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**TIME FOR CARE:
A HISTORY OF STATE LEAVE LEGISLATION
IN THE UNITED STATES**

by

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Introduction

Time for Care presents a history of enacted leave legislation at the state level in the United States from 1942 to 2017. The report includes policies that grant paid or unpaid, job-protected leave for public and private sector workers to: address a short-term personal illness (sick leave); address health issues related to pregnancy and/or childbirth; or care for newborn, newly adopted, or newly placed foster children, seriously ill children, or non-child relatives, such as spouses, domestic partners, and parents. Leave laws, the dates they were enacted, and the dates they became effective are reported chronologically by state.

The aim of this report is to aid research on the causes and consequences of subnational leave policy. Previous research by scholars, civil society organizations, and research institutions detail state leave provisions at given points in time.¹ Building on this previous work, this report provides a rare timeline of state legislative histories. The focus here is on when states adopted, implemented, and amended leave laws.

The U.S. lags behind most other countries in its support for employed parents and family caregivers. However, there is considerable subnational variation in family policies, and some states continue to expand leave rights, creating ever-widening cross-state inequalities in provisions. This report highlights growing differences between states and aids cross-state comparisons of social policy development and outcomes.

Background: Federal Policies and Directives

National reports of U.S. family policy often mention two laws. First, the Pregnancy Discrimination Act of 1978 requires employers (with fifteen or more employees) to treat pregnant employees as they would any other, similarly disabled employee. This means that employers granting job-protected leave for temporary disabilities must grant the same rights and provisions to pregnant employees. Alternatively, employers who do not provide leave for temporary disabilities are free to deny leave for pregnancy (unless employees have rights under state and federal laws).

A second law, the Family and Medical Leave Act (FMLA) of 1993, offers the only federal leave policy. The FMLA provides twelve weeks of unpaid, job-protected leave to address a serious illness or health condition, including pregnancy- and childbirth-related health issues, or a serious illness or health condition of a parent, spouse, or child. The law covers establishments of fifty or more employees. Eligibility requires 1,250 hours of employment in the twelve-month period preceding leave. The law was the result of five attempts to pass leave policy, starting in 1985.²

Congressional action on family and medical leave inspired state action on the issue. In the eight years between the first introduction of what became the FMLA and its passage, seventeen states passed their own leave laws. These laws remain in-effect, because they include broader coverage or more generous provisions than the FMLA.

Given the FMLA’s many limitations, several states continue to expand leave rights and provisions. There are several ways to do so (see Table 1). State laws may provide longer leave durations, provide wage replacement during leave, cover leave for short-term illnesses (sick leave), cover employees in smaller establishments, or provide leave rights to care for additional family members, such as grandparents or parents-in-law. Finally, state laws may have no or lower tenure-based eligibility requirements, requiring fewer hours or months of employment prior to taking leave.

Table 1. Current Federal Protections and Potential Changes

FMLA provisions	Potential expansions
Twelve weeks	Longer duration
Unpaid leave	Wage replacement/paid benefits
Serious illness or health condition	Short-term or sick leave
Parent, spouse, or child	Additional family members (domestic partner, adopted/foster child, legal ward, legal guardian, grandparent, parent-in-law, grandchild, sibling)
Covers establishments of fifty or more employees	Cover smaller establishments
Eligibility requires 1,250 hours of employment in twelve-month period preceding leave	No or lower eligibility requirements

In addition to Congressional action, there have been several relevant regulations and directives issued under different administrations. In 2000, the Department of Labor under the Clinton Administration issued a regulation allowing states to use their unemployment insurance funds to pay benefits during parental leave. The “Baby UI,” as it was called, spurred attention but no laws at the state level, and in 2003, the Bush Administration rescinded the regulation.³ The FMLA was amended in 2008 to cover leave

for reasons related to a family member's military service,⁴ and in 2010, the FMLA was again amended to make airline flight crew employees eligible for FMLA leave. Following a 2013 directive from the Obama Administration, the U.S. Department of Labor revised the regulatory definition of "spouse" under the FMLA to include same-sex spouses for employees residing in states that recognize same-sex marriage. This final rule became effective in 2015, the same year that the U.S. Supreme Court decided *Obergefell v. Hodges*, which legalized same-sex marriage, thus extending FMLA protections to same-sex spouses in all states. In 2015, President Obama also supported state family policies by proposing a \$2.2 billion budget to fund the initial costs of establishing state parental leave insurance programs and \$1 million to states and municipalities for conducting feasibility studies regarding paid leave provisions.

Methods

This report includes enactment, effective, and amendment dates for unpaid, job-protected leave laws or laws establishing state-administered leave insurance programs. To be included, laws must cover the private sector. To identify relevant legislation, I used reports by the National Partnership for Women and Families, the National Conference of State Legislatures, and the Women's Bureau of the U.S. Department of Labor. I then searched the legal references in these sources to locate state legislation and research bill histories. As a quality check, I consulted media sources and legal and academic publications, which were also useful when legislative documents were unclear. When there were discrepancies between reports, I checked multiple sources to identify consensus and favored government documents. A list of sources at the end of this report includes government and academic publications that examine multiple states. Endnotes are used for legal and state-specific references.

Types of Subnational Leave Policies

Most state laws provide job-protected leave, meaning that employees can return to the same or similar position with their current employer after taking leave (Table 2). Job-protected leave does not offer wage replacement (paid leave) unless otherwise stated. All state laws require unpaid leave be taken concurrently with leave under the FMLA, meaning that employees cannot access an additional twelve weeks of leave under the FMLA if they take leave under the state law. Laws described here as "gender-neutral" are neutral in language though not necessarily in impact.

