

LAW & POLICY GROUP**GRIST**

2020 state paid family and medical leave contributions and benefits

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As of 2020, California, Hawaii, New Jersey, New York, Rhode Island, Washington, and Washington, 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. Each jurisdiction differs from others in some way.

Common elements

Common elements in nearly all of these programs include these features:

- State/district agency (except in Hawaii) oversees and/or administers the program.
- Funding comes at least partially from employee contributions (except in Washington, DC).
- Program provides partial wage replacement for qualified leave.
- Qualifying reasons for leave are similar to those under the federal Family and Medical Leave Act (FMLA).
- Leave runs concurrently with FMLA (when both apply).
- Employee eligibility depends on work location (not residence).

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- Employees must provide documentation of need for leave.
- Leave duration is limited within a 12-month period.
- Contributions and maximum benefit amounts are updated annually.

Other common elements for some programs include:

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

This is the first year that benefits are available through the Washington state and Washington, DC, programs. Massachusetts plans to begin benefits in 2021; Connecticut contributions begin in 2021, and benefits will follow in 2022; and Oregon contributions start in 2022, with benefits first available in 2023. Other states, including Colorado, are likely to enact similar laws in 2020.

Highlights of 2020 state paid family and disability/medical leave rates

Each jurisdiction has posted its 2020 contribution rates, taxable wage base, and maximum weekly benefit amounts. New York's disability benefits are set by the law, and don't change. Puerto Rico also has a mandated disability benefit program, not included here. Rates are set by statute and remain unchanged from year to year. Here are highlights of the 2020 updates:

California

The State Disability Insurance (SDI) taxable wage base is \$122,909 in 2020, an increase from \$118,371 in 2019. The employee contribution rate, which includes both SDI and Paid Family Leave (PFL), will remain at 1% in 2020 — up to the taxable wage base. The 2020 maximum weekly benefit of \$1,300 reflects an increase from the 2019 maximum of \$1,252. A [legislative change](#) will expand PFL from six to eight weeks for claims beginning on or after July 1.

Hawaii

The 2020 Temporary Disability Insurance (TDI) weekly wage base is \$1,119.44, up from \$1,088.08 in 2019. Hawaii law permits employee contributions of up to 0.5% of wages (up to the weekly wage base) with a

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maximum weekly contribution of \$5.60 in 2020. The 2020 maximum weekly benefit is \$650, an increase from \$632 in 2019. Hawaii doesn't currently have a paid family leave mandate or program.

New Jersey

Significant legislative changes apply to New Jersey's program beginning in 2020. The 2020 taxable wage base is \$134,900, up from \$34,400 in 2019, for both TDI and Family Leave Insurance (FLI). The employee contribution rate for TDI is 0.26% in 2020, an increase from the 2019 rate of 0.17%. The 2020 FLI contribution rate is 0.16%, an increase from the 2019 rate of 0.08%. The 2020 maximum weekly benefit for TDI or FLI beginning before July 1 is \$667, up from \$650 in 2019. For claims beginning on or after July 1, the maximum weekly benefit rises to \$881 as a result of the benefit calculation increase from 2/3 of weekly wages to 85%.

New York

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

The employee contribution rate for PFL in 2020 is 0.27% of the employee's weekly wage, up from a 2019 rate of 0.153%. Contributions are limited to the taxable wage base of \$72,860.84 in 2020 — up from \$70,569.72 in 2019 — for a maximum annual contribution of \$196.72. The weekly PFL benefit is 60% of an employee's average weekly wage (up from 55% in 2019), to a maximum weekly benefit of \$840.70 (for up to 10 weeks), an increase from \$746.41 in 2019.

Rhode Island

The 2020 taxable wage base is \$72,300, up from \$71,000 in 2019, for combined TDI and Temporary Caregiver Insurance (TCI) programs. The 2020 employee contribution rate rises to 1.3% of employee wages, up from a rate of 1.1% in 2019. Rhode Island updates its weekly benefit amount each July. The maximum weekly benefit is \$867 for benefit years beginning on or after July 1, 2019 until a new rate is announced in July 1, 2020.

Washington

In Washington's first year offering paid leave benefits, the 2020 employee contribution rate remains at 0.2533% of wages up to a taxable wage base of \$137,700. Employer contributions of 0.14668% of wages apply to employers with at least 50 employees in the state. The maximum weekly benefit is \$1,000.

Washington, DC

The employer contribution rate is unchanged from the program's start — 0.62% of an employee's Washington, DC, wages. 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 (when leave benefits are first available) is \$1,000.

Chart: 2020 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](#), [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 where available.

