

INFORMATION ON

# State-Mandated Disability and Paid Family and Medical Leave Laws

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## What are state-mandated disability and paid family and medical leave benefit laws?

Several states and the District of Columbia require that employers offer their employees a minimum level of disability or leave benefits for their own serious health condition, to care for a family member, for bonding, or other leave reasons. Some states treat time away from work during which statutory benefits are paid as being job-protected leave, while others do not.

## What jurisdictions require state-mandated disability and/or paid family and medical leave benefits?

As of January 1, 2022, the following jurisdictions mandate these types of benefits: California; Connecticut; Hawaii; Massachusetts; New Jersey; New York; Rhode Island; Washington; and Washington, DC. Additionally, many states have passed legislation with future contribution and benefit start dates, including Colorado and Oregon.

## What employers are affected?

The state mandates vary but typically apply to all private employers in the state with one or more employee. There are often exclusions for specific public employers, entities, or religiously affiliated employers. The laws apply to employees who work in the state, so these state-mandated laws are in effect regardless of where the company's headquarters is located, or where the company's benefit plan is situated.

## What employees are affected?

Different states have different eligibility requirements that determine if full-time, part-time, temporary and/or seasonal employees are eligible.

## Do employers have a choice in the level of benefits offered?

In states where private plans are permitted, there may be opportunities to offer enhancements to the state-mandated benefits in the private plans. In addition, employers can offer enhancements to state-administered benefits in separate plans even when there is no private plan option to offer the statutory benefit.

## What if an employer already offers Short-Term Disability coverage to affected employees?

Most likely, an employer's Short-Term Disability plan will not meet the state standards in terms of, among other things, employee eligibility, waiting period, definition of disability or serious health condition. Therefore, there are a number of situations when an employee may be eligible for benefits under a state-mandated disability or paid medical leave program but not eligible for benefits under the Short-Term Disability program. It is also important to note that Short-Term Disability plans provide greater protection for employees in a number of circumstances and, therefore, it is important to maintain your Short-Term Disability coverage. Sun Life can discuss these issues with you. Many states permit insurance carriers to offset state-mandated benefits against Short-Term Disability payments.

## Highlights of State-Mandated Disability and Paid Family and Medical Leave programs

### California – Details reflect 2022 plan information

Plan Name	State Disability Insurance (SDI)	Paid Family Leave (PFL)
Year benefits began	1946	2004
Coverage options	Private plan, State fund	
Types of private plans allowed	Self-Insured	
Employers covered	Employers of 1 or more and \$100 payroll in any quarter	
Eligibility requirements	Earnings in base year of not less than \$300 from which SDI taxes were withheld	
Elimination period	7 days for accident and sickness	0 days for paid family leave
Benefit duration	52 weeks	8 weeks
Benefit amount	60% of average weekly wage for employees who earn equal to or greater than the statewide average weekly wage (SAWW), 70% for employees' who earn less than 1/3 of the SAWW	
Maximum weekly benefit	\$1,540 (eff. 1/1/22)	
Minimum weekly benefit	\$50	
Maximum employee contributions	1.1% of employee covered wages (\$145,600 for 2022)	
Employer contributions	Private plan: Balance of cost (if any); State fund: None	
Post-employment period of coverage	None	
State resource	<b>Employment Development Department</b> <b>Web:</b> <a href="http://www.edd.ca.gov/Disability">www.edd.ca.gov/Disability</a>	

### Colorado

Plan Name	Paid Family and Medical Leave (PFML)
Year leaves commence	2024
Coverage options	Private plan, State fund
Types of private plans allowed	Fully Insured, Self-Insured
Employers covered	All employers with one or more employees
Eligibility requirements	Earned at least \$2,500 in wages subject to premium under the law during the person's base period or alternative base period, has elected coverage as a self-employed person, or has elected coverage as an employee of a local government where the local government has declined participation in the program
Elimination period	0 days
Benefit duration	Up to: <ul style="list-style-type: none"> <li>• 12 weeks for family and medical leave within a 12-month period</li> <li>• Additional 4 weeks for serious health condition related to pregnancy or childbirth complications</li> <li>• Total combined maximum of 12 (or 16) weeks per application year</li> </ul>
Benefit amount	90% of the employee's average weekly wages up to 50% of the state's average weekly wage (SAWW). Earnings greater than 50% of the SAWW wage will be paid at 50%.