States have enacted other work-life reconciliation measures not currently covered in this report. First, states often have more generous policies for state employees. These laws are not included in this report, because they fit more within the realm of industrial relations between the state and its workforce rather than social policy. Second, this report does not

Table 2. Definitions

Pregnancy Disability	Job-protected leave to address health conditions related to pregnancy <i>and</i> childbirth. Pregnancy Disability Leave (PDL) includes laws that provide a ‘reasonable period of leave’ for pregnancy, because these laws were interpreted with a clearly defined period of time (e.g., six to eight weeks). ⁵ PDL is distinguished from <i>maternity leave</i> and <i>parental leave</i> , which provide additional time for bonding with a new child. Wage replacement during PDL is established in only a few states that extend state temporary disability insurance (TDI) programs to include pregnancy- and childbirth-related health issues. ⁶
Childbirth	Job-protected leave to address health issues related to childbirth but not pregnancy. This type of policy is rare.
Maternity	Job-protected leave for women to address pregnancy- and childbirth-related health issues <i>and</i> bond with a newborn, newly adopted, or newly placed foster child.
Parental	Gender-neutral, job-protected leave to bond with a newborn, newly adopted, or newly placed foster child.
Family	Gender-neutral, job-protected leave to care for a family member, such as a parent, spouse, or child.
Family and Medical	Gender-neutral, job-protected leave to care for a family member or to address a personal serious illness or health condition, including pregnancy- and childbirth-related health issues.
Paid Family Leave Insurance	Wage replacement/paid benefits during leave periods. Programs are generally funded by employer and/or employee payroll contributions. Most programs do not provide job-protection during leave, but benefit payments are expected to coincide with job-protected leave under separate laws, such as the FMLA.
Paid Sick Leave	Requires employers to allow employees to accrue paid sick leave hours. Sick leave is paid at 100% of earnings by employers.

include information on the history of anti-discrimination laws protecting pregnant workers. Anti-discrimination laws do not grant leave. Rather, they require employers to treat pregnant employees the same as they would treat similarly disabled employees. Third, this report does not include laws that allow for flexible use of employer-provided paid sick leave. For example, California passed a “Kin Care” law in 1999 that allows employees to use employer-provided sick leave to care for a sick parent, spouse, or child.⁷ Like anti-discrimination laws, flexible use laws do not grant leave rights. Finally, there are numerous state laws granting leave for “small necessities.” Small necessities leave laws provide hours or days of leave to address specific and often rare circumstances, providing leave, for example, to attend a child’s school activities or to address issues related to stalking, sexual assault, or domestic violence. Future research may include these small necessities laws.

A Brief History of State Legislation

This section reports enactment and effective dates for state laws granting paid and/or job-protected leave from work for self-care or family caregiving. The report also includes amendments to leave laws that expand coverage or provisions as outlined in Table 1. Leave laws are listed by state chronologically by enactment date. When possible, the law’s description includes the month and year that the law became effective. All laws were passed by standard state legislative procedures unless otherwise noted (e.g., by ballot measure).

Descriptions of provisions reflect what was included in the law at the time it passed. Expansions and amendments are listed as separate laws, so that readers can assess provisions at different points in time. Other laws that are not leave laws but affect provisions are listed under the leave law’s entry.

Twenty-five states currently have no leave policies beyond “small necessities” that cover the private sector. These states include: Alabama, Alaska, Arkansas, Delaware, Florida, Georgia, Idaho, Indiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, and Wyoming.

Arizona

2016 Paid sick leave

Provides a right to accrue up to twenty-four or forty hours of paid sick leave per year, depending on employer size. In establishments of less than fifteen employees, workers can accrue up to twenty-four hours of paid leave, and in

Duration of Leave, 2017

	Pregnancy disability	Childbirth	Parental	Family	Family and medical	TDI for pregnancy	Paid family leave	Paid sick leave (hours)
Arizona								40
California	16				12	10	6	24
Colorado	RP							
Connecticut	RP				16			40
Hawaii	RP			4		26		
Illinois	RP							
Iowa	8							
Kansas		RP						
Kentucky			6*					
Louisiana	16							
Maine					10			
Maryland			6					
Massachusetts			8					40
Minnesota			12**					
Montana	RP							
New Hampshire	RP							
New Jersey				12		10	6	
New York						12		
Ohio		RP						
Oregon	12				12			40
Rhode Island	4				13	4	4	
Tennessee			16**					
Vermont			12		12			24
Washington	8			12				
Wisconsin	2		6	2				

Note. – The table presents maximum available provisions for eligible employees in 2017. Duration is measured in weeks, except for paid sick leave, which is measured in hours. RP refers to “reasonable period” of leave, * Leave is for adoption only, ** Includes leave to also address medical issues related to pregnancy or childbirth.

establishments of fifteen or more employees, workers can accrue up to forty hours of paid leave. Workers may use sick leave to address their own illness, care for a sick family member, or address issues related to stalking or domestic violence/abuse. State and federal employees are excluded. The law passed by ballot measure.⁸ *Effective July 2017*

