

Let's clear up the confusion: Leave law coordination 101

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Upcoming webcasts

[The ADA: A review, refresh, and discussion of what's new](#)

- **Date:** April 11, 2023
- **Time:** 2-3pm CST
- **Speakers:** Paula Day & Sierra Poulson

Don't let the Americans with Disabilities Act (ADA) create HR compliance issues in your workplace. Join the Integrated Absence Solutions (IAS) and HR Compliance Consulting teams for a refresher on what you need to know to avoid common pitfalls.

Stay tuned for more details!

Agenda

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Introduction



Overview of State Paid Family and Medical Leave Programs





Overview: State Paid Family Medical Leave Laws

- 14 States + District of Columbia enacted paid family leave (PFL) laws
- *Most* provide parental and family caregiving leave **and** temporary disability insurance to cover paid personal medical leave
- *Some* rely on social insurance to fund these benefits using payroll taxes
- Three states (so far) rely on private insurance
- The majority are **mandatory** programs covering most of the employers, if not all, employers in the state
- More states have legislation in the pipeline

Paid family leave: Time away from work employees can spend bonding with a new child or taking care of ill family members

Paid medical leave: Time away from work employees can take to care for their own serious illness

Overview: State Paid Family Medical Leave Laws

Mandatory

1. California
2. Connecticut
3. District of Columbia
4. Massachusetts
5. New Jersey
6. New York
7. Rhode Island
8. Washington
9. Oregon, contributions 1/1/23, benefits 9/1/23
10. Colorado, contributions 1/1/23, benefits 1/1/24
11. Maryland, contributions 10/1/23, benefits 1/25
12. Delaware, contributions 1/1/25, benefits 1/1/26

Voluntary Programs

13. New Hampshire
14. Virginia
15. Vermont

On the Horizon:

- Several states have proposed legislation
- Minnesota

State-specific nuances:

- Which employers are covered – 1 employee is enough
- Qualifying reasons for paid leave
- How long employees can take paid leave can vary by leave type
- Whether the employee is entitled to job protection
- Which employees qualify for leave
- Who pays the premium?
- Contribution rate
- Paid benefit amount
- Whether employers can opt for a private plan & how to apply/obtain a waiver



State Paid Family Medical Leave Laws

State	Covered Leave Types	Covered Employer	Employee Eligibility	Covered Family Member	Total Paid Leave in 1 year
California	<ul style="list-style-type: none"> • Parental • Family caregiving • Personal medical • Military care 	\$100 paid in wages within last quarter	<ul style="list-style-type: none"> • No length of service requirement • Earned \$300 from which SDI deductions were withheld during a base period 	<ul style="list-style-type: none"> • Child regardless of age • Parent/parent-in-law • Spouse • Grandparent • Grandchild • Sibling • Domestic partner 	8 weeks 52 weeks for personal under TDI
Connecticut	<ul style="list-style-type: none"> • Parental • Family caregiving • Personal medical • Military care • Domestic violence 	\$100 paid in wages within last quarter	<ul style="list-style-type: none"> • Must have earned at least \$2,325.00 during the base period (i.e., the first four of the five most recently worked quarters) and must either be currently employed or have been employed by a covered employer within the previous 12 weeks 	<ul style="list-style-type: none"> • Child regardless of age • Parent/parent-in-law • Spouse • Grandparent • Grandchild • Sibling 	12 weeks (2-4 add'l weeks of prenatal leave) 12 days for DV
District of Columbia	<ul style="list-style-type: none"> • Parental • Family caregiving • Personal medical 	All employers required to pay unemployment tax	<ul style="list-style-type: none"> • Spends more than 50% of their work time for the employer in DC; or • Employment is based in DC and the employee regularly spends a substantial count of their work time in DC and not more than 50% in another jurisdiction in the past year 	<ul style="list-style-type: none"> • Child regardless of age • Parent/parent-in-law • Spouse • Grandparent • Sibling • Domestic Partner 	12 weeks for all (+2 prenatal)

