



2021 state paid family and medical leave contributions and benefits

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As of January 2021, California, Hawaii, Massachusetts, New Jersey, New York, Rhode Island, Washington, and Washington, DC (DC) mandate paid leave for an employee's own health condition. Except for Hawaii, these jurisdictions also require paid family leave for bonding with a new child, caring for a seriously ill or injured family member, and certain other purposes. Although these mandates share common elements, each jurisdiction differs from others in some way.

Common elements

Common elements in nearly all of these programs include:

- Overseen and/or administered by the state/district agency (except Hawaii)
- Funded at least partially by employees (except Washington, DC)
- Provide partial wage replacement for qualified leave
- Include leave for reasons similar to what the federal Family and Medical Leave Act (FMLA) allows
- Require leave to run concurrently with FMLA (when both apply)
- Determine employee eligibility by work location (not residence)

- Require employee documentation of need for leave
- Limit leave duration within a 12-month period
- Annually update contributions and maximum benefits

Other common elements among some programs include:

- Job protections
- Intermittent leave available
- Continuation of health benefits
- Employer contributions
- Employer voluntary/private plan option

This is the first year that benefits are available through the Massachusetts plan. Connecticut contributions begin in 2021, and benefits will follow in 2022. Oregon contributions start in 2022, with benefits first available in 2023. Under Colorado's recent voter-approved program, contributions will begin in 2023 with benefits available in 2024.

Highlights of 2021 state paid disability/medical and family leave rates

Each jurisdiction has posted its 2021 contribution rates, taxable wage base and maximum weekly benefit amounts. New York's disability benefits are set by the law and don't change annually. This GRIST omits Puerto Rico's mandated disability benefit program, which has rates set by statute that remain unchanged from year to year. Here are highlights of the 2021 updates:

California

The State Disability Insurance (SDI) taxable wage base is \$128,298 in 2021, an increase from \$122,909 in 2020. The employee contribution rate, which includes both SDI and paid family leave (PFL), has increased from 1% of wages (up to the taxable wage base) in 2020 to 1.2% in 2021. The 2021 maximum weekly benefit of \$1,357 reflects an increase from the 2020 maximum of \$1,300.

Hawaii

The 2021 Temporary Disability Insurance (TDI) weekly wage base dropped to \$1,102.90 from \$1,119.44 in 2020. Hawaii law permits employee contributions of up to 0.5% of wages (up to the weekly wage base)

with a maximum weekly contribution of \$5.51 in 2021. The 2021 maximum weekly benefit is \$640, a decrease from \$650 in 2020. Hawaii doesn't currently have a paid family leave mandate or program.

Massachusetts

The state's paid family and medical leave (PFML) benefits became available for the first time on Jan. 1, 2021. Weekly benefits are calculated using the employee's and the state average weekly wage (AWW). The maximum weekly benefit amount for 2021 is \$850 per week. Total contributions in 2021 remain 0.75% of an employee's wages up to the Social Security taxable income limit — \$142,800 in 2021 — and employers with at least 25 Massachusetts employees share 60% of the 0.62% contribution for medical leave.

New Jersey

The 2021 taxable wage base is \$138,200, up from \$134,900 in 2020, for both TDI and Family Leave Insurance (FLI). The employee contribution rate for TDI is 0.47% in 2021. The 2021 FLI contribution rate is 0.28%, for a combined employee contribution of 0.75%. The maximum weekly benefit for TDI or FLI beginning in 2021 is \$903, up from \$881 in the latter half of 2020.

New York

The disability benefits law (DBL) sets employee contributions equal to 0.5% of wages up to a maximum of \$0.60 per week. The maximum weekly benefit for a nonwork-related disability is \$170. These statutory amounts have remained unchanged since 1989 and are distinct from the state's annually adjusted PFL benefit.

In addition to the PFL reasons permitted in prior years, a new law (Ch. 25, SB 8091) allows qualified employees to use PFL when they — or their minor, dependent child — are under an order of quarantine or isolation due to COVID-19. To address the costs associated with this additional coverage, regulators added a COVID-19 risk adjustment to employee contributions in 2021.

The employee contribution rate for PFL coverage beginning Jan. 1, 2021 is 0.506%, plus a 0.005% risk adjustment for the COVID-19 claims paid under of the 2020 law, for a total of 0.511% of an employee's wages each pay period. Contributions are limited to the taxable wage base of \$75,408.84 in 2021 — up from \$72,860.84 in 2020 — for a maximum 2021 annual contribution of \$385.34. The weekly PFL benefit is 67% of an employee's average weekly wage (up from 60% in 2020), to a maximum weekly benefit of \$971.61 (for up to 12 weeks), an increase from \$840.70 for up to 10 weeks in 2020.

