

Paid Family and Medical Leave in the United States: An Analysis of State and other Subnational Laws



State and Territory Approaches to Paid Leave

- Subnationally, U.S. geographies have built on very different systems to construct paid leave policies that residents can use to support health and economic security at critical points in life.
- In many jurisdictions, multiple pieces of legislation may govern who is eligible to take leave, the payments they can receive, under what circumstances leave can be taken, and whether there is job protection while on leave with implications for health, economic security, and equity.
- This slide deck considers three circumstances for leave taking: personal medical needs, family leave for serious health needs, and parental leave and how policy design decisions shape health equity.



Paid Medical and Disability Leave

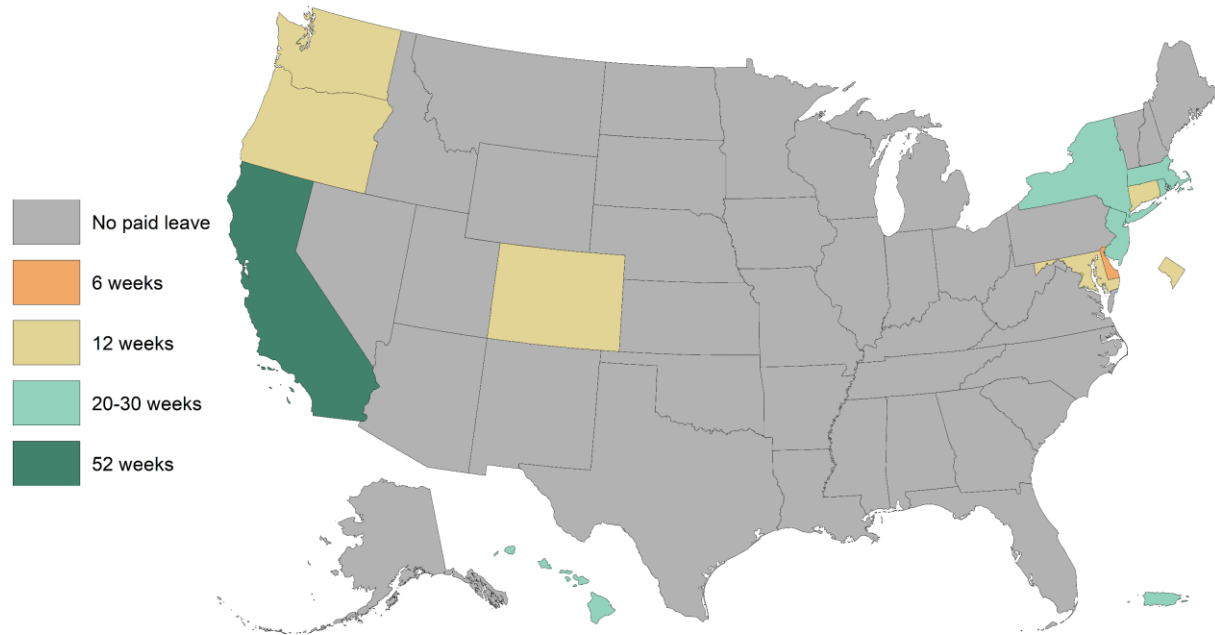


Two Approaches

- U.S. geographies have take two main approaches to paid medical and disability leave
- Historically, some geographies established temporary disability insurance programs beginning as early as the 1940s – 1960s. These geographies include: California, Hawaii, New Jersey, New York, Puerto Rico, and Rhode Island. These programs cover a longer duration of illness.
- More recently, other geographies, such as Delaware, Massachusetts, and Washington, have established paid medical leave as part of a paid family and medical leave program. These paid leaves tend to be slightly shorter.



How many weeks of paid medical leave does the state law provide?

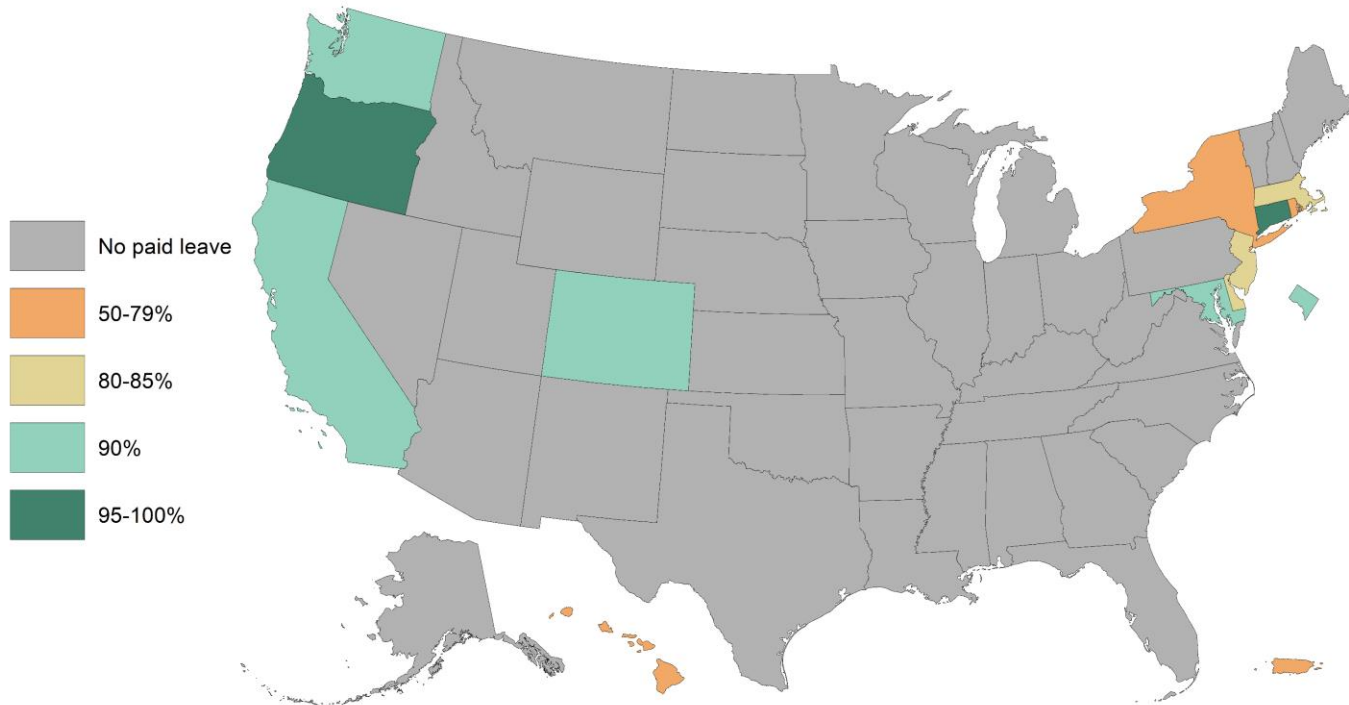


Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

Globally, more than two-thirds of all countries ensure that workers have at least twelve weeks of paid medical leave. The majority of high-income (69%) countries ensure this leave is sufficient for lengthy serious illnesses – 26 weeks or more.



What is the maximum wage replacement rate for paid medical leave?

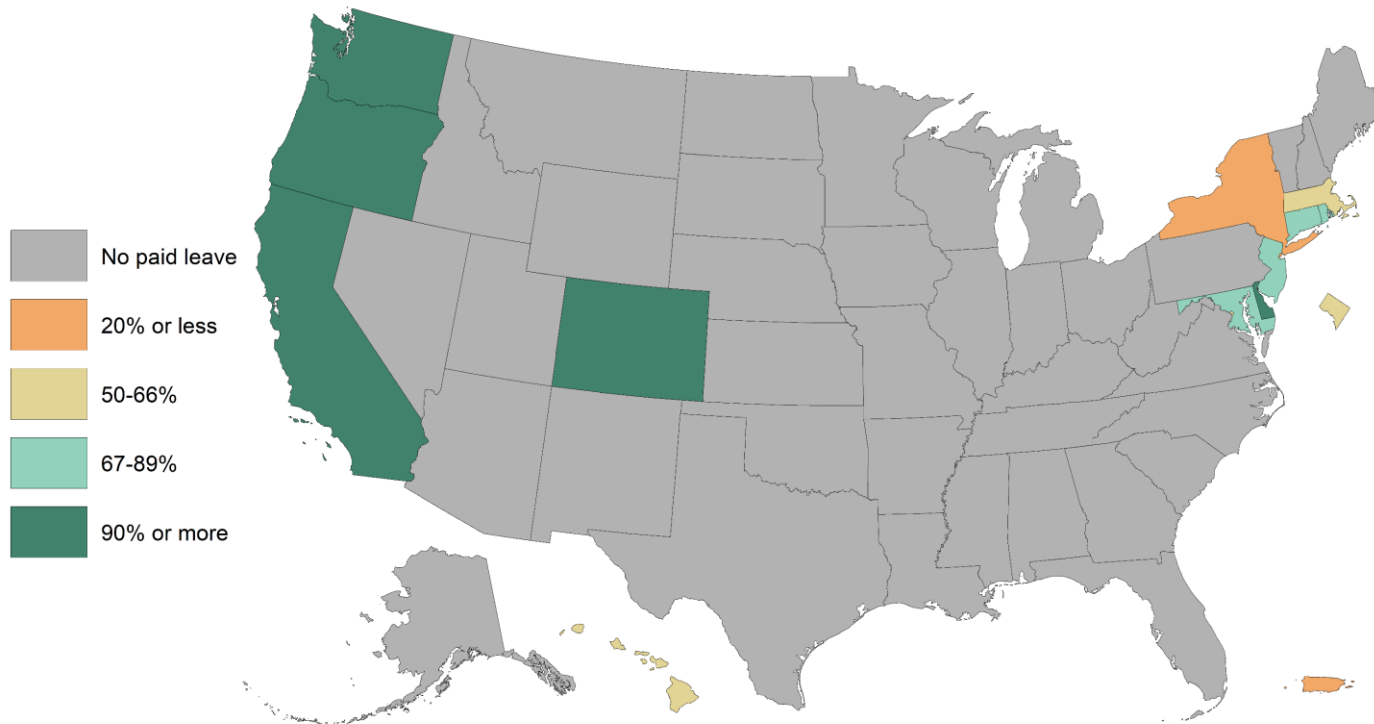


Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

For more workers and families to be able to enjoy the benefits of paid leave, it needs to provide adequate income. For low wage earners, full or nearly full wage replacement rates are important to avoid falling into poverty.



