

March 2024

Paid Family Leave

Paid family leave provides caregivers critical time off to bond with a new child within one year of the child’s birth, adoption, or foster care placement. Paid medical leave allows workers to take time off to recover from a serious medical illness or event, including childbirth. State paid family and medical leave programs vary considerably in terms of length of leave, eligibility criteria, wage replacement, and funding mechanisms. Below is a list of policy considerations for state leaders to help maximize the effectiveness of a state paid family and medical leave program for families with a new child. **States should consider the implications of these policy choices and their collective impact on equitable access to paid family leave for families in their state.**

We use the following symbol to highlight where policy choices can promote greater equity. 

A paid family and medical leave policy is one of the most effective policies a state can implement to promote employment, increase parent-child bonding, and improve parent and child health. The most rigorous research to date indicates that a program providing paid leave of **at least 12 weeks for birthing parents and at least 6 weeks for non-birthing parents with a new child** leads to these positive impacts.

As of March 2024, 14 states (including the District of Columbia) have adopted a statewide paid family and medical leave program. Although the policy choices discussed below primarily include considerations for the paid leave provisions affecting families with a new child, it’s worth noting that all 14 states’ programs include family leave (encompassing both bonding and family caregiving leave provisions) and medical leave. This checklist should not be considered an exhaustive list for the policy considerations for paid family and medical leave broadly. Additional policy components not listed below should be considered when crafting a comprehensive program.

This checklist covers the following components of a paid family leave program:

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PROGRAM CHARACTERISTICS	ELIGIBILITY CRITERIA	WAGE REPLACEMENT	ADMINISTRATION AND FUNDING
<ul style="list-style-type: none"> • Weeks of leave • Job protections 	<ul style="list-style-type: none"> • Who is covered • Work requirements 	<ul style="list-style-type: none"> • Wage replacement rate • Waiting period • Filing frequency 	<ul style="list-style-type: none"> • Who pays, how much • Program administration

To learn more about how states vary in their implementation of paid family leave, please view our paid family leave variation table online.



Characteristics of the Program

1. How many weeks of paid leave will be offered to parents with a new child?


Currently, all states that have adopted paid family and medical leave programs offer at least 12 weeks for parents who recently gave birth to recover medically and to bond with and care for their child. Most states with a paid family and medical leave program also offer 12 weeks for all other parents, but two states currently offer less (California and Rhode Island). The most rigorous research to date indicates that a program providing paid leave of at least 12 weeks for birthing parents and at least 6 weeks for non-birthing parents with a new child generates positive outcomes for young children and their families.

Number of weeks for birthing parents: _____

Number of weeks for non-birthing parents: _____

2. Will the program include job protections?

Job protection benefits require that a worker is placed in the same position, or a comparable position, when the worker returns from leave. The federal Family and Medical Leave Act (FMLA) provides unpaid, job protected leave for eligible workers. Unfortunately, many workers are not covered under FMLA due to tenure and employer size requirements. To fill in the gap, most state paid family leave programs (11 out of 14) include job protections. However, similar to FMLA, some states require a qualified worker to be employed with their current employer for a certain number of days in order to qualify for job protected leave. Requirements currently range from 90 to 180 days of employment prior to taking leave.

 Job protection allows workers to feel secure when taking paid leave, which may increase take-up and support long-term economic stability for all workers, especially workers with lower or unstable earnings and part-time workers who are less likely to be guaranteed job-protected leave through the FMLA.


- Yes, job protection will be provided through the state's paid family leave programs.
 - A worker will be required to be employed with their current employer for _____ days in order to qualify for job protection.
 - Protections against retaliation will also be included.
 - The _____ department or agency will provide the necessary enforcement mechanisms.
- No, job protection will not be included in the state's paid family leave program.
- Job protection benefits are included within another state law. Details: _____

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Eligibility Criteria

3. Who will be covered?

States may choose who is able to access paid family leave, as well as whether workers are automatically covered or must opt in to the program.

 A paid family leave program inclusive of as many workers as possible promotes equitable access to and take up of paid leave programs.

<input type="checkbox"/> Public sector workers	<input type="checkbox"/> Automatic coverage <input type="checkbox"/> Can opt-in
<input type="checkbox"/> Private sector workers	
<input type="checkbox"/> Part-time workers	<input type="checkbox"/> Automatic coverage <input type="checkbox"/> Can opt-in
<input type="checkbox"/> Seasonal workers	<input type="checkbox"/> Automatic coverage <input type="checkbox"/> Can opt-in
<input type="checkbox"/> Domestic workers	<input type="checkbox"/> Automatic coverage <input type="checkbox"/> Can opt-in
<input type="checkbox"/> Self-employed workers	<input type="checkbox"/> Automatic coverage <input type="checkbox"/> Can opt-in
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Automatic coverage <input type="checkbox"/> Can opt-in
<input type="checkbox"/> Dependent on employer size: Employers with _____ or more employees	

Another consideration is whether both parents or caregivers have access to paid family leave. All 14 states (including the District of Columbia) that have adopted paid family leave programs allow both parents (of any gender) to qualify for the program.

