

United States⁵⁹⁶

Shirley Gatenio Gabel (Fordham University), **Gayle Kaufman** (Davidson College), **Cassandra Engeman** (Stockholm University), and **Richard J. Petts** (Ball State University)

April 2024

N.B. The United States is a federal state.

For comparisons with other countries in this review on leave provision and early childhood education and care services please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on United States leave policy: There is no statutory right to any of the types of leave or other statutory measures covered in the other country notes in this review. The federal Family and Medical Leave Act (FMLA) of 1993 provides unpaid leave for a variety of reasons, including: childbirth or the care of a newborn child up to the age of 12 months; for the placement and care of an adopted or foster child; for the care of a seriously ill child, spouse, or parent; or for a serious health condition of the employee that makes them unable to work their regular schedule. The federal Department of Labor is responsible for the FMLA. In addition, 14 states, the District of Columbia and one territory offer all or some employees the statutory right to partly paid leaves for family reasons. In March 2023, 27 per cent of all civilian workers had access to paid family leave, and 90 per cent had access to unpaid family leave.⁵⁹⁷ There is currently a tax incentive in the United States for employers to provide paid family and medical leave to certain employees. This incentive is temporary and scheduled to expire at the end of 2025.⁵⁹⁸

⁵⁹⁶ Please cite as: Gatenio Gabel, S., Kaufman, G., Engeman, C. and Petts, R.J. (2024) 'United States country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A. Moss, P. and Valentova, M. (eds.) *International Review of Leave Policies and Research 2024*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

⁵⁹⁷ Bureau of Labor Statistics (2023). *What data does the BLS publish on family leave?* Available at <https://www.bls.gov/ebs/factsheets/family-leave-benefits-fact-sheet.htm>

⁵⁹⁸ Congressional Research Service (2023) *Paid Family and Medical Leave in the United States*, September 2023. Available at <https://crsreports.congress.gov/product/pdf/R/R44835>

Length of leave (before and after birth)

- The FMLA provides up to 12 weeks in a 12 month period. Leave is an individual entitlement (for those who are eligible, see below).

Payment and funding

- Leave under the FMLA is unpaid and job-protected, meaning that employees are guaranteed a return to the same or similar position with the same employer.

Flexibility in use

- FMLA leave may be taken in one continuous period or divided into several periods of time.

Regional or local variations in leave policy

- As of 2023, 14 states, the District of Columbia, and Puerto Rico have adopted paid leave insurance for pregnancy and/or family caregiving.⁵⁹⁹ All leave rights and benefits are granted as individual entitlements. In addition, 8 states have adopted voluntary family leave systems that allow insurance companies to write private insurance policies for paid family leave.⁶⁰⁰ All states, except for New York, fund the benefits through pooled payroll taxes on employees and/or employers. New York uses a mandatory private insurance scheme that requires employers to purchase paid family and medical leave plans from insurance companies, including the state-run New York Insurance Fund. New York State oversees and regulates the system, determining benefit levels and premium rates.⁶⁰¹ State programs typically have less stringent eligibility standards, longer leave durations and additional qualifying criteria for leave. Job protections are less clear in state programs than in the FMLA, with several states having parallel legislation guaranteeing job protection.⁶⁰²

For cross-national comparative purposes, we note that there are no nationality/citizenship-based eligibility requirements. Eligibility requirements centre on employment (i.e., number of weeks or hours worked, employer size, etc.). We also note that since the Supreme Court

⁵⁹⁹ Congressional Research Service (2023) *Paid Family and Medical Leave in the United States*, September 2023. Available at <https://crsreports.congress.gov/product/pdf/R/R44835>

⁶⁰⁰ <https://bipartisanpolicy.org/explainer/state-paid-family-leave-laws-across-the-u-s/>

⁶⁰¹ Bipartisan Policy Center (2024) *State Paid Family Leave Laws across the U.S.* Available at: <https://bipartisanpolicy.org/explainer/state-paid-family-leave-laws-across-the-u-s/>

⁶⁰² Congressional Research Service (2023) *Paid Family and Medical Leave in the United States*, September 2023. Available at <https://crsreports.congress.gov/product/pdf/R/R44835>

struck down state-level same-sex marriage bans in June 2015, leave to care for one's spouse includes married, same-sex couples, and leave to care for children includes children of same-sex couples where there is legal guardianship. Some states cover leave to care for children for employees standing in *loco parentis* – or acting as parents regardless of legal guardianship. This is noted in the descriptions of state provisions below.