Rhode Island

The 2021 taxable wage base is \$74,000, up from \$72,300 in 2020, for combined TDI and Temporary Caregiver Insurance (TCI) programs. The 2021 employee contribution rate remains 1.3% of employee wages. Rhode Island updates its weekly benefit amount each July. The maximum weekly benefit is \$887 for benefit years beginning on or after July 1, 2020, until a new rate is announced in July 1, 2021.

Washington

The Washington's 2021 employee contribution rate remains at 0.2533% of wages (2/3 of the total 0.4% contribution) up to a taxable wage base of \$142,800. Employers with at least 50 employees in the state contribute 0.14668% of wages (55% of the medical contribution). The maximum weekly benefit is \$1,206 in 2021, up from \$1,000 in 2020.

Washington, DC

The employer contribution rate is unchanged from the program's start — 0.62% of DC payroll. Due to the city's home rule structure, employees can't be charged an employment tax to help cover the cost of program. The district doesn't limit contributions to a taxable wage base. The maximum weekly benefit for leave beginning on or after July 1, 2020, is \$1,000.

Chart: 2021 state disability/medical and family leave key elements

The chart starting on the next page presents a high-level review of the programs in [California](#), [Hawaii](#), [Massachusetts](#), [New Jersey](#), [New York](#), [Rhode Island](#), [Washington](#), and [Washington, DC](#). The chart includes current rates, key definitions and other important facts, as well as additional Mercer resources.

2021 state disability/medical and family leave key elements	
California	
Covered employer	Employers paying wages exceeding \$100 in a calendar quarter to 1 or more employees working in the state
Eligible employee	Earned at least \$300 subject to SDI withholding during the base period; generally includes employees subject to unemployment insurance. See website for more.
Leave duration	Employee's own nonwork-related disability: 52 weeks New child, military exigency or family member's health condition: 8 weeks Maximum available in 52-week period: 52 weeks
Family member	Employee's child, parent, parent-in-law, grandparent, grandchild, sibling, spouse or registered domestic partner
Public plan	Administered with unemployment insurance by the Employment Development Department
Private plan	Permitted for self-insured SDI and PFL; insured not available
Employer contribution	None
Employee contribution	SDI and PFL combined: 1.2% of 2021 wages up to annual wage base of \$128,298
Benefit calculation	60% or 70%, depending on greatest quarterly base period earnings above or below 1/3 of the state's average quarterly rate (\$5,998.57 for 2021)
Base period	First 4 of last 5 completed calendar quarters preceding leave
Maximum weekly benefit	\$1,357 for leave beginning in 2021
Waiting period	7 consecutive days for SDI benefits; no waiting period for PFL
Job protections	Job protections and continued health benefits under California Family Rights Act and Pregnancy Disability Law
Employer notice	Conspicuous posting. Brochure for new hires and employees requesting time off for a nonwork-related illness, injury, pregnancy or childbirth.
Legal cites	CA Unemp. Ins. Code §§ 2601–3308 ; CA Code Regs. tit. 22, §§ 2601 et seq.
Website	Employment Development Department
Mercer resource	San Francisco aligns paid parental leave law with state family leave (July 21, 2020)

2021 state disability/medical and family leave key elements	
Hawaii	
Covered employer	All employers with 1 or more employees working in Hawaii
Eligible employee	Is currently employed and worked for one or more employers at least 20 hours/week for 14 consecutive or nonconsecutive weeks and earned \$400 in past 52 weeks
Leave duration	Employee's own nonwork-related disability: 26 weeks Family leave: Not available Maximum available in 52-week period: 26 weeks
Family member	Not applicable
Public plan	No public plan
Private plan	Permitted through <u>approved carrier</u> or an approved self-insured plan
Employer contribution	Balance of plan costs after employee contribution; employer may pay entire cost of TDI or share cost with eligible employees
Employee contribution	One-half of the premium cost but not more than 0.5% of weekly wage base of \$1,102.90 or \$5.51 per week in 2021
Benefit calculation	58% of employee's average weekly wage (AWW) in the base period
Base period	52 weeks preceding disability
Maximum weekly benefit	\$640.00 for leave beginning in 2021
Waiting period	7 consecutive days or until 1st day of hospital stay, whichever occurs sooner
Job protections	State law has no job protections.
Employer notice	Conspicuous posting
Legal cites	<u>HI Rev. Stat. ch. 392</u> ; <u>HI Code R. § 12-11</u>
Website	Labor and Industrial Relations Department's Disability Compensation Division TDI <u>website</u>