State Paid Family Medical Leave Laws

State	Covered Leave Types	Covered Employer	Employee Eligibility	Covered Family Member	Total Paid Leave in 1 year
Massachusetts	<ul style="list-style-type: none"> Parental Family caregiving Personal medical Military care 	All employers who pay into MA Unemployment Insurance	<ul style="list-style-type: none"> No length of service requirement 	<ul style="list-style-type: none"> Child regardless of age Parent/Parent-in-law Grandparent Grandchild Spouse Domestic Partner Sibling 	26 weeks 12 weeks for parental or family; 20 weeks for personal 12-26 weeks for military
New Jersey	<ul style="list-style-type: none"> Parental Family caregiving Personal medical 	All employers required to pay unemployment tax	<ul style="list-style-type: none"> Employee must have worked 20 weeks earning at least \$220/week or earned \$11,000 in four quarters. 	<ul style="list-style-type: none"> Child Parent/parent-in-law Spouse/Domestic partner/Civil union Sibling Grandparent Grandchild Any blood relative Anyone with a close association like family 	12 weeks 26 weeks for personal under TDI
New York	<ul style="list-style-type: none"> Parental Family caregiving Personal medical Military care 	Employer with one or more NY employee	<ul style="list-style-type: none"> Employees who work 20 or more hours per week must work at least 26 consecutive workweeks in order to be eligible for PFL benefits. An employee who works fewer than 20 hours per week will be eligible for PFL benefits after the 175th day of employment in a 52-week consecutive period 	<ul style="list-style-type: none"> Child regardless of age Parent Grandparent Grandchild Spouse Domestic Partner Sibling (as of 1/2023) 	12 weeks 26 weeks for personal under TDI

State Paid Family Medical Leave Laws

State	Covered Leave Types	Covered Employer	Employee Eligibility	Covered Family Member	Total Paid Leave in 1 year
Rhode Island	<ul style="list-style-type: none"> • Parental • Family caregiving • Personal medical • Domestic violence 	Any Rhode Island Employees	<ul style="list-style-type: none"> • No length of service requirement • \$14,700 in base period wages; or \$2,450 in one of the base period quarters and total base period wages of at least 1.5 times the highest quarter earnings, and total base period earnings of at least \$4,900. 	<ul style="list-style-type: none"> • Child regardless of age • Parent or parent-in-law • Grandparent • Spouse • Domestic Partner 	30 weeks 6 weeks for parental or family 1 week for DV
Washington	<ul style="list-style-type: none"> • Parental • Family caregiving • Personal medical • Military care 	<p>All employers with at least one employee in Washington</p> <p>Note: Employers with 50 or more employees in WA must provide reinstatement to eligible employees.</p>	<ul style="list-style-type: none"> • Worked 820 hours for any employer in Washington in the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed quarters immediately preceding the application for leave. • Note: To qualify for reinstatement, the employee must have worked for the employer for at least 12 months and 1250 hours during the 12-month period prior to the start of the leave. 	<ul style="list-style-type: none"> • Employee • Child • Parent • Spouse/Registered domestic partner • Sibling • Grandparent • Grandchild • Anyone with a relationship creating an expectation of care and dependency on care 	<p>During a “claim year”:</p> <ul style="list-style-type: none"> • 12 weeks of medical or family or bonding or military • 16 weeks combined medical and family • 18 weeks medical and family if pregnancy-related condition results in in capacity

