking a day away from work can result in workplace discipline or job loss. In fact, nearly one in four workers has reported either losing a job or being threatened with job loss for needing to take a sick day.¹⁸

The economic challenges associated with the lack of paid sick time means that workers and their families may have to forego the care and time they need to recover from illness or get preventive care. Not having paid sick days is a significant barrier to health care access, despite increased affordability of preventive health care services under the Affordable Care Act.¹⁹ People without paid sick days are less likely to go to the doctor or access preventive care, such as cancer screenings, annual physicals, Pap tests and flu shots.²⁰ People without paid sick days are also more likely to delay needed medical care, which can lead to prolonged illnesses and turn minor health problems into major, more costly ones.²¹ For example, they are three times more likely than people with paid sick days to neglect medical care for themselves, and nearly twice as likely to forgo medical care for their families.²² A study of children whose mothers lack paid sick days found that these children are less likely to receive routine well-child checkups, dental care and flu shots.²³ In contrast, children whose parents have paid sick days are more likely to receive preventive health care – specifically, they are 13 percent more likely to receive a flu vaccine and 13 percent more likely to have an annual checkup, compared to children whose parents do not have paid sick days.²⁴

Dire economic challenges leave many workers without paid sick days with no choice but to work sick or send a sick child to school, which leads to increased risk of contagion. Many workers who frequently interact with the public, such as those in food service and child care jobs, are without paid sick days.²⁵ Workers in these occupations are also more likely to be exposed to contagious illnesses and, therefore, to spread illnesses when they are forced to go to work sick. Nearly 60 percent of food service workers surveyed in a Centers for Disease Control and Prevention study reported working while sick, and more than 40 percent said they did so because they didn't have paid sick days.²⁶ People without paid sick days are not only more likely to go to work sick than people with paid sick days, they are also nearly twice as likely to send a sick child to school or day care because they can't afford to lose pay or fear job loss.²⁷ As a result, they are forced to put the health of their children and their children's classmates and teachers at risk.

Employers' failure to provide paid sick time also has financial consequences for insurers, taxpayers and the health care system: When workers cannot take time off to seek medical care during normal work hours, they are left with few choices and are more likely to use costly emergency room visits to receive care, whereas working people with paid sick days are 32 percent less likely than people without paid sick days to visit the emergency department recurrently.²⁸ It is estimated that preventable emergency room visits among workers without paid sick days cost the United States more than \$1.1 billion per year, with nearly half the costs coming from taxpayer-funded programs like Medicaid, Medicare and the State Children's Health Insurance Program.²⁹ If all workers had paid sick days, 1.3 million emergency room visits could be prevented and public and private costs would be saved.³⁰

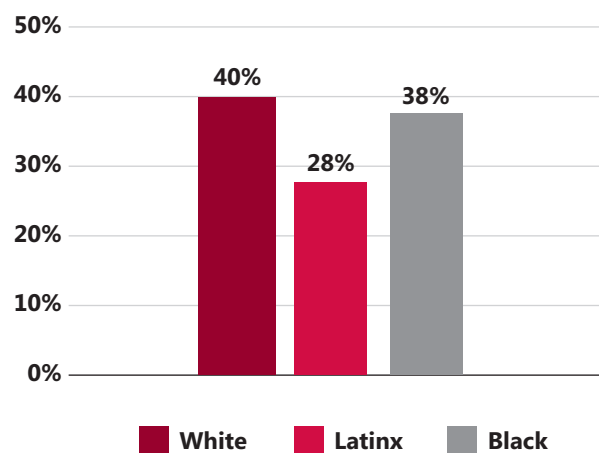
Paid sick days laws and flexible use of employer-provided sick days to address routine, shorter-term health issues are making a big difference for workers and families without harming businesses or the economy. States and the country have much to gain from ensuring broader access to paid sick time.

Paid Family and Medical Leave

Paid family and medical leave is important for longer-term and more serious family and personal care needs. At some point, nearly everyone will need to take time away from their jobs to deal with a serious personal or family illness or care for a new child – but not nearly enough people are able to do so. Only 15 percent of workers have access to paid family leave through their jobs and fewer than 40 percent have employer-provided temporary disability insurance to help fund leave for a serious personal medical need.³¹ Only about 60 percent are eligible for unpaid leave through the FMLA.³²

The lack of paid leave can turn a personal or family health issue into a serious financial crisis. The typical U.S. household lacks the funds to replace income lost during even one month of unpaid leave, which means that time away from work to care for a new baby, undergo surgery or to care for a family member who has become seriously ill can quickly destabilize a family in ways that last for months or even years.³³ The lost wages resulting from inadequate or no paid leave cost working families at least \$20.6 billion every year.³⁴ For many families of color – who have less access to wealth than white families – these destabilizations can be especially damaging. Nationwide, only 28 percent of Latinx working adults and 38 percent of Black working adults are both eligible for unpaid leave under the federal FMLA and can afford to go without pay; the same is true for 40 percent of white, non-Latinx working adults.³⁵ Many families without paid leave are forced to take on significant debt, turn to public assistance programs for food or income security, or jeopardize their health or the health of their loved ones by not taking leave at all.³⁶

FIGURE 1. PERCENTAGE OF WORKING ADULTS WHO ARE BOTH ELIGIBLE FOR AND CAN AFFORD UNPAID FMLA LEAVE



Source: diversitydatakids.org. *Working Adults Who Are Eligible For and Can Afford FMLA Unpaid Leave (Share) by Race/Ethnicity.*

PAID LEAVE FOR FAMILY CARE

Much recent national conversation around paid leave has focused on the needs of new parents; however, this narrow focus leaves out the millions of workers who need leave to care for themselves or for parents, spouses and other family members beyond new children.

Currently, about 43.5 million Americans – nearly one-fifth of adults – provide care to adult family members or children.³⁷ In a 2017 survey, 40 percent of adults age 40 and older reported currently or previously providing long-term family care and 7 percent said they had received care for themselves.³⁸

Among those not currently providing care, six in 10 reported they would likely have caregiving responsibilities in the next five years.³⁹ Six in 10 family caregivers report working at jobs unrelated to their care responsibilities; one-third of family caregivers (34 percent) work full time, and another 10 percent work 30 to 39 hours per week.⁴⁰ Many of these family caregivers, including adults sandwiched between caring for older family members and children at home, are struggling to manage both their caregiving responsibilities and their jobs.⁴¹ This is especially true for workers who are ages 45 and older. More than one in five workers age 45 to 64 report being a caregiver to a parent – and more than half of working family caregivers report that caregiving negatively affects their work.⁴²

Six in 10 adults age 40 and older reported they would likely have caregiving responsibilities in the next five years.

— The Associated Press, & NORC Center for Public Affairs

Paid leave provides employed family caregivers dedicated time to coordinate care and learn complex tasks, prepare for potential long-term care needs and help their families adjust to these changes.⁴³ In addition, paid leave can improve health outcomes and reduce care costs. Family caregivers help their loved ones recover more smoothly and quickly and avoid or delay institutional care.⁴⁴ For seriously ill children, for example, the presence of a parent can help reduce the duration of a hospital stay by nearly a third.⁴⁵ And for older adults, the presence of a caregiver has been shown to delay or prevent use of more care intensive health services like home health care and nursing homes.⁴⁶ But without paid leave, family caregivers may not be able to take the dedicated time needed to learn to care for a loved one, potentially jeopardizing their loved one's health.

What's more, providing care can be very expensive and cause further financial strain. More than three-fourths of family caregivers report incurring out-of-pocket caregiving costs that, on average, amount to nearly \$7,000 annually.⁴⁷ These costs consume about 20 percent of the average family caregiver's income.⁴⁸ Low-income, Latinx and Black caregivers typically face the greatest financial burdens from caregiving. Low-income caregivers and Latinx caregivers spend more than 40 percent of their income and Black caregivers spend more than one-third of their income on caregiving expenses.⁴⁹ As a result, family caregiving and financial insecurity are deeply interconnected, often magnifying and exacerbating racial wealth inequalities.

Some working family caregivers have no real choice but to leave their paid jobs to provide care. When workers leave the labor force because of conflicts between paid work and unpaid care, there are long-term financial consequences. For example, the average family caregiver over age 50 who leaves the labor force to care for a parent loses nearly \$304,000 in wages, Social Security and private pensions.⁵⁰ For women, that penalty is even higher at more than \$324,000.⁵¹ At a time when many of America's families face wage stagnation and many experience income volatility, paid leave is especially critical to fostering economic stability.

PAID PERSONAL MEDICAL LEAVE

Working people also need paid leave to care for themselves. Paid medical leave – sometimes referred to as paid disability leave, short-term disability or personal medical leave – allows people to take time away from their jobs to recover from their own serious health conditions. People may need paid medical leave to recover from a surgery, seek cancer treatments, manage chronic conditions, recover from childbirth or address other serious health conditions.

A number of health and demographic trends point to a potentially growing demand for paid personal medical leave: The number of Americans with chronic health conditions is growing.⁵² The

number of women – and especially women of color – facing life-threatening complications during or after childbirth is also growing,⁵³ with thousands of women in the United States experiencing serious perinatal conditions, complicated births and serious conditions like post-partum hemorrhages each year.⁵⁴ In addition, the labor force participation rates of older workers are growing and, although more people are living longer, healthier lives than in the past, the odds of developing serious medical conditions such as coronary heart disease or cancer increase with age.⁵⁵ In each case, access to paid medical leave may speed recovery and help people get back to their jobs more quickly and successfully.

PAID PARENTAL LEAVE

Finally, the importance of paid leave for mothers, fathers and their newborn or newly adopted children and the nation's economic competitiveness is undeniable. Families suffer when parents cannot take paid leave to care for a new baby or a newly adopted or newly placed foster child. When parents don't have paid leave, babies are less likely to be breastfed for the recommended duration, and children are less likely to get timely immunizations and crucial well-child care visits – all of which can affect short- and long-term health outcomes.⁵⁶

Nearly half of women in the United States take less than two months of maternity leave, and nearly one in four (23 percent) report returning to work within two weeks of giving birth.⁵⁷ This reality, often driven by economic need, jeopardizes many women's health and slows their recovery from childbirth, as well as putting them at increased risk of experiencing depressive symptoms.⁵⁸

Fathers also face significant consequences when they cannot take parental leave. When fathers lose out on critical time to bond with and learn to care for a new child, they are less likely to be engaged in that child's direct care in the long term.⁵⁹ In contrast, fathers who are able to provide care can help improve child developmental outcomes.⁶⁰ Sadly, in the United States today, the vast majority of fathers take two weeks of leave or less,⁶¹ both because access to paid paternity or parental leave is too rare and because cultural norms often create real or perceived barriers to taking leave.⁶²

Family Friendly Workplace Laws and the Future of Work

Policymakers, economists and workers are trying to predict what the future of work will look like: What jobs will robots take? To what sectors will the "gig economy" spread next? What skills and education will the next generation need to succeed? At the same time, problems that have persisted for decades – such as workplace discrimination, low wages, poor job quality, precarious or short-term work arrangements and related issues – remain significant for many workers today.

In this context of the changing nature of work, setting a paid family and medical leave baseline will be even more important. Workers in low-wage jobs are the least likely to have employer-provided benefits and to be able to afford to leave work to care for themselves or a loved one. With the high cost of education, more workers are weighed down by high student debt, constraining their ability to save for health emergencies or take time off to manage family caregiving responsibilities. As more jobs are short-term or volatile, workers need family and medical benefits that follow them from job to job. And as contract or "gig" work replaces typical W-2 jobs, people need benefit structures that are flexible and portable.

The future of work's disruptions will likely affect women and people of color the most. Women and people of color bear a large share of caregiving responsibilities, much of which is unpaid or underpaid. They are also the populations that are overrepresented in low-wage jobs with few or no benefits, and are disproportionately working in some of the industries expected to be hardest hit by automation. Creating an economy of the future that works for all people and families means ensuring that everyone can take paid time to care and that the most precarious and vulnerable workers are not left behind.



In the Absence of Federal Action, States Are Stepping Up – and the Benefits Are Clear

The federal FMLA was the nation’s first and only law designed to help people manage the dual demands of work and family. It provides up to 12 weeks of unpaid, job-protected leave to certain workers to deal with their own serious health condition or that of a family member, to care for a newborn, newly adopted or newly placed foster child, and for certain reasons related to a family member’s military deployment. It also provides up to 26 weeks of unpaid leave to family members caring for wounded servicemembers and veterans.

