PAID FAMILY AND MEDICAL LEAVE POLICIES IN THE STATES

THURSDAY, FEBRUARY 6, 2020
2:00 PM ET / 1:00 PM CT / NOON MT / 11:00 AM PT
ABOUT NCSL

- National bi-partisan membership organization
- 7,383 legislators and all legislative staff
- Offices in Denver and Washington, D.C.

NCSL is committed to the success of all legislators and staff. Our mission is to:
- Improve the quality and effectiveness of state legislatures.
- Promote policy innovation and communication among state legislatures.
- Ensure state legislatures a strong, cohesive voice in the federal system.
This webinar was made possible with funding from ZERO TO THREE as part of Think Babies™, which was developed to make the potential of every baby a national priority. Funding partners for Think Babies™ include the Perigee Fund, and the Robert Wood Johnson Foundation, which supports the public education aspects of Think Babies. Learn more at https://www.thinkbabies.org.
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Webinar: Infant and Toddler Data to Support Ready Learners


Web Brief: Helping Babies and Toddlers Thrive: A Look at Recent State Legislation
JAMIE COLVARD

- Director of State Policy, Zero to Three
- Oversees state technical assistance projects and the development of resources and tools to support states
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- JColvard@zerotothree.org
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- senior policy specialist with the NCSL Fiscal Affairs Program
- staffs NCSL’s Task Force on State and Local Taxation and its Labor and Economic Development Standing Committee
- bachelor’s degree in political science from Colorado College
- Jackson.Brainerd@ncsl.org
Polling Question

Do you anticipate Paid Family and Medical Leave being a policy topic of conversation in your state/your Capitol this session?

A. Yes, we’re already engaging in discussions
B. Maybe, but it’s hard to say
C. No, not in 2020 but maybe in future years
D. No, we’ve discussed it in previous years
The Child Development Case for Paid Family and Medical Leave

Jamie Colvard
Director of State Policy
ZERO TO THREE
Our mission is to ensure that all babies and toddlers have a strong start in life.
Why Infants and Toddlers?

• The earliest years are critical for healthy development.

• We know from science that brains are built from the bottom up.

• During the first three years of life, the brain undergoes its most dramatic development, and children acquire the ability to think, speak, learn, and reason.
Babies Gain Knowledge at a Staggering Rate: Proliferation of Neural Connections in the First 6 Months

1 Million New Connections Every Second

newborn  1 month  3 months  6 months
“There is no such thing as a baby...” D. Winnicott
Babies Are Social From the Start

- Within the first few days of life, children can show a preference for a caregiver.
- By 1 month, infants know which characteristics go together with a certain person.
- By 3 months, infants can tell the difference between voices and prefer those that are familiar.
- By 4 months, infants begin to form expectations about what their caregivers will be like.
The Importance of Unhurried Time in the First Year of Life

• All infants need ample time with their parents at the very beginning of their lives to form these critical relationships.

• Time is also needed to:
  • Attend well-child visits and ensure that children receive immunizations
  • Facilitate breastfeeding
  • Adjust to a new schedule
  • Identify and intervene in developmental difficulties if they occur
  • Attend to parental health
  • Provide caregiving to other family members if/when needed
#PaidLeaveChecklist

- Affordable
- Inclusive
- Substantial
- Comprehensive
- Secure

- Cost-effective for workers, employers and the government
- Accessible to all working people and reflects a modern definition of “family”
- Includes 12 weeks of leave or more
- Covers equally the full range of personal medical and family caregiving needs
- No fear of retaliation or adverse consequences for taking leave
Benefits of Paid Family and Medical Leave

• Paid leave contributes to the healthy development of infants and toddlers
  • Positive, consistent relationships yield confident individuals who are better equipped for success in school and life
  • Higher rates of immunizations and participation in well-child check-ups
  • Higher rates and longer periods of breastfeeding

• Paid leave improves outcomes for the entire family, including parents and caregivers
  • Reduces anxiety over making ends meet by providing job security and consistent income
  • Associated with declines in depressive symptoms and improvement in overall health for new mothers

• Paid leave policies can benefit employers, taxpayers, and the economy
Too Few Families Have Access to Paid Family and Medical Leave

- Only 17 percent of all working people in the United States have access to paid leave through their employers.