Newest State Paid Family Medical Leave Laws

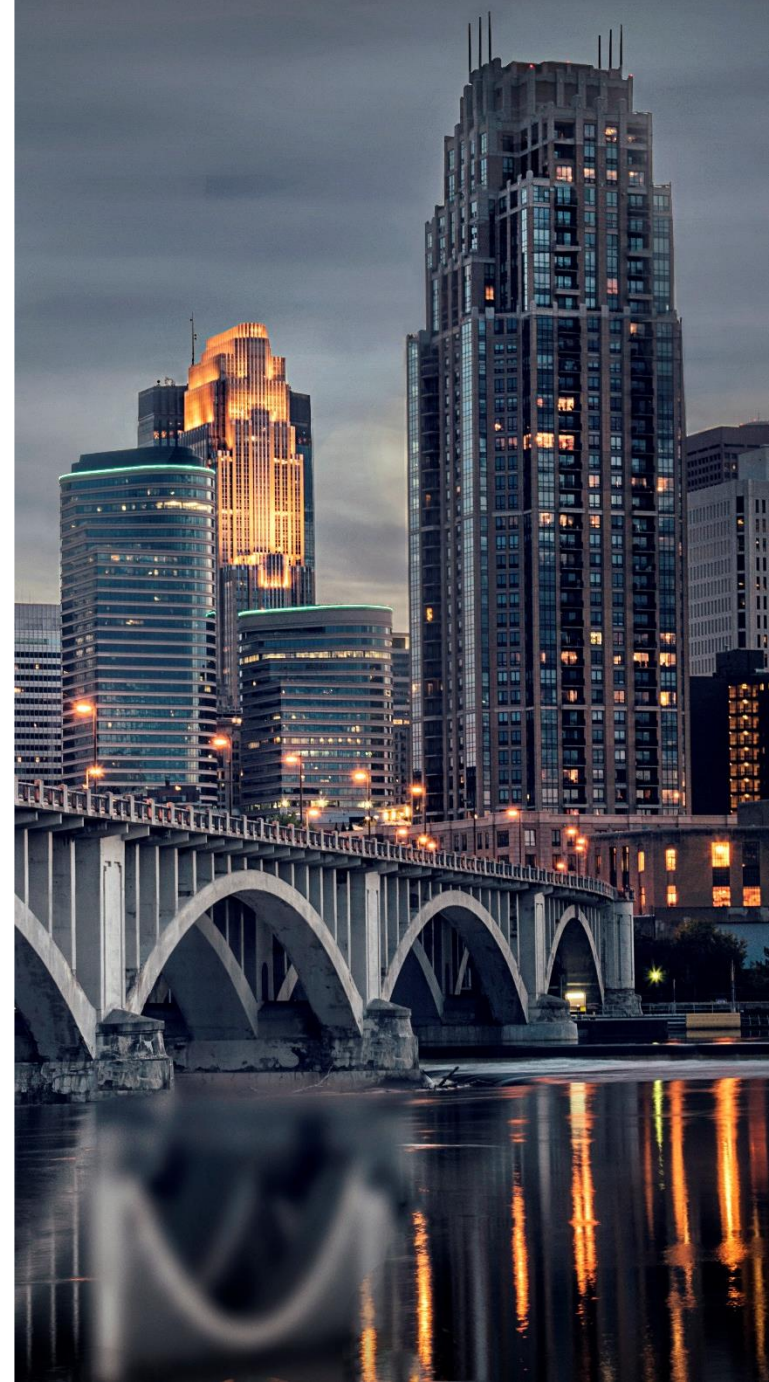
State	Covered Leave Types	Covered Employer	Employee Eligibility	Covered Family Member	Total Paid Leave in 1 year
Oregon	<ul style="list-style-type: none"> Parental Family caregiving Personal medical Domestic violence 	All employers Exceptions: <ul style="list-style-type: none"> Federal employers Self-employed or independent contractors 	<ul style="list-style-type: none"> No length of service requirement \$1,000 in base period wages and paid program contributions during the base year 	<ul style="list-style-type: none"> Spouses and domestic partners Children Parents Siblings/Stepsiblings Grandparents Grandchildren Any individual related by blood or affinity whose relationship is equivalent to family 	12 weeks
Colorado	<ul style="list-style-type: none"> Parental Family caregiving Personal medical Military care Domestic violence 	Employs at least one individual in Colorado	<ul style="list-style-type: none"> At least \$2,500 in wages subject to premiums within the State, over a period of roughly a year in either the employee's base period or alternative base period 	<ul style="list-style-type: none"> Child Parent Spouse or domestic partner Grandparent Grandchild Sibling Someone with whom they have a significant personal bond 	12 weeks, 16 weeks in cases of a complicated pregnancy or childbirth situations
Maryland	<ul style="list-style-type: none"> Parental Family caregiving Personal medical Military care 	Employs at least one individual in Maryland across the public and private sectors	<ul style="list-style-type: none"> Worked at least 680 hours over the 12-month period immediately preceding the date on which leave is to begin is eligible to receive paid leave. This applies to part-time and full-time employees. 	<ul style="list-style-type: none"> Child Parent Spouse Grandparent Grandchildren Sibling 	12 weeks 24 weeks if medical leave is needed during pregnancy followed by parental leave after childbirth
Delaware	<ul style="list-style-type: none"> Parental Family caregiving Personal medical Military care 	Employers (including state and local governmental employers) with more than 25 employees working in Delaware during the "previous 12 months."	<ul style="list-style-type: none"> Employed at least one year who has worked at least 1,250 hours in the previous 12 months 	<ul style="list-style-type: none"> Child Parent Spouse Mirrors FMLA	12 weeks of parental 6 weeks in a 24-month period for medical, family, or military reasons

