Time Off to Care
State Actions on Paid Family Leave

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Introduction

Employee leave benefits generally fall into four categories: parental, family care, medical and sick leave. Parental leave is commonly synonymous with maternity and paternity leave, or time away from employment to care for and bond with a new child at or around the time of childbirth or adopting or fostering a new child. Family care leave is time away from a job to care for a family member with a serious health condition. Medical leave is to attend to one’s own serious health condition, and sick leave is time away from work to recover from a less severe, short-term medical condition.

Each of these types of leave can be paid or unpaid, depending on a combination of public and employer policies. Less than 20% of the U.S. workforce had access to paid leave of any type while close to 90% had access to some type of unpaid leave in 2018, according to the U.S. Bureau of Labor Statistics. Notably, 16% of private industry workers and 25% of state and local government workers had access to paid leave, while 88% of private industry workers and 94% of state and local government workers had access to unpaid leave, with some employers offering both.

The United States is the only developed nation without a national paid leave policy. The federal Family and Medical Leave Act (FMLA) of 1993 offers 12 weeks of unpaid, job-protected leave to care for newborns or seriously ill family members. Employees who have worked at least a year for an employer with at least 50 employees are eligible for FMLA. While these protections cover 60% of the workforce, about half of eligible employees do not take leave because they cannot afford it. Among low-wage and hourly workers, access to employer-provided paid leave is even less likely, which has a disproportionate effect on people of color.

Paid leave has garnered national attention and bipartisan congressional support in recent years. The New Parents Act of 2019 (SB 920), sponsored by Senator Marco Rubio (R-Fla.), would create a voluntary option for paid parental leave by allowing parents to use a portion of their Social Security after the birth or adoption of a child, for up to three months. Senator Kirsten E. Gillibrand (D-N.Y.) introduced the Federal Family and Medical Insurance Leave Act (SB 463) in 2019. The act would create an insurance program to provide up to 12 weeks of paid leave to recover from a serious illness or to care for a new child or seriously ill family member.

In the absence of a federal policy, eight states—California, Connecticut, Massachusetts, New Jersey, New York, Oregon, Rhode Island and Washington—and the District of Columbia have enacted paid family and medical leave legislation. At least 25 other states have introduced paid leave legislation during the last two years.