What is the maximum benefit amount of paid medical leave as a percentage of the average weekly wage?



Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

Loss of earnings can be challenging even for middle class families. For many families living paycheck to paycheck without substantial savings to fall back on, this loss of earnings can have devastating consequences on economic security, particularly when compounded with medical bills, a leading cause of bankruptcy in the U.S.

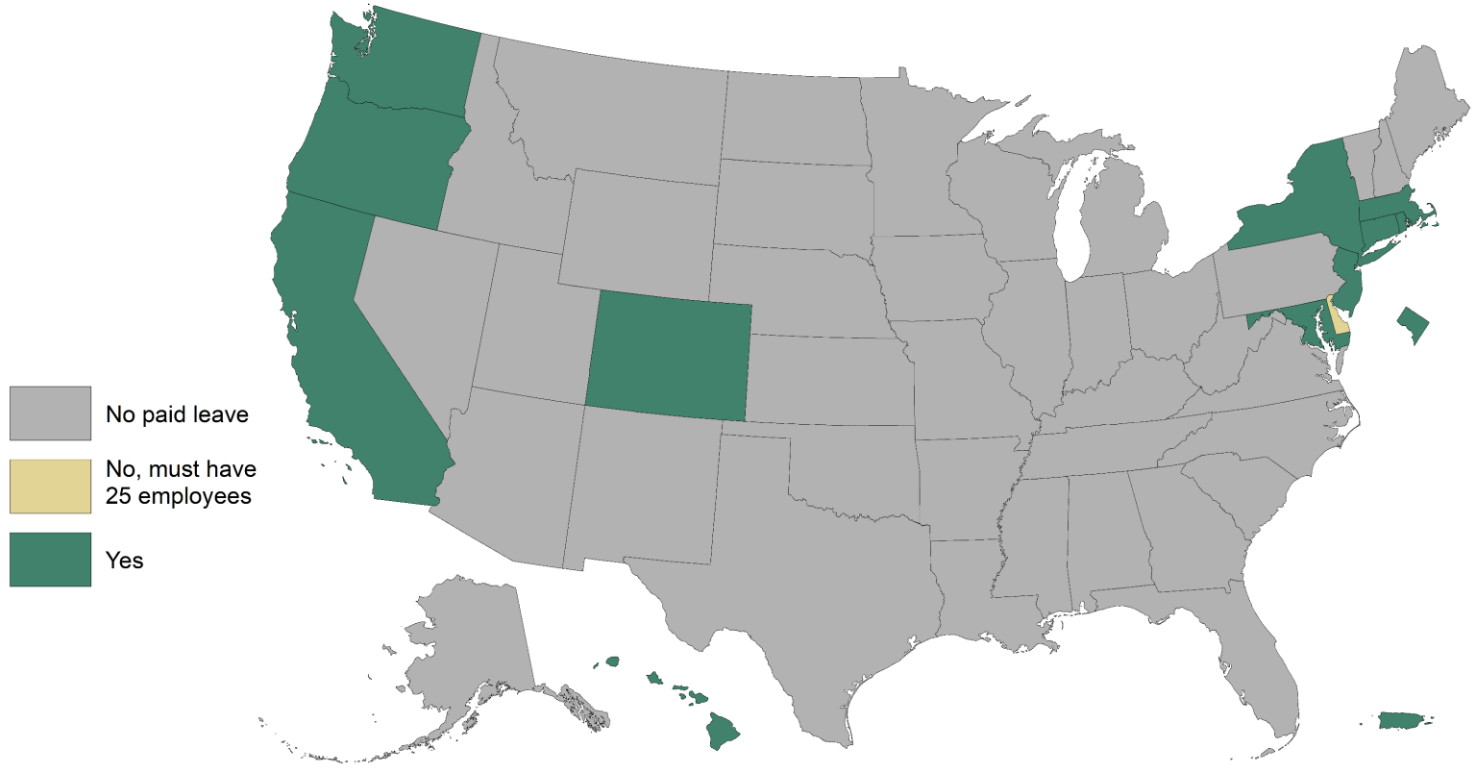


Eligibility Criteria Needlessly Create Structural Inequities in Access to Leave

- In the U.S. at a federal level, structural inequities are built into who is eligible to take unpaid family and medical leave (FML).
 - Just over half of private sector workers are eligible for even unpaid FML
 - Eligibility criteria, such as minimum firm size, tenure requirements, and minimum hours of work, disproportionately exclude Latinx workers and women.
- In passing paid leave laws, geographies have managed to expand coverage to reach more individuals and their families and reduce inequities, but there remain important gaps where states could expand coverage and further reduce inequities.



Do all workers receive paid medical leave regardless of how many employees are at their workplace?

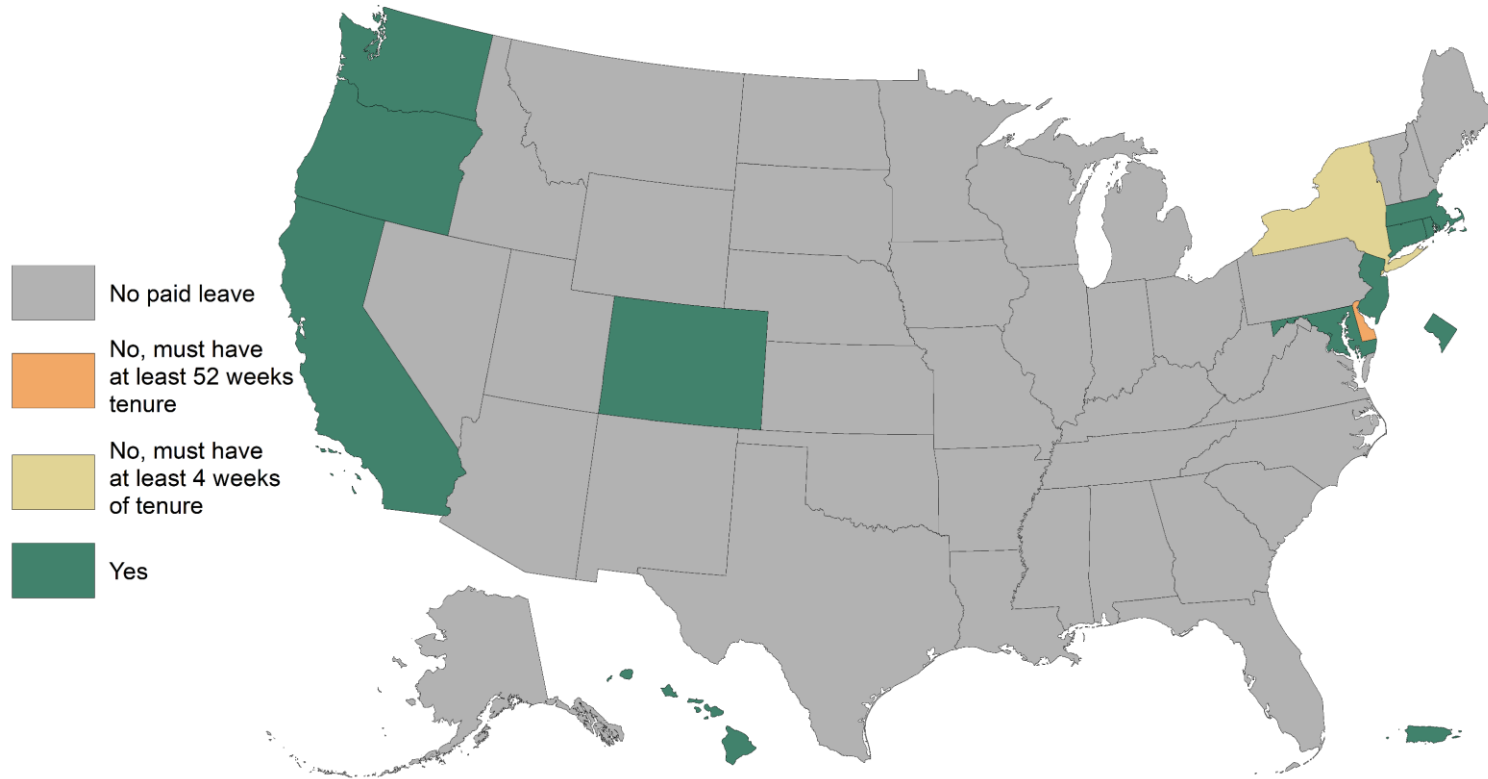


Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

U.S. geographies and other countries have shown that paid leave policies can work for small businesses.



Do all workers receive paid medical leave regardless of how long they have worked for their employer?

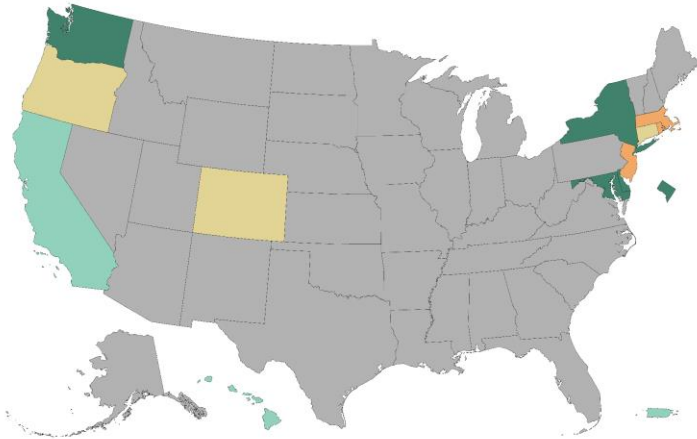


Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

U.S. geographies and other countries have shown that paid leave benefits can cover workers who have recently started a new job.