On the Horizon: Minnesota

The proposed legislation provides Minnesota workers up to 12 weeks of paid family leave and up to an additional 12 weeks of paid sick leave.

High level:

- Partial wage replacement for medical (including pregnancy and bonding leave) and family leave
- For leaves longer than seven days
- Provides job protection and continuation of healthcare benefits
- Costs shared equally between employers and employees (35¢ per \$100 of earnings)
- Employers could continue offering their own paid leave plans if they meet state requirements.



Voluntary PFML programs

1. New Hampshire: **law has passed**
 - A. Starting January 1, 2023, covered workers could start submitting claims
 - B. A state-sponsored paid family and medical leave insurance plan
 - C. 6 week or 12 week coverage plan
 - D. Entirely **voluntary** for all private employers
 - i. Only employers with a **physical location** in New Hampshire can participate
 - ii. Only employees who work for an employer with a physical location in New Hampshire are eligible for benefits



Voluntary PFML programs

- Vermont: **law has passed**
 - State of Vermont has selected The Hartford to provide PFML to state employees beginning July 1, 2023
 - Beginning July 1, 2024, coverage will extend to private employers
 - Beginning July 1, 2025, the program will expand to include FMLI individual purchasing pool
- Virginia: **law has passed**
 - Law seeks to expand access to paid family leave without providing minimum standards for benefit size, maximum duration, or other provisions that influence benefit quality
- Other states considering a voluntary program:
 - Arizona
 - Pennsylvania

Private Plan Considerations



Private plan considerations

Employee threshold

- Self-insured plan: Generally, 1,000+ employees
- Fully insured plan: Smaller populations may be considered (requirements vary by vendor)

Advantages of a private plan	Disadvantages of a private plan
<ul style="list-style-type: none">• Ease of administration and reduced employee touchpoints<ul style="list-style-type: none">– One call, one claim filing for improved employee experience– Improved benefit integration (potential for one benefit payment and vendor handles offsets)– Expedited decisions• Vendor handles all reporting and tracking of time, including back-end tracking to the state<ul style="list-style-type: none">– Some states may have additional wage reporting that client may retain• Reporting is provided by the vendor• Vendor/client becomes the owner of the employee experience• Coordination of RTW across all leave/disability benefits	<ul style="list-style-type: none">• Private plans can (and often do) exceed the cost of using the state if the experience is poor• Carrier pricing is subject to change annually (one-year rate guarantees), which can lead to significant cost volatility for the employer• Requires additional administrative effort<ul style="list-style-type: none">– Implementation– Filing (in some cases annually)– Surety bond and trust (separately identifiable account)– Voting requirements– Determination of taxability (if split contributions)– Payroll integration– Potential for audit by state• Usually requires the employer to cover all employees under private plan (some states include portability provisions)• Vendor/client becomes the owner of the employee experience when there are administrative issues• Requires additional implementation effort and can make it more difficult to transition to a new vendor

Transitioning from a Private Plan to State Plan

- Review specific state requirements
- Considerations to be aware of include:
 - Withdrawal process
 - Some states have a minimum duration for a private plan to be in effect before an employer may withdraw the private plan
 - Most states require at least 30 days of advance notice
 - Withdrawal will be effective at the beginning of the following calendar quarter
 - Employer payment of funds to the state
 - Most states require any funds held in a trust to be paid to the state, including premiums paid by employees, money owed to the voluntary plan by the employer but not yet paid to the plan, and any interest accrued
 - Notification to employees
 - Some states have an employee notification of plan withdrawal or termination requirement
 - Transition of open claims
 - Most states indicate that employees currently receiving benefits under the voluntary plan will continue to receive pay under the terms of the voluntary plan until the total amount of benefit is paid or the duration of leave ends
 - Noncompliance may result in significant penalties

Job Protected Leave



Beyond Paid Family Medical Leave Laws...