California: the first state to implement a comprehensive paid family leave (PFL) law in 2004, covering all private sector employees. Some public sector employees are covered, and self-employed persons can opt in. PFL insurance allows covered employees, regardless of gender, to receive wage replacement benefits for up to eight weeks. Leave is partially paid at 60 to 70 per cent of earnings, depending on income, up to a current maximum of USD\$1,620 [€1,485.97]⁶⁰³ per week in 2023.⁶⁰⁴ Starting in January 2025, the wage replacement rate will increase to 70 to 90 per cent of earnings, depending on income (as a result of legislation signed in September 2022).⁶⁰⁵ The average weekly benefit was USD\$922 [€845.72] for 2023.⁶⁰⁶ Leave is paid for childbirth, adoption, or care of a seriously ill child, grandchild, parent, parent-in-law, grandparent, spouse, or domestic partner. The definition of 'parent' under the law includes individuals serving as a parent to a child without reference to legal guardianship. PFL was created by extending the State Disability Insurance (SDI) programme to cover family caregiving needs. The SDI provides 52 weeks of wage replacement benefits for leave related to employees' own temporary disability, serious illness, or non-work-related injury. Employee contributions fund PFL and SDI benefits and benefit levels are adjusted annually as wages increase.⁶⁰⁷ As an insurance programme, the PFL and SDI programmes do not provide rights to job protection. Job protection is provided under other laws, such as the FMLA or the California Family Rights Act. Under a separate law, pregnant employees have the right to an additional 4 months of job-protected leave for disability due to pregnancy, childbirth, or related health condition (if they work for an employer with 5 or more employees). They can receive wage replacement under SDI, typically for 4 weeks prior to and 6 weeks after childbirth (and this is in addition to 6 weeks of benefit payments under the PFL for bonding). Additional weeks can be granted with proper physician certification in cases of difficult pregnancies. In addition, workers in San Francisco city and county whose employers have 20 or more employees may be eligible for a top-off. The Paid Parental Leave Ordinance requires private sector employers in these locales to increase paid family

⁶⁰³Conversion of currency undertaken for 16 June 2024, using: <https://data.ecb.europa.eu/currency-converter>.

⁶⁰⁴ https://edd.ca.gov/siteassets/files/pdf_pub_ctr/de2588.pdf

⁶⁰⁵ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB951

⁶⁰⁶ https://edd.ca.gov/en/about_edd/Quick_Statistics#DIStatistics

⁶⁰⁷ https://edd.ca.gov/about_edd/Quick_Statistics.htm#DIStatistics

leave benefits to 100 percent of the average weekly wage or USD\$2700 [€2,476.61], whichever is less.⁶⁰⁸

Colorado: passed paid family leave in 2020, making Colorado the first state to establish a paid leave insurance programme via ballot initiative. Contributions to the employer-employee jointly-funded programme began in January 2023, and employees became able to access benefits starting in January 2024. The programme provides 12 weeks of paid, job-protected leave to bond with a new child (birth, adoption, foster), for self-care or to care for a family member with a serious illness or health condition, to address issues related to a family member's military service, or to address issues related to surviving domestic violence, stalking, sexual assault or abuse. Family members include a child, spouse, domestic partner, spouse's/partner's parent, grandparent, grandchild, sibling, and other individuals the beneficiary considers family regardless of biological ties. In cases of complications from birth or pregnancy, beneficiaries can access an additional 4 weeks of leave. Eligibility for paid benefits requires employees to have earned at least USD\$2,500 [€2,293.16] from current and previous jobs.⁶⁰⁹ Eligibility for job protection requires 180 days of employment prior to taking leave. Employees of both the private sector and state and local government are covered, and self-employed individuals can opt in. Benefits pay 90 per cent of previous earnings that are at or below half of the statewide average weekly wage (AWW) *plus* 50 per cent of previous earnings that are above this amount. The benefit ceiling for the programme's first year is USD\$1,100 [€1,008.99], which will be adjusted annually to equal 90 per cent of the statewide AWW.⁶¹⁰

Connecticut: passed two separate laws in 2019: the Connecticut (CT) Family and Medical Leave (CTFMLA) and CT Paid Leave (CTPL). These laws went into effect in 2022. The CTFMLA provides eligible employees with up to 12 weeks of job-protected leave to care for a new child (birth, adoption, foster); to care for one's own health condition; care for a family member (child, parent, spouse, domestic partner, grandparent, grandchild) with a serious health condition; to address issues related to a family member's active military duty; or to serve as a bone marrow or organ donor. The CT Paid Leave Act provides eligible workers with income replacement. Unlike federal FMLA that requires employees to have been employed at least 12 months and at least 1,250 hours in the 12 months immediately preceding the commencement of leave, CT requires one to have been employed at least three months immediately preceding their first date of leave to be eligible for CT state leave.⁶¹¹ An employee may also be eligible for two additional weeks of CT leave if incapacitated due to a serious health condition that occurs during a pregnancy. State employees are eligible for a maximum of