2021 state disability/medical and family leave key elements	
Massachusetts	
Covered employer	All private employers with at least one employee in Massachusetts
Eligible employee	Earned at least \$5,400 during the last 4 completed calendar quarters and at least 30 times more than weekly PFML benefits
Leave duration	New child bonding, family member's serious health condition or military exigency: 12 weeks Employee's own serious health condition: 20 weeks Care for a covered servicemember: 26 weeks
Family member	Employee's parent, spouse or domestic partner, child (including foster, adopted or step-child or legal ward) grandchild, grandparent, or sibling; spouse's or domestic partner's child or parent; and anyone with whom employee has an <i>in loco parentis</i> relationship
Public plan	Administered by the Massachusetts <u>Department of Family and Medical Leave</u>
Private plan	Permitted for medical and/or family leave benefits through approved carrier or an approved self-insured plan
Employer contribution	Employers > 25 Massachusetts employees: 0.372% of wages in 2021 for family leave; none for medical leave Employers ≤ 25 Massachusetts employees: none
Employee contribution	Family leave: 0.13% of wages in 2021 Medical leave: 0.248% of wages in 2021
Benefit calculation	80% of employee's AWW up to 50% of state AWW, and 50% for AWW over 50% of state AWW
Base period	Last 4 completed calendar quarters within past 5 quarters before start of claim
Maximum weekly benefit	\$850
Waiting period	7 consecutive calendar days
Job protections	Job protections and continued health benefits included in law
Employer notice	Workplace poster; written notice (paper or electronic) to new hires within 30 days of hire, who can acknowledge or decline to acknowledge receipt
Legal cites	<u>MA Gen. Laws ch. 175M</u> ; <u>458 MA Code Regs. 2.00</u>
Website	<u>Department of Family and Medical Leave</u>
Mercer resource	<u>Massachusetts readies for paid family and medical leave</u> (Jan. 13, 2020)

2021 state disability/medical and family leave key elements	
New Jersey	
Covered employer	Employers with at least 1 NJ employee and annual payroll of \$1,000
Eligible employee	Worked at least 20 weeks earning at least \$220 weekly, or earned a combined total of \$11,000 in the base period; generally includes employees subject to unemployment insurance
Leave duration	Employee's own nonwork-related disability/health condition: 26 weeks Family leave starting on or after Jan. 1, 2021: 12 weeks (56 days intermittent) SAFE Act: 20 days Maximum available in 52-week period: 38 weeks
Family member	Employee's spouse or domestic partner, child (of any age), parent or person standing <i>in loco parentis</i> ; parent-in-law, sibling, grandparent, grandchild, any blood relative, or any family- equivalent relationship
Public plan	Administered with unemployment insurance through the Division of Temporary Disability and Family Leave Insurance
Private plan	Permitted for TDI plan; may be self-insured or insured, or through a union welfare fund. No private plans approved for family leave insurance
Employer contribution	For TDI, balance of plan costs after employee contribution; none for PFL
Employee contribution	Disability: 0.47% of the first \$138,200 earned in 2021 Family leave: 0.28% of the first \$138,200 earned in 2021
Benefit calculation	85% of AWW for leave starting on or after Jan. 1, 2021.
Base period	First 4 of last 5 completed calendar quarters preceding leave
Maximum weekly benefit	\$903 for leave starting in 2021
Waiting period	7 consecutive days; benefit payments are paid retroactively to the start of disability after 3 additional weeks; no waiting period for FLI
Job protections	No, but the Family Leave Act provides job and health benefit protections
Employer notice	Conspicuous posting
Legal cites	NJ Stat. Ann. § 43:21-25 ; NJ Admin. Code § 12:18-1-1
Website	Division of Temporary Disability and Family Leave Insurance
Mercer resource	New Jersey updates, expands family and disability benefits (March 26, 2019)