- USERRA & State Military Leave
- State FMLA
- Paid Sick Leave
- Employer Disability Plans
- State Pregnancy Leave
- Employer Paid Leave Policies
- State PHE
- Leave as an ADA Accommodation



It Doesn't End There: Earned Paid Leave

Three states provide earned paid leave to employees to be used for **any** reason.

- **New:** Illinois Paid Leave for All Workers (PLFAW) Act
 - Effective Jan. 1, 2024
 - Provides nearly all IL workers with a minimum of 40 hours of paid leave (or a pro-rata number of hours) during a designated 12-month period
 - Employees do not have to provide a reason for the leave
 - Employers are **not allowed** to require any documentation
- Nevada (eff. 1/1/2020; up to 40 hours/year)
- Maine (eff. 1/1/2021; up to 40 hours/year)

State-specific rules on:

- Accrual method
- Frontloading
- Carryover
- Cap
- Notice requirements
- Recordkeeping requirements

Paid Job Protected Leave? Not Always.

State PFML – Job Protection

- Rhode Island
- New York
- Massachusetts
- Colorado* if employed by current employer for 180+ days
- New Hampshire
- Oregon
- Delaware

State PFML – No Job Protection

- California
- New Jersey
- District of Columbia
- Washington
- Connecticut
- New Hampshire
- Virginia

Employees may still have job protection under a state unpaid job-protected leave depending on whether the employee is eligible, whether the reason for leave is covered, and the length of the leave.

Job Protection under the FMLA + Expansion under State Family Leave Acts

FMLA

- 12 weeks in a 12-month period
- Unpaid
- Job protected
- **Qualifying reasons:** bond with a newborn, newly adopted, or newly placed foster child; to care for a family member who has a serious health condition; to recover from one's own serious health condition; and for any qualifying, exigency arising out of the fact that a family member is a military member on covered active duty or is called to covered active duty status.

State-specific Family Medical Leave Act

- 17 states have laws *expanding* access to unpaid, job-protected leave beyond FMLA
- Most have separate provisions for pregnancy- and childbirth-related leaves
- Expansion of definition of 'family member'
- Expansion of covered employers
- Example:
 - California: expands the definition of 'family member' to include domestic partners, children of domestic partners, grandparents, grandchildren, and siblings.
 - California: also extends coverage to all employees of employers with at least five employees, regardless of how close together employees' worksites are located.

Benefit Continuation: Required vs. Optional



FMLA: requires continuation of health benefits for 12 weeks



ADA: continuation of health benefits is optional



USERRA: requires health benefit continuation for 24 months [employees pay 102%]



State or local paid leave law: requirements vary



Employer policy: optional but plan document should reflect benefit continuation

Applicable Laws for Remote/Hybrid Employees

Remote employees: FMLA eligibility

Federal FMLA threshold:

- Employee has been employed for 12 months and worked 1,250 hours
 - Determined when the leave is set to *begin*
- Employer has 50 employees within 75 miles
 - Determined at the time the leave is *requested*
 - The "worksite" is their *home base* to which they report or from which their work is assigned.

State FMLA threshold:

- Employee eligibility may be lower
- Employer size may be smaller
- Reasons for use vary – some expand, others limit those in the FMLA



Remote/Hybrid Employees: Which laws apply?

Company ABC is based in NYC. Employee Jane Smith lives in Connecticut and works remotely from her home. Which state program applies?

- A. New York State Disability Insurance and Paid Family Leave because the company is based in NYC.
- B. Connecticut Paid Family and Medical Leave because Jane **works** in Connecticut
- C. Connecticut Paid Family and Medical Leave because Jane **lives** in Connecticut
- D. ABC can choose which program that Jane will participate in.
- E. Jane can choose which program to participate in.