⁶⁰⁸ <https://www.sf.gov/information/paid-parental-leave-ordinance>

⁶⁰⁹ <https://leg.colorado.gov/bills/sb23-046>

⁶¹⁰ <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2019-2020/283Final.pdf>

⁶¹¹ [https://portal.ct.gov/-/media/DAS/Statewide-HR/A---Z-Listing-Task-PDFs/](https://portal.ct.gov/-/media/DAS/Statewide-HR/A---Z-Listing-Task-PDFs/Family-Medical-Love-DAS-General-Letter-39.pdf) Family-Medical-Love-DAS-General-Letter-39.pdf

24 weeks of leave within a two-year period to bond with a new child. Covered employees in Connecticut are eligible for benefits if they have earned wages of at least USD\$2,325 [€2,132.64] in 1 of the 5 most recently completed quarters. If your wages are less than or equal to the Connecticut minimum wage multiplied by 40, your weekly benefit rate under the PFMLA will be 95 per cent of your average weekly wage. Wage replacement is capped at 60 times the minimum wage for those with earnings above 40 times the minimum wage and 95 per cent of wages for those earning 40 times the minimum wage or less. The maximum paid leave benefit increased to USD\$941.40 [€863.51] as of January 2024. This programme is funded by a withholding tax of 0.5 per cent of earnings. All private sector employees are covered, and self-employed individuals can opt into the programme.⁶¹²

Delaware: enacted the Healthy Delaware Families Act in 2022, and will begin distributing benefits 1 January 2026. The insurance programme is jointly funded by employees (payroll contributions) and employers. Beginning 1 January 2025 contributions will be collected. The initial rate will be 0.8 per cent of wages up to the Social Security maximum rate and will be shared equally by employer and employee (with some exceptions for small employees). Eligible employees can access 12 weeks of wage replacement benefits during Parenting leave or 6 weeks for family or medical leave. Leave is job protected, and employers are required to continue benefit coverage (e.g., health care) during leave. Leave benefits cover 80 per cent of the employee's average weekly wages with a USD\$100 [€91.73] minimum weekly benefit. The weekly benefit is capped at USD\$900 [€825.54] for 2026 and 2027. After 2027, the benefit cap increases in proportion to increases in the Consumer Price Index. Eligibility requires employment for 12 months for at least 1,250 hours with an employer before taking leave from that employer. For employers with 10-25 employees, benefits for employees cover parenting leave only. For employers with more than 25 employees, benefits cover parenting, family, and medical leave. Parenting leave can be used to care for a newborn, newly adopted or newly placed foster child. Family leave can be taken to care for a seriously ill parent, spouse or child. Leave can be taken intermittently or used to reduce the employee's regular schedule.⁶¹³

Hawaii: the state's insurance programme, first enacted in 1969, uniquely focuses on pregnancy and childbirth. Hawaii does not have a *paid* family leave program. Hawaii provides up to 26 weeks of partial wage replacement under its Temporary Disability Insurance (TDI) programme for leave to address health issues related to pregnancy and childbirth (certified by a health professional). Benefits are 58 per cent of average weekly wages, paid up to a limit which is set annually. In 2024, that ceiling was USD\$798 [€731.98] per week.⁶¹⁴ The weekly wage base was USD\$1,374 [€1,260.32] in 2024 and employee contributions are capped at 0.5 per cent of the weekly

⁶¹² https://www.ctpaidleave.org/?language=en_US

⁶¹³ <https://regulations.delaware.gov/AdminCode/title19/1000/1400/1401.shtml#TopOfPage>

⁶¹⁴ <https://labor.hawaii.gov/dcd/files/2019/11/newWBA.pdf>

wage base (maximum contribution in 2024 is USD\$6.87 [€6.30]). To be eligible for TDI benefits, employees must be employed and have worked for at least 14 weeks, for at least 20 hours per week for those 14 weeks in the year preceding leave. Under the Hawaii Family Leave Law and rules, an employee may be eligible for up to 4 weeks of *unpaid* family leave each calendar year for the birth or adoption of a child, or to care for his/her child, spouse, reciprocal beneficiary, or parent with a serious health condition. An employee may substitute accrued paid leave (i.e., vacation or sick leave) for any part of the State Family Leave. However, only the accrued and available sick leave in excess of the 15 days required under the State's self-insured Temporary Disability Benefits Plan, can be applied toward family leave purposes.