2021 state disability/medical and family leave key elements	
New York	
Covered employer	Employers with 1 or more New York employees for 30 days in the year
Eligible employee	DBL: Has worked 4 consecutive weeks for covered employer, PFL: Has worked full-time for 26 consecutive weeks (175 days if regularly working fewer than 20 hours per week) with same employer
Leave duration	Nonwork-related disability: 26 weeks New child, family member's health condition or qualifying military exigency: 12 weeks for leave beginning in 2021 Maximum available in 52-week period: 26 weeks combined
Family member	Employee's spouse or domestic partner, child, stepchild, parent, stepparent, parent-in-law, grandparent, or grandchild
Public plan	Available through NY State Insurance Fund
Private plan	Permitted for one or both DBL and PFL; can be insured or self-insured
Employer contribution	DBL: Balance of plan costs after employee contribution PFL: None
Employee contribution	DBL: 50% of premium up to \$0.60/week Family leave: 0.511% of wages to \$75,408.84 in 2021 (including COVID-19 leave special contribution)
Benefit calculation	DBL: 50% of AWW PFL: 67% of AWW in 2021
Base period	8 weeks of covered employment preceding leave
Maximum weekly benefit	DBL: \$170 PFL: \$971.61 in 2021
Waiting period	DBL: 7 consecutive days Family leave: No waiting period
Job protections	Job protections and continued health benefits included in law
Employer notice	Conspicuous posting
Legal cite	NY Workers' Comp. Law §§ 200–242 ; NY Comp. Codes R. & Regs. tit. 12, §§ 355.1 et seq.
Website	Paid Family Leave ; Workers' Compensation Board's disability benefits

2021 state disability/medical and family leave key elements	
Rhode Island	
Covered employer	Employers with 1 or more employees in Rhode Island
Eligible employee	Earned \$13,800 in base-period wages; or \$2,300 in 1 of the base-period quarters and total base-period wages of at least 1.5 times the highest quarterly earnings, and total base-period earnings of at least \$4,600
Leave duration	Nonwork-related disability: 30 weeks New child or family member's health condition: 4 weeks Maximum available in 52-week period: 30 weeks combined
Family member	Employee's child, parent, parent-in-law, grandparent, spouse or domestic partner
Public plan	Administered with unemployment by the Department of Labor and Training
Private plan	None permitted
Employer contribution	None
Employee contribution	Disability and family leave: 1.3% of wages to \$74,000 for both programs in 2021
Benefit calculation	4.62% of highest quarterly earnings in base period (~60% of AWW)
Base period	First 4 of last 5 completed calendar quarters before start of claim
Maximum weekly benefit	\$887 starting on or after July 1, 2020
Waiting period	None (but benefit eligibility requires at least 7 days of unemployment due to nonjob-related illness)
Job protections	Job protections and continued health benefits under the Rhode Island Parental and Family Medical Leave Act
Employer notice	Conspicuous posting
Legal cite	RI Gen. Laws §§ 28-39 to 28-41
Website	Department of Labor and Training

2021 state disability/medical and family leave key elements	
Washington	
Covered employer	Private and nonfederal governmental employers with employees working in Washington \
Eligible employee	Worked ≥ 820 hours in the first 4 of the last 5 completed calendar quarters before leave
Leave duration	Serious health condition: 12 weeks New child, family member's health condition or qualifying military exigency: 12 weeks each Maximum available in 52-week period: 16 weeks (may be extended to 18 weeks for a pregnancy-related disability)
Family member	Employee's child, son-in-law, daughter-in-law, parent or person standing <i>in loco parentis</i> , spouse or domestic partner, sibling, grandchild, or grandparent
Public plan	Administered by the Washington <u>Employment Security Department</u> , which administers unemployment insurance
Private plan	Permitted for one or both, self-insured or insured — but no insurers currently participate
Employer contribution	55% of total medical contribution (0.14668% of wages) in 2021; no contribution if fewer than 50 employees in the state
Employee contribution	Medical and family leave combined: 0.2533% of wages up to \$142,800 in 2021
Benefit calculation	90% of employee's AWW up to 50% of state AWW, and 50% for AWW over 50% of the state's AWW
Base period	First 4 of last 5 completed calendar quarters before start of claim
Maximum weekly benefit	\$1,206 in 2021
Waiting period	7 consecutive days except for bonding leave
Job protections	Job protections for employees with 12 months of service and 1,250 hours worked for the same employer; continued health benefits if at least one day overlaps with leave under federal FMLA
Employer notice	Conspicuous posting; notice to PFML-eligible employees after an absence of more than 7 consecutive days; optional paystub insert
Legal cite	<u>WA Rev. Code tit. 50A</u> ; <u>WA Admin. Code § 192-500-010 et seq.</u>
Website	<u>Washington Paid Family & Medical Leave</u>