Remote employees: Paid sick leave laws

Vary by state/locality

- Threshold number of employees
- Accrual rates differ
- Maximum annual leave usage cap
- Qualifying reasons for use
- Carryover rules
- Posting requirements
- Wage statement requirements
- Recordkeeping obligations



Best Practices: Paid Parental Leave Policies



Parental Leave

ABC company offers birth mothers 14-weeks of paid maternity leave and offers the non-birth parent 2-weeks of paid parental bonding time. Is this permissible?

- A. Yes
- B. No

EEOC guidance

EXAMPLE 14

Pregnancy-Related Medical Leave and Parental Leave Policy - No Disparate Treatment

An employer offers pregnant employees up to 10 weeks of paid pregnancy-related medical leave for pregnancy and childbirth as part of its short-term disability insurance. The employer also offers new parents, whether male or female, six weeks of parental leave. A male employee alleges that this policy is discriminatory as it gives up to 16 weeks of leave to women and only six weeks of leave to men. The employer's policy does not violate Title VII. Women and men both receive six weeks of parental leave, and women who give birth receive up to an additional 10 weeks of leave for recovery from pregnancy and childbirth under the short-term disability plan.

EXAMPLE 15

Discriminatory Parental Leave Policy

In addition to providing medical leave for women with pregnancy-related conditions and for new mothers to recover from childbirth, an employer provides six additional months of paid leave for new mothers to bond with and care for their new baby. The employer does not provide any paid parental leave for fathers. The employer's policy violates Title VII because it does not provide paid parental leave on equal terms to women and men.

Parental Leave

For purposes of determining Title VII's requirements, employers should carefully distinguish between leave related to any physical limitations imposed by pregnancy or childbirth (described in this document as pregnancy-related medical leave) and leave for purposes of bonding with a child and/or providing care for a child (described in this document as parental leave).

Leave related to pregnancy, childbirth, or related medical conditions can be limited to women affected by those conditions. However, **parental leave must be provided to similarly situated men and women on the same terms**. If, for example, an employer extends leave to new mothers beyond the period of recuperation from childbirth (e.g. to provide the mothers time to bond with and/or care for the baby), it cannot lawfully fail to provide an equivalent amount of leave to new fathers for the same purpose.

Paid parental leave policy considerations

Define eligibility requirements

- Full-time
- Part-time
- Length of service

Specify the qualifying events for parental leave benefits

- Birth of employee's child
- Placement of a child under 18 with the employee for adoption
- Placement of a child under 18 with the employee for foster care
- Address exclusions (e.g., bonding with a spouse's child newly acquired through marriage)

Address the impact of state paid family leave benefits for qualifying leave

- To run benefits concurrently, condition company benefit on employee's application for the state paid leave
- Most programs prohibit an employee from receiving more than 100% of their normal weekly salary during family leave – offset company benefit by state benefit payment

Coordinating Leaves of Absence



Practical examples: Pregnancy leave

Example: Pregnant employee goes out on leave week 1 due to pregnancy disability and gives birth week 3 via vaginal birth.

California

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
FMLA	Federal Unpaid Job Protected Leave																					
CFRA									State Unpaid Job Protected Leave													
CA PDL	State Unpaid Job Protected Leave																					
STD	Employer Paid Disability																					
CA SDI		State Paid Disability																				
CA PFL									State Paid Unprotected Leave													
SF PPL									SF Supplemental Paid Leave													
ER PPL									Employer PPL													

FMLA – Family and Medical Leave Act – 12 weeks of unpaid job protected leave begins Day 1

CFRA – California Family Rights Act – 12 weeks of unpaid job protected leave begins after recovery

CA PDL – California Pregnancy Disability Leave – unpaid job protected leave for pregnancy disability (up to 4 months/17.33 weeks)

STD – Employer Paid Disability – may have a one-week waiting period

CA SDI – California State Disability Income Replacement – one-week waiting period; covers disability and recovery period (up to 52 weeks)

CA PFL – California Paid Family Leave - 8 weeks of paid leave for parental bonding (2023 weekly max. = \$1,620)

SF PPL – San Francisco Paid Parental Leave Ordinance - Requires employer to supplement CA PFL to 100% of CA avg. wkly wage (2023 = \$2,700; \$1,620+1,080)

ER PPL – Employer paid parental leave benefit (Note: if 8 weeks or more at 100%, SF PPL is not applicable)

Practical examples: Pregnancy leave cont.