California⁹

1946 Temporary disability insurance (TDI)¹⁰

Provides up to fifty-two weeks of partial wage replacement during leave for qualifying disabilities. The original law provides \$10-\$50 per week, depending on previous earnings, and \$12 per day for up to twenty days for hospital confinement. The program is funded by employee payroll contributions. As an insurance program, it does not provide job-protected leave. No establishment size eligibility requirements. Exempts from coverage self-employed persons and agricultural, interstate railroad, governmental, and domestic employees.¹¹ Following Rhode Island's example, the program explicitly excluded pregnancy as a qualifying disability.¹² *Effective December 1946*

In 1993, TDI benefits paid a minimum of \$50 per week and a maximum of \$336 per week, depending on previous earnings.¹³

In 2015, the program paid a maximum of \$1,104 per week with typical benefits at fifty-five percent of previous weekly earnings.¹⁴

1976 TDI for pregnancy

Adds pregnancy and childbirth as qualifying conditions for receiving TDI benefits during leave.¹⁵ In practice, benefits are paid four weeks prior and six weeks after delivery. *Effective 1977*

1978 Pregnancy disability leave

Provides up to four months of job-protected leave for pregnancy. Covers establishments of five or more employees. There are no tenure-based eligibility requirements.¹⁶ *Effective January 1979, challenged in court 1984-1987, upheld by the U.S. Supreme Court January 1987*

1991 Family and medical leave

Provides up to twelve weeks of job-protected leave to care for a newborn (immediately following pregnancy disability leave) or a newly adopted child, to address a personal serious health condition or a serious health condition of a parent, spouse, or child. A "parent" includes a biological, foster, or adoptive

parent, a stepparent, or a legal guardian. A "child" includes a biological, adoptive, or foster child, a stepchild, or a legal ward. Covers establishments of fifty or more employees. Eligibility requires twelve months of employment prior to taking leave. The law is referred to as California Family Rights Act.¹⁷ *Effective January 1992*

In 1999, California passed a law giving registered domestic partners the same rights as spouses, thus extending family leave rights to care for domestic partners.¹⁸

1999 TDI amended

Removes the \$336 cap on weekly benefits and replaces it with the maximum workers' compensation temporary disability indemnity weekly benefit amount. The legislation notes that the previous formula for calculating benefit amounts was fifty-five percent of base wages for employees earning more than \$1,749.20 in the quarter prior to taking leave, with a cap (of \$336).¹⁹ *Effective January 2000*

2002 Paid family leave insurance

Provides up to six weeks of wage replacement while on leave to care for a newborn, newly adopted, or newly placed foster child, a seriously ill parent, spouse, child, registered domestic partner, or spouse/partner who is temporarily disabled due to pregnancy or childbirth. Paid family leave was created by expanding eligible claims for the state TDI program to include family caregiving. Thus, funding, administration, and benefit levels are the same as TDI. Payment of benefits do not run concurrent with benefits paid during temporary disability due to pregnancy. The insurance program does not provide job protection.²⁰ *Effective 2004*

2011 Pregnancy disability leave amended

Requires employers continue group health insurance benefits for employees on pregnancy disability leave.²¹ *Effective January 2012*

2013 Paid family leave insurance amended

Broadens "family" for the purpose of family leave insurance benefit payments to include grandparents, grandchildren, siblings, and parents-in-law.²² *Effective July 2014*

2014 Paid sick leave

Provides a right to accrue and use up to twenty-four hours or three days of paid sick leave per year, paid by employer. The law, referred to as the Healthy Families/Healthy Workplaces Act of 2014,²³ excludes state in-home support

services (IHSS) workers. Workers may use sick leave for their own illness, to care for a family member, or to address issues related to domestic violence, sexual assault, or stalking. *Effective 2015*

Rights to paid sick leave were extended to IHSS workers in 2016 under the Fair Wage Act.²⁴ *Effective 2018*

2016 TDI amended

Increases the wage replacement rate (benefit level) to sixty or seventy percent, depending on previous earnings.²⁵ *Effective January 2018*

2017 Family and medical leave amended

Extends access to job-protected parental leave (under the 1991 California Family Rights Act) to employees in establishments of 20 or more employees. Referred to as the New Parent Leave Act.²⁶ *Effective January 2018*

Colorado

1972 Pregnancy disability leave

Requires employers to provide a "reasonable period" of leave for pregnancy and childbirth. No employer-size or tenure-based eligibility requirements.²⁷ *Effective May 1972*

2013 Family and medical leave amended

Broadens "family" for caregiving leave under the (federal) FMLA to include domestic or civil union partners.²⁸ Two months prior to this law, Colorado signed the "Civil Union Act" that applied to all state laws.²⁹ Given that Colorado did not have its own state leave program, it extended FMLA protections to civil union partners. *Effective 2013*

Connecticut

1973 Pregnancy disability leave

Provides a "reasonable leave of absence" for pregnancy disability under the Fair Employment Practices Act, which prohibits discrimination.³⁰ Covers establishments of three or more employees. No tenure-based eligibility requirements. *Effective January 1973*

1989 Family and medical leave

Provides up to twelve weeks in a twenty-four-month period for birth or adoption of a child, to address a serious illness, or to care for a parent, spouse, or child with a serious illness. A "parent" includes a biological, foster, or adoptive parent, a

stepparent, or a legal guardian. A "child" includes a biological, adoptive, or foster child, a stepchild, or a legal ward. Covers establishments of 250 or more employees. Eligibility requires twelve months and 1,000 hours of employment prior to taking leave. The original language stipulates expansion of coverage to establishments of seventy-five or more employees and increases in duration to sixteen weeks by 1993.³¹ *Effective July 1990*