Is there a minimum earnings requirement during a 12-month qualifying period in order to receive paid medical leave?

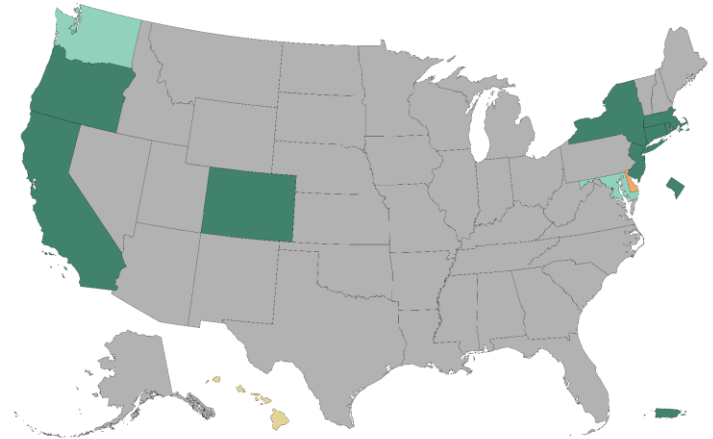


No paid leave
 Yes, \$4800-\$5700*
 Yes, \$1000-\$2500
 Yes, \$150-\$400
 No

*Two states have earnings requirements that are not specific to a 12-month qualifying period. New Jersey requires minimum earnings of \$240 per week for 20 weeks. Rhode Island requires either (1) \$4900 in earnings during the 12-month base period, at least one quarter's earnings of \$2,450 or more, and total base period taxable wages that are at least 1.5 times highest quarter of earnings, or (2) total earnings during the base period of at least \$14,700. Both states are categorized as requiring \$4800-\$5700 in earnings

Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

Do all workers receive paid medical leave regardless of hours worked per week?



No paid leave
 No, must work at least 24 hours per week
 No, must work at least 20 hours per week
 No, must work 13-16 hours per week
 Yes

Note: Laws specify minimum hours required for eligibility on an annual basis. The conversion to weekly hours was made assuming a typical work schedule of 40 hours per week and 52 weeks per year.

Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

U.S. geographies and other countries have shown that paid leave benefits can cover workers with minimal hours worked or earnings requirements.

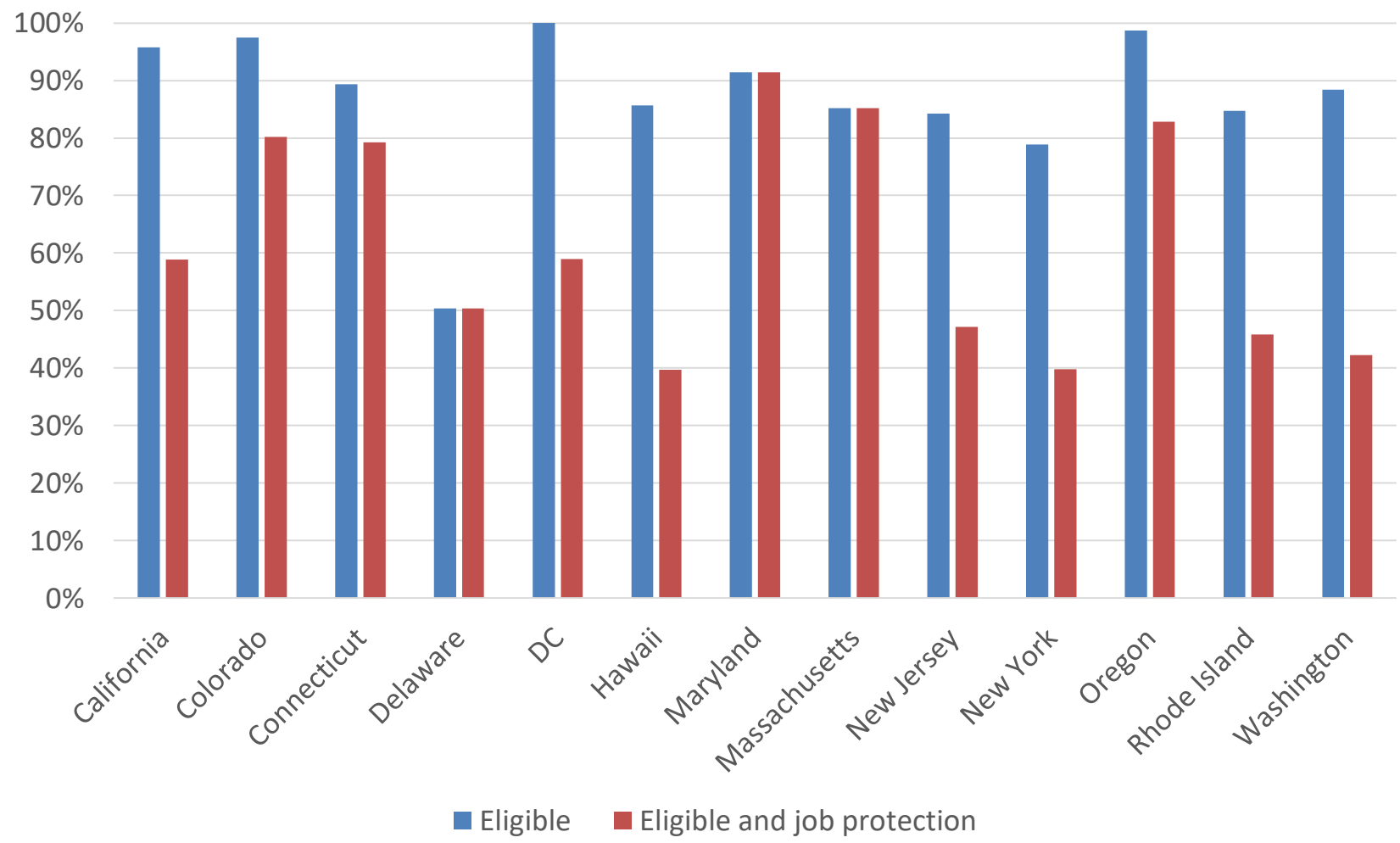


Ensuring all workers have job protection when taking paid leave

- Without access to job protection, workers may be unable to use paid leave for fear of not having a job to return to after leave.
- Yet, in many geographies, workers can be eligible for paid leave, but not eligible for job protection for the full duration of taking that paid leave.
- Lack of job protection undermines the progress states have made in reducing structural inequities by expanding eligibility in access to paid leave.



Percentage of workers who are eligible for paid medical leave and have job protection for a 6-week leave



■ Eligible ■ Eligible and job protection



Paid family leave for serious illness

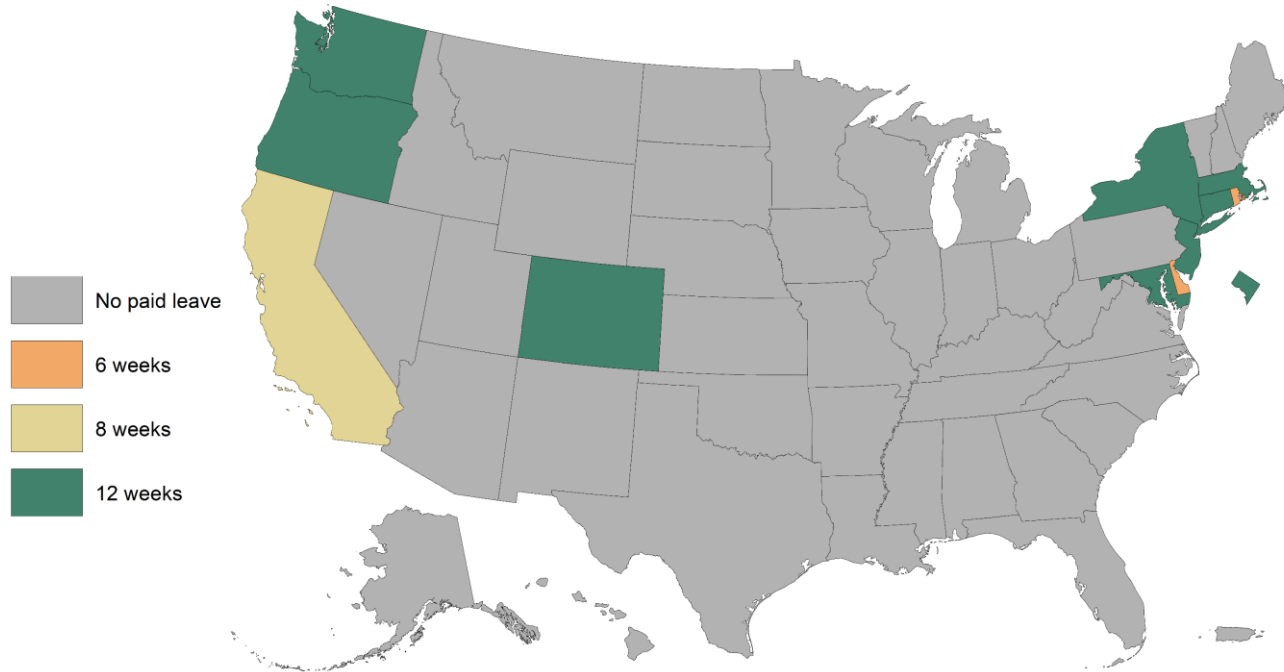


A Common Approach

- Paid family leave is the only area where U.S. geographies tend to take a common approach.
- Benefits during paid family leave tend to be covered by a single piece of legislation and, in the most recently adopted policies, job protection is included instead of being provided in a separate law with different eligibility requirements



How many weeks of paid family leave for serious illness does the state law provide?