But the FMLA’s coverage is far from universal – the law only applies to businesses with 50 or more employees in a 75-mile radius – and only employees who have worked for that employer for at least 12 months and for at least 1,250 hours in the previous 12 months are eligible for leave. The FMLA’s eligibility rules result in the exclusion of part-time workers and those whose care responsibilities limit their work hours or result in frequent job changes. Ironically, those most in need of protection may receive the least help – an unintentional consequence of compromises made long ago.

In addition, the list of family members for whom employees can take leave is limited to spouses, parents and children, whereas workers’ actual family care structures are much more varied. And because leave is unpaid, many workers, especially low-income workers, cannot afford to sacrifice valuable paychecks in order to take the leave. Finally, the law does not do enough to help workers who need more than 12 weeks of leave, or those who need leave to deal with short-term, routine illnesses and medical care.

Fortunately, states have stepped up to fill in the gaps. Over the past 15 years, states have begun to innovate – and progress in the last five years has been especially swift and robust. As of August 2018, 10 states, the District of Columbia and 33 localities have or will soon have laws and policies enabling people to earn paid sick time to recover from an illness like the flu or care for a sick family member; 31 of these have been enacted in the last five years, and five state and seven municipal laws have been adopted since our last report in 2016.⁶³ To recognize more serious family and medical

needs, six states and the District of Columbia have or will soon have enacted paid family and medical leave insurance laws; five of these have been enacted since 2013, and three have been put in place since our last report in 2016.⁶⁴ Together, these laws guarantee the right to earn paid sick time or paid leave to 44 million people.⁶⁵ The experiences of these states unambiguously shows that these policies can spur bipartisan compromise, and the evidence from these states and cities show that these policies are popular and have created immense benefits for workers, their families and the state and local economies.

A Wide Range of Policies That Would Help Workers

Although this report focuses specifically on paid sick days, paid family and medical leave and job-protected leave, there are several other policies that would help support working families. Two policy areas, in particular, help enable new and expecting mothers to continue working while meeting their health and caregiving needs.

- ▶ Laws requiring some employers to provide **reasonable accommodations to pregnant workers** who need to modify their job duties, conditions or schedules as a result of physical limitations related to their pregnancies are in place in 23 states – Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Jersey, New York, North Dakota, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington and West Virginia – and the District of Columbia.
- ▶ Eighteen states – Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Maine, Minnesota, Nebraska, New Mexico, New York, Oregon, Rhode Island, Tennessee, Utah and Vermont – and the District of Columbia have enacted laws that go beyond the federal law that guarantees workers the right to **reasonable break time and a private place to express breast milk** at work for a period of time after giving birth to cover more workers.

In addition, laws increasing the **minimum wage**, including for tipped workers, improve economic security for the most vulnerable workers and ensure that they have more resources at their disposal when caregiving needs arise. **Fair scheduling laws** combat the unpredictable and unstable work scheduling practices that make it difficult or impossible for workers to arrange care. Policies that improve access to **affordable, high-quality child care** enable parents to provide for their families while ensuring positive outcomes for their children. Policies that provide **respite and income to family caregivers** help provide much-needed assistance and support. And laws that **protect caregivers from discrimination** and **combat discriminatory pay practices** for women and people of color are critical to promoting workplace advancement and economic security. While these and other policies that improve families' economic stability and well-being are outside of the scope of this report, it is important to acknowledge that working families experience challenges on several fronts and that multiple, complementary improvements are needed.

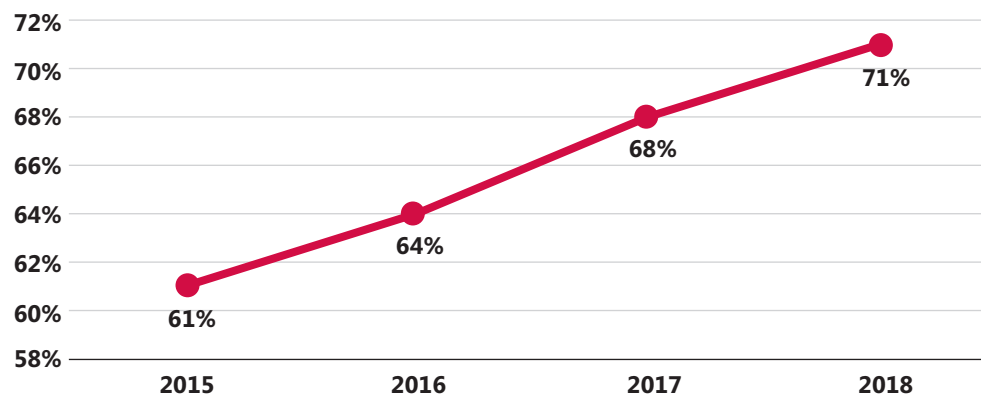


The Evidence Is In: New Laws Mean Better Outcomes for Working People, Families, Businesses and Communities

Paid Sick Days

Ten states – Arizona, California, Connecticut, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Vermont and Washington – and the District of Columbia have statewide paid sick days laws in place. In addition, 33 cities and counties have passed local paid sick days laws, including in states that have yet to pass a statewide law such as Illinois, Minnesota, New York, Pennsylvania and Texas. Largely as a direct or indirect effect of paid sick days laws, private sector workers’ access to paid sick days has increased by 10 percentage points in the last four years, from 61 percent in 2015 to 71 percent in 2018, with the largest increases among lower-wage and service sectors who most need paid sick days and in regions where paid sick days laws have been adopted.⁶⁶

FIGURE 2. PERCENTAGE OF PRIVATE SECTOR WORKERS WITH ACCESS TO PAID SICK TIME



Source: U.S. Bureau of Labor Statistics. *National Compensation Survey: Employee Benefits in the United States*.

PAID SICK DAYS LAWS IMPROVE PUBLIC HEALTH

Workers having access to paid sick days improves public health by enabling workers to seek medical treatment and reducing the risk of community contagion. In a survey of San Francisco employees after the city's 2006 paid sick days law took effect, one in four employees reported that paid sick days made it easier for them to care for their own and their families' health needs. This effect was even more pronounced for black and Latinx workers, low-wage workers, workers age 55 or over and parents. Parents with paid sick days were more than 20 percentage points less likely to send a sick child to school than parents without paid sick days.⁶⁷ A recent study of Google Flu data found that the general flu rate in jurisdictions with paid sick days laws decreased by 5.5 to 6.5 percent after the laws took effect.⁶⁸

CITY AND STATE PAID SICK DAYS LAWS WORK FOR BUSINESSES AND EMPLOYERS

Businesses have reported no negative impacts on their bottom lines and community economies have experienced growth after paid sick days laws took effect. Employers in jurisdictions where employees have paid sick days have seen increased growth and reported no negative impact on profitability. Connecticut, the first state to enact a paid sick days law in 2011, reported that the vast majority of employers saw minimal effects on cost and made no changes such as increasing prices or reducing employee hours.⁶⁹

In jurisdictions with paid sick days laws in effect, most employers say they are supportive of the laws. For example, almost two years after New York City's strong 2013 paid sick days law took effect, 86 percent of employers expressed support for it.⁷⁰ And in San Francisco, more than three years after the city passed its law, more than two-thirds of employers expressed support for paid sick days.⁷¹

COMMUNITIES AND ECONOMIES THRIVE WITH PAID SICK DAYS LAWS

Paid sick days don't just benefit employees – they benefit communities as well. In cities with paid sick days laws, economic growth is a consistent outcome. Nearly two years after New York City implemented its paid sick days law, the number of businesses grew, consumer prices fell, labor participation was the highest on record and unemployment was at its lowest in six years.⁷² In Seattle, the number of employees and total wages increased after the city adopted a paid sick days law in 2013, and evidence shows no negative impact on the economy.⁷³ Also in Seattle, growth in the number of businesses was significantly stronger than in Bellevue, Tacoma and Everett combined in the year following implementation of its paid sick days law.⁷⁴ Seattle's experience echoes San Francisco's, where the county experienced higher rates of job and business growth than neighboring counties after its paid sick days law took effect, including in the sectors most impacted by the law.⁷⁵

Paid Family and Medical Leave

Six states – California, Massachusetts, New Jersey, New York, Rhode Island and Washington – and the District of Columbia have enacted paid family and medical leave laws. The laws in California, New Jersey, Rhode Island and New York are in place now, and the others will take effect in 2020 and 2021. In addition, Hawaii has a longstanding law requiring employers to provide temporary disability insurance to workers who are temporarily unable to work due to disability. Altogether, these laws cover more than 32 million workers.⁷⁶ A growing number of states, counties and cities are adopting laws or policies that provide paid parental or family leave for their own public employees, recognizing that paid leave helps employers attract and retain talent.

PAID LEAVE LAWS IMPROVE CHILD HEALTH OUTCOMES

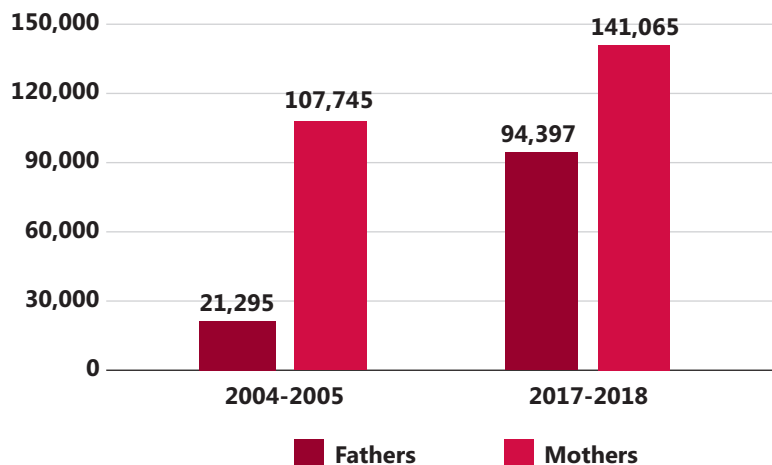
Paid leave programs help give parents time to establish a strong bond with a new child during the first months of life, which can result in long-term health benefits for both children and parents. Paid leave in California has especially helped women of color take longer leaves, increasing parity in the duration of leave between white mothers and those who are Black or Latina.⁷⁷ Breastfeeding duration increased substantially among California women who took paid leave, with significant increases in breastfeeding initiation among mothers who hold lower quality jobs.⁷⁸ Similarly, for low-income families in New Jersey, researchers found that new mothers who use the paid leave program breastfeed, on average, one month longer than new mothers who do not use the program.⁷⁹

Preliminary research in California suggests that paid leave may also help prevent child maltreatment by reducing risk factors, such as family and maternal stress and depression.⁸⁰ A longitudinal study in California indicates many positive health outcomes for elementary school-aged children following implementation of paid leave, including lower probabilities of having ADHD, hearing problems, recurrent ear infections or being overweight – especially among children with lower socioeconomic status and with mothers who have lower educational attainment.⁸¹

FATHERS AND CHILDREN BENEFIT FROM STATE PAID LEAVE LAWS

Access to paid family leave encourages fathers to take time to bond and provide care. And when fathers take leave after a child's birth, they are more likely to be involved in the direct care of their children long term.⁸² In California, the number of fathers filing child bonding leave claims more than quadrupled between 2005 and 2018, as the state's program became better established.⁸³ In the first year of Rhode Island's program, a greater proportion of new dads took leave to bond with a newborn or adopted child than did new dads in the first year of the California and New Jersey programs.⁸⁴ As a much newer program, this suggests a cultural shift is taking place and fathers may now have greater knowledge of the benefits leave can provide.

FIGURE 3. CALIFORNIA PAID LEAVE BONDING CLAIMS BY GENDER



Source: State of California Employment Development Department. *Paid Family Leave (PFL) Program Statistics*.

PAID LEAVE LAWS HELP PEOPLE WHO CARE FOR SERIOUSLY ILL FAMILY MEMBERS

Paid family leave laws allow working people to care for seriously ill or injured family members. Each state program provides paid leave to care for parents, minor or disabled adult children and spouses or domestic partners, and most state programs now go further to recognize that, for many, family care responsibilities are broader. In 2013, California expanded its law to allow family caregiving for grandparents, parents-in-law, grandchildren and siblings.⁸⁵ And now, all but New Jersey's law provides paid leave to care for a grandparent; four states permit family care leave to be used for siblings; four recognize grandchildren; and two recognize parents-in-law.