Maryland: paid family and medical leave was adopted in 2022. Contributions were delayed by one year and will begin 1 October 2024. The initial contribution rate will be 0.9 per cent (up to the Social Security maximum) to be split evenly between the employer and employee. Workers can submit claims for benefits beginning on 1 January 2026 for a maximum benefit of USD\$ 1,000 [€917.26]. Eligible employees may take up to 12 weeks to care for a child in the 1st year following birth or after the placement of a child through foster care, kinship care, or adoption; to care for themselves or a family member with a serious health condition; to care for a service individual who is next of kin; or because of a qualifying exigency arising out of deployment of a service member who is a family member. Covered individuals may take an additional 12 weeks of leave if the individual is eligible for leave both due to bonding with a new child and to care for their own serious health condition. Workers are eligible if they worked at least 680 hours in the year prior to the date on which leave is to begin, and self-employed workers can opt-in. For workers earning less than 65 per cent of the state AWW, wage replacement is 90 per cent. Leave is job protected, although there are certain circumstances in which employers may refuse to protect the job. Funding for FAMLII will come from employees, employers with 15 or more employees, and self-employed individuals who opt-in.⁶¹⁵

Massachusetts: paid family medical leave was adopted in 2018. Eligible employees began making payroll contributions to the fund in July 2019 and benefits began in 2021. The programme provides: up to 12 weeks to care for a new-born, newly adopted, or newly placed foster child; up to 20 weeks to address one's own serious medical condition, including pregnancy- and childbirth-related health issues; up to 12 weeks to care for a family member (i.e., parent, spouse, child, domestic partner, grandparent, grandchild, sibling, parent-in-law, and domestic partner's parent); up to 26 weeks to address issues related to the military deployment of a family member or a family member's serious illness or injury incurred in active military duty; and up to 26 weeks of combined medical and family caregiving leave. Employees standing in *loco parentis* to a child can take leave to care for the child. The wage replacement rate is 80 per cent of average weekly wages, up to 50 per cent of the state-wide average weekly wage (AWW), plus 50

⁶¹⁵ https://mgaleg.maryland.gov/2022RS/chapters_noln/Ch_48_sb0275E.pdf

per cent of wages beyond that amount up to a cap of USD\$1,149.90 [€1,054.76] per week in 2024.⁶¹⁶ To be eligible, employees must work at least 15 weeks and earn at least USD\$6000 [€5,503.58] in the past year and earned at least 30 times more than they are eligible to receive each week in benefits.⁶¹⁷ The programme covers all private sector and most public sector employees.⁶¹⁸ Self-employed individuals can opt in. Contributions have increased to 0.88 per cent of employee wages (up to the Social Security maximum), and revenues are divided between allocations for family and medical leave. As of November 2023, an amendment to the law allows employees to top off paid family and medical leave benefits from the state or an employer's plan to accrued paid leave or other paid leave benefits.⁶¹⁹

New Jersey: Family Leave Insurance (FLI) provides workers with up to 12 weeks of benefits during leave, covering 85 per cent of prior earnings with a maximum weekly benefit of USD\$1,055 [€967.71] in 2024. To qualify, employees must have worked 20 weeks, earning USD\$283 [€259.59] weekly in 2024, or have earned USD\$14,200 [€13,025.13] in the preceding four quarters, up to a maximum taxable wage base of USD\$161,400 [€148,046.23]. Benefits cover leave to care for a parent, spouse, child, domestic or civil union partner, partner's child, sibling, grandparent, grandchild, parents-in-law, any blood relative, and any person who is considered equivalent to family. The measure is financed by employee payroll deductions and covers all private sector employers, and some public employees.⁶²⁰ Benefit payments for paid family leave do not run concurrent with temporary disability insurance (TDI) benefit payments for leave related to pregnancy and childbirth. Under TDI, pregnant employees can receive wage replacement for 4 weeks prior to the anticipated delivery date and 6 weeks after delivery.

New York: a comprehensive paid family leave policy was adopted in 2016 and phased in beginning in 2018. Leave can be taken all at once or intermittently, in full-day increments. Twelve weeks of job-protected, paid leave to care for a new child, a seriously ill parent, spouse, domestic partner, child, grandparent, or grandchild, or to relieve family pressures when a spouse, domestic partner, child, parent, or sibling (beginning January 2023) is called to active military service abroad are provided. Employees standing in *loco parentis* to a child can take leave to care for the child. Benefits are capped at 67 per cent of the state-wide AWW, or a maximum of

⁶¹⁶ [https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits#what-is-paid-family-and-medical-leave-\(pfml\)?-](https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits#what-is-paid-family-and-medical-leave-(pfml)?-)