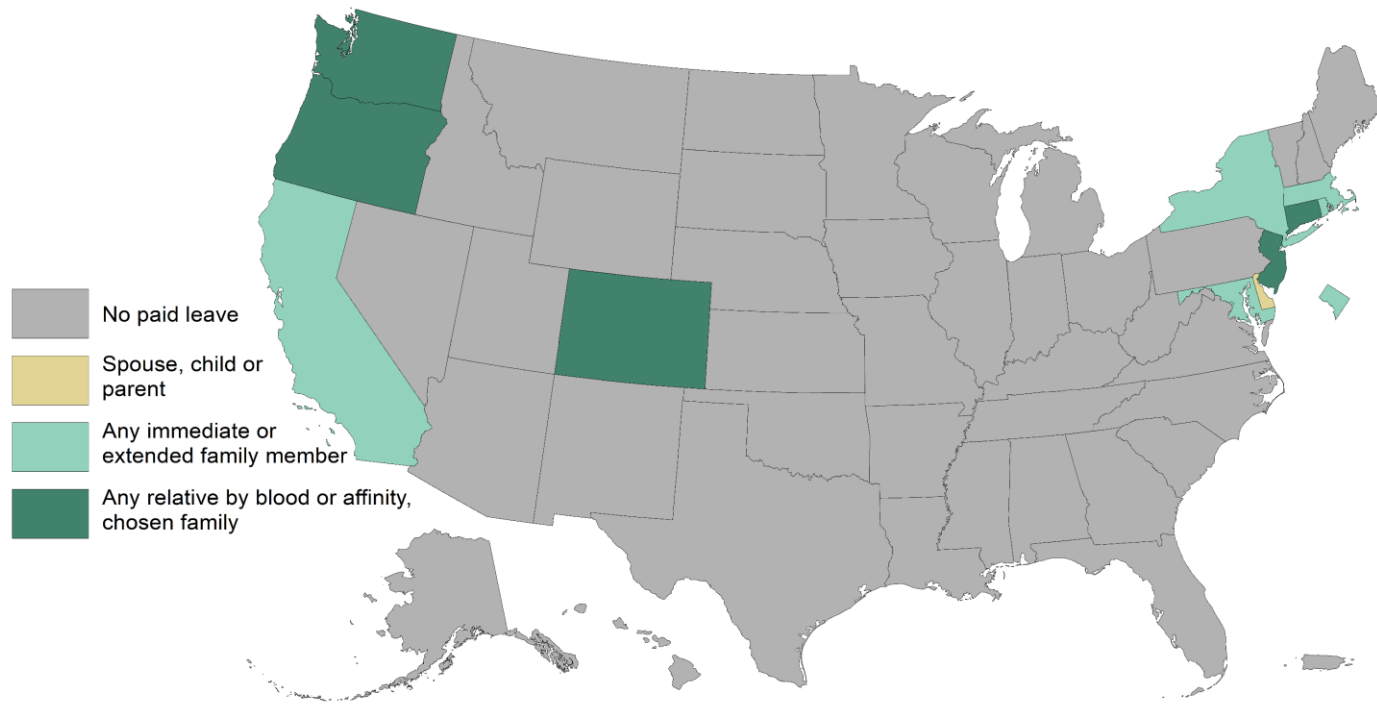


Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

Globally, recognition of care needs beyond infancy lags behind, and U.S. geographies have the opportunity to become policy leaders. Less than half of high-income countries ensure at least 6 weeks of paid leave to care for a seriously ill child, and less than a quarter do so for a seriously ill spouse or parent.



For which family members can an employee take paid family leave for serious illness?

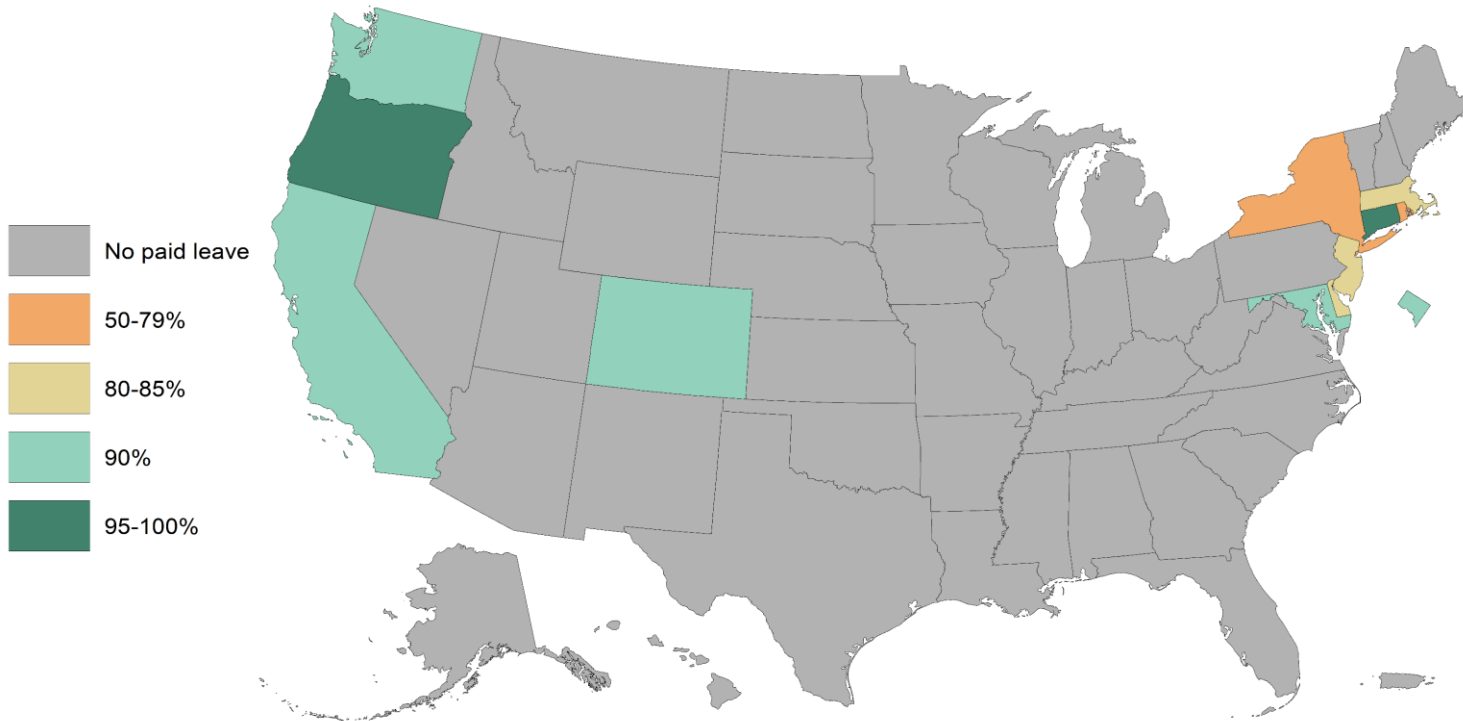


Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

U.S. geographies have shown it's feasible to cover caregiving for more family members. Five states (Colorado, Connecticut, New Jersey, Oregon, and Washington) have further broadened the definition of family caregiving using terms such as "chosen family" or any person "related by blood or affinity equivalent to family relationship."



What is the maximum wage replacement rate for paid family leave for serious illness?

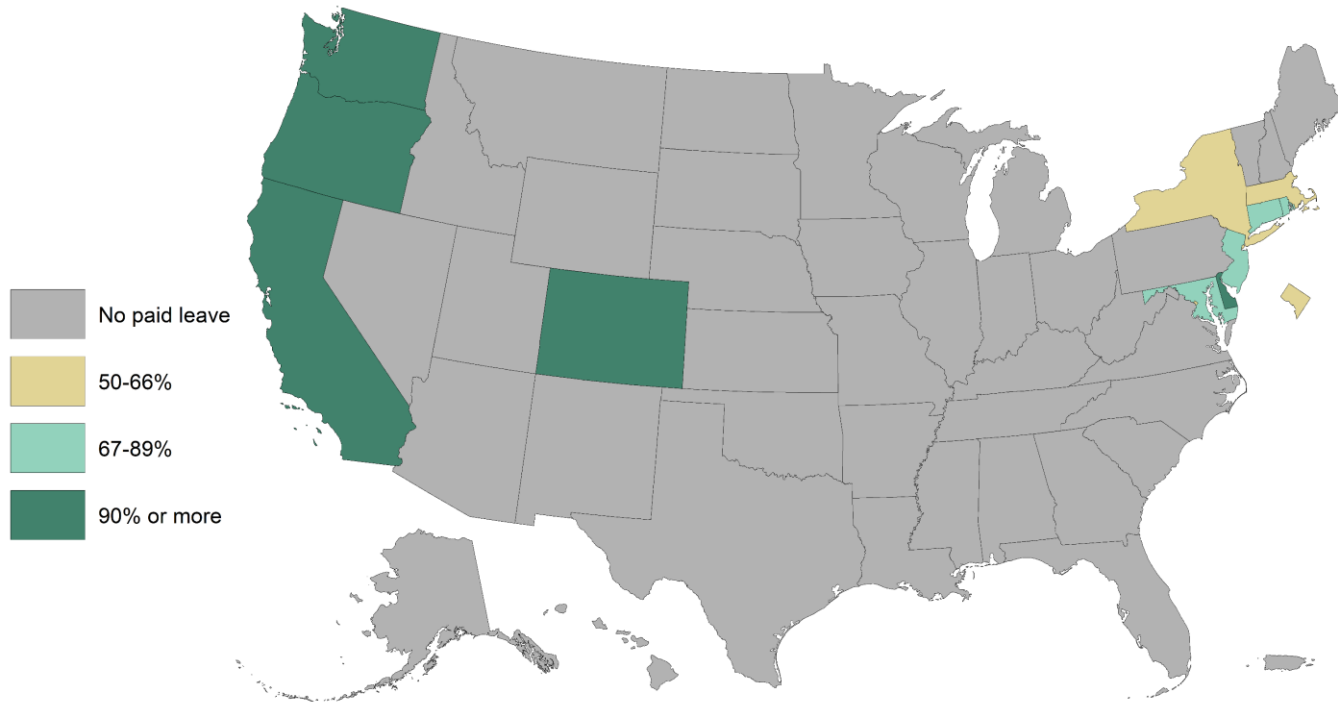


Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

For more workers and families to be able to enjoy the benefits of paid leave, it needs to provide adequate income. For low wage earners, full or nearly full wage replacement rates are important to avoid falling into poverty.