- The non-birthing parent will be eligible for coverage.
- The non-birthing parent will be provided _____ weeks of paid leave.
- Leave may be taken concurrently.

4. How will covered workers become eligible for paid leave?

States may set eligibility requirements to qualify for paid family leave. Eligibility requirements are often set based on minimum earnings over a specified period of time and/or length of employment. Nine states require workers to earn a minimum amount, with two of those states tying their minimum earnings requirement to a percentage of the state’s average weekly wage. Five states require workers to be employed for a minimum number of hours or weeks before they qualify to take leave.

 A lower threshold for hours and earnings promotes equitable access by ensuring more workers, particularly those with lower or unstable earnings, can become eligible for paid family leave.


- An employee will be required to complete a total of _____ work hours during the last _____ months to be eligible for paid family leave.
- An employee will be required to earn a minimum of \$ _____ over the previous _____ months to be eligible for paid family leave.
 - Workers will be allowed to combine income from more than one employer.
- An employee will be required to earn at least _____ % of the state’s average weekly wage over the previous _____ months to be eligible for paid family leave.
 - Workers will be allowed to combine income from more than one employer.

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Wage Replacement

5. What percentage of wages will be replaced during leave?

Workers are paid a percentage of their average weekly wages while taking paid family leave. As of October 2023, states with flat wage replacement rates cover between 60% and 85% of a worker's average weekly wages. However, wage replacement rate structures vary, with some states providing higher wage replacement rates for wages below a certain threshold and lower rates for wages above that threshold (i.e. graduated wage replacement). States also set a minimum and maximum weekly rate, which is often adjusted annually for inflation. Currently, maximum weekly benefits range from \$900 to \$1,620.

 Workers who earn lower wages rely heavily on their income to pay for regular household expenses. Higher wage replacement rates that ensure all eligible workers can afford to take leave and care for their family promote equitable access to paid family leave.

A flat wage replacement structure in which all workers receive _____ % of their average weekly wages.

A graduated wage replacement structure in which workers with lower incomes receive a higher wage replacement rate.

Specific details: _____

Maximum weekly amount: \$ _____

Minimum weekly amount: \$ _____

The minimum and maximum weekly amounts will be adjusted annually for inflation.

6. Will the state implement a waiting period?

A waiting period is the length of time an employee must take unpaid leave before their wage replacement benefits begin. The majority of states (13 out of 14) do not have a waiting period for family leave. Only one state has a waiting period of 7 days for family leave.

 A paid family leave program with no or short waiting periods can reduce unpaid time off for workers who cannot afford to miss a paycheck.

No waiting period.

The waiting period will be _____ days.

7. How frequently will families need to apply to receive benefits?

States vary in how often individuals need to apply or file claims for benefits, ranging from a one-time application to weekly claims.

 A paid family leave program application that requires less frequent claim filing may increase access to and participation in the program.

Filing frequency: _____

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Administration and Funding Mechanism

8. How will the program funded?

State paid family leave programs are funded through employer and/or employee contributions (also called premiums). Two considerations should be taken into account when determining how the program will be funded: who pays and how much.

Workers Cover Full Cost

7 states

Workers & Employers Share Cost

6 states

Employers Cover Full Cost

1 state

Who Pays:

Workers Employers

All employers (regardless of size) will contribute to the premium.

Small employers with fewer than _____ employees will be exempt from paying the employer portion of the premium.

How Much:

Currently, premium rates range from 0.06% to 1.1% of all covered employee wages up to a specified cap. Premiums are typically collected for 1 to 2 years before benefits are available to families.

The total premium will be _____% for all annual wages under \$ _____ .

Workers will cover the full cost of the program. The premium will be collected through a payroll deduction.

Employers will cover the full cost of the program.

Workers and employers will share the cost of the program. Employers will contribute at least _____% of the total premium, and up to _____% of the total premium can be withheld from workers' wages. (The percentages contributed by workers and employers should add up to 100%.)

Premiums will be collected for _____ years prior to benefits becoming available to families.

9. Which state department or agency will administer the program?

A state must determine whether a new state government agency will be created to administer the program, or the program will be administered through existing infrastructure, such as the state's department of labor or the state's existing temporary disability program. Four of the 14 states (including the District of Columbia) that have adopted a paid family leave program created a new state agency to administer their program.

The following department or agency will administer the program:

Establish a new department or agency: _____

Initial start-up operational funding is required. The estimated total costs are \$ _____ for fiscal year(s) _____ .

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