These laws have shown benefits for workers providing care for their family members. For example, Rhode Island workers who take paid leave for family care through the state program were more likely than those who do not to report that they are satisfied with their ability to provide care, positively impact their family member's health and reorganize their life around work and caregiving.⁸⁶ Evidence points to positive effects for health systems as well: A California study found that implementation of the state's paid leave program accounted for an 11-percent relative decline in elderly nursing home usage.⁸⁷

STATE PAID LEAVE LAWS PROMOTE WORKFORCE PARTICIPATION, ECONOMIC SECURITY AND INDEPENDENCE

The experience of state paid leave programs support private sector data, which show that workers' access to paid leave helps keep working people – and especially women – in the labor force and earning higher wages over time. For family caregivers, an analysis of California's paid leave program found that it increases short- and long-term labor force participation rates, with an 8 percent increase in short-term participation and a 14 percent increase in long-term participation.⁸⁸ The long-term increase in labor force participation was greater among workers in lower-income households,⁸⁹ suggesting that California's paid leave law filled an important gap for workers who were less likely to have access to paid leave in the absence of the law.

For new parents, and especially mothers, an increase in workforce attachment also likely reduces use of public assistance programs. An analysis of states with paid family leave or temporary disability insurance programs found that new mothers in those states are less likely than new mothers in other states to receive public assistance or use the Supplemental Nutrition Assistance Program (SNAP, formerly called food stamps) following a child's birth, particularly when they use the paid leave programs.⁹⁰ New mothers in states without paid leave programs are twice as likely to report participating in some type of public assistance program as those living in states with paid leave programs.⁹¹

BUSINESSES HAVE EXPERIENCED FEW COSTS – AND SOME BENEFITS – FROM STATE PAID LEAVE LAWS

Businesses in California, New Jersey and Rhode Island are generally supportive of their state laws. In California, researchers found that the vast majority of employers saw either a positive effect or no effect on employee productivity, profitability and performance from the paid leave law – and smaller businesses are even more likely to report positive or neutral effects than larger businesses.⁹²

Even the Society for Human Resource Management (SHRM), one of the chief opponents of paid family leave before it was passed in California, issued a report finding that employers' concerns about the program had “not been realized” and that the law created “relatively few” new burdens for employers.⁹³ A report prepared on behalf of the New Jersey Business and Industry Association found that the majority of both small and large New Jersey businesses adjusted easily to the state's law and experienced no effects on business profitability, performance or employee productivity.⁹⁴ This finding is consistent with

qualitative research conducted by the Center for Economic and Policy Research among a cross-section of New Jersey employers.⁹⁵

In Rhode Island, business supporters were important allies in passing the paid leave law, and early research suggests that businesses in key sectors have adjusted easily. A study of small- and medium-sized food service and manufacturing employers in Rhode Island by researchers at Columbia Business School finds no negative effects on employee workflow, productivity or attendance, with 61 percent of employers supporting the law.⁹⁶ In Washington state, larger and smaller businesses were actively engaged in crafting a strong paid leave policy, which was praised by the Washington Hospitality Association, the Northwest Grocery Association and the Washington Retail Association, and key business groups helped negotiate a strong paid leave policy in Massachusetts as well.⁹⁷

Paid Leave Provides Clear Benefits to Businesses

Although outdated assumptions make some policymakers hesitant to embrace family friendly workplace laws, research clearly shows that employers and economies are not harmed – and may, in fact, be helped – when working people are able to care for themselves and their loved ones.⁹⁸ Paid leave helps reduce employee turnover – which can cost anywhere from 16 percent to 200 percent of a worker’s annual wages⁹⁹ – and improve productivity and morale.¹⁰⁰ And surveys of business leaders show widespread support for policies such as paid sick days, paid parental leave, higher wages and more predictable scheduling.¹⁰¹

More and more private businesses are acknowledging the value of family friendly policies. Between 2015 and 2018, more than 100 brand-name companies announced new or expanded parental or family caregiving policies. In doing so, many have said paid leave promotes gender equity, demonstrates respect for employees, improves employee health, increases retention and enhances the company’s brand and reputation.¹⁰²

It is clear that demand for policies that help workers take the time they need to care for their families without risking their economic security will only continue to grow. Fortunately, states have led the way in creating effective policy solutions. By surveying the states, this report offers a guide to advocates, lawmakers and the public as to what policy protections are already in place, which states have led the way and which states have room to grow. In doing so, the National Partnership for Women & Families hopes to provide a roadmap for future progress at the state and federal levels.

Methodology

This report provides the most comprehensive assessment to date of state policies that provide paid or unpaid workplace leave beyond the baseline protections of federal law. It examines:

- ▶ State laws that exceed the FMLA in guaranteeing job protection or pay to women and men who take leave from their jobs to care for a new child (“parental” leave), a family member with a serious health condition (“family” leave), to deal with their own serious health condition (“medical” leave), pregnancy-related disability (“pregnancy disability” leave) or for other purposes;
- ▶ State laws that allow workers to earn paid sick time that can be used for personal or family health needs (“paid sick days”);
- ▶ State laws that require employer-provided sick, vacation or personal leave to be available for workers to care for a new child or an ill spouse or partner (“flexible use of sick time”);
- ▶ State laws that offer unemployment insurance (UI) benefits to individuals who lost or left their jobs due to a family member’s illness or disability and are ready and able to begin working again (“UI modernization”)

This analysis differentiates between laws affecting private sector workers and public sector state workers.

The National Partnership used legal search engines and searched state websites, statutes, regulations and state government personnel handbooks to identify state laws and policies that met these criteria.

States may have other laws in place that help new parents, such as laws affecting state employees’ ability to pool unused vacation or sick time to help co-workers when a new child arrives. Several have also convened paid leave task forces through executive or legislative action. These laws are unquestionably valuable but are not within the scope of this analysis.

Scoring Criteria and Results

Each state was awarded points based on the protections provided to private sector and state employees. Because most employees work in the private sector, the point system favors laws that provide protection and leave to private sector employees.

PRIVATE SECTOR WORKERS

To evaluate family or medical leave, sick time and UI modernization laws that apply to private sector workers, the following criteria were considered.

Paid Family Leave

Thirty points were awarded to states with laws that guarantee wage replacement to workers while they take leave from work to care for a new child or a family member with a serious health condition.

States: California, District of Columbia, Massachusetts, New Jersey, New York, Rhode Island, Washington

Paid Medical/Pregnancy Disability Leave

Twenty-five points were awarded to states with laws that guarantee wage replacement to workers while they take leave due to their own serious health condition.

States: California, District of Columbia, Hawaii, Massachusetts, New Jersey, New York, Rhode Island, Washington

Job-Protected Family Leave

Up to 25 points (5 points for each criterion) were awarded to states with laws that:

- ▶ Guarantee workers greater access to job-protected family leave than the federal FMLA by requiring smaller employers (those with fewer than 50 employees) to provide leave;
- ▶ Guarantee workers greater access to job-protected family leave than the federal FMLA by expanding eligibility to include workers with less time on the job (less than one year of job tenure or fewer than 1,250 hours worked in the previous year);
- ▶ Guarantee workers access to job-protected family leave for a longer period of time away from work than the federal FMLA (more than 12 weeks);
- ▶ Guarantee workers access to job-protected family leave to care for more family members than the federal FMLA (more than a parent, child or spouse); or
- ▶ Guarantee workers access to job-protected leave for more purposes than the federal FMLA (more than for a new child, family member's serious health condition, one's own serious health condition or military caregiving).

25 points: Oregon

20 points: District of Columbia, Maine, Rhode Island

15 points: Connecticut, Massachusetts, New Jersey, New York

10 points: Hawaii, Vermont, Wisconsin

5 points: California, Colorado, Washington

Job-Protected Medical Leave

Up to 15 points (5 points for each criterion) were awarded to states with laws that:

- ▶ Guarantee workers greater access to job-protected medical and/or pregnancy disability leave than the federal FMLA by requiring smaller employers (those with fewer than 50 employees) to provide leave;
- ▶ Guarantee workers greater access to job-protected medical and/or pregnancy disability leave than the federal FMLA by expanding eligibility to include workers with less time on the job (less than one year of job tenure or fewer than 1,250 hours worked in the previous year); or
- ▶ Guarantee workers access to job-protected medical and/or pregnancy disability leave for a longer period of time away from work than the federal FMLA (more than 12 weeks).

15 points: California, Connecticut, District of Columbia, Louisiana, Massachusetts, Oregon, Washington

10 points: Hawaii, Iowa, Maine, Minnesota, Montana, New Hampshire, Rhode Island

5 points: Vermont, Wisconsin

Job-Protected Parental Leave

Up to 15 points (5 points for each criterion) were awarded to states with laws that:

- ▶ Guarantee workers greater access to job-protected parental leave than the federal FMLA by requiring smaller employers (those with fewer than 50 employees) to provide leave;
- ▶ Guarantee workers greater access to job-protected parental leave than the federal FMLA by expanding eligibility to include workers with less time on the job (less than one year of job tenure or fewer than 1,250 hours worked in the previous year); or
- ▶ Guarantee workers access to job-protected parental leave for a longer period of time away from work than the federal FMLA (more than 12 weeks).

15 points: District of Columbia, Oregon, Rhode Island

10 points: Connecticut, Maine, Massachusetts, Minnesota, New Jersey, New York

5 points: California, Hawaii, Maryland, Tennessee, Vermont, Wisconsin

Paid Sick Days

Fifteen points were awarded to states with laws that guarantee workers the ability to earn a limited number of paid sick days each year that can be used for a worker's own illnesses, to care for an ill family member or for personal or family medical visits.

States: Arizona, California, Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, Oregon, Rhode Island, Vermont, Washington

Flexible Use of Sick Time

Ten points were awarded to states with laws that have a flexible sick time requirement that permits workers to use accrued paid sick time as leave to care for an ill family member and/or new child.

States: Arizona, California, Connecticut, District of Columbia, Georgia, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Washington, Wisconsin

Unemployment Insurance Modernization

Five points were awarded to states that amend unemployment insurance (UI) laws to include attending to certain compelling family caregiving needs within the definition of "good cause" for leaving employment, making caregivers who are ready to return to work eligible for UI benefits during their job search.

States: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Maine, Minnesota, Nevada, New Hampshire, New York, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Washington, Wisconsin

STATE WORKERS

To evaluate family and medical leave laws that apply to public sector workers, the following criteria were considered. States were awarded points if they provide at least some of their own workers, but not private sector workers, with the protections listed below, or if their private sector paid leave laws cover state workers automatically without requiring the employer or collective bargaining unit to opt in.

Paid Family and/or Medical Leave

Up to 20 points (10 points for each criterion) were awarded to states with laws that:

- ▶ Guarantee wage replacement to workers while they take leave from work to care for a new child and/or a family member with a serious health condition; or
- ▶ Guarantee wage replacement to workers when they take leave due to their own serious health condition.

20 points: Massachusetts, Ohio, Virginia, Washington

10 points: Delaware, District of Columbia, Hawaii, Illinois, Indiana, Maryland, Missouri, New Jersey

Job-Protected Family and/or Medical Leave

Up to 30 points were awarded to states with family or medical leave laws that:

- ▶ Guarantee workers greater access to job-protected family and/or medical leave than the federal FMLA by expanding eligibility to include workers with less time on the job (less than one year of job tenure or fewer than 1,250 hours worked in the previous year) (10 points);
- ▶ Guarantee workers access to job-protected family and/or medical leave for a longer period of time away from work than the federal FMLA (more than 12 weeks) (10 points);
- ▶ Guarantee workers access to job-protected family leave to care for more family members than the federal FMLA (more than a parent, child or spouse) (5 points); or
- ▶ Guarantee workers access to job-protected family leave for more purposes than the federal FMLA (more than a family member's serious health condition) (5 points).

25 points: Illinois

20 points: Alaska, Arkansas, Connecticut, Florida, Kansas, Massachusetts, New York, North Carolina, Wisconsin

15 points: Colorado, Pennsylvania, Vermont, West Virginia

10 points: District of Columbia, Kentucky, Montana, Texas, Washington

5 points: New Mexico, Rhode Island

Flexible Use of Sick Time

The report provides information about state statutes, administrative rules or policies that permit state workers to use accrued sick time to care for a new child or ill family member, but points were not awarded for these policies.

States: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming

Unemployment Insurance Modernization

This report provides information about states that amend unemployment insurance (UI) laws to include attending to certain compelling family caregiving needs within the definition of "good cause" for leaving employment, but points were not awarded for these policies.

States: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Iowa, Maine, Minnesota, Nevada, New Hampshire, New York, Oklahoma, Oregon, Rhode Island, South Carolina, Texas, Washington, Wisconsin

2018 State-by-State Report Card

The following grades reflect the degree to which each state improves upon federal law.