⁶¹⁷ [https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits#what-is-paid-family-and-medical-leave-\(pfml\)?-](https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits#what-is-paid-family-and-medical-leave-(pfml)?-)

⁶¹⁸ <https://www.mass.gov/info-details/your-eligibility-for-paid-family-and-medical-leave-pfml>

⁶¹⁹ <https://www.mass.gov/info-details/faqs-for-employers-about-topping-off-pfml-benefits>

⁶²⁰ <https://www.myleavebenefits.nj.gov/labor/myleavebenefits/worker/fli/>

USD\$1,151.16 [€1,151.16] per week in 2024.⁶²¹ The paid family leave programme is funded entirely through employee payroll deductions and contributions are capped at USD\$333.25 [€305.68] annually beginning 2024. Employees are eligible to participate after having worked for their employer for 26 weeks full-time or 175 days part-time. In addition to the paid family leave programme, the TDI programme for pregnancy and childbirth to birth mothers, paid at 50 per cent of average weekly wages up to a cap of USD\$170 [€155.93] per week. Benefit payments cover leave for medical issues related to pregnancy and/or childbirth, and requires the submission of medical reports. This leave is managed through the TDI programme, which is jointly funded by employees and employers.⁶²² The total disability and family leave benefits in any 52-week period may not exceed 26 weeks. Self-employed individuals can opt in to the insurance programmes. As of 2022, PFL's benefits have been extended to domestic workers who work 20 or more hours a week, provided they have been employed for 26 consecutive weeks.

Oregon: paid family leave was adopted in July 2019 and benefits were first disbursed on 3 September 2023.⁶²³ Eligible employees may take up to 12 weeks in a benefit year to care for themselves or a family member, and up to two additional weeks for pregnancy, childbirth, or related circumstances. In some situations, up to 18 weeks may be taken in a benefit year, though four of those weeks may be unpaid.⁶²⁴ Wage replacement is 65 per cent of state AWW plus 50 per cent of wages above the state AWW up to a maximum of USD\$1,523.63 [€1,397.57] per week and a minimum benefit of USD\$63.48 [€58.23] in 2024.⁶²⁵ Low-income workers will receive 100 per cent of their AWW. This programme is funded by a 1 per cent payroll tax, with employees paying 60 per cent and employers paying 40 per cent (businesses with fewer than 25 employees will be exempt from paying taxes though their employees will still be covered). Employees who earned at least USD\$1,000 [€917.26] in the year they apply for paid leave are eligible for benefits, meaning that almost all employees, including part-time employees, are covered.⁶²⁶

Rhode Island: a paid family leave programme (referred to as Temporary Caregiver Insurance) went into effect in 2014 and provides job protection and extends the state's existing TDI programme to provide paid leave to care for a new child or a parent, spouse, child, domestic partner, grandparent, or parent-in-law with a serious health condition. The programme is financed by employee contributions of 1.2 per cent of wages (maximum taxable wage is USD\$87,000 [€79,801.87]). Up to 13 weeks of unpaid leave within a 2 year period to care oneself or family member due

⁶²¹ <https://paidfamilyleave.ny.gov/2024>

⁶²² <http://www.wcb.ny.gov/content/main/DisabilityBenefits/Employer/introToLaw.jsp>

⁶²³ https://www.oregon.gov/employ/PFMLI/Documents/Milestone%20Newsletter_Final.pdf

⁶²⁴ https://www.oregon.gov/employ/PFMLI/Documents/PFMLI_003_0921.pdf

⁶²⁵ <https://www.thehartford.com/paid-family-medical-leave/or>

⁶²⁶ https://www.oregon.gov/employ/PFMLI/Documents/PFMLI_003_0921.pdf

to illness, birth, adoption or foster care placement. Up to 6 weeks paid Parental leave is available at 60 per cent of previous weekly earnings for those who have contributed to the fund and meet earning requirements. The maximum benefit is USD\$1,043 [€956.71] per week for 2024.⁶²⁷ In addition, pregnant employees qualify separately for job-protected paid leave through the TDI programme. TDI covers leave to address medical issues related to pregnancy and childbirth (child bonding is covered by the Temporary Caregiver Insurance).