<b>Maximum weekly benefit</b>	\$1,100 through 12/31/24
<b>Minimum weekly benefit</b>	None
<b>Maximum employee contributions</b>	50% of premium on wages (for 2023, 9/10ths of 1% of wages)
<b>Employer contributions</b>	50% of premium on wages (for 2023, 9/10ths of 1% of wages)
<b>Post-employment period of coverage</b>	Unclear at this time
<b>State resource</b>	The law creates a new agency the Division of Family and Medical Leave Insurance. No website has been created as of the date of this publication.

## Connecticut – Details reflect 2022 plan information

<b>Plan Name</b>	<b>Paid Family and Medical Leave (PFML)</b>
<b>Year leaves commence</b>	2022
<b>Coverage options</b>	Private plan, State fund
<b>Types of private plans allowed</b>	Fully Insured, Self-Insured (Both private plan types are offered by Sun Life)
<b>Employers covered</b>	All employers with one or more employees.
<b>Eligibility requirements</b>	<ul style="list-style-type: none"> <li>• Have earned at least \$2,325 from a CT employer during the employee's highest earning quarter within the first four of the last five most recent quarters, and;</li> <li>• Is currently employed or was employed within the prior 12 weeks or is a self-employed individual or sole proprietor and Connecticut resident who has enrolled in the program</li> </ul>
<b>Elimination period</b>	0 days
<b>Benefit duration</b>	Up to: <ul style="list-style-type: none"> <li>• 12 weeks for family and medical leave</li> <li>• Additional 2 weeks for pregnancy incapacity</li> <li>• 12 days for family violence (part of 12 weeks allotment)</li> </ul>
<b>Benefit amount</b>	95% of employee's average weekly earnings up to 40 times the minimum wage; plus 60% of earnings above 40 times the minimum wage.
<b>Maximum weekly benefit</b>	The total weekly compensation is capped at 60 times the minimum wage (\$780 on 1/1/22; increasing to \$840 7/1/22; increasing to \$900 6/1/23)
<b>Minimum weekly benefit</b>	N/A
<b>Maximum employee contributions</b>	0.5%, up to the Social Security maximum (\$147,000 for 2022)
<b>Employer contributions</b>	None
<b>Post-employment period of coverage</b>	12 weeks
<b>Special considerations</b>	CT PFML requires an affirmative vote by a majority of employees (50% plus 1) in order for a private plan to be offered. Sun Life is available to help with the vote.
<b>State resource</b>	<b>Connecticut Paid Leave Authority</b> <b>Web:</b> <a href="http://www.ctpaidleave.org">www.ctpaidleave.org</a>

## Hawaii – Details reflect 2022 plan information

<b>Plan Name</b>	<b>Temporary Disability Insurance (TDI)</b>
<b>Date benefits began</b>	1969
<b>Coverage options</b>	Private plan

<b>Types of private plans allowed</b>	Fully Insured, Self-Insured (Sun Life offers a fully insured plan)
<b>Employers covered</b>	All employers
<b>Eligibility requirements</b>	Remuneration for at least 20 hours and wages of at least \$400 for a HI employer during the 52 weeks immediately preceding disability
<b>Elimination period</b>	7 days for accident and sickness
<b>Benefit duration</b>	26 weeks within benefit year
<b>Benefit amount</b>	58% of employee's average weekly wages that do not exceed 121% of the statewide average weekly wage (SAWW)
<b>Maximum weekly benefit</b>	\$697 (eff. 1/1/22)
<b>Minimum weekly benefit</b>	No minimum
<b>Maximum employee contributions</b>	50% of the cost, but not more than 0.5% of covered wages, up to \$6.00 per week
<b>Employer contributions</b>	Balance of cost (if any)
<b>Post-employment period of coverage</b>	2 weeks
<b>State resource</b>	<b>Department of Labor &amp; Industrial Relations - Disability Compensation Division</b> <b>Web:</b> www.labor.hawaii.gov