What is the maximum benefit amount of paid family leave for serious illness as a percentage of the average weekly wage?



Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

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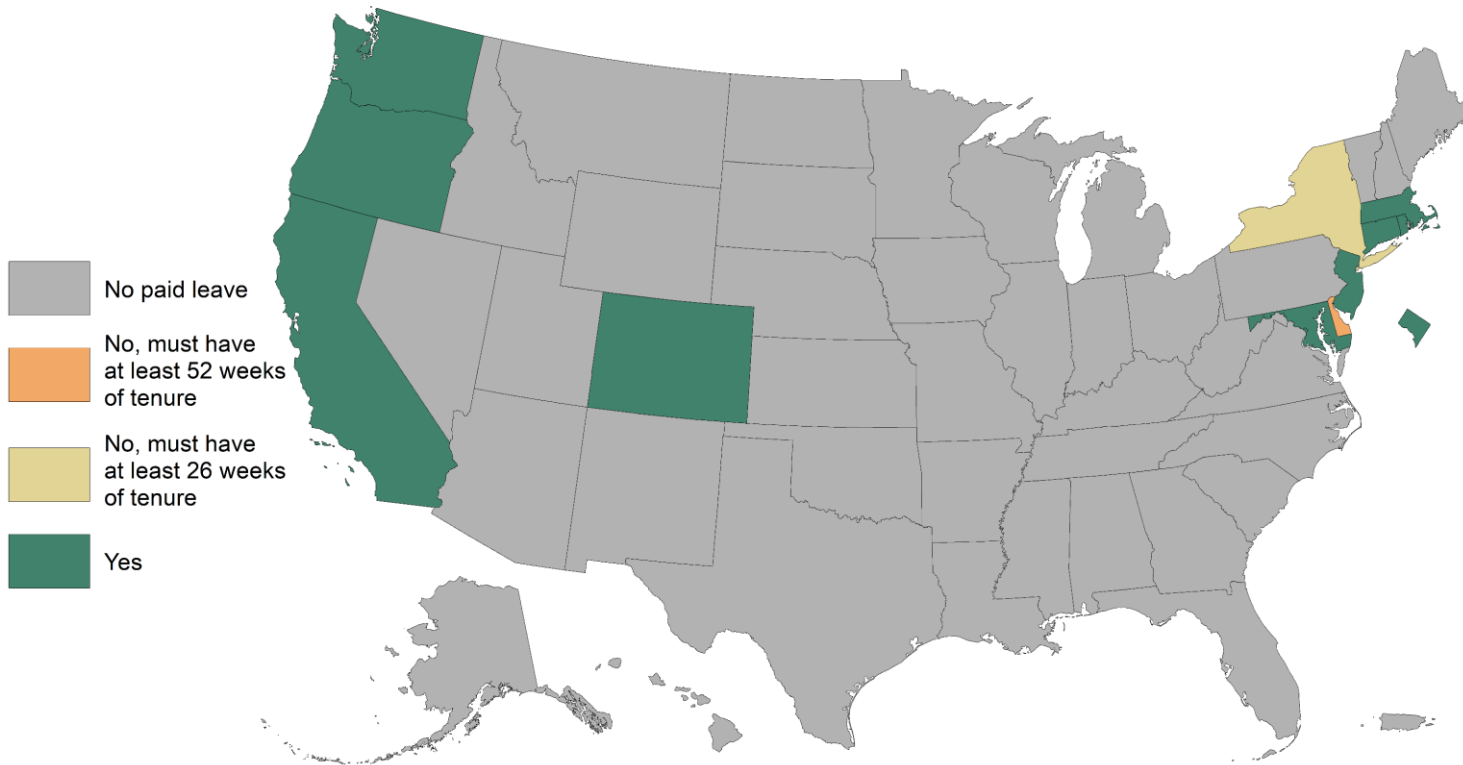


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Do all workers receive paid family leave for serious illness regardless of how long they have worked for their employer?

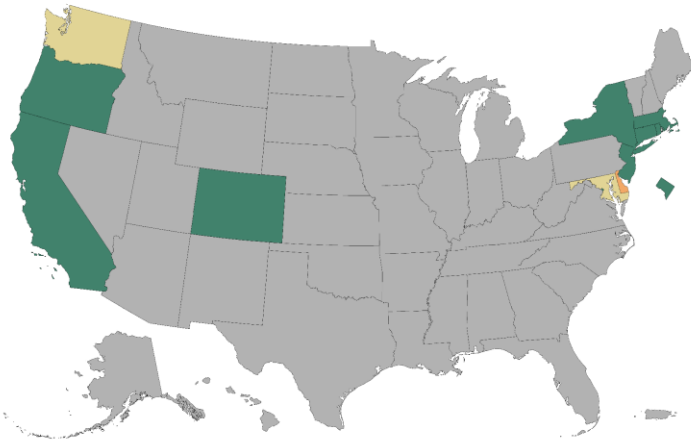


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U.S. geographies and other countries have shown that paid leave benefits can cover workers who have recently started a new job.



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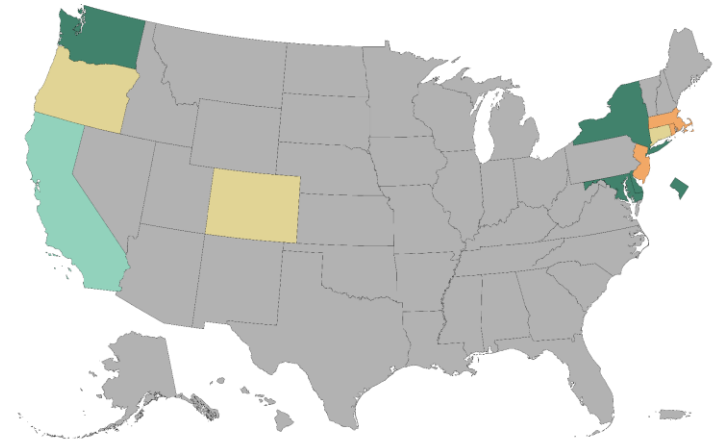


No paid leave
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 Yes

Note: Laws specify minimum hours required for eligibility on an annual basis. The conversion to weekly hours was made assuming a typical work schedule of 40 hours per week and 52 weeks per year.

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Is there a minimum earnings requirement during a 12-month qualifying period to receive paid family leave for serious illness?



No paid leave
 Yes, \$4800-\$5700*
 Yes, \$1000-\$2500**
 Yes, \$300
 No

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**Connecticut requires minimum earnings of \$2,325 during the highest quarter of the 12-month base period.

Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

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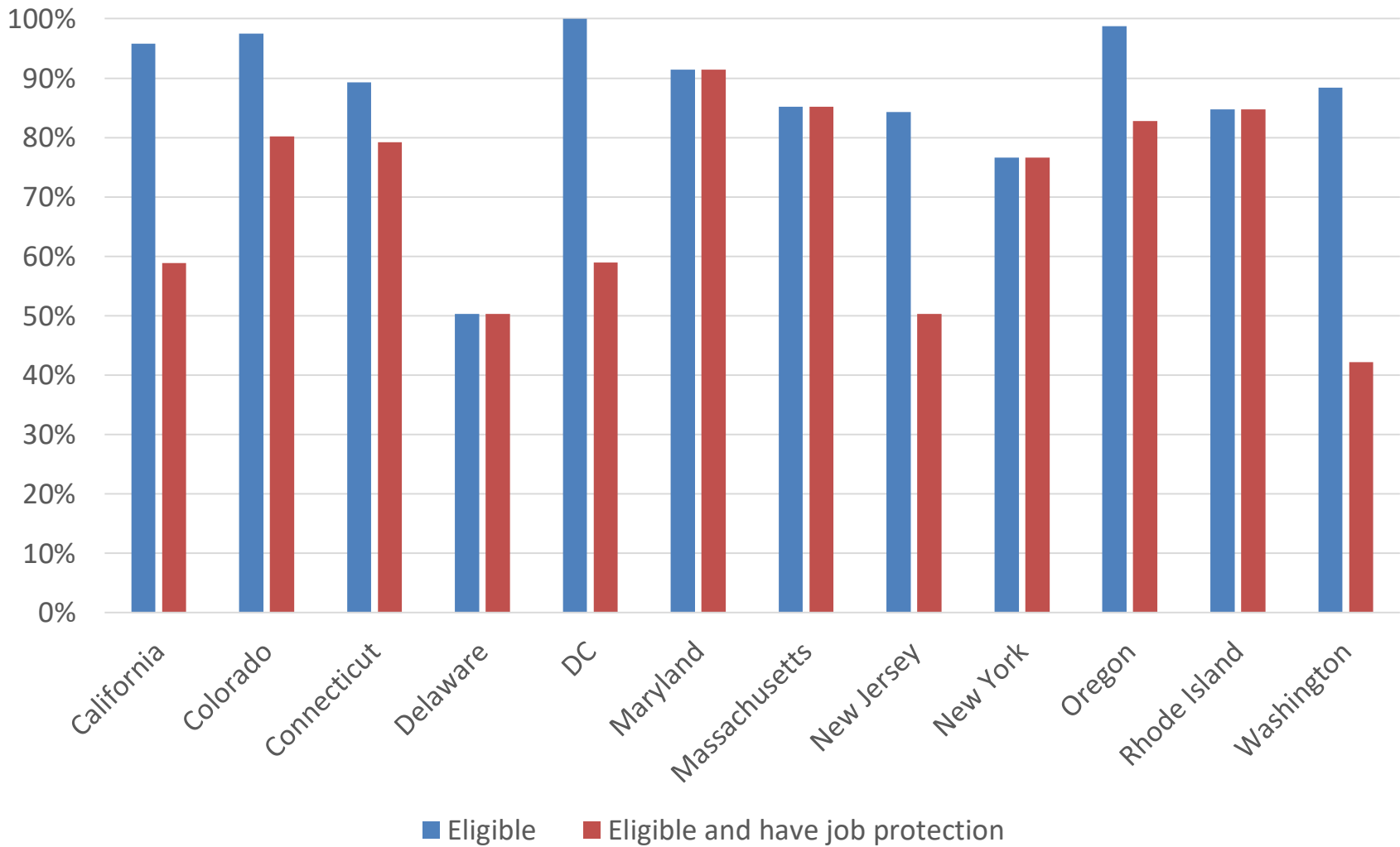