In 2009, Connecticut passed a law deeming couples in civil unions the same as married. The law thus extended leave rights to care for same-sex partners and their children.³² *Effective October 2010*

2011 Paid sick leave

Provides a right to accrue up to forty hours of paid sick leave per year, paid by employer. Workers may use sick leave for their own illness, to care for a sick parent, spouse, or child, or to attend medical appointments or accompany family members to medical appointments. Provisions apply only to service/public contact occupations (for example, food service workers) and establishments of fifty or more employees.³³ *Effective 2012*

Hawaii

1969 Temporary disability insurance (TDI)

Provides up to twenty-six weeks of partial wage replacement during leave for qualifying disabilities. No restrictions based on employer size. Eligibility requires fourteen weeks of employment prior to taking leave and \$400 in earnings in the previous fifty-two weeks. The program is jointly funded by employers and employees. Employers may ask employees to contribute up to fifty percent of the premium as long as the amount does not exceed 0.5 percent of an employee's weekly earnings.³⁴ Benefits pay fifty-eight percent of previous average weekly wages to a ceiling.³⁵ The ceiling is set annually. In 1993, the ceiling was \$323 per week.³⁶ As of 2015, the ceiling was \$552 per week.³⁷ *Effective January 1970*

1973 TDI for pregnancy

Expands qualifying conditions for drawing TDI benefits to include disability related to pregnancy or termination of pregnancy.³⁸

1981 Pregnancy disability leave

Requires employers provide job-protected leave for a "reasonable period of time" as determined by the employee's physician for disability due to pregnancy, childbirth, or related medical conditions. No employer size or tenure-based eligibility requirements.³⁹ *Effective November 1982*

1993 Family leave
Provides up to four weeks of leave in a one-year period to care for a parent, spouse, or child with a serious illness or health condition. A "parent" includes a biological, foster, or adoptive parent, a stepparent, or a legal guardian. A "child" includes a biological, adoptive, or foster child, a stepchild, or a legal ward. The law additionally allows leave to care for a non-dependent adult child, grandparent, parent-in-law, or grandparent-in-law. Not included is leave for employees to address their own illness or health condition. Covers establishments of 100 or more employees. Eligibility requires six months of tenure, regardless of hours worked.⁴⁰ *Effective July 1994*

1997 Family leave amended
Broadens "family" for family caregiving leave to include reciprocal beneficiaries. Created by amending family leave policy. Referred to as the Reciprocal Beneficiaries Act (Act 383).⁴¹ *Effective July 1997*

Illinois

1985 Pregnancy disability leave
Requires employers provide job-protected leave "for reasonable period of time" for pregnancy, childbirth, or related medical conditions.⁴² *Effective November 1985*

Iowa

1987 Pregnancy disability leave
Provides up to eight weeks of leave for pregnancy, childbirth, or related medical conditions. Covers establishments of four or more employees. No tenure-based eligibility requirements.⁴³ *Effective 1987*

Kansas

1972 Childbirth leave
Requires employers provide "reasonable" childbirth-related (not pregnancy) disability leave. Covers establishments of four or more employees.⁴⁴ *Effective January 1974*

Kentucky

1982 Parental leave (for adoption only)
Provides up to six weeks of parental leave to care for a newly adopted child under age seven. No employment size or eligibility requirements.⁴⁵ *Effective July 1982*

Louisiana

1987 Pregnancy disability leave

Provides up to four months of leave for pregnancy, childbirth, or related medical conditions. For normal pregnancy and childbirth, leave duration is restricted to six weeks. The law does not include language on the return to the same or similar position after leave. Covers establishments of twenty-five or more employees. There are no tenure-based eligibility requirements.⁴⁶ *Effective 1987*

Maine

1988 Family and medical leave

Provides up to eight weeks in two years for birth or adoption of a child or to address personal illness or illness of parent, spouse, or child. Covers establishments of twenty-five or more employees. Eligibility requires twelve months of employment prior to taking leave.⁴⁷ *Effective August 1988*

1991 Family and medical leave amended

Extends leave duration from eight weeks to ten weeks.⁴⁸ *Effective 1991*

1997 Family and medical leave amended

Coverage of family and medical leave law broadened to include establishments of fifteen or more employees.⁴⁹ *Effective 1997*

2007 Family and medical leave amended

Makes several changes to how leave may be used. First, the new law allows intermittent use of family and medical leave.⁵⁰ Second, it broadens "family" for the purpose of family caregiving leave to include cohabitating siblings, non-dependent adult children, domestic partners, including domestic partner's childbirth or adoption, and domestic partner's children.⁵¹ *Effective 2007*

Maryland

2014 Parental leave

Provides up to six weeks within a one-year period to care for a newborn or newly adopted child. Covers establishments of fifteen but no more than forty-nine employees. Eligibility requires twelve months and 1,250 hours of employment prior to taking leave. However, employers may deny leave if it would result in substantial "economic injury."⁵² *Effective October 2014*