	POINTS AWARDED		
A		D+	
Massachusetts.....	160	Delaware.....	15
District of Columbia.....	155	Iowa.....	15
		Louisiana.....	15
A-		New Hampshire.....	15
Washington.....	135	Pennsylvania.....	15
Rhode Island.....	125	Texas.....	15
New Jersey.....	115	West Virginia.....	15
California.....	110		
New York.....	105	D	
		Georgia.....	10
B+		Indiana.....	10
Connecticut.....	90	Kentucky.....	10
Oregon.....	85	Missouri.....	10
B		D-	
Hawaii.....	75	Nevada.....	5
Vermont.....	60	New Mexico.....	5
		Oklahoma.....	5
B-		South Carolina.....	5
Maine.....	55	Tennessee.....	5
Wisconsin.....	55		
		F	
C+		Alabama.....	0
Illinois.....	40	Idaho.....	0
Maryland.....	40	Michigan.....	0
Minnesota.....	35	Mississippi.....	0
		Nebraska.....	0
C		North Dakota.....	0
Arizona.....	30	South Dakota.....	0
Alaska.....	25	Utah.....	0
Arkansas.....	25	Wyoming.....	0
Colorado.....	25		
C-			
Florida.....	20		
Kansas.....	20		
Montana.....	20		
North Carolina.....	20		
Ohio.....	20		
Virginia.....	20		

Summary of State Laws

The state-by-state descriptions that follow provide a snapshot of how rights and protections under state law compare to the leave provided by the federal FMLA. The FMLA applies to business with 50 or more employees within a 75-mile radius and covers individuals who have worked for their employer for at least 12 months and at least 1,250 hours in the last 12 months. Eligible workers can take up to 12 weeks of unpaid, job-protected leave to deal with their own serious health condition or that of a child, parent or spouse; to care for a newborn, newly adopted or newly placed foster child; and for certain reasons related to a family member's military deployment. It also provides up to 26 weeks of unpaid leave to family members caring for wounded servicemembers and veterans.

ALABAMA

F

PRIVATE SECTOR WORKERS

- ▶ No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time¹⁰³

- ▶ Family members covered: Spouse and child as defined by FMLA, grandchild, parent, grandparent, sibling, parent-in-law, daughter- or son-in-law, and other person with “unusually strong personal ties.”
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

ALASKA

C

PRIVATE SECTOR WORKERS

Unemployment Insurance Modernization¹⁰⁴

- ▶ UI benefits available when returning to the job market after one's own disability or illness or caring for a family member (parent, child, spouse, sibling, grandparent or grandchild) with a disability or illness.

STATE WORKERS

Job-Protected Family and Medical Leave¹⁰⁵

- ▶ Hours worked/tenure requirement (lower than federal FMLA): At least 35 hours per week over six consecutive months or 17.5 hours per week over 12 consecutive months.
- ▶ Purposes (identical to federal FMLA): New child, family member's serious health condition, own serious health condition.
- ▶ Family members covered (identical to federal FMLA): Child, parent, spouse.
- ▶ Length (longer than federal FMLA): 18 weeks of leave in a 12-month period for pregnancy and childbirth or adoption; 18 weeks of leave in a 24-month period for family member's or own serious health condition.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

PRIVATE SECTOR WORKERS

Paid Sick Days¹⁰⁶

- ▶ Employer coverage size: Small Business (1-14 employees); Large Business (15+ employees).
- ▶ Number of days: Small Business: Can accrue and use up to 24 hours; Large Business: Can accrue and use up to 40 hours.
- ▶ Purposes: Employee or family member's care; employee or family member's domestic violence, sexual violence, abuse or stalking; closure of place of business, child's school/place of care due to public health emergency; care for self or family member exposed to communicable disease.
- ▶ Family members covered: Child, spouse, parent, domestic partner, sibling, grandparent, grandchild, parent of spouse/domestic partner, person with whom employee was or is in a relationship of *in loco parentis*, any other individual related by blood or affinity whose close association with employee is the equivalent of a family relationship.

Unemployment Insurance Modernization¹⁰⁷

- ▶ UI benefits available when returning to the job market after the death or illness of a family member (spouse, parent, child, sibling or any other person with a similar relationship to the worker) or providing care for a family member.

STATE WORKERS

Flexible Use of Sick Time¹⁰⁸

- ▶ Family members covered: Spouse, dependent child, parent.
- ▶ Amount of time available: Up to 40 hours of an employee's accrued sick time.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

ARKANSAS

PRIVATE SECTOR WORKERS

Unemployment Insurance Modernization¹⁰⁹

- ▶ UI benefits available when returning to the job market after the illness, injury, pregnancy or disability of a family member (spouse, child, parent, sibling, grandchild or grandparent).

STATE WORKERS

Job-Protected Maternity Leave¹¹⁰

- ▶ Hours worked/tenure requirement (lower than federal FMLA): Full-time employees.
- ▶ Purposes (fewer than federal FMLA): Maternity leave.
- ▶ Length (longer than federal FMLA): 6 months.

Flexible Use of Sick Time¹¹¹

- ▶ Family members covered: Parent, spouse, child, sibling, grandparent, in-law, or any individual acting as parent or guardian of an employee.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

PRIVATE SECTOR WORKERS**Paid Family and Medical Leave¹¹²**

- ▶ Purposes: New child, family member's serious health condition, own disability.
- ▶ Family members covered: Child, parent, spouse, domestic partner, grandparent, grandchild, sibling, parent-in-law.
- ▶ Length: 6 weeks for family leave; 52 weeks for own disability.
- ▶ Mechanism: Social insurance program, funded through employee payroll deductions.

Job-Protected Family Leave¹¹³

- ▶ Employer coverage size (identical to federal FMLA): 50 or more employees.
- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service with the employer, and at least 1,250 hours during the previous 12-month period.
- ▶ Purposes (identical to federal FMLA): New child, family member's serious health condition, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, domestic partner.
- ▶ Length (identical to federal FMLA): 12 weeks.

Job-Protected Parental Leave¹¹⁴

- ▶ Employer coverage size (lower than federal FMLA): 20 or more employees.
- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service with the employer, and at least 1,250 hours during the previous 12-month period.
- ▶ Purposes (fewer than federal FMLA): New child.
- ▶ Length (identical to federal FMLA): 12 weeks.

Job-Protected Medical Leave for Pregnancy Disability¹¹⁵

- ▶ Employer coverage size (lower than federal FMLA): 5 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Employee's disability related to pregnancy, childbirth or related medical condition.
- ▶ Length (longer than federal FMLA): Up to 4 months.

Paid Sick Days¹¹⁶

- ▶ Employer coverage size: All sizes.
- ▶ Number of days: Can accrue up to 48 hours and use up to 24 hours in a year.
- ▶ Purposes: Employee or family member's care; absences associated with domestic violence or sexual assault.
- ▶ Family members covered: Child, spouse, parent, domestic partner, sibling, grandparent, grandchild, parent of spouse or domestic partner, person with whom employee was or is in a relationship of *in loco parentis*.

Flexible Use of Sick Time¹¹⁷

- ▶ Employer coverage size: All sizes.
- ▶ Family members covered: Child, spouse, parent, domestic partner, sibling, grandparent, grandchild, parent of spouse or domestic partner, person with whom employee was or is in a relationship of *in loco parentis*.
- ▶ Amount of time available: Up to half of the sick time the employee would accrue in a year.

Unemployment Insurance Modernization¹¹⁸

- ▶ UI benefits available when returning to the job market after caring for an elderly family member or a family member (spouse; domestic partner; parent; child; sibling; grandparent; grandchild; son- or daughter-in-law; any person with whom individual has assumed reciprocal rights, duties, and liabilities of a parent-child or grandparent-grandchild relationship) with a serious physical or mental illness or disability.

STATE WORKERS

Paid Family and Medical Leave

- ▶ State workers are eligible for paid family and medical leave identical to that for private sector workers only if their collective bargaining unit has opted into the system.

Job-Protected Family, Parental and Pregnancy Disability Leave

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time

- ▶ Identical to Private Sector Workers.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

COLORADO

C

PRIVATE SECTOR WORKERS

Job-Protected Family Leave¹¹⁹

- ▶ Employer coverage size (identical to federal FMLA): 50 or more employees.
- ▶ Hours worked/tenure requirement (identical to federal FMLA): More than 12 months of service with the employer, and at least 1,250 hours during the previous 12-month period.
- ▶ Purpose (identical to federal FMLA): New child, family member's serious health condition, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, domestic partner.
- ▶ Length (identical to federal FMLA): 12 weeks.

Unemployment Insurance Modernization¹²⁰

- ▶ UI benefits available when returning to the job market after caring for a family member (spouse, civil union partner, parent, minor child) suffering from an illness or disability.

STATE WORKERS

Job-Protected Family and Medical Leave¹²¹

- ▶ Hours worked/tenure requirement (identical to federal FMLA): More than 12 months of service with the employer, and at least 1,250 hours during the previous 12-month period.
- ▶ Purpose (identical to federal FMLA): New child, family member's serious health condition, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, domestic partner.
- ▶ Length (longer than federal FMLA): 13 weeks in a 12-month period (prorated for part-time employees).

Flexible Use of Sick Time¹²²

- ▶ Family members covered: Child, parent, spouse, injured military service member, legal dependent, person in the household for whom the employee is the primary caregiver.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

CONNECTICUT

B+

PRIVATE SECTOR WORKERS

Job-Protected Family and Medical Leave¹²³

- ▶ Employer coverage size (higher than federal FMLA): 75 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): At least 12 months of service with the employer, and at least 1,000 hours for that employer during the previous year.
- ▶ Purposes (identical to federal FMLA): New child, family member's serious health condition, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, parent-in-law, person with whom employee is or was in a relationship of *in loco parentis*.
- ▶ Length (longer than federal FMLA): 16 weeks of leave in a 24-month period.

Job-Protected Medical Leave for Pregnancy Disability¹²⁴

- ▶ Employer coverage size (lower than federal FMLA): 3 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Employee's disability resulting from pregnancy.
- ▶ Length (not longer than federal FMLA): "Reasonable leave of absence."

Paid Sick Days¹²⁵

- ▶ Employer coverage size: 50 or more employees.
- ▶ Number of days: Workers in certain service occupations and other occupations requiring public contact can earn up to 40 hours.
- ▶ Purposes: Employee or family member's care; absences associated with domestic violence or sexual assault.
- ▶ Family members covered: Child, spouse.

Flexible Use of Sick Time¹²⁶

- ▶ Employer coverage size: 75 or more employees.
- ▶ Family members covered: Child, spouse, parent; new child.
- ▶ Amount of time available: Up to two weeks of sick time the employee has accrued.

Unemployment Insurance Modernization¹²⁷

- ▶ UI benefits available when returning to the job market after caring for a spouse, child or parent with an illness or disability.

STATE WORKERS

Job-Protected Family and Medical Leave¹²⁸

- ▶ Hours worked/tenure requirement (lower than federal FMLA): At least 6 months of service, no minimum number of hours worked.

- ▶ Purposes (identical to federal FMLA): New child, family member’s serious health condition, own serious health condition.
- ▶ Family members covered (identical to federal FMLA): Child, parent, spouse.
- ▶ Length (longer than federal FMLA): 24 weeks in a 24-month period.

Job-Protected Medical Leave for Pregnancy Disability

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time¹²⁹

- ▶ Family members covered: Child, spouse, parent, sibling, relative domiciled in the employee’s household.
- ▶ Amount of time available: Up to three days of an employee’s accrued time.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

DELAWARE

D+

PRIVATE SECTOR WORKERS

Unemployment Insurance Modernization¹³⁰

- ▶ UI benefits available when returning to the job market after caring for a spouse, minor child or parent with an illness or disability.

STATE WORKERS

Paid Parental Leave (to take effect April 1, 2019)¹³¹

- ▶ Eligibility: Full-time employees who have been employed by the state for at least one year.
- ▶ Purposes: New child.
- ▶ Length: 12 weeks.

Flexible Use of Sick Time¹³²

- ▶ Family members covered: New child.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

DISTRICT OF COLUMBIA

A

PRIVATE SECTOR WORKERS

Paid Family and Medical Leave (to take effect July 1, 2019, with benefits payable beginning on July 1, 2020)¹³³

- ▶ Purposes: New child, family member’s serious health condition, own serious health condition.
- ▶ Length: 8 weeks for parental; 6 weeks for family care; 2 weeks for own serious health condition; no more than 8 weeks total.
- ▶ Family members covered: Child, parent, spouse, domestic partner, parent-in-law, grandparent, sibling, person with whom employee is or was in a relationship of *in loco parentis*.
- ▶ Mechanism: Social insurance program, funded through employer payroll deductions.