2021 state disability/medical and family leave key elements	
Washington, DC	
Covered employer	Employers of any size with direct or indirect control over a worker's wages, hours or working conditions
Eligible employee	Worked in the city some or all of the 52 calendar weeks immediately before leave; generally covers all employers subject to the city's unemployment insurance law
Leave duration	Own serious health condition: 2 weeks New child bonding: 8 weeks Family member's serious health condition: 6 weeks Maximum available in 52-week period: 8 weeks
Family member	Employee's spouse or domestic partner, child, parent or person standing <i>in loco parentis</i> , sibling, or grandparent; or spouse's or domestic partner's child or parent
Public plan	Administered with unemployment insurance by the Department of Employment Services
Private plan	None allowed
Employer contribution	0.62% of Washington, DC, payroll per quarter
Employee contribution	None
Benefit calculation	90% of the city wage base (\$900 as of July 1, 2020) plus 50% of (employee's AWW — \$900)
Base period	4 of the last 5 completed calendar quarters
Maximum weekly benefit	\$1,000 beginning July 1, 2020
Waiting period	1 week
Job protections	Job protections and continued health benefits under the DC FMLA
Employer notice	Conspicuous poster; notice of rights at hire and annually
Legal cites	D.C. § 32-541.01 et seq. ; 7 D.C. Mun. Regs tit. 7 § 34
Website	DC Office of Paid Family Leave
Mercer resources	Washington, DC's paid leave program starts July 1 (June 10, 2020) Employers need to prepare now for Washington, DC's universal paid leave (June 11, 2019)

Related resources

Non-Mercer resources

- [CA disability insurance contribution rate and other changes effective Jan. 1, 2021](#) (Employment Development Department)
- [CA Family Rights Act and Pregnancy Disability Law Requirements and Obligations](#) (Department of Fair Employment and Housing)
- [CA Unemp. Ins. Code §§ 2601–3308](#) (Legislature)
- [CA Code Regs. tit. 22, §§ 2601 et seq.](#) (Westlaw)
- [DC Office of Paid Family Leave](#)
- [DC Department of Employment Services](#)
- [DC Code § 32-541.01 et seq.](#) (City Council)
- [DC Mun. Regs. tit. 7 § 34](#) (District of Columbia Register, June 21, 2019)
- [DC Mun. Regs. tit. 7, ch. 35](#) (Department of Employment Services)
- [HI approved TDI carriers](#) (Department of Labor and Industrial Regulations)
- [HI Disability Compensation Division](#) (Department of Labor and Industrial Regulations)
- [HI Rev. Stat. ch. 392](#) (Legislature)
- [HI Code R. § 12-11](#) (Disability Compensation Division)
- [NJ Division of Temporary Disability and Family Leave Insurance](#) (Department of Labor and Workforce Development)
- [NJ Family Leave Act notice](#) (Division of Civil Rights)
- [NJ Stat. Ann. § 43:21-25](#) (Department of Labor and Workforce Development)
- [NJ Admin. Code § 12:18-1-1](#) (LexisNexis)
- [NY state insurance fund](#)
- [NY state paid family leave website](#)

- [NY disability benefits](#) (Workers' Compensation Board)
- [NY Workers' Comp. Law §§ 200–242](#) (State Senate)
- [NY Regs. tit. 12, §§ 355.1 et seq.](#) (Westlaw)
- [RI Parental and Family Medical Leave Act notice](#) (Department of Labor and Training)
- [RI Gen. Laws §§ 28-39 to 28-41](#) (General Assembly)
- [RI temporary disability/caregiver insurance](#) (Department of Labor and Training)
- [WA Paid Family & Medical Leave website](#)

Mercer Law & Policy resources

Links to any resources on Mercer Link are accessible to Mercer consultants. Clients and prospects may contact their consultants for copies or access 2019 and later GRISTs via the Law & Policy Group's [webpage](#) and [library](#) on www.mercer.com/our-thinking.html.

- [Colorado voters approve paid family and medical leave law](#) (Nov. 10, 2020)
- [San Francisco aligns paid parental leave law with state family leave](#) (July 21, 2020)
- [Washington, DC's paid leave program starts July 1](#) (June 10, 2020)
- [2020 state paid family and medical leave contributions and benefits](#) (Feb. 14, 2020)
- [Roundup of selected state health developments, fourth-quarter 2019](#) (Jan. 21, 2020)
- [Massachusetts readies for paid family and medical leave](#) (Jan. 13, 2020)
- [Roundup of selected state health developments — third-quarter 2019](#) (Oct. 28, 2019)
- [Employers need to prepare now for Washington, DC's universal paid leave](#) (June 11, 2019)
- [New Jersey updates, expands family and disability benefits](#) (March 26, 2019)
- [2019 updates to state-mandated disability programs](#) (Jan. 31, 2019)

Other Mercer resource

- [Life, absence & disability](#)
- [State paid leaves: Three things employers should do in 2020 besides comply](#) (Jan. 30, 2020)

- [Think globally, comply locally: How employers navigate leave laws](#) (Nov. 15, 2018)
- [A federal solution to the paid leave compliance maze?](#) (Dec. 4, 2017)

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