Massachusetts

- 1972 Maternity leave
Provides up to eight weeks of maternity leave. Covers establishments of six or more employees. Eligibility requires three months of employment prior to taking leave. Referred to as the Massachusetts Maternity Leave Act.⁵³ *Effective October 1972*
- 1984 Maternity leave amended
Extends maternity leave to cover adoption of a child under the age of three.⁵⁴
- 1989 Maternity leave amended
Extends maternity leave to care for a child under age eighteen or a child under age twenty-three who is mentally disabled.⁵⁵ *Effective 1989*
- 2014 Paid sick leave
Provides a right to accrue up to forty hours of paid sick leave per year, paid by the employer. Covers establishments of eleven or more employees. The law additionally provides a right to accrue up to forty hours of unpaid sick leave for employees of establishments of ten or fewer employees. This law passed by ballot measure.⁵⁶ *Effective 2015*
- 2015 Parental leave
Extends leave under the Massachusetts Maternity Leave Act to fathers, thus transforming maternity leave into parental leave. The law also extends leave to care for a child pursuant of court order.⁵⁷ *Effective April 2015*

Minnesota

- 1987 Parental leave
Provides up to six weeks for the birth or adoption of a child. Covers establishments of twenty-one or more employees. Eligibility requires one year of employment at twenty hours per week or more.⁵⁸ *Effective October 1987*
- 2014 Parental leave amended
Expands parental leave duration from six weeks to twelve weeks.⁵⁹ *Effective October 2014*
- 2014 Pregnancy disability leave
Broadens parental leave to cover leave for prenatal care or incapacity due to pregnancy, childbirth, or related medical conditions.⁶⁰ *Effective October 2014*

Montana

1975 Pregnancy disability leave

Provides "a reasonable leave of absence" for pregnancy, and prohibits employers from requiring a "mandatory maternity leave for an unreasonable length of time." No employer size or tenure-based eligibility requirements. Referred to as the Montana Maternity Leave Act.⁶¹ *Originally effective in 1978, challenged in court 1979-1984, upheld in December 1984*

New Hampshire

1984 Pregnancy disability leave

Provides an unspecified length of leave for temporary physical disability due to pregnancy, childbirth, or related medical conditions. Covers establishments of six or more employees. No tenure-based eligibility requirements.⁶² *Effective February 1987*

In 1992, the state legislature amended the Law Against Discrimination to include pregnancy- and childbirth-related medical conditions, which had previously been a regulation of the Human Rights Commission. The new law included authorization of the Commission to order compensatory damages for unlawful discriminatory practices.⁶³ *Effective January 1993*

New Jersey

1948 Temporary disability insurance (TDI)

Provides up to twenty-six weeks of partial wage replacement during leave for a medically disabling condition. The program is jointly funded by employer and employee contributions. Covers establishments with four or more employees. Eligibility requires four consecutive weeks of employment or fifty-two days for regular but nondaily employees.⁶⁴ Following Rhode Island's example, the program explicitly excluded pregnancy and childbirth as qualifying conditions for receiving benefits.⁶⁵ The original law provided benefits of \$9-\$22 per week, depending on previous earnings. *Effective January 1949*

Benefit levels were revised upward on at least three occasions, *effective July 1950, January 1953, and October 1955.*⁶⁶ In 1993, benefits paid two-thirds of previous weekly earnings up to \$304 per week.⁶⁷ In 2015, benefits paid up to \$604 per week with typical benefits paid at two-thirds of the employee's average earnings for the previous eight weeks.⁶⁸ As of 2018, the weekly benefit rate was \$637.⁶⁹

1961 TDI for pregnancy
Adds pregnancy and childbirth as qualifying conditions for receiving TDI benefits during leave. In practice, employees can receive wage replacement for four weeks of leave prior to the anticipated delivery date and six weeks after delivery.⁷⁰ *Effective July 1961*

1989 Family leave
Provides up to twelve weeks within a twenty-four-month period to care for a newborn, newly adopted, or newly placed foster child, or a spouse who is temporarily disabled due to pregnancy or childbirth, or a parent, spouse, or child with a serious health condition. A "parent" includes a biological, foster, or adoptive parent, a stepparent, or a legal guardian. A "child" includes a biological, adoptive, or foster child, a stepchild, or a legal ward. Not included is leave for workers to address their own illness or health condition, including pregnancy- and childbirth-related health issues. Covers establishments of fifty or more employees. Eligibility requires 1000 hours and twelve months of employment prior to taking leave.⁷¹ *Effective April 1990*

In 2004, under a law regarding child protective services, "family" for the purposes of family caregiving leave was broadened to include "resource family."⁷²

In 2006, the New Jersey Civil Union Act granted civil union partners the same rights as spouses, thus extending leave rights to care for civil union partners and their children.⁷³ *Effective February 2007*

2008 Paid family leave insurance
Provides up to six weeks of wage replacement during leave to care for a parent, spouse, child, domestic or civil-union partner, or partner's child. Provides sixty-six percent of previous earnings with a cap. In 2018, the cap was a weekly benefit of \$637. Benefit payments must run concurrent with job-protected leave under the FMLA or the New Jersey Family Leave Act (job-protected leave under state law, see above). Benefit payments for family leave does not run concurrent with benefit payments for pregnancy disability leave, but if applicable, leave must be taken sequentially. The program is funded by employee payroll contributions.⁷⁴ *Effective 2009*

New York

1949 Temporary disability insurance (TDI)
Provides up to thirteen weeks of partial wage replacement during leave for a qualifying disability. The program is jointly funded by employers and employee

payroll contributions. The program covers establishments with four or more employees. Eligibility requires four consecutive weeks of employment or fifty-two days for regular but nondaily employees. Benefits under the original law are \$10-\$26 per week and has since been revised upwards.⁷⁵ Following Rhode Island's example, the program explicitly excludes pregnancy and childbirth as qualifying disabilities.⁷⁶ *Effective July 1950.*