Job-Protected Family and Medical Leave¹³⁴

- ▶ Employer coverage size (lower than federal FMLA): 20 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): At least 12 months of service and at least 1,000 hours worked for the employer.
- ▶ Purposes (identical to federal FMLA): New child, family member's serious health condition, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, person who shares a mutual residence with employee, person with whom employee is in a committed relationship.
- ▶ Length (longer than federal FMLA): 16 weeks for family care and new child and 16 weeks for medical leave over a 24-month period.

Paid Sick Days¹³⁵

- ▶ Employer coverage size: Small Business (1-24 employees); Medium Business (25-99 employees); Large Business (100+ employees).
- ▶ Number of days: Small Business: Can accrue and use up to 3 days; Medium Business: Can accrue and use up to 5 days; Large Business: Can accrue and use up to 7 days; Tipped restaurant/bar workers: Can accrue and use up to 5 days.
- ▶ Purposes: Employee or family member's care; employee or family member's domestic violence, sexual assault or stalking.
- ▶ Family members covered: Spouse, child, parent, domestic partner, live-in partner (living together at least 12 months), sibling, spouse's sibling, grandchild, parent-in-law, spouse of child, child living with employee for whom they care for permanently.

Unemployment Insurance Modernization¹³⁶

- ▶ UI benefits available when returning to the job market after caring for a family member (spouse, domestic partner, dependent child, or any other individual related by blood to the individual, spouse, domestic partner or child) who is ill or has a disability.

DISTRICT WORKERS

Paid, Job-Protected Family Leave¹³⁷

- ▶ Eligibility: All District employees, other than short-term or intermittent employees.
- ▶ Purposes: New child, serious health condition of a family member.
- ▶ Length: 8 weeks.
- ▶ Family members covered: Person to whom the employee is related by blood, legal custody, domestic partnership or marriage; foster child; child who lives with the employee and for whom the employee permanently assumes and discharges parental responsibility; person with whom the employee shares a mutual residence (or has shared in the last year) and maintains a committed relationship.

Job-Protected Family and Medical Leave

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time¹³⁸

- ▶ Family members covered: Spouse, domestic partner, child, parent, parent-in-law, sibling, sibling-in-law, any individual related by blood; new child.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

FLORIDA

C-

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Job-Protected Family Leave¹³⁹

- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): New child, family member's serious health condition.
- ▶ Family members covered (identical to federal FMLA): Child, parent, spouse.
- ▶ Length (longer than federal FMLA): 6 months.

Flexible Use of Sick Time¹⁴⁰

- ▶ Family members covered: Spouse, children, parents, individual for whom the employee is a caretaker.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

GEORGIA

D

PRIVATE SECTOR WORKERS

Flexible Use of Sick Time¹⁴¹

- ▶ Employer size: 25 or more employees.
- ▶ Family members covered: Child, spouse, parent, grandchild, grandparent, any dependent claimed in the employee's most recent tax return.
- ▶ Amount of time available: Up to 5 days of the employee's accrued sick time.

STATE WORKERS

Flexible Use of Sick Time¹⁴²

- ▶ Family members covered: Spouse, child, parent, grandparent, grandchild, sibling, in-laws, anyone residing in the household and recognized by law as a dependent of the employee; adoption of a new child if employee's presence is required for health-related reasons.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

HAWAII

B

PRIVATE SECTOR WORKERS

Paid Medical Leave¹⁴³

- ▶ Purposes: Own disability.
- ▶ Length: 26 weeks.
- ▶ Mechanism: Private insurance, funded through employer and employee premium contributions.

Job-Protected Family Leave¹⁴⁴

- ▶ Employer coverage size (higher than federal FMLA): 100 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): More than 6 consecutive months of service with the employer.
- ▶ Purposes (fewer than federal FMLA): New child, family member's serious health condition.

- ▶ Family members covered (more than federal FMLA): Child, parent, parent-in-law, spouse, grandparent, grandparent-in-law, sibling, reciprocal beneficiary.
- ▶ Length (shorter than federal FMLA): 4 weeks.

Job-Protected Medical Leave for Pregnancy Disability¹⁴⁵

- ▶ Employer coverage size (lower than federal FMLA): All sizes.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Employee’s disability due to pregnancy, childbirth or related medical conditions.
- ▶ Length (not longer than federal FMLA): “Reasonable period of time.”

Flexible Use of Sick Time¹⁴⁶

- ▶ Employer coverage size: 100 or more employees.
- ▶ Family members covered: Seriously ill family member; new child.
- ▶ Amount of time available: 10 days of the employee’s accrued sick time.

Unemployment Insurance Modernization¹⁴⁷

- ▶ UI benefits available when returning to the job market after the illness or disability of an immediate family member.

STATE WORKERS

Paid Medical Leave

- ▶ Identical to Private Sector Workers.

Job-Protected Family and Pregnancy Disability Leave

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time

- ▶ Identical to Private Sector Workers.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

IDAHO

F

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time¹⁴⁸

- ▶ Family members covered: Spouse, child, parent, sibling, grandparent, grandchild, or the same relation by marriage or legal guardian.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

PRIVATE SECTOR WORKERS**Unemployment Insurance Modernization¹⁴⁹**

- ▶ UI benefits available when returning to the job market after being deemed physically unable to perform work by a physician or caring for a spouse, child or parent who is in poor physical or mental health or is mentally or physically disabled.

STATE WORKERS**Paid Parental Leave¹⁵⁰**

- ▶ Eligibility: All state employees.
- ▶ Purposes: New child.
- ▶ Length: 4 weeks.

Job-Protected Family Leave¹⁵¹

- ▶ Hours worked/tenure requirement (lower than federal FMLA): No requirements beyond being a full-time employee.
- ▶ Purposes (fewer than federal FMLA): New child, family member's disability.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, sibling, household member who shares a custodial or financially and emotionally dependent relationship.
- ▶ Length (longer than federal FMLA): 1 year.

Flexible Use of Sick Time¹⁵²

- ▶ Family members covered: Immediate family members.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS**Paid Parental Leave¹⁵³**

- ▶ Eligibility: Must have been employed by the state for six consecutive months.
- ▶ Purposes: New child.
- ▶ Length: 150 hours for full-time employees, 75 hours for part-time employees.

Flexible Use of Sick Time¹⁵⁴

- ▶ Family members covered: Spouse, child, parent, person residing in employee's household who is dependent on the employee for care.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

PRIVATE SECTOR WORKERS**Job-Protected Medical Leave for Pregnancy Disability¹⁵⁵**

- ▶ Employer coverage size (lower than federal FMLA): 4 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Employee's disability due to pregnancy, childbirth or related medical conditions.
- ▶ Length (shorter than federal FMLA): 8 weeks.

Unemployment Insurance Modernization¹⁵⁶

- ▶ UI benefits available when returning to the job market after caring for an immediate family member who is injured or ill or the employee's own illness, injury or pregnancy.

STATE WORKERS**Job-Protected Medical Leave for Pregnancy Disability¹⁵⁷**

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time¹⁵⁸

- ▶ Family members covered: Spouse, child, grandchild, parent, grandparent, sibling, son- or daughter-in-law, sibling-in-law, aunt, uncle, niece, nephew, first cousin, corresponding relative of the employee's spouse, member of the employee's household.
- ▶ Amount of time available: Up to 40 hours of the employee's accrued sick time.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS**Job-Protected Family and Medical Leave¹⁵⁹**

- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Employee's own illness or disability, new child, family member's serious health condition.
- ▶ Family members covered (identical to federal FMLA): Any person related to employee by blood, marriage or adoption; any minor residing in employee's residence as a result of court proceedings.
- ▶ Length (longer than federal FMLA): 60 days (new hires) or 1 year (permanent employees).

Flexible Use of Sick Time¹⁶⁰

- ▶ Family members covered: Any person related to employee by blood, marriage or adoption; any minor residing in employee's residence as a result of court proceedings; adoption or foster placement of a child.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

KENTUCKY

D

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Job-Protected Family and Medical Leave¹⁶¹

- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (identical to federal FMLA): New child, family member's serious health condition, own serious health condition.
- ▶ Family members covered (identical to federal FMLA): Child, parent, spouse.
- ▶ Length (shorter than federal FMLA): 30 continuous days.

Flexible Use of Sick Time¹⁶²

- ▶ Family members covered: Parent, child, sibling, spouse; new child.
- ▶ Amount of time available: For care of an ill family member, a "reasonable period of time"; For new child, any amount of sick time the employee has accrued.

LOUISIANA

D+

PRIVATE SECTOR WORKERS

Job-Protected Medical Leave for Pregnancy Disability¹⁶³

- ▶ Employer coverage size (lower than federal FMLA): 25 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum
- ▶ Purposes (fewer than federal FMLA): Employee's disability related to pregnancy, childbirth or related medical condition.
- ▶ Length (longer than federal FMLA): Up to 4 months (but no more than 6 weeks for a normal pregnancy or birth).

STATE WORKERS

Job-Protected Medical Leave for Pregnancy Disability

- ▶ Identical to Private Sector Workers.

MAINE

B-

PRIVATE SECTOR WORKERS

Job-Protected Family and Medical Leave¹⁶⁴

- ▶ Employer coverage size (lower than federal FMLA): 15 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): More than 12 consecutive months of service with the employer.
- ▶ Purposes (more than federal FMLA): New child, family member's serious health condition, own serious health condition, organ donation, death of employee's family member if that family member is a servicemember killed while on active duty.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, domestic partner, sibling.
- ▶ Length (shorter than federal FMLA): 10 weeks in a two-year period.

Flexible Use of Sick Time¹⁶⁵

- ▶ Employer coverage size: 25 or more employees.
- ▶ Family members covered: Child, spouse, parent.
- ▶ Amount of time available: Up to 40 hours of the employee's accrued sick time.

Unemployment Insurance Modernization¹⁶⁶

- ▶ UI benefits available when returning to the job market after the illness or disability of the individual or an immediate family member.

STATE WORKERS

Job-Protected Family and Medical Leave

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time

- ▶ Identical to Private Sector Workers.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

MARYLAND

C+

PRIVATE SECTOR WORKERS

Job-Protected Parental Leave¹⁶⁷

- ▶ Employer coverage size (lower than federal FMLA): 15 to 49 employees.
- ▶ Hours worked/tenure requirement (identical to federal FMLA): More than 12 months of service with the employer, and at least 1,250 hours during the previous 12-month period.
- ▶ Purposes (fewer than federal FMLA): New child.
- ▶ Length (shorter than federal FMLA): 6 weeks.
 - ▶ Employers may deny employees leave or reinstatement if the denial is necessary to prevent “substantial and grievous economic injury” to the employer.

Paid Sick Days¹⁶⁸

- ▶ Employer coverage size: Small Business (1-14 employees); Large Business (15+ employees).
- ▶ Number of days: Can accrue up to 40 hours in a year; can use up to 64 hours in a year. Time is unpaid for employees of small businesses and paid for employees of large businesses.
- ▶ Purposes: Employee or family member's care; new child; employee or family member's domestic violence, sexual assault or stalking.
- ▶ Family members covered: Child, spouse, parent, parent-in-law, grandparent, grandchild, sibling, person with whom the employee is or was in a relationship of *in loco parentis*.

Flexible Use of Sick Time¹⁶⁹

- ▶ Employer coverage size: 15 or more employees.
- ▶ Family members covered: Child, spouse, or parent.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

STATE WORKERS

Paid Parental Leave (to take effect October 1, 2018)¹⁷⁰

- ▶ Eligibility: Executive branch employees who are the primary caregiver for a child.
- ▶ Purposes: New child.
- ▶ Length: 60 days.

Flexible Use of Sick Time¹⁷¹

- ▶ Family members covered: Immediate family member, new child.
- ▶ Amount of time available: For care of an ill family member, any amount of sick time the employee has accrued; for a new child, up to 30 days.

MASSACHUSETTS

A

PRIVATE SECTOR WORKERS

Paid, Job-Protected Family and Medical Leave (to take effect January 1, 2019, with benefits payable beginning on January 1, 2021 and July 1, 2021)¹⁷²

- ▶ Purposes: New child, family member's serious health condition, own serious health condition, military caregiving purposes.
- ▶ Family members covered: Child, spouse, domestic partner, parent, parent of spouse or domestic partner, person who stood *in loco parentis* to employee when employee was a minor child, grandchild, grandparent, sibling.
- ▶ Length: 12 weeks for family; 26 weeks for caring for covered service member; 20 weeks for own health issue; no more than 26 weeks total.
- ▶ Mechanism: Social insurance program, funded through employee and employer payroll deductions.

Job-Protected Parental Leave¹⁷³

- ▶ Employer coverage size (lower than federal FMLA): 6 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): More than 3 months of service with the employer as a full-time employee.
- ▶ Purposes (fewer than federal FMLA): New child.
- ▶ Length (shorter than federal FMLA): 8 weeks.