- Nearly half of employees eligible for unpaid leave through the Family and Medical Leave Act (FMLA) reported they couldn’t afford to take it because it was unpaid.
  - 40 percent of the workforce is not covered by FMLA

- One in four mothers goes back to work just 10 days after giving birth
State Policymakers Have an Opportunity to Support Families

- 9 states have passed paid family and medical leave laws
  - California, New Jersey, Rhode Island, New York, DC, Washington, Massachusetts, Connecticut, and Oregon
- Momentum is growing!
More Information

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ZERO TO THREE
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Access additional Paid Family and Medical Leave resources at www.zerotothree.org/policy-and-advocacy/paid-family-leave
PAID FAMILY LEAVE IN THE STATES

JACKSON BRAINERD | JACKSON.BRAINERD@NCSL.ORG
FEBRUARY 6, 2020
Family Medical Leave Act provides 12 weeks of unpaid leave to care for a newborn, a family member, or to attend the employee’s own serious medical health condition.

- Applies to private employers with >50 employees.
TIMELINE OF PAID FAMILY LEAVE IN THE STATES

- **2002**: California becomes first state to enact PFML
- **2004**: California begins benefit payments
- **2006**: New Jersey enacts PFML
- **2008**: New Jersey begins benefit payments
- **2009**: Rhode Island enacts PFML
- **2010**: Rhode Island begins benefit payments
- **2011**: Massachusetts enacts PFML
- **2012**: New York enacts PFML
- **2013**: New York begins benefit payments
- **2014**: DC enacts PFML
- **2015**: DC begins benefit payments
- **2016**: Oregon enacts PFML
- **2017**: Connecticut enacts PFML
- **2018**: Washington enacts PFML
- **2019**: Washington begins benefit payments
- **2020**: DC begins benefit payments
2019 PAID FAMILY & MEDICAL LEAVE PROPOSALS
REASONS FOR LEAVE

- To care for a newborn or adopted child
- To care for a seriously ill family member
- To care for worker’s own serious health condition
- To address military family needs: CT, MA, NY, WA
- Safe leave to address needs arising from domestic or sexual violence: CT, NJ, OR
<table>
<thead>
<tr>
<th>State</th>
<th>CA</th>
<th>CT</th>
<th>DC</th>
<th>MA</th>
<th>NJ</th>
<th>NY</th>
<th>OR</th>
<th>RI</th>
<th>WA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leave Period</strong></td>
<td>6 weeks</td>
<td>12 weeks with 2 additional weeks available in the event of a serious health condition during pregnancy</td>
<td>Parental Leave: 8 weeks</td>
<td>Parental: 12 weeks</td>
<td>6 weeks*</td>
<td>10 weeks*</td>
<td>12 weeks</td>
<td>4 weeks</td>
<td>12 weeks for parental leave or own serious health condition. Max of 16 weeks combined.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Family Leave: 6 weeks</td>
<td>Own health: 20 weeks</td>
<td>*effective July 1, 2020: 12 weeks</td>
<td>*effective 2021: 12 weeks</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Own health: 2 weeks</td>
<td>Military caregiver: 26 weeks</td>
<td></td>
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</tbody>
</table>

*effective July 1, 2020: 12 weeks
*effective 2021: 12 weeks

- **CA**: 6 weeks
- **CT**: 12 weeks with 2 additional weeks available in the event of a serious health condition during pregnancy
- **DC**: Parental Leave: 8 weeks, Family Leave: 6 weeks, Own health: 2 weeks
- **MA**: Parental: 12 weeks, Own health: 20 weeks, Military caregiver: 26 weeks
- **NJ**: 6 weeks*
- **NY**: 10 weeks*
- **OR**: 12 weeks
- **RI**: 4 weeks
- **WA**: 12 weeks for parental leave or own serious health condition. Max of 16 weeks combined.
<table>
<thead>
<tr>
<th>State</th>
<th>CA</th>
<th>CT</th>
<th>DC</th>
<th>MA</th>
<th>NJ</th>
<th>NY</th>
<th>OR</th>
<th>RI</th>
<th>WA</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>Tax Rate and Type</td>
<td>Max. Taxable Earnings</td>
<td>Employer-funded Component?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>CA</td>
<td>1.0% payroll deduction</td>
<td>$122,909</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CT</td>
<td>Payroll deduction that cannot exceed 0.5% of wages</td>
<td>Cannot exceed SS contribution base</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>DC</td>
<td>0.62% of covered employee wages</td>
<td>None</td>
<td>Yes</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>MA</td>
<td>0.63% payroll deduction</td>
<td>$137,700 (Cannot exceed SS contribution base)</td>
<td>Yes</td>
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<tr>
<td>NJ</td>
<td>Currently 0.16% (varies from 0.1 to 0.75%)</td>
<td>$134,900</td>
<td>No</td>
<td></td>
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</tr>
<tr>
<td>NY</td>
<td>0.27% payroll deduction</td>
<td>$72,860</td>
<td>No</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>RI</td>
<td>1.2% payroll deduction</td>
<td>$72,300</td>
<td>No</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>OR</td>
<td>Max of 1% payroll deduction</td>
<td>$132,900</td>
<td>Yes</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>WA</td>
<td>0.4% payroll deduction</td>
<td>$137,700 (Cannot exceed SS contribution base)</td>
<td>Yes</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>VT</td>
<td>0.55% payroll deduction</td>
<td>$132,900</td>
<td>No</td>
<td></td>
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</tr>
</tbody>
</table>
Family and Medical Leave Payroll Tax Rates for Massachusetts Firms with 25+ Employees