Benefit levels increased to \$20-\$45 per week, depending on previous earnings, *effective July 1957*. Benefit duration extended to twenty-six weeks, *effective June 1958*.⁷⁷ In 1993, benefits paid fifty percent of previous weekly wage with a cap of \$170 per week.⁷⁸ As of 2018, benefits levels, including the cap, were the same as in 1993.⁷⁹

1977 TDI for pregnancy

Adds pregnancy and childbirth as qualifying conditions for receiving TDI benefits during leave. In practice, benefits are typically paid four to six weeks prior to the anticipated delivery date and six weeks after delivery.⁸⁰

2016 Paid family leave insurance

Provides up to twelve weeks of job-protected leave to care for a newborn, newly adopted, or newly placed foster child, a seriously ill parent, spouse, domestic partner, child, grandparent, or grandchild; or for a qualifying exigency related to active military duty of a spouse, domestic partner, child, or parent. This law will phase-in the twelve-week duration, by providing eight weeks in 2018, ten weeks in 2019, and twelve weeks in 2021 (with increases subject to delay). Eligibility requires twenty-six weeks of full-time employment or 175 days of part-time employment prior to taking leave. The program is funded by employee payroll contributions.

The law also consolidates family leave insurance with temporary disability insurance, which is largely unchanged. The TDI program, as it did previously, provides up to twenty-six weeks of wage replacement for leave due to temporary disability. Pregnancy leave is covered for four to six weeks prior to anticipated delivery and four to six weeks after childbirth. Temporary disability leave is not job-protected. Eligibility for disability requires four weeks of full-time employment or twenty-five days of part-time employment. Temporary disability leave is jointly funded by employers and employee payroll contributions.⁸¹ *Effective January 2018*

Ohio

1989 Childbirth leave

Requires employers to provide a "reasonable period" of leave for childbearing. Following leave, an employee is entitled to return to the same or a similar position. Covers establishments with four or more employees.⁸² *Effective July 1989*

Oregon

1987 Parental leave

Provides up to twelve weeks of parental leave. Covers establishments of twenty-five or more employees. Eligibility requires ninety days of employment prior to taking leave.⁸³ *Effective January 1988*

1989 Pregnancy disability leave

Provides a "reasonable period" of maternity disability leave if the employee can be reasonably accommodated. Covers establishments of twenty-five or more employees. No tenure-based eligibility requirements.⁸⁴ *Effective October 1989*

1991 Family and medical leave

Adds leave for workers to address their own serious illness or health condition and care of a parent, spouse, or child such that provisions now include twelve weeks of parental, family, and medical leave.⁸⁵ *Effective 1991*

1995 Family and medical leave amended

Adds twelve weeks for pregnancy (in addition to the twelve weeks of family and medical leave). Referred to as the Oregon Family Leave Act, the law consolidates provisions under the previous parental, pregnancy disability, and family and medical leave laws. Workers may use leave to address their own serious health condition. Family caregiving leave may be used to care for a spouse; a biological, adoptive, or foster parent; a biological, adoptive, or foster child; or a grandparent, grandchild, or parent-in-law. Workers may also use leave to care for a child in need of non-serious home care or to bond with a newborn, newly adopted, or newly placed foster child under age eighteen. Covers establishments of twenty-five or more employees. Eligibility requires 180 days of employment at twenty-five hours/week or more, but eligibility for parental leave requires six months of employment without the hours-worked requirement.⁸⁶ *Effective 1995*

In 2007, Oregon passed a law extending any legal rights granted to spouses to domestic partners.⁸⁷

2015 Paid sick leave
Provides a right to accrue up to forty hours of paid sick leave per year, paid by employers. Workers may use sick leave to address their own illness, care for a family member, or address issues related to a public health emergency, domestic violence, sexual assault, sexual harassment, or stalking. Covers establishments of ten or more employees and, in municipalities with population sizes exceeding 500,000, establishments of six or more employees.⁸⁸ *Effective January 2016*

Rhode Island

1942 Temporary disability insurance (TDI)
Provides up to thirty weeks of wage replacement during leave for a qualifying disability. Benefits are \$10-\$30 per week depending on previous earnings.⁸⁹ The program is funded by employee payroll contributions.⁹⁰ Rhode Island is the first state to establish a TDI program. The law originally covers pregnancy disability until after the war when the state legislature make new restrictions in part for financial reasons.⁹¹ Wage replacement benefits for pregnancy-related disabilities are paid for twelve weeks (i.e., six weeks prior to and six weeks following childbirth). *Effective May 1942*

With passage of the Pregnancy Discrimination Act in 1978, states with TDI programs are mandated to allow women to draw benefits for leave related to pregnancy or childbirth.