Paid Sick Days¹⁷⁴

- ▶ Employer coverage size: Small Business (1-10 employees); Large Business (11+ employees).
- ▶ Number of days: Can accrue and use up to 40 hours. Time is unpaid for employees of small businesses and paid for employees of large businesses.
- ▶ Purposes: Employee or family member's care; absences associated with employee's or dependent child's domestic violence.
- ▶ Family members covered: Child, spouse, parent, parent-in-law, person who assumed responsibilities of parenthood for employee or child for whom employee has assumed responsibility.

STATE WORKERS

Paid, Job-Protected Family and Medical Leave

- ▶ Identical to Private Sector Workers.

Job-Protected Parental Leave

- ▶ Identical to Private Sector Workers.

Job-Protected Family and Medical Leave¹⁷⁵

- ▶ Hours worked/tenure requirement (lower than federal FMLA): Executive branch employees with 3 months tenure.
- ▶ Purposes (identical to federal FMLA): New child, serious health condition of family member, own serious health condition.
- ▶ Family members covered (identical to federal FMLA): Spouse, parent, child.
- ▶ Length (longer than federal FMLA): 26 weeks.

Flexible Use of Sick Time¹⁷⁶

- ▶ Family members covered: Spouse, child, parent, sibling, grandparent or grandchild of employee or employee's spouse; individual in employee's immediate household.
- ▶ Amount of time available: Up to 30 days of the employee's accrued sick time.

MICHIGAN

F

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time¹⁷⁷

- ▶ Family members covered: Spouse, parent, child, grandchild, parent-in-law, sibling, any person whose financial or physical care is the employee's principal responsibility.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

MINNESOTA

C+

PRIVATE SECTOR WORKERS

Job-Protected Parental and Pregnancy Disability Leave¹⁷⁸

- ▶ Employer coverage size (lower than federal FMLA): 21 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): More than 12 months of service with the employer and working at least half time in the previous 12 months.
- ▶ Purposes (identical to federal FMLA): New child; prenatal care; incapacity due to pregnancy, childbirth or related health conditions.
- ▶ Length (identical to federal FMLA): 12 weeks.

Flexible Use of Sick Time¹⁷⁹

- ▶ Employer coverage size: 21 or more employees.
- ▶ Family members covered: Child, spouse, sibling, parent, parent-in-law, grandchild, grandparent.
- ▶ Amount of time available: Up to 160 hours of the employee's accrued sick time.

Unemployment Insurance Modernization¹⁸⁰

- ▶ UI benefits available when returning to the job market after a serious illness or injury or after providing necessary care due to the illness, injury or disability of a family member (spouse, parent, grandparent, child, grandchild).

STATE WORKERS

Job-Protected Parental and Pregnancy Disability Leave

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time

- ▶ Identical to Private Sector Workers.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

MISSISSIPPI

F

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time¹⁸¹

- ▶ Family members covered: Spouse, parent, child, sibling, grandchild, grandparent, son- or daughter-in-law, parent-in-law, sibling-in-law.
- ▶ Amount of time available: Up to 3 days of the employee's accrued sick time.

MISSOURI

D

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Paid Parental Leave¹⁸²

- ▶ Eligibility: Executive branch employees.
- ▶ Purposes: New child.
- ▶ Length: 6 weeks for the primary caregiver, 3 weeks for the secondary caregiver.

Flexible Use of Sick Time¹⁸³

- ▶ Family members covered: Spouse, child, other relatives or members of employee's household; adoption or foster placement of a child.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

MONTANA

C-

PRIVATE SECTOR WORKERS

Job-Protected Pregnancy Disability Leave¹⁸⁴

- ▶ Employer coverage size (lower than federal FMLA): One or more persons.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Pregnancy.
- ▶ Length (not longer than federal FMLA): "Reasonable leave of absence."

STATE WORKERS

Job-Protected Pregnancy Disability Leave¹⁸⁵

- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Pregnancy.
- ▶ Length (not longer than federal FMLA): “Reasonable leave of absence;” minimum of 6 weeks after birth.

Job-Protected Parental Leave¹⁸⁶

- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): New child (adoptive parents and birth fathers only).
- ▶ Length (shorter than federal FMLA): Up to 15 days.

Flexible Use of Sick Time¹⁸⁷

- ▶ Family members covered: New child (adoptive parents and birth fathers only).
- ▶ Amount of time available: For care of an ill family member, any amount of sick time the employee has accrued; for a new child, up to 15 days.

NEBRASKA

F

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time¹⁸⁸

- ▶ Family members covered: Spouse, child, parent; definition may be broadened at agency’s discretion.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

NEVADA

D-

PRIVATE SECTOR WORKERS

Unemployment Insurance Modernization¹⁸⁹

- ▶ UI benefits available when returning to the job market after providing care for a family member (spouse, parent, domestic partner, grandparent, sibling, child) who is ill or has a disability.

STATE WORKERS

Flexible Use of Sick Time¹⁹⁰

- ▶ Family members covered: Parent, spouse, child (regardless of age), sibling, grandparent, great-grandparent, uncle, aunt, nephew, grandchild, niece, great-grandchild, and in-laws of the same (if they are living in employee’s household).
- ▶ Amount of time available: Up to 120 hours of the employee’s accrued sick time.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

PRIVATE SECTOR WORKERS

Job-Protected Medical Leave for Pregnancy Disability¹⁹¹

- ▶ Employer coverage size (lower than federal FMLA): 6 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Physical disability resulting from pregnancy, childbirth or related medical conditions.
- ▶ Length (not longer than federal FMLA): Unspecified; until physically able to return.

Unemployment Insurance Modernization¹⁹²

- ▶ UI benefits available when returning to the job market after pregnancy, a non-work-related illness or injury or the illness or disability of an immediate family member.

STATE WORKERS

Job-Protected Medical Leave for Pregnancy Disability

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time¹⁹³

- ▶ Family members covered: Spouse, child, parent, parent-in-law, grandparent, grandchild, sibling, legal guardian, son- or daughter-in-law.
- ▶ Amount of time available: Up to 5 days of the employee's accrued sick time.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

PRIVATE SECTOR WORKERS

Paid Family and Medical Leave¹⁹⁴

- ▶ Purposes: New child, serious health condition of family member, own disability.
- ▶ Family members covered: Child; parent; spouse; domestic partner; civil union partner.
- ▶ Length: 6 weeks for family leave; 26 weeks for own disability.
- ▶ Mechanism: Social insurance program, funded through employee and employer payroll deductions.

Job-Protected Family Leave¹⁹⁵

- ▶ Employer coverage size (lower than federal FMLA): 50 or more employees (do not have to be within a 75-mile radius).
- ▶ Hours worked/tenure requirement (lower than federal FMLA): At least 12 months of service with the employer, and at least 1,000 hours during the preceding 12-month period.
- ▶ Purposes (fewer than federal FMLA): New child, serious health condition of family member.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, or civil union partner.
- ▶ Length (not longer than federal FMLA): 12 weeks in 24-month period.

Paid Sick Days (to take effect October 29, 2018)¹⁹⁶

- ▶ Employer coverage size: All sizes.
- ▶ Number of days: Can accrue and use up to 40 hours.

- ▶ Purposes: Employee or family member’s care; employee or family member’s domestic or sexual violence; closure of place of business or child’s school/place of care due to public health emergency; time needed for child’s school-related conference, meeting, function or other event.
- ▶ Family members covered: Child; spouse; parent; grandchild, sibling, domestic partner, civil union partner, grandparent; spouse, domestic partner, or civil union partner of a parent or grandparent; sibling of a spouse, domestic partner or civil union partner of employee; any other individual related by blood to employee or whose close association with employee is the equivalent of a family relationship.

STATE WORKERS

Paid Family and Medical Leave

- ▶ State workers are eligible for paid family leave identical to that for private sector workers but are eligible for paid medical leave only if their employer or collective bargaining unit has opted into the system.

Job-Protected Family Leave

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time¹⁹⁷

- ▶ Family members covered: Spouse, domestic partner, child, grandchild, parent, grandparent, sibling, parent-in-law, and other relatives residing in the employee’s household.
- ▶ Amount of time available: A “reasonable period of time.”

NEW MEXICO

D-

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Job-Protected Leave¹⁹⁸

- ▶ Hours worked/tenure requirement (identical to federal FMLA): More than 12 months of service with the employer, and at least 1,250 hours during the previous 12-month period.
- ▶ Purposes (identical to federal FMLA): New child, serious health condition of family member, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, domestic partner.
- ▶ Length (identical to federal FMLA): 12 weeks.

Flexible Use of Sick Time¹⁹⁹

- ▶ Family members covered: Individual related by blood or marriage within the third degree, or a person residing in the employee’s household.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

NEW YORK

A-

PRIVATE SECTOR WORKERS

Paid, Job-Protected Family Leave and Paid Medical Leave²⁰⁰

- ▶ Purposes: New child, family member’s serious health condition, own disability, military caregiving purposes.
- ▶ Family members covered: Child, parent, spouse, domestic partner, grandparent, grandchild.

- ▶ Length:
 - ▶ Family leave: 8 weeks in 2018, 10 weeks in 2019, 12 weeks in 2021 and future years.
 - ▶ Own disability: 26 weeks.
- ▶ Mechanism: Social insurance program, funded through employee and employer payroll deductions.

Unemployment Insurance Modernization²⁰¹

- ▶ UI benefits available when returning to the job market after the illness or disability of an immediate family member.

STATE WORKERS

Paid, Job-Protected Family Leave

- ▶ State workers are eligible for paid family leave identical to that for private sector workers only if their employer or collective bargaining unit has opted into the system.

Job-Protected Parental Leave²⁰²

- ▶ Hours worked/tenure requirement (lower than federal FMLA): All employees who are subject to attendance rules.
- ▶ Purposes (fewer than federal FMLA): New child.
- ▶ Length (longer than federal FMLA): 7 months.

Job-Protected Pregnancy Leave²⁰³

- ▶ Hours worked/tenure requirement (lower than federal FMLA): All employees subject to attendance rules.
- ▶ Purposes (fewer than federal FMLA): Disability due to pregnancy or childbirth.
- ▶ Length (shorter than federal FMLA): Typically 4 weeks prior to delivery and 6 weeks following delivery.

Flexible Use of Sick Time²⁰⁴

- ▶ Family members covered: Any relative or relative-in-law regardless of residence, or any person “with whom an employee has been making his/her home.”
- ▶ Amount of time available: Up to 15 days of the employee’s accrued sick time.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector workers.

NORTH CAROLINA

C-

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Job-Protected Family and Medical Leave²⁰⁵

- ▶ Hours worked/tenure requirement (lower than federal FMLA): 12 months of service and 1,040 hours during the previous 12 months.
- ▶ Purposes (identical to federal FMLA): New child, serious health condition of family member, own serious health condition.
- ▶ Family members covered (identical to federal FMLA): Child, spouse, parent.
- ▶ Length (identical to federal FMLA): 12 weeks.

Job-Protected Family Leave²⁰⁶

- ▶ Hours worked/tenure requirement (lower than federal FMLA): Full-time or part-time status (half-time or more), 12 months of service, and been in pay status at least 1,040 hours during the previous 12 months.
- ▶ Purposes (fewer than federal FMLA): Serious health condition of immediate family member.
- ▶ Family members covered (identical to federal FMLA): Child, spouse, parent.
- ▶ Length (longer than federal FMLA): 52 weeks over 5 years (in addition to Family and Medical Leave).

Flexible Use of Sick Time²⁰⁷

- ▶ Family members covered: Spouse, parent, parent-in-law, child, person with whom employee is or was in a relationship of *in loco parentis*, son- or daughter-in-law, sibling, sibling-in-law, grandparent, great-grandparent, grandchild, great-grandchild, other dependent living in the employee's household; adoption of a child.
- ▶ Amount of time available: For care of an ill family member, any amount of sick time the employee has accrued; for adoption of a child, up to 30 days.

NORTH DAKOTA

F

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time²⁰⁸

- ▶ Family members covered: Spouse, parent, child, any other family member who is financially or legally dependent upon the employee or who resides with the employee for the purpose of the employee providing care to the family member; new child.
- ▶ Amount of time available: For care of an ill family member, up to 80 hours; for care of a seriously ill child, parent or spouse, up to 480 hours; for a new child, up to 6 weeks.

OHIO

C-

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Paid Parental Leave²⁰⁹

- ▶ Eligibility: State workers who work at least 30 hours per week.
- ▶ Purposes: New child.
- ▶ Length: 2 weeks unpaid, 4 weeks paid.