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2020 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	Based on earnings in the base period: Employee must have 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 non-work related disability — 52 weeks New child or family member's health condition — 6 weeks for leave beginning before July 1, 2020; 8 weeks for leave beginning on or after July 1. Qualifying military exigency — begins in 2021 — 8 weeks Maximum available in 52-week period — 52 weeks
Family member	Employee's child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, and registered domestic partner
Public plan	Administered with unemployment insurance by the Employment Development Department
Private plan	Yes, for both SDI and PFL or neither — self-insured; insured not available
Employer contribution	None
Employee contribution	SDI and PFL combined: 1% of wages in 2020 to annual maximum wages of \$122,909
Benefit calculation	60% or 70% depending on greatest quarterly base period earnings above or below 1/3 of the state's average quarterly rate (\$5,741.66 for 2020)
Base period	First 4 of last 5 completed calendar quarters preceding leave
Maximum weekly benefit	\$1,300 for leave beginning in 2020
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 non-work 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

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2020 state disability/medical and family leave key elements	
HAWAII	
Covered employer	All employers with 1 or more employees working in Hawaii
Eligible employee	Work 20 hours/week for 14 weeks and earned \$400 in past 12 months; the 14 weeks need not be consecutive nor with one employer; employee must be in current employment to be eligible.
Leave duration	Employee's own non-work 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	Private plan through <u>approved carrier</u> required, or an approved self-insured plan
Employer contribution	Balance of plan costs after employee contribution; employer may pay entire cost of TDI coverage, or share the cost with eligible employees
Employee contribution	One-half the premium cost but not more than 0.5% of the employees' weekly wages up to \$5.60 in 2020
Benefit calculation	58% of employee's average weekly wage (AWW) in the base period
Base period	52 weeks preceding disability
Maximum weekly benefit	\$650 for leave beginning in 2020
Waiting period	7 consecutive days or until 1st day of hospital stay, whichever occurs sooner
Job protections	No state law job protection apply
Employer notice	Conspicuous posting
Legal cites	<u>21 HI Rev. Stat. § 392</u> ; <u>HI Code R. § 12-11</u>
Website	Labor and Industrial Relations Department's Disability Compensation Division TDI <u>website</u>

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2020 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	Based on earnings: 20 weeks earning at least \$200 weekly, or have earned a combined total of \$10,000 in the base period; generally the same employees are subject to unemployment insurance
Leave duration	Employee's own non-work related disability/health condition — 26 weeks Family leave starting before July 1, 2020 — 6 weeks (42 days intermittent) Family leave starting on or after July 1, 2020 — 12 weeks (56 days intermittent) SAFE Act — 20 days Maximum available in 52-week period — 38 weeks
Family member	Employee's spouse, child (of any age), or parent, including standing <i>in loco parentis</i> ; parent-in-law, sibling, grandparent, grandchild, any blood relative, domestic partner or any family relationship equivalent
Public plan	Administered with unemployment insurance through the Division of Temporary Disability and Family Leave Insurance
Private plan	Yes, for TDI. A private plan may be self-insured or insured, or through a union welfare fund. Not available for family leave insurance
Employer contribution	For TDI, balance of plan costs after employee contribution; none for PFL
Employee contribution	Disability: 0.26% of the first \$134,900 earned in 2020 Family leave: 0.16% of the first \$134,900 earned in 2020
Benefit calculation	2/3 of AWW for leave starting before July 1, 2020; 85% of AWW for leave starting on or after July 1, 2020.
Base period	First 4 of last 5 completed calendar quarters preceding leave
Maximum weekly benefit	\$667 for leave starting before July 1, 2020; \$881 for leave starting on or after July 1, 2020
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

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Mercer resource	New Jersey updates, expands family and disability benefits (March 26, 2019)
NEW YORK	
Covered employer	Employers with 1 or more New York employees for 30 days in the year
Eligible employee	Disability/medical — Work 4 consecutive weeks for covered employer, Family leave — Work full-time for 26 consecutive weeks (175 days if regularly working fewer than 20 hours per week) with same employer
Leave duration	Non-work related disability — 26 weeks New child, family member's health condition, or qualifying military exigency — 10 weeks for leave beginning in 2020 Maximum available in 52-week period — 26 weeks combined
Family member	Employee's spouse, domestic partner, child/stepchild, parent/stepparent, parent-in-law, grandparent, grandchild
Public plan	Available through NY State Insurance Fund
Private plan	Permitted for one or both — 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: 0.27% of wages to \$72,860.84 for family leave in 2020
Benefit calculation	DBL: 50% of AWW Family leave: 60% (in 2020) of AWW
Base period	8 weeks of covered employment preceding leave
Maximum weekly benefit	DBL: \$170 PFL: \$840.70 in 2020
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 Regs. tit. 12, §§ 355 et seq.
Website	Paid Family Leave; Workers' Compensation Board's disability benefits