Benefits have since been revised upwards. In 1993, benefits paid 4.2 percent of total earnings in one quarter with a cap of \$374 per week.⁹² As of 2015, benefits paid up to \$770 per week with typical benefits paid at 4.62 percent of total wages in one quarter based on the highest quarterly earnings in the previous year.⁹³

1987 Parental leave
Provides up to thirteen weeks of parental leave within a two-year period for birth, adoption, or illness of a child. Covers establishments of fifty or more employees. Eligibility requires one year of employment at an average of thirty hours per week.⁹⁴ *Effective June 1987*

1990 Family and medical leave
Amends the parental leave law to cover leave for workers to address their own illness or health condition and care for a parent, spouse, child, or parent-in-law.⁹⁵ *Effective July 1990*

- 2006 Family and medical leave amended
Broadens "family" for caregiving leave purposes to include domestic partners. The 2006 change was to the state's family and medical leave law specifically.⁹⁶
Effective 2006
- 2013 Paid family leave
Provides up to four weeks of paid, job-protected leave for temporary disability, including pregnancy- and childbirth-related health issues, and up to four weeks of paid, job-protected leave to care for parent, spouse, child, domestic partner, grandparent, or parent-in-law. Provides sixty percent of previous earnings with a cap. Created by expanding the state temporary disability insurance program to care for family. The program is funded by employee payroll contributions. Referred to as the Temporary Caregiver Insurance Program.⁹⁷ *Effective 2014*

Tennessee

- 1987 Maternity leave
Provides up to four months of leave for "pregnancy, childbirth, and nursing." Covers establishments of 100 or more employees. Eligibility requires full-time employment for twelve months prior to taking leave.⁹⁸ *Effective January 1988*
- 1988 Maternity leave amended
Removes time for bonding under the 1987 maternity leave law, limiting leave to childbirth and nursing. The amendment emphasizes the intent of the 1987 law to cover only the birth-parent.⁹⁹
- 2005 Parental leave
Broadens maternity leave by adding newly adopted children as care-receivers and adding fathers as caregivers qualifying for job-protected leave, thus creating parental leave.¹⁰⁰ *Effective May 2005*

Vermont

- 1989 Maternity leave
Provides up to twelve weeks of parental leave for pregnancy, childbirth, or adoption of a child. Covers establishments of ten or more employees. Eligibility requires one year of employment at an average of thirty hours per week.¹⁰¹
Effective July 1989
- 1992 Family and medical leave
Provides up to twelve weeks of family leave to address serious personal illness or illness of child (any age), stepchild, legal ward, foster child, parent, spouse, or

parent-in-law. Covers establishments of fifteen or more employees. Eligibility requires one year of employment at an average of thirty hours per week.

Referred to as the Vermont Parental and Family Leave Law, the law also makes fathers eligible for what was previously maternity leave, thus creating parental leave. Note family and parental leave provisions are separate provisions, meaning eligible workers have access to twelve weeks of family and medical leave in addition to twelve weeks of parental leave.¹⁰² *Effective 1992*

In 2012, Vermont extends benefits, protections, and responsibilities granted to spouses to civil union partners.¹⁰³

2016 Paid sick leave

Provides a right to accrue up to twenty-four hours (in 2017 and 2018) or up to forty hours (in 2019 and thereafter) of paid sick leave per year, paid by employer. Workers may use sick leave to address their own illness, care for a family member, or address issues related to domestic/sexual violence/abuse or stalking or public health/safety closures. Referred to as Vermont Earned Sick Time.¹⁰⁴ *Effective 2017* (for establishments with more than five employees) and *2018* (establishments with five or fewer employees)

Washington

1973 Pregnancy disability leave

Provides "reasonable" job-protected maternity disability leave for entire period of pregnancy-related disability. Covers establishments of eight or more employees. No tenure-based eligibility requirements.¹⁰⁵ Later, when parental and family leave laws are adopted, the pregnancy disability leave is retained as additional leave that does not run concurrently. "Reasonable" leave becomes six to eight weeks in practice.¹⁰⁶ *Effective October 1973*

1989 Parental leave

Provides up to twelve weeks within a two-year period to care for a biological, adopted, or foster child, legal ward under age eighteen, or disabled child. Covers establishments of 100 or more employees. Eligibility requires twelve months and 1,250 hours of employment in the year prior to taking leave. Leave does not run concurrently with pregnancy disability leave.¹⁰⁷ *Effective October 1989*

2006 Family leave

Includes care for a spouse, a biological or adopted child, or a legal ward as reasons for taking what was previously parental leave, thus creating family leave.

With this new law, both parental and family leave laws cover establishments of fifty or more employees. Leave cannot be taken concurrently with pregnancy disability leave.¹⁰⁸ *Effective June 2006*

In a 2009 law regarding rights for domestic partners, family leave was extended to cover caring for domestic partners and their child(ren).¹⁰⁹ *Effective August 2009*

2007 Paid parental leave insurance

Provides up to five weeks of benefit payments while on leave to care for a biological or adopted child. The flat-rate benefit is \$250 per week. Eligibility requires 680 hours of employment in six months prior to taking leave. Job protection is also provided but only covers establishments of twenty-five or more employees.¹¹⁰ *Not implemented*

This law was never implemented for lack of a funding mechanism. Unlike other states that created family leave insurance programs, Washington did not have a pre-existing TDI program.

2016 Paid sick leave

Provides a right to accrue one hour of paid sick leave for every forty hours worked for a total of up to forty hours of sick leave, paid by employer. Workers may use sick leave to address their own illness, care for a family member, or address issues related to domestic violence, sexual assault, or stalking. This law passed by ballot measure.¹¹¹ *Effective January 2018*

2017 Paid family leave insurance

Provides up to twelve weeks of wage replacement during leave to care for a newborn, newly adopted, or newly placed foster child, or a parent, spouse, domestic partner, child, grandchild, grandparent, or a sibling with a serious health condition, or to address a qualifying exigency arising from a family member on active military duty. Workers may also receive benefits during leave to address their own serious health condition. The program provides an additional fourteen weeks of wage replacement during leave for serious pregnancy-related conditions resulting in incapacity.