Paid Medical Leave²¹⁰

- ▶ Eligibility: Full-time state workers who have worked continuously for the state for at least one year and are disabled for more than 14 consecutive days.
- ▶ Purposes: Own disability.
- ▶ Length: Up to 12 months over the course of worker's employment.

Flexible Use of Sick Time²¹¹

- ▶ Family members covered: Spouse or significant other (who stands in place of a spouse and who resides with the employee), parent, child, grandparent, sibling, grandchild, sibling-in-law, son- or daughter-in-law, parent-in-law, other person who stands in the place of a parent.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

OKLAHOMA

D-

PRIVATE SECTOR WORKERS

Unemployment Insurance Modernization²¹²

- ▶ UI benefits available when returning to the job market after the illness or disability of the individual or a family member (spouse, parent or dependent child).

STATE WORKERS

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

OREGON

B+

PRIVATE SECTOR WORKERS

Job-Protected Family and Medical Leave²¹³

- ▶ Employer coverage size (lower than federal FMLA): 25 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): At least 180 days, and worked at least 25 hours per week during 180 preceding days.
- ▶ Purposes (more than federal FMLA): New child, pregnancy disability, serious health condition of family member, own serious health condition, non-serious health condition of child that requires home care, death of a family member.
- ▶ Family members covered (more than federal FMLA): Child, spouse, parent, parent-in-law, grandparent, grandchild, person with whom employee is or was in a relationship of *in loco parentis*, domestic partner.
- ▶ Length (longer than federal FMLA): 12 weeks for family leave; additional 12 weeks for pregnancy disability leave; for parents who have already taken the full amount of parental leave, additional 12 weeks to care for a child whose injury, illness or disability requires home care; 2 weeks for the death of a family member.

Paid Sick Days²¹⁴

- ▶ Employer coverage size: Small Business (1-9 employees); Large Business (10+ employees).
- ▶ Number of days: Can accrue and use up to 40 hours; time is unpaid for employees of small businesses and paid for employees of large businesses.
- ▶ Purposes: Employee or family member's care; employee or minor child's domestic violence, sexual assault, harassment or stalking; public health emergency; any reason covered by the Oregon Family Leave Act.
- ▶ Family members covered: Child, spouse, parent, parent-in-law, grandparent, grandchild, person with whom employee is or was in a relationship of *in loco parentis*, domestic partner.

Flexible Use of Sick Time²¹⁵

- ▶ Employer size: 25 or more persons.
- ▶ Family members covered: Child, spouse, parent, parent-in-law, grandparent, grandchild, person with whom employee is or was in a relationship of *in loco parentis*, domestic partner.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization²¹⁶

- ▶ UI benefits available when returning to the job market after the illness or disability of a family member (spouse, domestic partner, parent or minor child).

STATE WORKERS

Job-Protected Family and Medical Leave²¹⁷

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time²¹⁸

- ▶ Family members covered: Spouse, domestic partner, parent, parent-in-law, child, son- or daughter-in-law, sibling, sibling-in-law, grandparent, grandchild, member of immediate household; new child.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

PENNSYLVANIA

D+

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

COMMONWEALTH WORKERS

Job-Protected Family and Medical Leave²¹⁹

- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service, 1,250 hours over the previous 12-month period.
- ▶ Purposes (identical to federal FMLA): New child, serious health condition of family member, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Spouse, parent, child, qualifying dependent under IRS criteria.
- ▶ Length (longer than federal FMLA): 6 months.

Flexible Use of Sick Time²²⁰

- ▶ Family members covered: Spouse, domestic partner, child, parent, sibling, child of employee's domestic partner.
- ▶ Amount of time available: To accompany family members to medical appointments, any amount of sick time the employee has accrued; for care of an ill family member, up to 5 days.

PRIVATE SECTOR WORKERS**Paid, Job-Protected Family Leave and Paid Medical Leave²²¹**

- ▶ Purposes: New child, serious health condition of family member, own disability.
- ▶ Family members covered: Child, parent, spouse, domestic partner, grandparent.
- ▶ Length: 4 weeks for family leave; 30 weeks for own disability.
- ▶ Mechanism: Social insurance program, funded through employee payroll deductions.

Job-Protected Family Leave²²²

- ▶ Employer coverage size (identical to federal FMLA): 50 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): Works an average of 30 or more hours per week.
- ▶ Purposes (fewer than federal FMLA): New child, serious illness of family member.
- ▶ Family members covered (more than federal FMLA): Child, spouse, parent, parent-in-law.
- ▶ Length (longer than federal FMLA): 13 weeks over a 2-year period.

Paid Sick Days²²³

- ▶ Employer coverage size: Small Business (1-17 employees); Large Business (18+ employees).
- ▶ Number of days: Can accrue and use up to 24 hours in 2018, 32 hours in 2019, and 40 hours in 2020. Time is unpaid for employees of small businesses and paid for employees of large businesses.
- ▶ Purposes: Employee or family member's care; employee or family member's domestic violence, sexual assault or stalking; public health emergency.
- ▶ Family members covered: Child, spouse, parent, parent-in-law, domestic partner, sibling, grandparent, grandchild, care recipient (person for whom employee is responsible for providing care), member of employee's household.

Unemployment Insurance Modernization²²⁴

- ▶ UI benefits available when returning to the job market after caring for a family member (spouse, parent, parent-in-law or minor child) due to illness or disability.

STATE WORKERS**Paid, Job-Protected Family Leave and Paid Medical Leave**

- ▶ State workers are eligible for paid family and medical leave identical to that for private sector workers only if their employer or collective bargaining unit has opted into the system.

Job-Protected Family Leave²²⁵

- ▶ Hours worked/tenure requirement (higher than federal FMLA): 12 months of service, and an average of 30 hours or more per week.
- ▶ Purposes (fewer than federal FMLA): New child, serious illness of family member.
- ▶ Family members covered (more than federal FMLA): Child, spouse, parent, parent-in-law, domestic partner.
- ▶ Length (longer than federal FMLA): 13 weeks over a 2-year period.

Flexible Use of Sick Time²²⁶

- ▶ Family members covered: Spouse, child, parent, sibling, parent-in-law, grandparent, any other family relative residing in employee's household.
- ▶ Amount of time available: Up to 10 days of the employee's accrued sick time.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

SOUTH CAROLINA

D-

PRIVATE SECTOR WORKERS

Unemployment Insurance Modernization²²⁷

- ▶ UI benefits available when returning to the job market after the illness or disability of the individual or a family member (spouse, parent or dependent child).

STATE WORKERS

Flexible Use of Sick Time²²⁸

- ▶ Family members covered: Spouse, child, parent, parent-in-law, son- or daughter-in-law, sibling, sibling-in-law, grandparent, grandparent-in-law, grandchild, grandchild-in-law.
- ▶ Amount of time available: Up to 6 weeks of the employee's accrued sick time.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

SOUTH DAKOTA

F

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time²²⁹

- ▶ Family members covered: Spouse, parent, child, parent-in-law, son- or daughter-in-law, sibling, grandparent, grandchild; new child.
- ▶ Amount of time available: Up to 40 hours of the employee's accrued sick time.

TENNESSEE

D-

PRIVATE SECTOR WORKERS

Job-Protected Parental Leave²³⁰

- ▶ Employer coverage size (higher than federal FMLA): 100 or more employees.
- ▶ Hours worked/tenure requirement (higher than federal FMLA): 12 consecutive months as full-time employee.
- ▶ Purposes (fewer than federal FMLA): Adoption, pregnancy, childbirth and nursing an infant.
- ▶ Length (longer than federal FMLA): 4 months.

STATE WORKERS

Job-Protected Parental Leave²³¹

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time²³²

- ▶ Family members covered: Immediate family member; new child.
- ▶ Amount of time available: For care of an ill family member, any amount of sick time the employee has accrued; for new child, up to 30 days.

PRIVATE SECTOR WORKERS

Unemployment Insurance Modernization²³³

- ▶ UI benefits available when returning to the job market after illness, disability or pregnancy, the illness of a minor child or the terminal illness of a spouse where reasonable alternative care is not available.

STATE WORKERS

Job-Protected Parental Leave²³⁴

- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): New child.
- ▶ Length (identical to federal FMLA): 12 weeks.

Flexible Use of Sick Time²³⁵

- ▶ Family members covered: Individual who resides in same household and is related by kinship, adoption, or marriage; foster child who resides in the same household; employee's minor child, regardless of whether in the same household.
- ▶ Amount of time available: Time necessary to provide care and assistance.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time²³⁶

- ▶ Family members covered: Spouse, child, parent; new child.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

PRIVATE SECTOR WORKERS

Job-Protected Family and Medical Leave²³⁷

- ▶ Employer coverage size (lower than federal FMLA): 15 or more employees.
- ▶ Hours worked/tenure requirement (higher than federal FMLA): One year and average of 30 hours per week during that year
- ▶ Purposes (fewer than federal FMLA): Serious illness of employee's family member, own serious illness.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, parent of employee's spouse, civil union partner.
- ▶ Length (identical to federal FMLA): 12 weeks.

Job-Protected Parental Leave²³⁸

- ▶ Employer coverage size (lower than federal FMLA): 10 or more employees.
- ▶ Hours worked/tenure requirement (higher than federal FMLA): One year and average of 30 hours per week during that year.
- ▶ Purposes (fewer than federal FMLA): New child.
- ▶ Length (identical to federal FMLA): 12 weeks.

Paid Sick Days²³⁹

- ▶ Employer coverage size: All sizes.
- ▶ Number of days: Can accrue and use up to 24 hours until 2019 and 40 hours in 2019 and following years.
- ▶ Purposes: Employee or family member's care; absences related to employee or family member's domestic violence, sexual assault or stalking; closure of family member's place of business or school for public health/safety reasons; accompanying family member to long-term care appointment.
- ▶ Family members covered: Child, spouse, parent, grandparent, grandchild, sibling, parent-in-law.

STATE WORKERS

Job-Protected Family Leave²⁴⁰

- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service, and at least 1,250 hours of service during the last 12 months.
- ▶ Purposes (fewer than federal FMLA): Serious illness of employee's immediate family member.
- ▶ Family members covered (more than federal FMLA): Parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, any person residing with the employee, any family member for whom an employee is primarily responsible to arrange health care for or to provide care.
- ▶ Length (identical to federal FMLA): 12 weeks.

Job-Protected Pregnancy and Parental Leave²⁴¹

- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service, and at least 1,250 hours of service during the last 12 months.
- ▶ Purposes (fewer than federal FMLA): New child, disability resulting from pregnancy, miscarriage, abortion, or illness.
- ▶ Length (longer than federal FMLA): 4 months (6 months total with paid and unpaid leave).

Job-Protected Adoption Leave²⁴²

- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service, and at least 1,250 hours of service during the last 12 months.
- ▶ Purposes (fewer than federal FMLA): Adoption.
- ▶ Length (longer than federal FMLA): 6 months.

Flexible Use of Sick Time²⁴³

- ▶ Family members covered: Parent, grandparent, spouse, child, sibling, parent-in-law, grandchild, any other family member for whom an employee is primarily responsible to arrange health care or provide care.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS**Paid Disability/Maternity Leave²⁴⁴**

- ▶ Eligibility: Commonwealth workers who participate in the commonwealth's public employee retirement system.
- ▶ Purposes: Employee's own disability or maternity.
- ▶ Length: 125 days.

Paid Family Leave²⁴⁵

- ▶ Eligibility: Commonwealth workers who participate in the commonwealth's public employee retirement system.
- ▶ Purposes: Family member's illness or other need.
- ▶ Length: 32 hours for employees with up to one year of tenure; 40 hours for employees with longer tenure.

Paid Parental Leave²⁴⁶

- ▶ Eligibility: Executive branch employees who have been employed by the commonwealth for at least 12 consecutive months.
- ▶ Purposes: New child.
- ▶ Length: 8 weeks.

WASHINGTON

PRIVATE SECTOR WORKERS**Paid Family and Medical Leave (to take effect January 1, 2019, with benefits payable beginning on January 1, 2020)²⁴⁷**

- ▶ Purposes: New child, family member's serious health condition, own serious health condition, military caregiving purposes.
- ▶ Family members covered: Child, parent, spouse, domestic partner, grandchild, grandparent, sibling.
- ▶ Length: 12 weeks for family; 12 weeks for own health condition (14 weeks if pregnancy related), no more than 16 weeks total/year for own health and family leave (18 weeks if leave for own health condition is pregnancy-related).
- ▶ Mechanism: Social insurance program, funded through employee and employer payroll deductions.