### Massachusetts – Details reflect 2022 plan information

Plan Name	Paid Family and Medical Leave (PFML)
<b>Year benefits began</b>	2021
<b>Coverage options</b>	Private Plan, State Fund
<b>Types of private plans allowed</b>	Fully Insured, Self-Insured (Both private plan types are offered by Sun Life)
<b>Employers covered</b>	Employers of 1 or more employees
<b>Eligibility requirements</b>	Employees providing services in Massachusetts, including full-time, part-time, permanent, temporary, on call, per diem or seasonal employees who meet the financial eligibility requirements under the MA PFML law (i.e., earning sufficient income from any MA employer within the past 12 months prior to the leave to be eligible for MA unemployment compensation benefits (currently \$5,400)).
<b>Elimination period</b>	7 consecutive calendar days for each claim for leave except for bonding when taken immediately following paid medical leave for childbirth
<b>Benefit duration</b>	26 weeks combined; 26 weeks for care of an injured service member; 20 weeks for employee's own serious health condition; 12 weeks for family leave (all in a Benefit Year)
<b>Benefit amount</b>	80% of average weekly wages up to 50% of the statewide average weekly wage (SAWW). All earnings above that will be replaced at 50% up to the maximum benefit
<b>Maximum weekly benefit</b>	\$1,084.31 for 2022 (to be adjusted to 64% of the SAWW annually)
<b>Minimum weekly benefit</b>	None
<b>Maximum employee contributions</b>	Employers can charge employees up to 0.224% of taxable wages for Medical Leave and 0.12% of taxable wages for Family Leave for 2022. These withholding percentages are the same regardless of employer size for 2022. Read more <a href="#">here</a> .
<b>Employer contributions</b>	Employers with more than 25 employees: 0.68% of wages up to Social Security limit minus amounts permitted to be charged to employees. Employers with

	fewer than 25 employees do not need to remit the employer share of premiums. Read more <a href="#">here</a> .
<b>Post-employment period of coverage</b>	26 weeks post-employment
<b>State resource</b>	<b>Department of Family and Medical Leave</b> <b>Web:</b> <a href="http://www.mass.gov/orgs/departement-of-family-and-medical-leave">www.mass.gov/orgs/departement-of-family-and-medical-leave</a>

## New Jersey – Details reflect 2022 plan information

Plan Name	Temporary Disability Insurance (TDI)	Family Leave Insurance (FLI)
<b>Date benefits commenced</b>	1948	2009
<b>Coverage options</b>	Private plan, State fund	Private Plan, State Fund
<b>Types of private plans allowed</b>	Fully Insured (offered by Sun Life)	Fully Insured, Self-Insured
<b>Employers covered</b>	Employers of 1 or more who pay \$1,000 or more in total wages	
<b>Eligibility requirements</b>	Either 20 weeks of employment in NJ during base year with earnings of at least \$240 per week or \$12,000 per year in 2022	
<b>Elimination period</b>	7 days for accident and sickness but if benefits are paid for 3 consecutive weeks then benefits become payable for the first 7 days	0 days
<b>Benefit duration</b> <i>Combined maximum 26 weeks</i>	26 weeks	12 weeks
<b>Benefit amount</b>	85% of average weekly wages	
<b>Maximum weekly benefit</b>	\$993 in 2022 (maximum set annually)	
<b>Minimum weekly benefit</b>	None	
<b>Maximum employee contributions</b>	0.14% of taxable wage base set by state (\$151,900 annually for 2022)	0.14% of taxable wage base set by state (\$151,900 annually for 2022)
<b>Employer contributions</b>	Private plan: Balance of cost (if any) State fund: 0.1% to 0.75% of taxable wages of each employee, depending on experience rating	None
<b>Post-employment period of coverage</b>	2 weeks	None
<b>Special considerations</b>	S2304/2374 expand the definition of accident and sickness as well as disability for purposes of TDI and serious health condition for purposes of FLI to include an illness caused by an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease, which requires in-home care or treatment of the employee (TDI) or a family member (FLI) of the employee due to: <ul style="list-style-type: none"> <li>• The issuance by a health care professional (HCP) or a public health authority (PHA) of a determination that the presence of an employee or family member (as applicable) may jeopardize the health of others; and</li> <li>• The recommendation, direction or order of the HCP or PHA that the employee or family member (as applicable) be isolated or quarantined because of suspected exposure to the communicable disease.</li> </ul>	
<b>State resource</b>	<b>Division of Disability Insurance Service</b> <b>Web:</b> <a href="http://www.myleavebenefits.nj.gov">www.myleavebenefits.nj.gov</a>	

## New York – Details reflect 2022 plan information

Plan Name	Disability Benefits Law (DBL)	Paid Family Leave (NY PFL)*
Date benefits/leave began	1949	2018
Coverage options	Private plan, State Insurance Fund	
Types of private plans allowed	Fully Insured, Self-insured (Fully insured plans are offered by Sun Life)	
Employers covered	Employers of 1 or more on each of at least 30 days in one calendar year	
Eligibility requirements	4 consecutive weeks of covered employment in NY (does not need to be with current employer)	26 consecutive weeks of full-time employment or 175 days of part-time employment with current ER
Elimination period	7 days for accident and sickness	0 days for paid family leave
Benefit duration <i>Combined maximum 26 weeks</i>	26 weeks	12 weeks
Benefit amount	50% of weekly wages	67% of average weekly wages
Maximum weekly benefit	\$170 (eff. since 5/1/89)	\$1068.36 (for 2022)
Minimum weekly benefit	\$20	None
Maximum employee contributions	0.50% of employee wages to a maximum of \$.60 per week	0.511% to a maximum of \$423.71
Employer contributions	Balance of cost (if any)	None
Post-employment period of coverage	4 weeks	None
State resource	<b>Disability Benefits Bureau - Workers Compensation Bureau</b> <b>Web: <a href="http://www.wcb.ny.gov">www.wcb.ny.gov</a></b>	