Total payroll tax 0.75%

- Family leave 0.13%
  - Employer 0.00
  - Employee 0.13%

- Medical leave 0.62%
  - Employer 0.372%
  - Employee 0.248%

Note: The shares for the employer represent the minimum that the employer is allowed to pay.
## BENEFITS

<table>
<thead>
<tr>
<th>State</th>
<th>Wage Replacement Percentage</th>
<th>Max. Benefit Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>60%-70% of worker’s avg. weekly wage (AWW)</td>
<td>$1,300 per week</td>
</tr>
<tr>
<td>Connecticut</td>
<td>95% of a worker’s AWW</td>
<td>60x the state minimum wage ($780 in 2022)</td>
</tr>
<tr>
<td>DC</td>
<td>90% of worker’s AWW up to 50% of the state AWW; 50% of worker’s AWW above this</td>
<td>$1,000 per week (adjusted annually for inflation)</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>80% of worker’s AWW up to 50% of the state AWW; 50% of worker’s AWW above this</td>
<td>$850 per week (64% of state AWW)</td>
</tr>
<tr>
<td>New Jersey</td>
<td>85% of worker’s AWW</td>
<td>$860 per week (70% of state AWW)</td>
</tr>
<tr>
<td>New York</td>
<td>60% of worker’s AWW (67% in 2021)</td>
<td>67% of state AWW ($939 in 2020)</td>
</tr>
<tr>
<td>Oregon</td>
<td>100% of worker’s AWW up to 65% of the state AWW; 50% of worker’s AWW above this</td>
<td>120% of state AWW</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>4.62% of a worker’s wages in the highest earning quarter of the base year</td>
<td>$867 per week (85% of state AWW)</td>
</tr>
<tr>
<td>Washington</td>
<td>90% of worker’s AWW up to 50% of the state AWW; 50% of worker’s AWW above this</td>
<td>$1,000 per week (adjusted annual to 90% of state AWW)</td>
</tr>
</tbody>
</table>
### SAMPLE BENEFIT CALCULATION: WASHINGTON

- 90% of worker’s average weekly wage (AWW) up to 50% of the state AWW; 50% of worker’s AWW above this
- Sample Employee’s average weekly wage: $750 ($39,000/year)
- Washington average weekly wage: $1,255 ($65,260/year)

<table>
<thead>
<tr>
<th>Step</th>
<th>Calculation</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step One</td>
<td>90% of 50% of state AWW</td>
<td>90% x $627.50</td>
</tr>
<tr>
<td>Step Two</td>
<td>Worker AWW minus 50% of SAWW</td>
<td>$750-$627.50</td>
</tr>
<tr>
<td>Step Three</td>
<td>50% of B</td>
<td>$122.50 x 50%</td>
</tr>
<tr>
<td>Step Four</td>
<td>A + C</td>
<td>$564.75 + $61.25</td>
</tr>
</tbody>
</table>
FAMILY MEMBERS COVERED

- Narrow: Child, Parent, Spouse or Domestic Partner (California 2002)
- Broader: Grandparents, Parents-in law (California, Rhode Island, New York, Vermont), Siblings (Washington, Massachusetts), or Siblings-in-law (DC)
- Broadest: “Any individual with an association equivalent to a family relationship” (New Jersey, Oregon, Connecticut)
## RESULTS FROM EARLY ADOPTING STATES: CALIFORNIA