Connecticut

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
FMLA	Federal Unpaid Job Protected Leave																					
CT FMLA	State Unpaid Job Protected Leave												+2 weeks									
CT PFML	State Paid Unprotected Leave												+2 weeks									
STD	Employer Paid Disability																					
ER PPL									Employer PPL													

FMLA – Family and Medical Leave Act – 12 weeks of unpaid job protected leave begins Day 1

CT FMLA – 12 weeks of unpaid job protected leave begins (+2 weeks for pregnancy incapacity)

CT PFML – 12 weeks of paid leave for own recovery, plus bonding (+2 weeks for pregnancy incapacity)

STD – Employer Paid Disability – may have a one-week waiting period

ER PPL – Employer paid parental leave benefit - (tops off CT PFML if policy conditions benefit on application for state leave)

Note: Women experiencing extended pregnancy complications may be entitled to an additional 2 weeks of CT FMLA and CT PFML in addition to the 12-weeks annually.

District of Columbia

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
FMLA	Federal Unpaid Job Protected Leave																					
DC FMLA	DC Unpaid Job Protected Leave																					
DC PFML	DC Paid Unprotected Leave																					
PPWFA	DC Unpaid Protected Leave																					
STD	Employer Paid Disability																					
ER PPL									Employer PPL													

FMLA – Family and Medical Leave Act – 12 weeks of unpaid job protected leave begins Day 1

DC FMLA – DC Family Medical Leave Act – 16 weeks of unpaid job protected leave begins

DC PFML – DC Universal Paid Leave – 2-weeks of prenatal care, 12 weeks max of medical/parental leave for a 14-week total

PPWFA – Protecting Pregnant Workers Fairness Act – leave as a reasonable accommodation

STD – Employer Paid Disability – may have a one-week waiting period; cannot offset with DC PFML unless self-insured plan

ER PPL – Employer paid parental leave benefit may run concurrent with DC PFML and employer can require employee to identify the amount of DC PFML and offset PPL

Practical examples: Pregnancy leave cont.

Massachusetts

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20			
FMLA	Federal Unpaid Job Protected Leave																						
MA PLA										State Unpaid Job Protected Leave													
MA PFML	State Paid Unprotected Leave																						
STD	Employer Paid Disability																						
ER PPL									Employer PPL														

FMLA – Family and Medical Leave Act – 12 weeks of unpaid job protected leave begins Day 1

MA PLA – Massachusetts Parental Leave Act – 8 weeks of unpaid job protected leave for bonding

MA PFML – Massachusetts Paid Family and Medical Leave – 8 weeks recovery, plus 12 weeks of bonding

STD – Employer Paid Disability – may have a one-week waiting period

ER PPL – Employer paid parental leave benefit (tops off MA PFML **if** policy conditions benefit on application for state leave)

New Jersey

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
FMLA	Federal Unpaid Job Protected Leave																					
NJ FLA										State Unpaid Job Protected Leave												
NJ PWFA	State Unpaid Job Protected Leave																					
STD	Employer Paid Disability																					
NJ TDI		State Paid Disability																				
NJ PFL										State Paid Unprotected Leave												
ER PPL									Employer PPL													

FMLA – Family and Medical Leave Act – 12 weeks of unpaid job protected leave begins Day 1

NJ FLA – New Jersey Family Leave Act – 12 weeks of unpaid job protected leave starting when bonding begins

NJ PWFA – New Jersey Pregnant Worker’s Fairness Act (NJLAD) – leave as an accommodation for pregnancy disability

STD – Employer Paid Disability; may have a one-week waiting period

NJ TDI – New Jersey Temporary Disability Income Replacement – one-week waiting period - covers disability and recovery period

NJ PFL – New Jersey Paid Family Leave - 12 weeks of paid leave for parental bonding

ER PPL – Employer paid parental leave benefit – 4 weeks (tops off NJ PFL **if** policy conditions benefit on application for state leave)

Practical examples: Pregnancy leave cont.