\*NY PFL is included as a rider to NY DBL.

## Oregon

Plan Name	Paid Family and Medical Leave (PFML)
Date leaves commence	September 3, 2023 (Contributions begin January 1, 2023)
Coverage options	Private plan; State fund
Types of private plans allowed	Self-Insured
Employers covered	All private employers, state agencies and local governmental agencies
Eligibility requirements	Employees are eligible to take leave if they have earned at least \$1,000 in wages during the base year for an Oregon employer
Elimination period	None
Benefit duration	12 weeks combined for paid family leave, paid medical leave and paid Safe leave and extra 2 weeks for pregnancy or childbirth complications, including lactation
Benefit amount	100% of employee's average weekly wages that are less than 65% of the statewide average weekly wage (SAWW). 50% of employee's average weekly wages that are equal to or exceed 65% of the SAWW.
Maximum weekly benefit	120% of the SAWW
Minimum weekly benefit	5% of the SAWW
Maximum employee contributions	Total rate may not exceed 1% of employee wages up to a maximum of \$132,900 in wages. Employees pay 60% of that rate.

<b>Employer contributions</b>	Employers pay 40% of that rate unless they have fewer than 25 employees in which case premium is not required, but can be paid to secure the employer's right to access certain grant money to be used in the event of employee leave
<b>Post-employment period of coverage</b>	None
<b>State resource</b>	<b>Paid Family and Medical Leave Insurance Program</b> <b>Web:</b> <a href="http://www.oregon.gov/employ/PFMLI">www.oregon.gov/employ/PFMLI</a>

## Rhode Island– Details reflect 2021-2022 plan information

Plan Name	Temporary Disability Insurance (TDI)	Temporary Caregiver Insurance (TCI)
<b>Date benefits began</b>	1942	2014
<b>Coverage options</b>	State fund	
<b>Types of private plans allowed</b>	None	
<b>Employers covered</b>	Employers of 1 or more who can earn more than \$1,000 per quarter for a RI employer	
<b>Eligibility requirements</b>	Either RI base year earnings of \$13,800; or at least \$2,300 in one of the base period quarters and base period wages of at least 1.5 times the highest quarter earnings and total base period wages of at least \$4,600	
<b>Elimination period</b>	None; however, an individual is still required to be out of work for 7 consecutive days in order to be eligible for benefits (eff. 7/1/12)	
<b>Benefit duration</b> <i>Combined maximum 30 weeks</i>	30 weeks	5 weeks in 2022 6 weeks in 2023
<b>Benefit amount</b>	4.62% of highest quarterly wages in the base period (additional dependent's allowance may also be payable)	
<b>Maximum weekly benefit</b>	7/1/2021 or later: 60% to \$978, 4.62% of highest quarterly wages	
<b>Minimum weekly benefit</b>	\$107 (eff. 7/1/2021)	
<b>Maximum employee contributions</b>	Program funded by payroll deduction of 1.3% of the first \$74,200 of annual wages in 1/1/2020	
<b>Employer contributions</b>	None	
<b>Post-employment period of coverage</b>	None	
<b>State resources</b>	<b>Department of Labor &amp; Training - Temporary Disability Insurance</b> <b>Web:</b> <a href="http://www.dlt.ri.gov/tdi">www.dlt.ri.gov/tdi</a>	

## Washington– Details reflect 2022 plan information

Plan Name	Paid Family and Medical Leave (PFML)
<b>Date leaves began</b>	2020
<b>Coverage options</b>	Private Plan, State Fund
<b>Types of private plans allowed</b>	Self-Insured
<b>Employers covered</b>	Public and private employer employing one or more individual in the state are subject to this law. Federal employers, federally recognized tribes and self-employed persons are exempt from the program, but federally recognized tribes and self-employed persons can elect into the program.
<b>Eligibility requirements</b>	A covered employee is eligible after working 820 hours in WA for any employer during the qualifying period. The "qualifying period" is the first four of the last five calendar quarters or, if eligibility is not established, the last four completed calendar quarters immediately preceding the application for leave.