Ensuring all workers have job protection when taking paid leave

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Percentage of workers who are eligible for paid family leave for serious illness and have job protection for a 6-week leave



■ Eligible ■ Eligible and have job protection



Paid Parental Leave

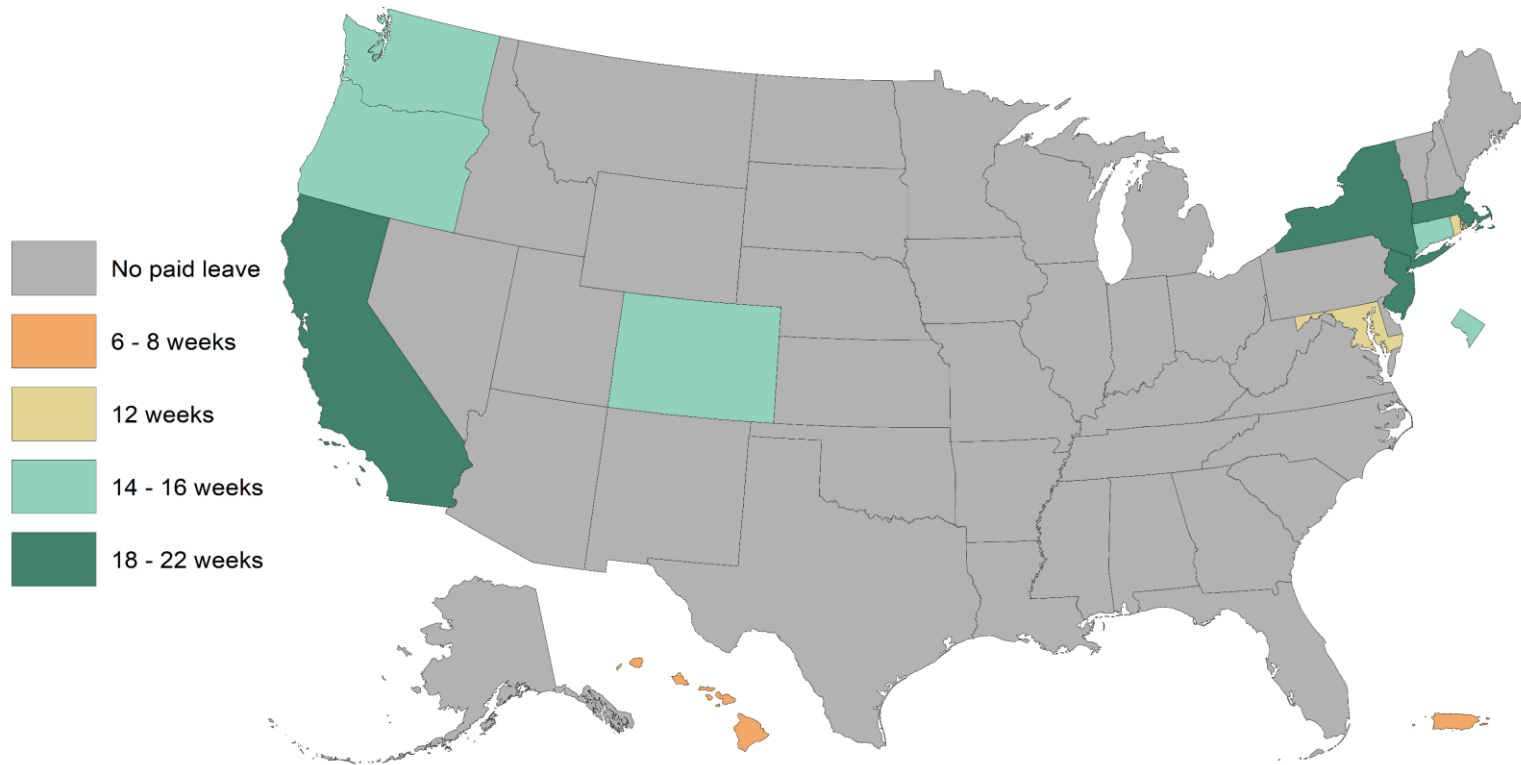


Wide Range of Policy Approaches

- U.S. geographies have taken a wide range of approaches to paid leave for parents of infants
- Most geographies make paid leave available to all parents for infant caregiving regardless of whether they've given birth to meet the round-the-clock care needs of early infancy
- In some geographies, birth parents are entitled to additional health-related leave during pregnancy, to recover from childbirth, and to establish breastfeeding, these include
 - Pregnancy disability leave (California, New Jersey, New York, and Rhode Island)
 - Medical leave (Massachusetts and Washington)
 - Extensions for pregnancy and childbirth-related appointments, complications and/or disabilities (Colorado, Connecticut, DC, and Oregon)
- Two states have no special provisions for pregnancy but ensure all parents have access to twelve weeks of paid family leave (Delaware and Maryland)
- While two geographies only address paid leave for mothers (Hawaii and Puerto Rico)



How many weeks of paid leave does state law provide for parents who give birth ?



This map sums the duration of disability, medical and parental leaves related to pregnancy, childbirth and bonding available to workers meeting the most stringent eligibility requirements of all available leaves. In New York, full-time working parents who give birth that have at least 26 weeks of tenure qualify for 22 weeks of leave while those with between 4 and 25 weeks of tenure would only qualify for 10 weeks of disability leave. Tenure requirements for part-time workers are even more stringent.

Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

Globally, 83% of all countries, regardless of country income level, guarantee at least 12 weeks of paid leave to parents who give birth.

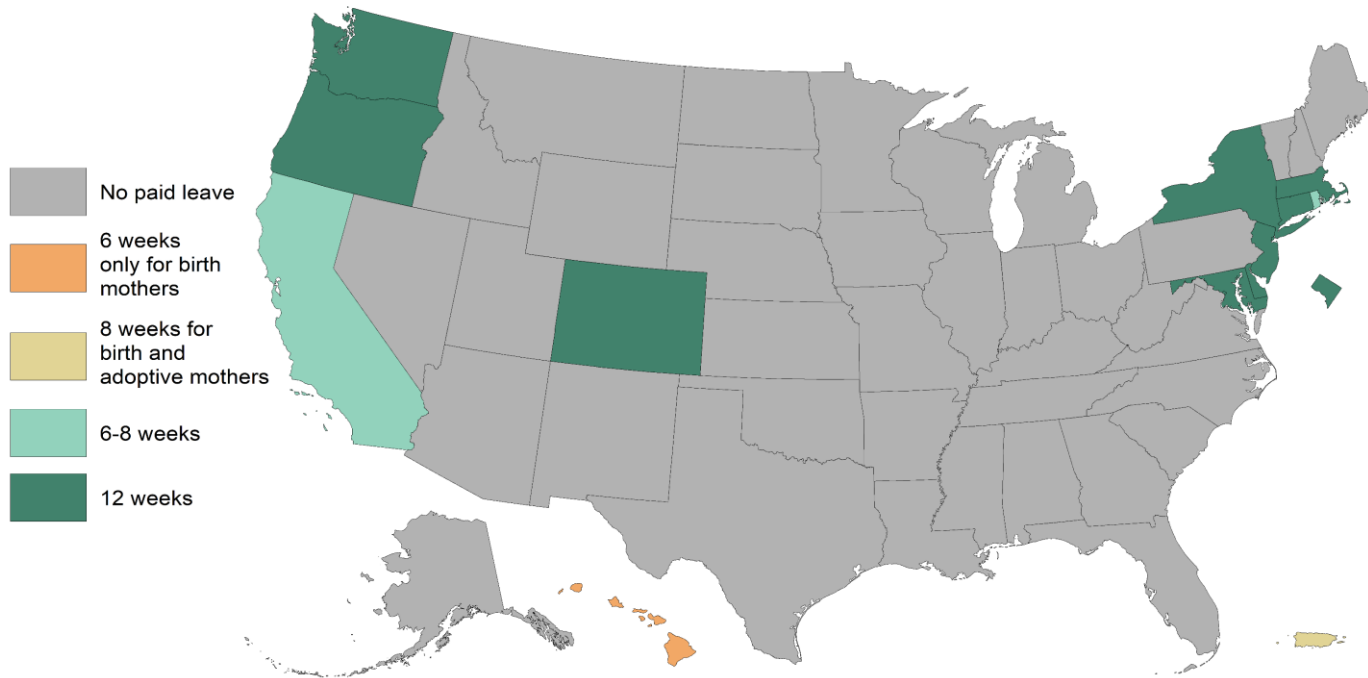


Less Support for Infant Caregiving by Non-birth Parents

- While some differences in paid leave are medically justifiable, in some U.S. geographies, there are large disparities between the amount of leave provided to birth parents compared to non-birth parents.
- Disparities in access to leave create inequities between birth and adoptive families, and can also perpetuate gender inequities in caregiving that reinforce gender inequalities at work.
- Increasingly, countries around the world are recognizing the importance of encouraging gender equality in caregiving to advance women's economic opportunities.



How many weeks of paid parental leave for infant caregiving does the state law provide?