New York

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
FMLA	Federal Unpaid Job Protected Leave																					
STD	Employer Paid Disability																					
NY SDI	State Paid Disability																					
NY PFL									State Paid Job Protected Leave													
ER PPL									Employer PPL													

FMLA – Family and Medical Leave Act – 12 weeks of unpaid job protected leave begins Day 1

STD – Employer Paid Disability; may have a one-week waiting period

NY SDI – New York State Disability Insurance – one-week waiting period - covers disability and recovery period

NY PFL – New York Paid Family Leave - 12 weeks of paid leave for parental bonding

ER PPL – Employer paid parental leave benefit – 4 weeks (tops off NY PFL **if** policy conditions benefit on application for state leave)

Rhode Island

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21		
FMLA	Federal Unpaid Job Protected Leave																						
RI PFLA									State Unpaid Job Protected Leave														
STD	Employer Paid Disability																						
RI SDI	State Paid Job Protected Disability																						
RI TCL									State Paid Job Protected Leave														
ER PPL									Employer PPL														

FMLA – Family and Medical Leave Act – 12 weeks of unpaid job protected leave starting with disability

RI PFLA – Rhode Island Parental and Family Leave Act – 13 consecutive weeks within a 2-year period of unpaid job protected leave following recovery

STD – Employer Paid Disability; may have a one-week waiting period

RI SDI – Rhode Island State Disability Income Replacement – 1 week waiting period; covers recovery period up to 30 weeks

RI TCL – Rhode Island Temporary Caregiver Leave – up to 5 weeks bonding leave

Practical examples: Pregnancy leave cont.

Washington

Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
FMLA	Federal Unpaid Job Protected Leave																					
WA PDL	State Unpaid Job Protected Leave																					
STD	Employer Paid Disability																					
WAPFML	State Paid Job Protected Leave																					
ER PPL									Employer PPL													

FMLA – Family and Medical Leave Act – 12 weeks of unpaid job protected leave;

WA PDL– Washington Pregnancy Disability Leave – no set duration; covers pregnancy disability period and recovery period; unpaid job protected leave

WA PFML – Washington Paid Family Medical Leave – up to 18 weeks of combined family and medical leave if employee develops a pregnancy-related SHC resulting in incapacity

STD – Employer Paid Disability – may have a one-week waiting period

ER PPL – Employer paid parental leave benefit – 4 weeks (tops off WAPFML **if** policy conditions benefit on application for state leave; employers cannot require an employee to apply for WA PFML)

Practical Examples: Caring for Sibling

Example: Employee goes out on leave Week 1 to care for a sibling with a serious health condition for 9 weeks.

California

Weeks	1	2	3	4	5	6	7	8	9	10	11	12
FMLA												
CFRA	State Unpaid Job Protected Leave											
CA PFL	State Paid Leave											

FMLA – Family and Medical Leave Act – not applicable because a sibling is not a covered family member

CFRA – California Family Rights Act – 9 weeks of unpaid job protected leave because the CFRA includes sibling as a covered family member

CA PFL – California Paid Family Leave -- 8 weeks of paid family leave because the CA PFL includes sibling as a covered family member

New York

Weeks	1	2	3	4	5	6	7	8	9	10	11	12
FMLA												
NY PFL	State Paid Job Protected Leave											

FMLA – Family and Medical Leave Act – not applicable because a sibling is not a covered family member

NY PFL – New York Paid Family Leave – 9 weeks used out of 12 weeks of PFL available to care for a family member (note sibling is added 1/1/23)

District of Columbia

Weeks	1	2	3	4	5	6	7	8	9	10	11	12
FMLA												
DC FMLA	DC Unpaid Job Protected Leave											
DC PFML	DC Paid Leave											

FMLA – Family and Medical Leave Act – not applicable because a sibling is not a covered family member

DC FMLA – DC Family Medical Leave Act – 9 weeks of unpaid job protected leave apply because a sibling is a covered family member

DC PFML – DC Universal Paid Leave – 9 weeks of paid unprotected leave would apply because a sibling is a covered family member

Questions?



Independence changes everything.



UNCOMMONLY INDEPENDENT