<b>Elimination period</b>	7 consecutive calendar days (per benefit year)
<b>Benefit duration</b>	Up to: <ul style="list-style-type: none"> <li>• 12 weeks of family leave for bonding, care of a family member</li> <li>• 12 weeks of medical leave for employee's own serious health condition</li> <li>• 16 weeks of combined medical and family leave per benefit year</li> <li>• An additional two weeks of paid medical leave for employees incapacitated by a serious health condition during pregnancy (max. combined 18 weeks)</li> </ul>
<b>Benefit amount</b>	The benefits are paid at 90% of the employee's average weekly wages, up to 50% of the state's average weekly wage (SAWW). Any portion of the employee's wages that exceed 50% of the SAWW will be paid at 50%.
<b>Maximum weekly benefit</b>	\$1,327 in 2022 (the maximum weekly benefit will be adjusted each September 1 and take effect the January 1 thereafter)
<b>Minimum weekly benefit</b>	The minimum benefit will be \$100 or the employee's average weekly wage if it is less than \$100
<b>Maximum employee contributions</b>	0.439% in 2022 The premium rate is split between employee and employer. Starting Jan. 1, 2022, the premium rate is 0.6 percent of each employee's gross wages, not including tips, up to the 2022 Social Security cap (\$147,000).
<b>Employer contributions</b>	The premium rate is split between employee and employer.
<b>Post-employment period of coverage</b>	None
<b>State resources</b>	<b>Employment Security Department – Paid Family and Medical Leave</b> <b>Web:</b> <a href="http://www.paidleave.wa.gov">www.paidleave.wa.gov</a>

### Washington D.C. – Details reflect 2022 plan information

Plan Name	Paid Family Leave (PFL)
<b>Year leaves effective</b>	2020
<b>Coverage options</b>	State Fund
<b>Types of private plans allowed</b>	None
<b>Employers covered</b>	Any businesses performing services in DC that also pay unemployment insurance taxes for their employees. Non-profit organizations and household employers that pay unemployment insurance tax.
<b>Eligibility requirements</b>	An employee who spends more than 50% of their work time for a covered employer in DC or work for a covered employer that is based in DC, spends a substantial amount of their work time in DC and spends no more than 50% of their work time for the employer in another location.
<b>Elimination period</b>	7 consecutive calendar day waiting period. Only one waiting period must be met per year.
<b>Benefit duration</b>	Up to: <ul style="list-style-type: none"> <li>• 8 weeks of paid parental leave</li> <li>• 6 weeks for care of a family member</li> <li>• 6 weeks for their own serious health condition (as of July 2021)</li> <li>• Up to 2 weeks for qualifying prenatal leave</li> <li>• Up to 8 weeks of combined maximum paid family leave</li> <li>• Up to 10 weeks of combined 2 weeks prenatal and 8 weeks parental leave</li> </ul>
<b>Benefit amount</b>	Employees receive 90% of their average weekly wage up to 150% of DC's minimum wage multiplied by 40, and employees receive 50% of any amount earned in excess of 150% of DC's minimum wage multiplied by 40

<b>Maximum weekly benefit</b>	\$1,009 (eff. 10/1/21 and adjusted annually thereafter)
<b>Minimum weekly benefit</b>	None
<b>Maximum employee contributions</b>	None
<b>Employer contributions</b>	0.62% of payroll
<b>Post-employment period of coverage</b>	None
<b>Special considerations</b>	DC PFL does not allow Short-Term Disability policies to offset the DC PFL benefit
<b>State resources</b>	<b>Office of Paid Family Leave - Temporary Disability Insurance</b> <b>Web:</b> <a href="http://www.does.dc.gov/page/dc-paid-family-leave">www.does.dc.gov/page/dc-paid-family-leave</a>

**It is the employer’s responsibility to comply with the law through a state plan or private plans – and Sun Life is here to help. We are committed to providing information and tools to help employers meet state requirements.**

**Let us administer your private plans alongside other benefits like Short-Term Disability and federal, state and local unpaid leaves of absence to help streamline your absence experience.**

**To learn more, call your local Sun Life Employee Benefits Representative. Visit [www.sunlife.com/pfml](http://www.sunlife.com/pfml) for more resources.**



This material is not legal advice and is provided for informational purposes only. Employers should consult their own employment or benefits counsel for advice concerning their specific obligations under state-mandated disability benefit laws.

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