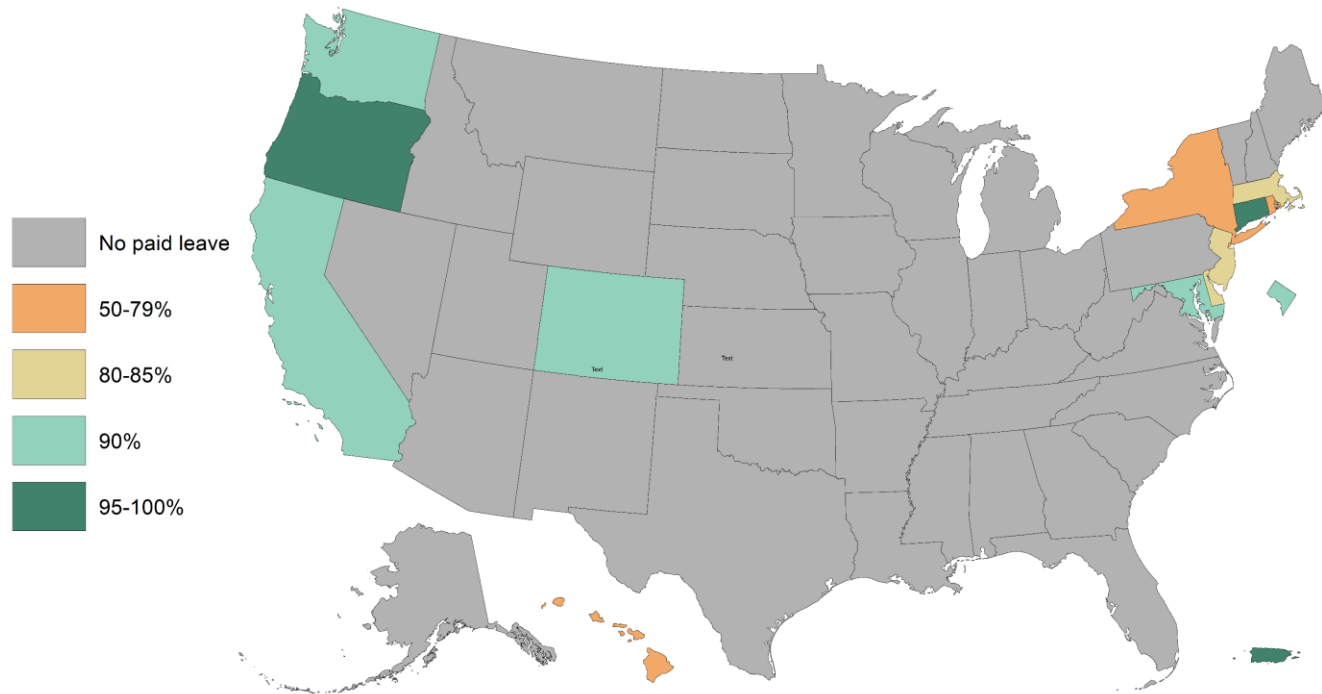


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What is the maximum wage replacement rate for paid leave provided to parents who give birth?

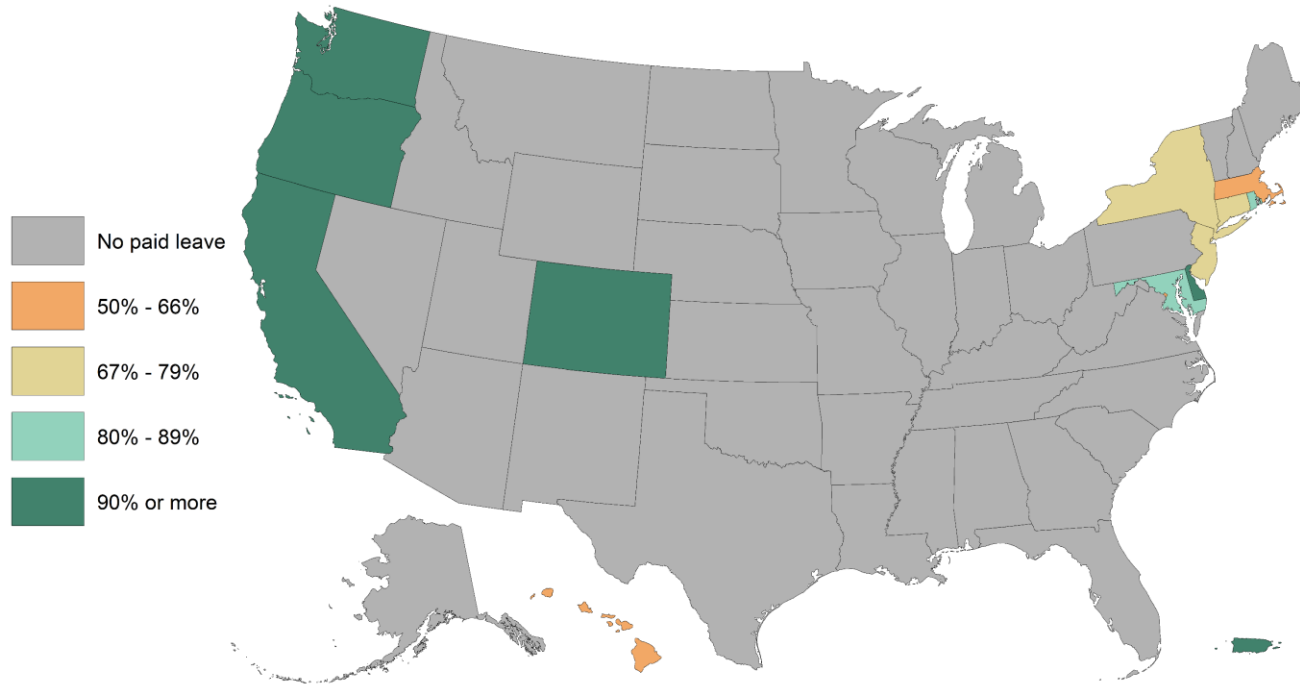


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For more workers and families to be able to enjoy the benefits of paid leave, it needs to provide adequate income. For low wage earners, full or nearly full wage replacement rates are important to avoid falling into poverty.



What is the maximum weekly benefit amount for paid leave for birthing parents as a percentage of average weekly wage?



In New York, the maximum weekly benefit amount for paid family leave and pregnancy disability leave differ. Shown here is the maximum for paid family leave which is set at 67% of the state average weekly wage. The maximum benefit for pregnancy disability leave is \$170 or 11% of the state average weekly wage.

Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

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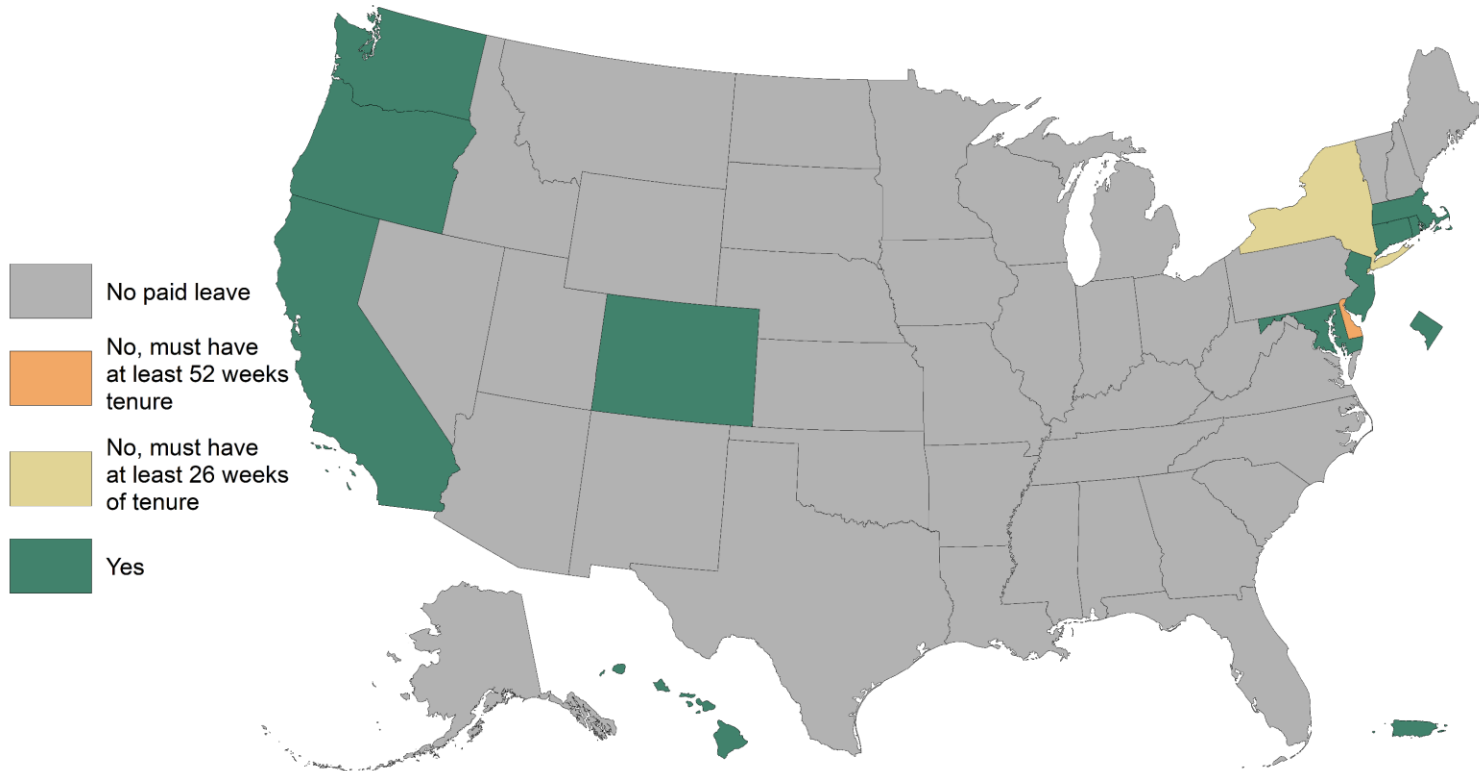


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- In passing paid leave laws, geographies have managed to expand coverage to reach more individuals and their families and reduce inequities, but there remain important gaps where states could expand coverage and further reduce inequities.
- In some U.S. geographies, multiple sets of eligibility criteria mean parents are eligible for some, but not all of the total paid leave available.



