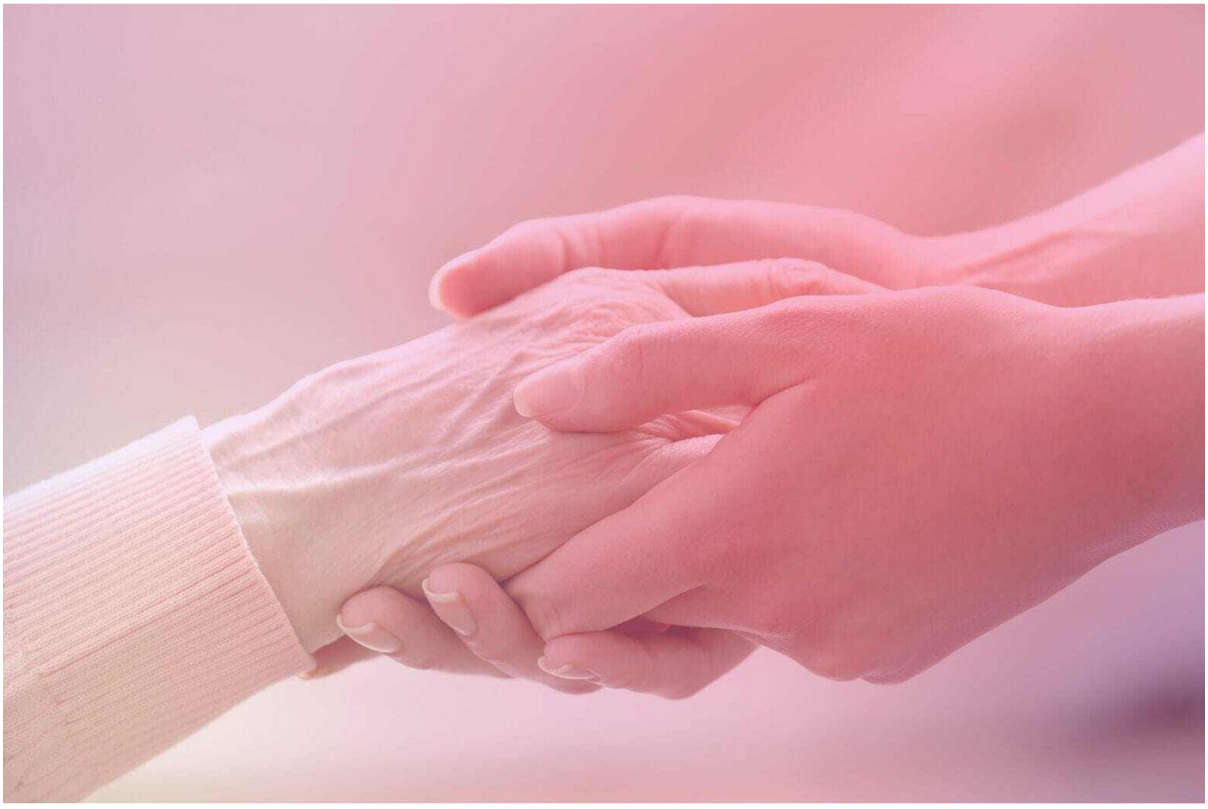
State Paid Family and Medical Leave: What You Need to Know in 2024

As more states adopt paid family and medical leave, staying informed and proactive will be key to ensuring that your business remains compliant.

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State paid family and medical leave (PFML) has recently emerged as a rapidly growing trend among states across the nation. Even if you currently do not employ workers in a state with a PFML program, it's very possible that you may soon find yourself doing so.

But first, what exactly is PFML? In essence, it’s an extended period of paid time off that allows employees to care for a new child, a family member with a serious medical condition, or their own serious health issues. PFML is distinct from state-mandated paid sick leave, which is another popular trend. While paid sick leave allows employees to accrue paid time off for short-term illnesses – typically capped between 5 and 10 days annually – PFML generally offers extended leave of 5 weeks or more, depending on the state. Unlike paid sick leave, PFML benefits are not accrued but are instead paid out by state-run programs rather than by employers.

On the federal side, some protections exist but are limited. Under the federal Family and Medical Leave Act (FMLA), employees are entitled to up to 12 weeks of job-protected leave for the birth, adoption, or fostering of a child, as well as to care for their own or a family member's serious health condition. However, this leave is unpaid, meaning that employees must bear the financial burden during their time off. Additionally, FMLA has eligibility restrictions, and according to the U.S. Department of Labor, approximately 44% of Americans are not even entitled to unpaid FMLA leave. This gap in coverage is one reason why many states have stepped in to provide more comprehensive paid leave options.

While the general framework of PFML laws is similar across states, each state has its own specific requirements. Programs are generally funded by either employer contributions, employee contributions, or a combination of both. Employee eligibility varies, with different states requiring minimum hours worked, weeks employed, or earnings thresholds to qualify for PFML. Additionally, the reasons for taking leave and the definition of a "family member" differ from state to state. Most states also impose employee notification and posting requirements.

As of now, 13 states and the District of Columbia have established state-run PFML programs, including California, Connecticut, Massachusetts, New Jersey, Rhode Island, Washington, Colorado, Delaware, Maine, Maryland, Minnesota, and Oregon. New York, on the other hand, mandates paid family leave (PFL) through a private insurance system. Several other states have adopted voluntary PFML systems, allowing employers to opt in and provide their employees with this benefit. Even if you don’t currently operate in one of these states, more than 10 additional states have at some point proposed a PFML program, making it essential to stay on top of the latest developments.

Overall, the landscape of paid family and medical leave is rapidly evolving, with more states adopting these programs each year as well as changing and expanding existing programs. As this trend continues to gain momentum, staying informed and proactive will be key to navigating the complexities of PFML laws and ensuring that your business remains compliant.

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