Job-Protected Family Leave²⁴⁸

- ▶ Employer coverage size (identical to federal FMLA): 50 or more employees.
- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service and at least 1,250 hours during the previous 12-month period.
- ▶ Purposes (identical to federal FMLA): New child, serious health condition of family member, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, state registered domestic partner.
- ▶ Length (identical to federal FMLA): 12 weeks.

Job-Protected Medical Leave for Pregnancy Disability²⁴⁹

- ▶ Employer coverage size (lower than federal FMLA): 8 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): No minimum.
- ▶ Purposes (fewer than federal FMLA): Employee's sickness or temporary disability because of pregnancy or childbirth.
- ▶ Length (longer than federal FMLA): 6 weeks, which does not count against worker's parental leave rights under state family and medical leave law.

Paid Sick Days²⁵⁰

- ▶ Employer coverage size: All sizes.
- ▶ Number of days: Can accrue and use up to 40 hours.
- ▶ Purposes: Employee or family member's care; employee or family member's domestic violence, sexual assault or stalking; closure of place of business or child's school/place of care for any health-related reason.
- ▶ Family members covered: Child, spouse, parent, domestic partner, sibling, grandparent, grandchild, child for whom employee is a de facto parent, person with whom employee was or is in a relationship of *in loco parentis*, parent of spouse/domestic partner.

Flexible Use of Sick Time²⁵¹

- ▶ Family members covered: Spouse, parent, parent-in-law, grandparent.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization²⁵²

- ▶ UI benefits available when returning to the job market after the illness or disability of the individual or a family member.

STATE WORKERS

Paid Family and Medical Leave

- ▶ Identical to Private Sector Workers.

Job-Protected Family and Medical Leave²⁵³

- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service and at least 1,250 hours during the previous 12-month period.
- ▶ Purposes (identical to federal FMLA): New child, serious health condition of family member, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, parent, spouse, state registered domestic partner.
- ▶ Length (identical to federal FMLA): 12 weeks.

Job-Protected Parental Leave²⁵⁴

- ▶ Hours worked/tenure requirement (identical to federal FMLA): 12 months of service, and 1,250 hours over preceding 12 months.
- ▶ Purposes (fewer than federal FMLA): New child.
- ▶ Length (longer than federal FMLA): 6 months.

Job-Protected Pregnancy Disability Leave²⁵⁵

- ▶ Hours worked/tenure requirement (lower than federal FMLA): State employees classified as “permanent” employees.
- ▶ Purposes (fewer than federal FMLA): Employee’s sickness or temporary disability because of pregnancy or childbirth.
- ▶ Length (longer than federal FMLA): Entire period of pregnancy related sickness or disability.

Flexible Use of Sick Time²⁵⁶

- ▶ Identical to Private Sector Workers.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers.

WEST VIRGINIA

D+

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Job-Protected Family Leave²⁵⁷

- ▶ Hours worked/tenure requirement (lower than federal FMLA): Worked for the state for at least 12 consecutive weeks.
- ▶ Purposes (fewer than federal FMLA): New child, serious health condition of family member.
- ▶ Family members covered (more than federal FMLA): Child, spouse, parent, dependent.
- ▶ Length (identical to federal FMLA): 12 weeks.

Flexible Use of Sick Time²⁵⁸

- ▶ Family members covered: Parent, child, spouse, sibling, parent-in-law, son- or daughter-in-law, grandparent, grandchild, individual with whom employee is or was in a relationship of *in loco parentis*.
- ▶ Amount of time available: Up to 40 hours of the employee’s accrued sick time.

WISCONSIN

B-

PRIVATE SECTOR WORKERS

Job-Protected Family and Medical Leave²⁵⁹

- ▶ Employer coverage size (identical to federal FMLA): 50 or more employees.
- ▶ Hours worked/tenure requirement (lower than federal FMLA): 52 consecutive weeks of work and at least 1,000 hours of work over the preceding 52-week period.
- ▶ Purposes (identical to federal FMLA): New child, serious health condition of family member, own serious health condition.
- ▶ Family members covered (more than federal FMLA): Child, spouse, domestic partner, parent.
- ▶ Length (shorter than federal FMLA):
 - ▶ New child: 6 weeks.
 - ▶ Serious health condition of family member: 2 weeks.
 - ▶ Own serious health condition: 2 weeks.

Flexible Use of Sick Time²⁶⁰

- ▶ Employer size: 50 or more employees.
- ▶ Family members covered: Child, spouse, domestic partner or parent; new child.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.

Unemployment Insurance Modernization²⁶¹

- ▶ UI benefits available when returning to the job market after the illness or disability of the individual or a family member (parent, spouse, child or any other person for whom the employee is and has been the source of care).

STATE WORKERS

Job-Protected Parental Leave²⁶²

- ▶ Hours worked/tenure requirement (lower than federal FMLA): Permanent classified employee.
- ▶ Purposes (fewer than federal FMLA): Maternity, paternity, adoption, and pre-adoptive foster care.
- ▶ Length (longer than federal FMLA): 6 months.

Job-Protected Family and Medical Leave²⁶³

- ▶ Identical to Private Sector Workers.

Flexible Use of Sick Time²⁶⁴

- ▶ Family members covered: Care for or death of parent, child, spouse, grandparent, grandchild, in-law, aunt, uncle, son- or daughter-in-law, sibling, sibling-in-law, other relative who resides in employee's household.
- ▶ Amount of time available: Up to 5 days per illness or injury.

Unemployment Insurance Modernization

- ▶ Identical to Private Sector Workers

WYOMING

F

PRIVATE SECTOR WORKERS

No additional protections beyond the FMLA.

STATE WORKERS

Flexible Use of Sick Time²⁶⁵

- ▶ Family members covered: Spouse, parent, child, parent-in-law, son- or daughter-in-law, sibling, sibling-in-law, grandparent, grandparent-in-law, grandchild.
- ▶ Amount of time available: Any amount of sick time the employee has accrued.



Families and babies join ZERO TO THREE's Strolling Thunder event on Capitol Hill.

Conclusion

The United States is at a critical moment in the imperative to make our workplaces more family friendly. Public demand for solutions is high, and policymakers across the political spectrum are taking notice.

Hard-won state policy victories show the enormous and varied benefits progress brings, what it can look like and how policymakers can support equity, inclusion and opportunity by ensuring working people can take the time they need to care for themselves and their loved ones. State progress is raising expectations about the kinds of policies we deserve at the national level. Each victory galvanizes new champions and paves the way for additional public policy and private sector innovation. Each new law also contributes to the mounting body of evidence demonstrating that these policies support healthy, successful families, businesses and communities.

As state and federal lawmakers explore solutions, the state policies catalogued and described in this report offer new ideas and approaches. These common-sense policies are effective, popular and have substantial benefits for workers and their families, public health, businesses and the economy as a whole. America's families and our country deserve no less.

State-by-State Comparison of Select Policies

State	PRIVATE SECTOR WORKERS										STATE WORKERS*						
	Paid Family Leave	Paid Medical Leave	Job-Protected Leave – Lower Employer Size Threshold	Job-Protected Leave – Lower Employee Tenure/Hours Worked Requirement	Job-Protected Leave – Longer Length of Leave	Job-Protected Family Leave – Expanded Family Definition	Job-Protected Leave – Expanded Purposes for Leave	Paid Sick Days	Flexible Use of Sick Time	Unemployment Insurance Modernization	Paid Family and/or Medical Leave	Job-Protected Leave - Lower Employee Tenure/Hours Worked Requirement	Job-Protected Leave - Longer Length of Leave	Job-Protected Family Leave - Expanded Family Definition	Job-Protected Leave - Expanded Purposes for Leave	Flexible Use of Sick Time	Unemployment Insurance Modernization
Alabama															YES		
Alaska									YES			YES	YES			YES	
Arizona								YES	YES	YES					YES	YES	
Arkansas										YES		Pr	Pr		YES	YES	
California	YES	YES	Pa, Pr	Pr	Pr	YES		YES	YES	YES	YES**	Pr	Pr	YES	YES	YES	
Colorado						YES				YES		YES	YES		YES	YES	
Connecticut			Pr	YES	YES	YES		YES	YES	YES		YES	YES		YES	YES	
Delaware										YES	Pa				YES	YES	
District of Columbia	YES	YES	YES	YES	YES	YES		YES	YES	YES	FC, Pa	FC, Pa	YES	YES	YES	YES	
Florida												FC, Pa	FC, Pa		YES		
Georgia									YES						YES		
Hawaii		YES	Pr	YES		YES			YES	YES	M	YES		YES	YES	YES	
Idaho															YES		
Illinois										YES	Pa	FC, Pa	FC, Pa	YES	YES	YES	
Indiana											Pa				YES		
Iowa			Pr	Pr						YES		Pr			YES	YES	
Kansas												YES	YES		YES		
Kentucky												YES			YES		
Louisiana			Pr	Pr	Pr							Pr	Pr				
Maine			YES	YES		YES	YES		YES	YES		YES		YES	YES	YES	
Maryland			Pa					YES	YES		Pa				YES		
Massachusetts	YES	YES	YES	YES	M	YES		YES	YES		YES	YES	YES	YES	YES	YES	
Michigan															YES		
Minnesota			Pa, Pr	Pa, Pr					YES	YES		Pa, Pr			YES	YES	
Mississippi															YES		
Missouri											Pa				YES		
Montana			Pr	Pr								Pa, Pr			YES		
Nebraska															YES		
Nevada										YES					YES	YES	
New Hampshire			Pr	Pr						YES		Pr			YES	YES	
New Jersey	YES	YES	FC, Pa	FC, Pa		YES		YES	YES		YES***	FC, Pa		YES	YES	YES	
New Mexico													YES		YES		
New York	YES	YES	FC, Pa	FC, Pa		YES				YES	FC, Pa**	Pa, Pr	Pa	YES	YES	YES	
North Carolina												YES	FC		YES		
North Dakota															YES		
Ohio											M, Pa				YES		
Oklahoma										YES						YES	
Oregon			YES	YES	YES	YES	YES	YES	YES	YES		YES	YES	YES	YES	YES	
Pennsylvania												YES	YES		YES		
Rhode Island	YES	YES	FC, Pa	FC, Pa	FC, Pa	YES		YES	YES	YES	YES**	FC, Pa	FC, Pa	YES	YES	YES	
South Carolina										YES					YES	YES	
South Dakota															YES		
Tennessee					Pa								Pa		YES		
Texas										YES		Pa			YES	YES	
Utah															YES		
Vermont			YES			YES		YES	YES			Pa, Pr	YES		YES	YES	
Virginia											YES						
Washington	YES	YES	Pr	Pr	Pr	YES		YES	YES	YES	YES	Pr	Pa, Pr	YES	YES	YES	
West Virginia												FC, Pa		YES	YES		
Wisconsin				YES		YES			YES	YES		Pa	Pa	YES	YES	YES	
Wyoming															YES		
Total	7	8	18	17	9	14	2	11	16	23	15	26	20	17	3	47	23

Abbreviations in a state's entry indicate that the law provides leave only for certain subcategories of leave. "FC" = leave for family care; "M" = medical leave; "Pa" = parental leave; and "Pr" = pregnancy disability leave.

* Access to policies through same laws as private sector workers or through laws or regulations specific to public sector state employees.

** TDI/PFL policies cover state workers only if their employer or collective bargaining unit has opted to be covered.

*** PFL policy covers state workers, but TDI policy covers state workers only if their employer or collective bargaining unit has opted to be covered.

Endnotes for Raising Expectations

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²⁵⁹ Wis. Stat. § 103.10(2)(c), (3), (4), (b)(3), (1)(ar)

²⁶⁰ Wis. Stat. § 103.10(5)(b).

²⁶¹ Wis. Stat. §§ 108.04(7)(c)-(cg); Gassman, R. (2009, July 27). *Letter from Wisconsin Department of Workforce Development to Cheryl Atkinson, Administrator, U.S. Department of Labor*. Retrieved 18 August 2018, from <http://www.doleta.gov/recovery/pdf/WI2-3.pdf>

²⁶² Wis. Admin. Code E.R. § 18.14(2)(d), (e); Wisconsin Office of State Employment Relations. (2016, February). *Wisconsin Human Resources Handbook – Chapter 740 – Leave of Absence Without Pay* (pp. 1-2). Retrieved 21 August 2018, from https://dpm.wi.gov/Hand%20Book%20Chapters/WHRH_Ch_740.pdf

²⁶³ Wis. Stat. § 103.10(1)(c).

²⁶⁴ Wis. Admin. Code E.R. §§ 18.01(4), 18.03(4).

²⁶⁵ Code of Wyo. Rules 006-0010-6, § 2(b), 006-0010-0, § 52.



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