Do birthing parents receive paid leave regardless of how long they have worked for their employer?



In New York, the tenure requirements for paid pregnancy disability leave and paid family leave differ. Shown here are the tenure requirements for paid family leave for full-time workers who give birth, 26 weeks. For paid pregnancy disability leave, 4 weeks of tenure is required. Longer tenure is required for part-time workers.

Source: WORLD Policy Analysis Center US Paid Family and Medical Leave Policy Database, 2022

U.S. geographies and other countries have shown that paid leave benefits can cover workers who have recently started a new job.

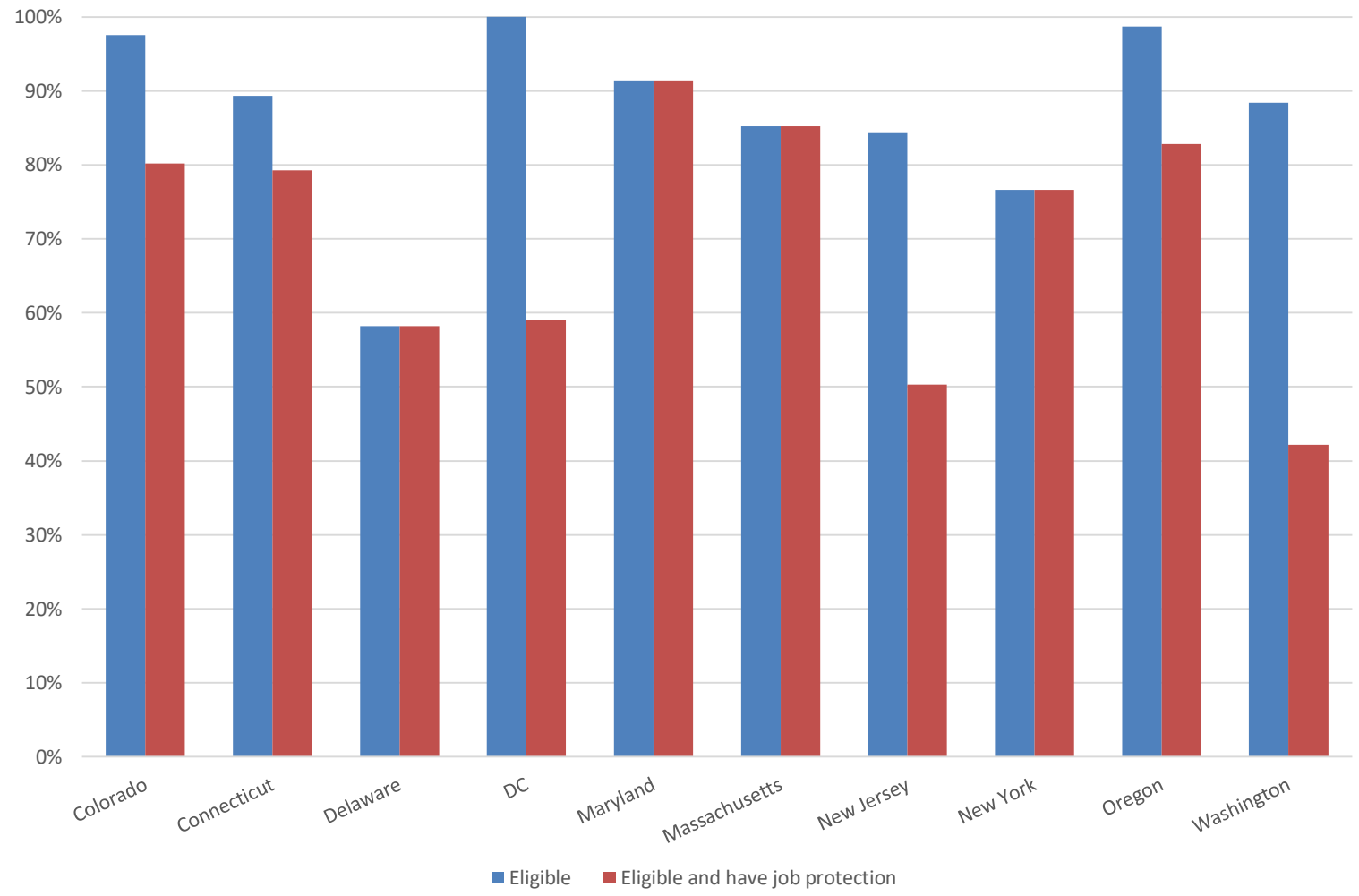


Ensuring all workers have job protection when taking paid leave

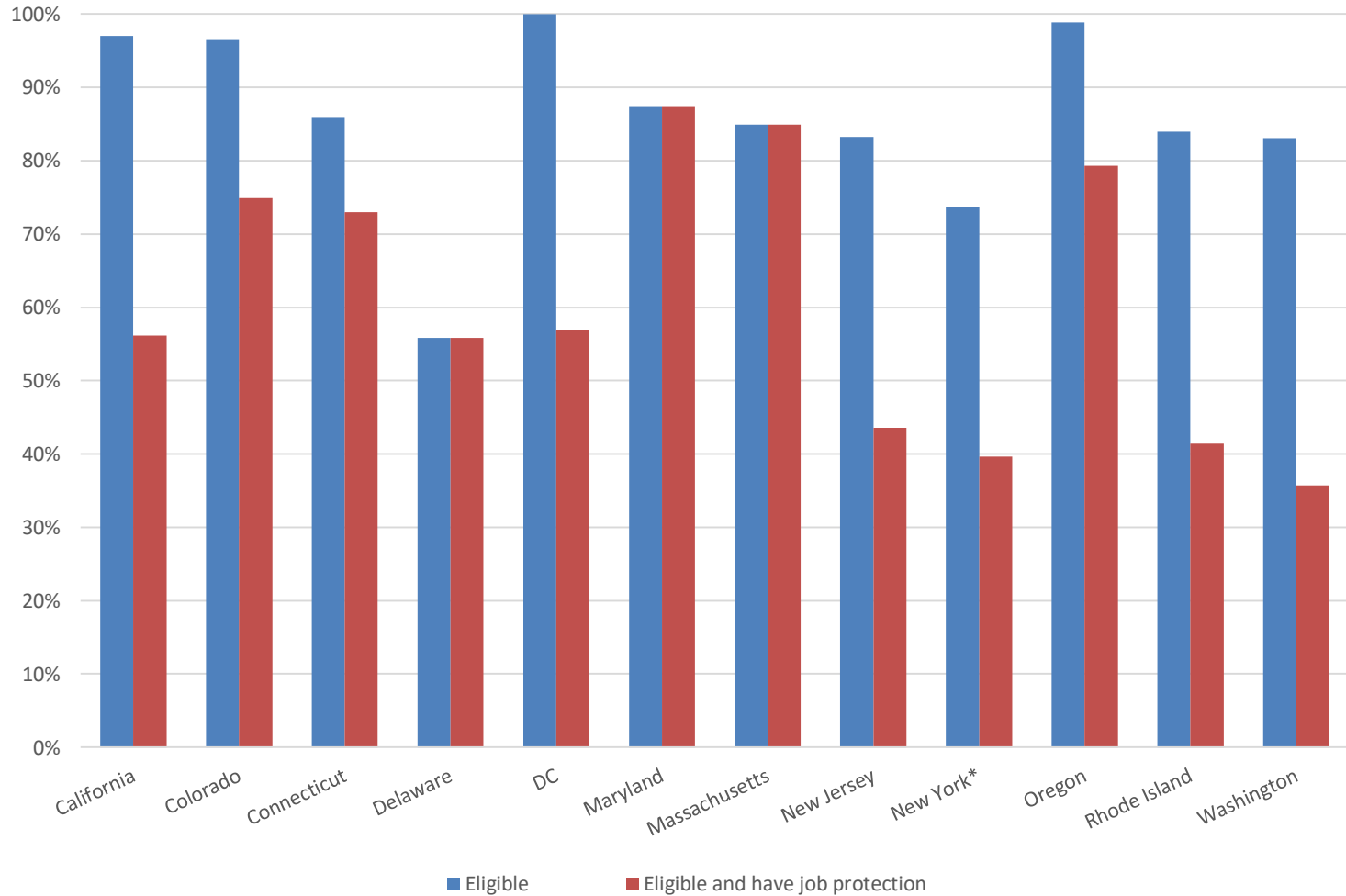
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- Yet, in many geographies, workers can be eligible for paid leave, but not eligible for job protection for the full duration of taking that paid leave.
- Lack of job protection undermines the progress states have made in reducing structural inequities by expanding eligibility in access to paid leave.



Percentage of workers eligible for paid leave for infant caregiving with job protection



Percentage of women workers ages 18-44 who are eligible for paid leave for births with job protection



*Due to differences in requirements for receiving pay and job protection for family leave and pregnancy disability leave in New York, the category of workers not eligible for the full duration of paid leave with job protection (22 weeks) includes workers who are eligible for 10 weeks of paid pregnancy disability leave but no job protection.

Note: In California, New Jersey, and Rhode Island, differences in eligibility conditions across legislation means some workers may receive job protection for some, but not all of the duration of paid leave. For example, workers at small businesses in California are eligible for 18 weeks of paid



Improving Health and Equity

- U.S. jurisdictions have shown real leadership in taking the **important** step of passing **paid** leave
- All policies are formulated in a way that **improves upon national policy design, covering more individuals and families**, and providing **models to reduce structural inequities** embedded in federal legislation
- Removing remaining barriers is critical to supporting **health and economic security for all residents** further **reducing inequities**



For more information

- To learn more about paid leave in the US, download the policy data, and explore additional material please visit:

<https://worldpolicycenter.org>