Washington (State): paid family leave insurance was adopted in 2017. Employees began contributing to the insurance fund in 2019, and, starting in 2020, the programme provides wage replacement during leave to: care for a new-born, newly adopted, or newly placed foster child; or a parent, spouse, domestic partner, child, grandchild, grandparent, or sibling with a serious health condition; or to address issues related to a family member's active military duty. Employees standing in *loco parentis* to a child can take leave to care for the child. Leave can also be used to address an employee's own health issues, including those related to pregnancy or childbirth. Benefits pay 90 per cent of the employee's average weekly wages for employees who earn 50 per cent or less of the state-wide AWW. Employees who earn more receive 90 per cent of their AWW, up to 50 per cent of the state-wide AWW, then 50 per cent of their AWW that exceeds 50 per cent of the state-wide AWW. In 2022, the maximum weekly benefit is USD\$1,456 [€1,335.53]. Benefits are paid for up to 12 weeks for either medical or family leave, 16 weeks for combined self-care and family caregiving, or for up to 18 weeks to address a serious pregnancy-related health condition combined with family caregiving needs. To be eligible, employees must have worked at least 820 hours in four out of five previous quarters. Rights to job protection cover only employees in establishments of 50 or more employees, plus require 12 months and 1,250 hours of employment. Self-employed individuals can opt in⁶²⁸. The programme is funded through premiums paid by both employees and employers. In 2024, the premium rate is 0.74 per cent of each employee's gross wages, not including tips, up to the 2024 Social Security cap (USD\$168,600 [€154,650.52]). Employers with 50+ employees will pay up to 28.57 per cent and employees will pay 71.43 per cent.⁶²⁹

District of Columbia: the Universal Paid Leave (UPL) Amendment Act was adopted in 2017 and began distributing benefits in October 2022. UPL allows up to 12 weeks of paid parental leave for a new-born, newly adopted, or newly placed foster child; 12 weeks of family leave to care for a parent, spouse, child, domestic partner, grandparent, or sibling; 12 weeks of medical leave to address one's own serious health condition; and two weeks prenatal leave.⁶³⁰ Employees standing in *loco parentis* for a child can take

⁶²⁷ <https://dlt.ri.gov/individuals/temporary-disability-caregiver-insurance>

⁶²⁸ <https://paidleave.wa.gov/find-out-how-paid-leave-works/>

⁶²⁹ <https://paidleave.wa.gov/updates/>

⁶³⁰ <https://does.dc.gov/page/dc-paid-family-leave>

leave to care for the child. The Act covers all private sector employees covered by the D.C. Unemployment Compensation Act. Self-employed individuals can opt in. Leave is job-protected, and benefit payments are 90 per cent of the employee's AWW, up to a cap of USD\$1,118 [€1,025.50] per week.⁶³¹

Puerto Rico: the Working Mothers Act (1942) provides an 8 week Maternity leave at 100 per cent of earnings that must begin 1 to 4 weeks prior to the expected delivery date. The disability law permits employee contributions at the rate of 0.3 per cent of wages up to USD\$9,000 [€8,255.37]. The maximum weekly benefit is USD\$113 [€103.65] (USD\$55 [€50.45] for agricultural workers). These statutory amounts have not changed since July 1972.⁶³² A female employee who adopts a child under the age of 6 years is entitled to the same leave benefits as a person who gives birth.^{633 634} The Act was updated in 2020 to extend the right to 5 weeks of Maternity leave for working mothers who adopt children 6 years of age and older. The law does not extend the right to the leave to working fathers.⁶³⁵

Eligibility (e.g., related to employment or family circumstances)

- The federal FMLA covers all employees (including foreign workers who have a valid work visa⁶³⁶) who work for a covered employer (see 'additional note' below) and who have worked for that employer for at least 1 year (even if not for a continuous period) for at least 1,250 hours over the preceding 12 months.
- FMLA defines a child as a biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*.⁶³⁷ As such, a same-sex parent may take leave under FMLA to care for their child, even if they are not an adoptive parent.
- Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for federal FMLA, with lower coverage for low-wage workers, workers with young children, and working welfare recipients.⁶³⁸

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- None.

⁶³¹ <https://dcpaidfamilyleave.dc.gov/workers/>

⁶³² <https://www.mercer.com/our-thinking/law-and-policy-group/2023-state-paid-family-and-medical-leave-contributions-and-benefits.html>

⁶³³ <http://www.oslpr.org/download/en/2000/0120.pdf>

⁶³⁴ <http://www.oslpr.org/download/en/2000/0425.pdf>

⁶³⁵ <https://www.littler.com/publication-press/publication/puerto-rico-enacts-law-extending-maternity-leave-mothers-adopting>

⁶³⁶ <https://www.dol.gov/whd/regs/compliance/FactSheet62/whdfs62I.pdf>

⁶³⁷ <https://www.dol.gov/whd/fmla/adultchildfaqs.htm>

⁶³⁸ Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- The Federal Employee Paid Leave Act (FEPLA) provides federal employees up to 12 weeks of paid time off for the birth of a child or the placement of a child for adoption or foster care. Leave may be used only during the 12-month period beginning on the date of the birth or placement involved as long as an employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement. To receive paid leave benefits under FEPLA, federal employees must meet FMLA eligibility requirements.
- The majority of US workers lack access to paid family leave from any source. Only 27 per cent of private sector employees have access to paid family leave through their employers and 28 per cent of state and local government workers do.⁶³⁹
- Federal FMLA exempts private employers and non-profit organisations with fewer than 50 employees within a 75-mile radius (all public sector employees are covered).