<table>
<thead>
<tr>
<th></th>
<th>FY 2019</th>
<th>FY 2018</th>
<th>FY 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>PFL Claims Filed</td>
<td>291,146 (85.9% bonding)</td>
<td>271,344 (86.9% bonding)</td>
<td>260,303 (87.3% bonding)</td>
</tr>
<tr>
<td>Average Weeks/Claim</td>
<td>5.49</td>
<td>5.42</td>
<td>5.36</td>
</tr>
<tr>
<td>Total Benefits Paid</td>
<td>$1.024 billion</td>
<td>$863.9 million</td>
<td>$762.3 million</td>
</tr>
<tr>
<td>Average Weekly Benefit</td>
<td>$681</td>
<td>$626</td>
<td>$585</td>
</tr>
</tbody>
</table>

Source: California Employment Development Department
RESULTS FROM EARLY ADOPTING STATES: CALIFORNIA

Program difficulties noted 10 yr. review study by the Senate Office of Research:

- Lower levels of male participation
- Insufficiently targeted towards lower-income workers
- Parents and spouses are the relatives most often receiving care from claimants
- Proposed higher wage replacement levels, job back guarantee, and increasing outreach efforts to promote program awareness
RESULTS FROM EARLY ADOPTING STATES: NEW JERSEY

<table>
<thead>
<tr>
<th></th>
<th>2018*</th>
<th>2017</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>PFL Claims Filed</td>
<td>35,214</td>
<td>34,214</td>
<td>32,171</td>
</tr>
<tr>
<td>Average Weeks/Claim</td>
<td>5.2</td>
<td>5.2</td>
<td>5.2</td>
</tr>
<tr>
<td>Total Benefits Paid</td>
<td>$99.2</td>
<td>$93.8</td>
<td>$87.9</td>
</tr>
<tr>
<td>Average Weekly Benefit</td>
<td>$544</td>
<td>$538</td>
<td>$524</td>
</tr>
</tbody>
</table>

*2018 is most recent available data

Source: New Jersey Dept. of Labor and Workforce Development Office of Research and Information
RESULTS FROM EARLY ADOPTING STATES: NEW JERSEY

CEPR Survey of New Jersey Employers’ Experiences with Family Leave Insurance:

- No employers reported an impact on productivity or turnover
- Most reported no impact on profitability. Two of 18 felt a negative effect, two reported a positive effect.
- Six reported improvements in employee morale, while two reported positive and negative effects
- Most experienced no increase in administrative paperwork, but eight reported a small to moderate increase
- Several reported a lack of program awareness among employees
RESULTS FROM EARLY ADOPTING STATES: RHODE ISLAND

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>PFL Claims Filed</td>
<td>12,279</td>
<td>11,153</td>
<td>9,937</td>
</tr>
<tr>
<td>Total Benefits Paid</td>
<td>$13.3 million</td>
<td>$12.0 million</td>
<td>$11.2 million</td>
</tr>
<tr>
<td>Average Weekly Benefit</td>
<td>$551</td>
<td>$542</td>
<td>$534</td>
</tr>
</tbody>
</table>

In a survey of 800 RI employees:
• Only half of workers were aware of the program
• Most were likely to hear about it through friends or family
• Awareness gaps more common among small business employees and non-white and lower income populations
• Most report that having a co-worker take leave does not impact them
• Fear of job loss and negative work repercussions were barriers

Source: University of Rhode Island, on behalf of the Rhode Island Department of Labor & Training.
ALTERNATIVE PROPOSALS IN 2019

- Tax Credits: Arkansas, Connecticut, Minnesota, Texas
- Voluntary Programs: Indiana, Minnesota, New Hampshire/Vermont
- Savings Accounts: Connecticut
- State Employees: Arizona, Georgia, North Carolina, North Dakota, Utah
- Study Bill: North Dakota, Colorado
FEDERAL ACTIVITY

- PFML insurance programs: H 1185, S 463
- Paid leave for federal employees incorporated in 2019 NDAA
- PFML via advanced Social Security withdrawals: H 1940, S 920
- Tax Credit Programs: H 4964, S 2437
- Savings Accounts: H 1859
Questions?
It’s not too early to mark your calendar for the next NCSL Legislative Summit Aug. 10-13, 2020, in Indianapolis. Join your colleagues at this annual gathering of state lawmakers to explore innovative policy solutions, network and add to your legislative toolbox.
Resources

- Archived webinar
- Legis Brief: Paid Family Leave in the States
- ECE Legislative Tracking Database
- Early Childhood Policy Overview
- Quarterly Newsletters
- Zero To Three: Paid Family and Medical Leave Resources
- Think Babies

Stay Connected

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