Blogs
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Wage & Hour Developments

# Keep Track of the Many Paid Family and Medical Leave Programs Popping Up Across the Nation

Paid Family and Medical Leave (PFML) insurance programs provide benefits to eligible employees who need time off work to care for themselves or their family members. The programs enacted to date are typically funded through premiums paid by employers and/or employees via deductions based upon wages or payroll taxes, although the funding mechanism varies from state to state. These contributions are paid as premiums to state agencies responsible for administering the programs. The programs generally provide wage replacement benefits for a particular number of weeks, depending on the purpose of the leave. The programs differ from state to state, and unless a uniform national program is adopted, employers face the difficult task of understanding and abiding by the requirements for each individual program. Currently, seven PFML programs are in effect across the country—in California, the District of Columbia, Massachusetts, New Jersey, New York, Rhode Island, and Washington. Four additional states—Colorado, Connecticut, New Hampshire, and Oregon—have enacted programs that are not yet in effect. There is a growing trend toward enacting these programs, as PFML legislation has received consideration in at least 18 other states—Arizona, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Carolina, Tennessee, Vermont, and Virginia. Some states, such as California and Hawaii, have had paid medical leave programs that are funded by disability insurance. Employers with employees in various states across the country should keep close watch on the enactment, effective dates, and details of these programs. This patchwork of paid leave laws is likely to be burdensome, as handbooks and employee communications may need to be updated, and employers will need to plan for necessary deductions from employee wages and submission of required premiums to state agencies. Below is a list of the PFML programs that have been enacted and the applicable effective dates. Note that the recently enacted program in Oregon has been delayed because of the COVID-19 pandemic. It is scheduled to take effect in 2023.

| State | Enacted | Effective |
|---|---|---|
| California | 2002 | 2004 |
| New Jersey | 2008 | 2009 |
| Rhode Island | 2013 | 2014 |
| New York | 2016 | 2018 |
| Washington, D.C. | 2017 | 2020 |
| Washington | 2017 | 2019 (premiums began) 2020 (benefits began) |
| Massachusetts | 2018 | 2019 (premiums began) Jan. 2021 (benefits began) |
| Connecticut | 2019 | Jan. 2021 (premiums began) Jan. 2022 (benefits begin) |
| Oregon | 2019 | Jan. 2023 (premiums begin) Sept. 2023 (benefits begin) |
| Colorado | 2020 | Jan. 2023 (premiums begin) Jan. 2024 (benefits begin) |
| New Hampshire (opt-in program) | 2021 | Jan. 2023 (benefits begin) |

Employers with employees in multiple states should contact experienced counsel to discuss the requirements of these various programs.

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