Specific provision for (breast)feeding

- The Fair Labor Standards Act, amended by the Affordable Care Act in 2010, requires that employers provide hourly workers with reasonable break time for an employee to express breast milk for her nursing child up to one year after the child's birth and a place, other than a bathroom, that is private and free from intrusion to be used by an employee to express breast milk. Employers with fewer than 50 employees may seek to be excused from these requirements if they can show that these requirements would impose an undue hardship on the employer.⁶⁴⁰
- The Fifth Circuit of the federal Court of Appeals recently decided that discriminating against a female employee because she is lactating or seeking to express breast milk may constitute sex discrimination under the Pregnancy Discrimination Act and Title VII of the Civil Rights Act.

Flexible working

- The U.S. Department of Labor states that flexible work arrangements are 'a matter of agreement' between employers and employees.⁶⁴¹
- Some states have 'fair workweek laws', but many of these laws only provide employees the right to request schedule changes without retaliation or

⁶³⁹ U.S. Bureau of Labor Statistics (2024) *Employee Benefits: What data does the BLS publish on family leave?* <https://www.bls.gov/ebs/factsheets/family-leave-benefits-factsheet.htm>

⁶⁴⁰ U.S. Department of Labor (January 2023). Fact Sheet #73: FLSA Protections for Employees to Pump Breast Milk at Work. <https://www.dol.gov/agencies/whd/factsheets/73-flsa-break-time-nursing-mothers>.

⁶⁴¹ See: <https://www.dol.gov/general/topic/workhours/flexibleschedules>

protect against employer-driven flexibility, such as advanced scheduling or partial compensation when shifts are cancelled or reduced.⁶⁴²

2. Relationship between leave policy and early childhood education and care policy

There is no statutory entitlement to paid leave or to Early Childhood Education and Care (ECEC).

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

Federal leave

Support is building for a federal paid leave initiative, yet the partisan divide in Congress and debates about funding a federal paid leave policy pose notable barriers to passing legislation.

State level

Maine: passed a paid family and medical leave law in July 2023. Contributions to Maine's programme will begin on 1 January 2025, and benefits will start on 1 May 2026 to eligible workers in the private and public sectors. This will cover part-time, seasonal, and temporary workers. Employees will receive up to 12 weeks of paid leave for family or medical reasons or for the birth or adoption of a child.⁶⁴³ Maine will pay workers a progressive rate up to 100 per cent of the state average weekly wage, which was USD\$1,104 [€1,012.66] in 2023. The programme will be funded by equal payroll contributions from employers and employees, with a maximum of one per cent.

Minnesota: passed a paid family and medical leave law in May 2023, which will take effect on 1 January 2026. Leave will be paid, and job guaranteed for 12 weeks to employees who take time after the birth, adoption or foster care placement of a child; care of self or a family member due to their serious illness; due to military deployment of a family member; or in relation to family violence. Workers potentially may receive up to 20 weeks paid leave in a calendar year for a combination of more than one event. Those earning less than 50 percent of the state's average will receive 90 percent of their weekly wages; workers earning the state average will receive two-thirds of their wages; and those earning above average earnings will be entitled to 55 percent of their wages. Firms with fewer than 30 employees may be exempt. The benefits will be initially funded through

⁶⁴² <https://www.abetterbalance.org/wp-content/uploads/2021/08/Updated-Fair-Flexible-Fact-Sheet.pdf>

⁶⁴³ <https://www.maine.gov/labor/docs/2023/pfml/2023PLc412PFMLExcerpt.pdf>

a state budget surplus and then through a payroll tax to be split by employers and employees set at 0.7 percent but not greater than 1.2 percent after 2027.⁶⁴⁴