Benefits are ninety percent of average weekly wages for employees who earn fifty percent or less of the statewide average weekly wage. For employees who earn more than fifty percent of the statewide average weekly wage, benefits are ninety percent of average weekly wages up to fifty percent of the statewide average weekly wage plus fifty percent of the employee's average weekly wage that exceeds fifty percent of the statewide average weekly wage. Benefit duration is limited to no more than sixteen weeks per year for combined serious personal

health condition and family caregiving, and no more than eighteen weeks per year for combined serious pregnancy-related health condition and family caregiving.

Eligibility requires employment in four out of five quarters and at least 820 hours of employment within this period prior to application for benefits. Leave is job-protected for employees in establishments of fifty or more employees. Eligibility for job-protected leave requires twelve months and 1,250 hours of employment prior to taking leave.¹¹²

Contributions to the program start in 2019, and benefit payments start in 2020.
Effective 2020

Wisconsin

1987 Family and medical leave

Provides up to six weeks in one year for birth or adoption of a child, two weeks in one year for ill family members, and two weeks in one year for personal illness including pregnancy. Employees may take a maximum of ten weeks in combination, but total family leave time cannot exceed eight weeks in one year. Covers establishments of fifty or more employees. Eligibility requires fifty-two weeks and 1,000 hours of employment prior to taking leave. "Family" for caregiving purposes includes biological and adopted children, stepchildren, and legal wards; biological and adopted parents, stepparents, legal guardians, and parents-in-law.¹¹³ *Effective April 1988*

A 1993 law pertaining to foster families (not leave policy specifically) added care of foster children and foster parents for family leave purposes.¹¹⁴

In 2009, Wisconsin passed the Domestic Partnership Law, which extended rights and protections for spouses to domestic partners.¹¹⁵

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Notes

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⁴ The National Defense Authorization Act of 2008 (HR 4986) provides twenty-six workweeks of leave for a "spouse, son, daughter, parent, or next of kin" to care for a "member of the Armed Forces, including a member of the National Guard or Reserves." The law took effect in January 2009.

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⁸ National Partnership for Women and Families (2018) – see list of sources for complete reference.

⁹ For a detailed timeline of leave legislation introduced in California, see Engeman, Cassandra. 2018. "'Job-Killer' Bills in Tough Economic Times: Social Movements and Leave Policy Agendas before and after the Great Recession." *Mobilization: An International Quarterly* 23(3): Forthcoming.

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¹⁶ Calif. Gov't Code § 12945, 12926; see also Milkman and Appelbaum (2013), Shiu and Wildman (2009) – in list of sources.

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¹⁸ Cal. Fam. Code § 297.5.

¹⁹ California Senate Bill 656 (Solis), 1999.

²⁰ Cal. Unemp. Ins. Code §§ 3300-3306; California Senate Bill 1661 (Kuehl), 2002.

²¹ Calif. Gov't Code § 12945.

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- ²⁴ California Senate Bill 3 (Leno), 2016.
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- ²⁶ California Senate Bill 63 (Jackson), 2017.
- ²⁷ Colorado Civil Rights Commission, Sex Discrimination Guidelines § 80.8 reprinted in 8A Fair Empl. Prac. Manual (BNA) 453:1125, 453: 1127. Adopted as required by the Colorado Anti-Discrimination Act, Colorado Rev. Stat. Tit. 24, Article 34, Parts 3-7; See also O'Brien and Madek (1989) in list of sources.
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- ³⁰ Pub. Act No. 73-647 codified as amended at Conn. Gen. Stat. §§ 46a-60(a)(7); see also Dowd (1986: 722) and Han and Waldfogel (2003) in list of sources.
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- ¹⁰³ 15 V.S.A. § 1204(e)(12).
- ¹⁰⁴ National Partnership for Women and Families (2018) – see list of sources for complete reference.
- ¹⁰⁵ Rev. Code Wash. (RCW) 49.60.040, Wash. Admin. Code 162-30-020; see also Dowd (1986: 731), Finn-Stevenson and Trycinski (1991), Waldfogel (1999) in list of sources.
- ¹⁰⁶ RCW § 162-30-020(5); see also Han and Waldfogel (2003), O'Brien and Madek (1989), Stoddard et al. (2016) in list of sources.
- ¹⁰⁷ RCW § 49.78.020 to -030; see also Finn-Stevenson and Trycinski (1991), Han and Waldfogel (2003) in list of sources.
- ¹⁰⁸ RCW 49.78.390, 49.78.280, 49.78.020.
- ¹⁰⁹ RCW 49.78.020; 2009 Ch. 521 § 135.
- ¹¹⁰ RCW 49.86.050 and -.060 (benefit amount and duration), RCW 49.86.010 (purpose), RCW 49.86.030 (eligibility), RCW 49.86.090 (job protection).
- ¹¹¹ RCW 49.46.200, 49.46.210, 49.46.210, see also National Partnership for Women and Families (2018) in list of sources.
- ¹¹² Washington Senate Bill 5975, 65th Leg., 3rd special session, Wash. 2017 enacted.
- ¹¹³ Wis. Stat. § 103.10(2)(c),(3),(4); see also Finn-Stevenson and Trycinski (1991), Han and Waldfogel (2003), Waldfogel (1999) in list of sources.
- ¹¹⁴ Wis. Act 446; Wis. Stat. § 103.10 (1)(a), (1)(f).
- ¹¹⁵ Wis. Stat. § 103.10(1), (ar).