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2020 state disability/medical and family leave key elements	
RHODE ISLAND	
Covered employer	Employers with 1 or more employees in Rhode Island
Eligible employee	Has earned \$12,600 in base period wages; or \$2,100 in 1 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 \$4,200
Leave duration	Non-work 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 \$72,300 for both programs in 2020
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	\$867 starting on or after July 1, 2019
Waiting period	None (but benefit eligibility requires at least 7 days of -unemployment due to non-job-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

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2020 state disability/medical and family leave key elements	
WASHINGTON	
Covered employer	Private and nonfederal governmental employers with employees working in Washington
Eligible employee	Work \geq 820 hours in the first 4 of the last 5 completed calendar quarters before leave
Leave duration	Serious health condition — 12 weeks New child or 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 complications resulting in a pregnancy-related disability)
Family member	Employee's child, parent, including standing <i>in loco parentis</i> ; spouse, domestic partner, sibling, grandchild, grandparent
Public plan	Administered by the Washington Employment Security Department , which administers unemployment insurance
Private plan	Yes for one or both, self-insured or insured — but no insurers currently participate
Employer contribution	55% of wage deduction for medical (0.14668% of wages) in 2020; no contribution if fewer than 50 employees in the state
Employee contribution	Medical and family leave combined: 0.2533% of wages to \$137,700 in 2020
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	\$1,000 in 2020
Waiting period	7 consecutive days except for bonding leave
Job protections	Job protections apply to employees with 12 months of service and 1,250 hours worked for the same employer. Unclear whether employers must provide continued health benefits. Further guidance expected from state.
Employer notice	Conspicuous posting; notice to PFML-eligible employees after an absence of more than 7 consecutive days; optional paystub insert
Legal cite	Title 50A RCW; § 192-500 WAC et. seq.
Website	Washington Paid Family & Medical Leave

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2020 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 Washington, DC some or all of 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, child, or parent, including standing <i>in loco parentis</i> ; domestic partner, spouse or domestic partner's child or parent; sibling; grandparent
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 Washington, DC wage base (\$900 for 2020) plus 50% of the (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 DCFMLA
Employer notice	Conspicuous poster; notice of rights at hire and annually
Legal cites	DC Official Code § 32-541.01 et seq. ; 7 DCMR 34
Website	DC Office of Paid Family Leave
Mercer resource	Employers need to prepare now for Washington, DC's universal paid leave (June 11, 2019)

Related resources

Non-Mercer resources

- [Disability insurance contribution rate and other changes effective January 1, 2020](#) (California Employment Development Department)
- [California Family Rights Act and Pregnancy Disability Law Requirements and Obligations](#) (California Department of Fair Employment and Housing)
- [CA Unemp. Ins. Code §§ 2601–3308](#) (California Legislature)
- [CA Code Regs. tit. 22, §§ 2601 et seq.](#) (California Code of Regulations)
- [DC Paid Family Leave website](#)
- [DC Department of Employment Services](#)
- [DC Official Code § 32-541.01 et seq.](#) (Code of the District of Columbia)
- [7 DCMR 34](#) (DC Register, June 21, 2019)
- [DCMR Title 7, Chapter 35](#) (Department of Employment Services)
- [HI approved disability carrier](#) (Hawaii Department of Labor and Industrial Regulations)
- [HI Disability Compensation Division](#) (Hawaii Department of Labor and Industrial Regulations)
- [21 HI Rev. Stat. § 392](#) (Hawaii Revised Statutes)
- [HI Code R. § 12-11](#) (Hawaii Administrative Rules)
- [Division of Temporary Disability and Family Leave Insurance](#) (New Jersey Department of Labor and Workforce Development)
- [Family Leave Act Notice](#) (New Jersey Division of Civil Rights)
- [NJ Stat. Ann. § 43:21-25](#) (New Jersey Department of Labor and Workforce Development)
- [NJ Admin. Code § 12:18-1-1](#) (New Jersey administrative code)
- [NY state insurance fund](#)

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- [New York state paid family leave](#)
- [NY Workers' Compensation Board's Disability Benefits](#)
- [NY Workers' Comp. Law §§ 200–242](#) (New York Senate)
- [NY Regs. tit. 12, §§ 355 et seq.](#) (New York codes, rules and regulations)
- [Rhode Island parental and family medical leave act notice](#) (Rhode Island Department of Labor and Training)
- [RI Gen. Laws §§ 28-39 to 28-41](#) (Rhode Island statutes)
- [RI temporary disability/caregiver insurance](#) (Rhode Island Department of Labor and Training)
- [Washington Paid Family & Medical Leave website](#)

Mercer Law & Policy resources

- [Roundup of selected state health developments — Fourth-quarter 2019](#) (Jan. 21, 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 state-mandated short-term disability contributions and benefits](#) (Jan. 31, 2019)

Other Mercer resource

- [Life, absence & disability](#)

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