Voluntary State Parental and Family Leave Programs

Eight states have adopted voluntary paid family leave insurance programs, 6 of which are endorsed by the National Council of Insurance Legislators, and 2, New Hampshire and Vermont, are based on a state contract with a single insurance carrier to provide a base plan for each state. All state employees in these two states have paid family leave coverage. Beginning in 2023, the New Hampshire programme provides either 6 or 12 weeks of leave: to bond with a child during the 1st year afterbirth, including placement for adoption or fostering; to care for themselves or a family member with a serious health condition; to care for a service individual who is a family member or next of kin; or for any qualifying urgent demand due to a family member being a covered service member. Individuals with Paid Family and Medical Leave (PFML) insurance receive 60 per cent wage replacement up to the social security wage cap. Employers who purchase PFML for their employees are eligible for a 50 per cent tax credit on premiums paid.⁶⁴⁵ Vermont rolled out its paid leave programme in July 2023 as part of a governor's initiative (i.e., not law). The programme provides 60 per cent wage replacement (capped at the Social Security max) for 6 weeks within a 12 month period to bond with a child after birth or adoption or foster care placement, care for oneself or family member with a serious health condition, or military duty. The law is in effect for state employees and coverage extends to other government and private employees beginning 1 July 2024. In 2025, employees whose employers have not opted in or are self-employed may participate.⁶⁴⁶

The laws in Alabama (2023), Arkansas (2023), Florida (law took effect 2023), Tennessee (began 2024) and Texas (law took effect 2023) allow the sale of group family leave insurance policies to employers. In Virginia, insurers may offer family leave coverage, including Parental leave, as a class of coverage as an amendment or addition to an insurance policy, a provision in a group disability policy, or a separate insurance policy. There are no requirements regarding benefit amount or duration.⁶⁴⁷

4. Uptake of leave

A 2018 survey found that only 15 per cent of US workers eligible for the federal FMLA took leave in the past year for any covered reason. Of these, about half took leave for their own illness; 25 per cent took leave for reasons related to a new child; and about a third took multiple occasions of leave for the same reason.⁶⁴⁸

⁶⁴⁴ <https://www.dli.mn.gov/business/employment-practices/pregnancy-and-parental-leave-fmla>

⁶⁴⁵ <https://www.paidfamilymedicalleave.nh.gov/>

⁶⁴⁶ <https://www.thehartford.com/paid-family-medical-leave/vt>

⁶⁴⁷ <https://www.scc.virginia.gov/getattachment/7b9941b0-5988-4dbe-88ff-06daaacdf6/Family-Leave-Guidance-2022.pdf>

⁶⁴⁸ Brown, S., Herr, J., Roy, R. and Klerman, J.A. (2020) *Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys*. Washington, D.C.: Abt Associates. Available at:

Though the law provides *de facto* parental leave entitlements, studies have found it has had generally small effects on mothers' likelihood of taking time off from work at childbirth,^{649 650} and little or no effects on time off taken by new fathers.⁹ ¹⁰ Based on 2 national surveys, only 4 to 6 per cent of fathers take more than 2 weeks of Paternity leave⁶⁵¹. This suggests there are limits to the extent to which families are willing and able to use unpaid leave. In contrast, evidence suggests that workers are much more likely to use paid leave. A recent report shows that among workers who have access to paid family or parental leave, 87 per cent of women and 59 per cent of men use at least half of the paid parental/family leave that they have access to (66 per cent of women and 36 per cent of men use all available paid leave).⁶⁵² Also, implementation of California's PFL law increased the leave-taking of new fathers by 46 per cent and new mothers by 13 per cent.⁶⁵³ In the first 12 weeks after a first child is born, 45 per cent of mothers and 33 per cent of fathers take at least some paid Maternity/Paternity leave. Another 39 per cent of mothers use unpaid Maternity leave while another 35 per cent of fathers use paid vacation.⁶⁵⁴

https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018SurveyResults_FinalReport_Aug2020.pdf

⁶⁴⁹ Han, W.J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography*, Vol.40, 1: 191-200.

⁶⁵⁰ Han, W.J., Ruhm, C., and Waldfogel, J. (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, Vol.26, 1: 29-54.

⁶⁵¹ Petts, R. J., Knoester, C., and Li, Q. (2020) 'Paid paternity leave-taking in the United States', *Community, Work & Family*, Vol.23, 2: 162-183.

⁶⁵²<https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/2017%20Employee%20Benefits%20Report.pdf>

⁶⁵³ Bartel, A. P., Rossin-Slater, M., Ruhm, C. J., Stearns, J., and Waldfogel, J. (2018) 'Paid family leave, fathers' leave-taking, and leave-sharing in dual earner households', *Journal of Policy Analysis and Management*, 37: 10-37.

⁶⁵⁴ Scherer, Z. (2021) *Two-Thirds of Recent First-Time Fathers Took Time Off After Birth*. Washington, D.C.: Census. <https://www.census.gov/library/stories/2021/09/two-thirds-recent-first-time-fathers-took-time-off-after-birth.html>