

California

● CALIFORNIA DISABILITY COMPENSATION LAW (*PAID FAMILY LEAVE*)

STATUTORY CITATION: Cal. Unemp. Ins. Code §§ 3300–3306

GENERAL SUMMARY: The stated purpose of the California Disability Compensation Law is to compensate, in part, for the wage loss sustained by individuals unemployed because of the sickness or injury of a family member, or the birth, adoption or foster care placement of a new child. For unemployment of this nature, the law provides for the payment of weekly cash benefits, financed by the collection of a payroll tax on the earnings of each covered employee.

Agricultural workers are covered by the Paid Family Leave provision to the same extent as most non-agricultural workers.

SPECIFIC TERMS AND CONDITIONS: Family temporary disability insurance provides up to 6 weeks of wage replacement benefits to workers who take time off work to care for a seriously ill child, spouse, parent, parent-in-law, grandparent, grandchild, sibling, or domestic partner, or to bond with a new child within one year of the birth or placement of the child in connection with foster care or adoption. The program is financed by the California disability insurance taxes withheld from most workers' wages, as described in the previous entry.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Employment Development Department, Sacramento, California 95814 (877-238-4373). This agency is responsible for collection of disability insurance contributions withheld from workers' pay, for determining eligibility for disability benefits, and for administering benefit payments. Applications for Paid Family Leave benefits may be filed online (http://www.edd.ca.gov/disability/SDI_Online.htm) or by mail (application forms available via 877-238-4373 in English, or 877-379-3819 in Spanish).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

New Jersey

● TEMPORARY DISABILITY BENEFITS LAW (*FAMILY LEAVE INSURANCE*)

STATUTORY CITATION: N.J. Rev. Stat. §§ 43:21-39.1 – 43:21-39.4

GENERAL SUMMARY: In addition to replacing earnings lost on account of non-work-related disabilities, the Temporary Disability Benefits Law also authorizes cash benefits for up to 6 weeks to allow employees to provide care to a seriously ill family member, or to bond with a newborn or newly adopted child.

SPECIFIC TERMS AND CONDITIONS

EARNINGS ELIGIBILITY — In general, to qualify for Family Leave Insurance benefits, a worker must have earned wages from one or more covered employers amounting to 20 times the state hourly minimum wage in at least 20 different calendar weeks, or earned not less than 1,000 times the state hourly minimum wage from covered employment, during the 52 weeks immediately preceding the family leave period. A covered farm employer is one who (1) paid agricultural wages of \$20,000 or more during any calendar quarter of the current or preceding calendar year, or (2) employed 10 or more agricultural workers for any part of a day in 20 or more different calendar weeks this year or last.

OTHER CONDITIONS AND LIMITATIONS — Family Leave benefits are subject to the following conditions, among many others:

Care Leave — Leave to care for a family member with a serious health condition applies only to a worker's spouse, domestic or civil union partner, parent or child, and the health condition must be verified by a licensed health care provider. Care leave may be taken for 6 consecutive or intermittent weeks, or 42 intermittent days, during the 12-month period immediately preceding the claim.

Bonding Leave — Paid family leave for up to 6 weeks may also be taken to bond with (1) a newborn child during the 12 months after the child's birth, or (2) an adopted child during the 12 months after the child's placement. This type of leave generally must be for a period of more than 7 consecutive days. At the time the claim is made, the worker must provide certain documentation, such as the child's birth certificate or adoption records.

AMOUNT OF BENEFITS — The weekly benefit rate payable to an eligible individual is normally equal to 2/3 of the individual's average weekly wage over the 52-week period immediately before the leave period, subject to a maximum of 53 percent of the statewide average weekly wage for covered employment. The amount of benefits for each day of disability for which benefits are payable is computed at 1/7 of the corresponding weekly benefit rate.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Unemployment and Temporary Disability Insurance, New Jersey Department of Labor and Workforce Development, Trenton, New Jersey 08625 (609-292-2460).* The Department has responsibility for administering the Family Leave Insurance program. A worker who takes family leave, and whose current or most recent employer does not administer a private disability plan, may download an application for state disability benefits or file a claim online, at <http://lwd.dol.state.nj.us/labor/fli/fliindex.html>.

Any dispute that arises over a worker's eligibility for or payment of benefits from a private plan may be referred to the Department for investigation and resolution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New York

○ PAID FAMILY LEAVE BENEFITS LAW

STATUTORY CITATION: N.Y. Workers' Compensation Law §§ 200 – 242

GENERAL SUMMARY: Effective in January 2018, the Paid Family Leave Benefits Law provides temporary cash benefits to eligible employees who take time off from work in order to bond with a new child, care for a seriously ill family member, or be with a family member called to active military service. Employers are required to (1) obtain coverage for family leave benefits through the state insurance fund or from an insurance carrier authorized by the workers' compensation board to write such policies, or (2) apply to the board for authorization to self-insure.

To help defray the cost of family leave benefits, employers are authorized to withhold from the earnings of each covered employee an amount determined annually by the state administering agency, beginning in June 2017.

PROVISIONS APPLICABLE TO AGRICULTURE: Unless the employer voluntarily elects coverage, the Paid Family Leave Benefits Law **does not apply** to services performed by farm laborers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *New York State Workers' Compensation Board, Schenectady, New York 12305.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Rhode Island

● RHODE ISLAND TEMPORARY DISABILITY INSURANCE ACT (*TEMPORARY CAREGIVER INSURANCE*)

STATUTORY CITATION: 28 R.I. Gen. Laws §§ 28-41-34 – 28-41-40

GENERAL SUMMARY: In addition to providing for weekly cash payments to workers unemployed due to injury or illness, the Rhode Island Temporary Disability Insurance Act provides up to 4 weeks of caregiver benefits for workers who take time off work to care for a seriously ill family member, or to bond with a newborn or adopted child during the first 12 months of parenting. Temporary caregiver insurance benefits are financed by contributions withheld from employees' wages and forwarded to the fund by their employers.

PROVISIONS APPLICABLE TO AGRICULTURE

EMPLOYEE CONTRIBUTIONS — To the same extent and on the same terms as non-agricultural employees, every farmworker employed by a farm operator or other agricultural establishment with one or more employees must contribute an annually determined portion of his or her earnings (currently 1.2 percent) to the temporary disability/caregiver insurance fund, up to a wage limit determined each year by the state administering agency (currently \$68,100). The employer is required to withhold contributions from the worker's earnings at the time of payment, and to transmit withheld amounts to the fund at regular intervals.

ELIGIBILITY FOR BENEFITS — Workers who take time off work to care for a seriously ill family member, or to bond with a newborn or adopted child during the first 12 months of parenting, are generally eligible for temporary caregiver benefits only if all of the following conditions are met:

- (1) During the first four of the last five completed calendar quarters preceding the initial claim, they earned insured wages amounting to at least 400 times the state hourly minimum wage (at the current rate of \$9.60, at least \$3,840).
- (2) In at least one of the four quarters, they earned at least 200 times the minimum wage (at least \$1,920).
- (3) Their total earnings over the entire four-quarter period amount to at least 1½ times their earnings in the one quarter when earnings were highest.
- (4) The wages earned during the four-quarter base period must have been paid by one or more employers subject to the state unemployment insurance law.
- (5) The claimant must have been off the job for a waiting period of at least 7 consecutive days.

Benefits are not payable for any week with respect to which the worker has received workers' compensation or unemployment insurance benefits.

AMOUNT OF BENEFITS — An eligible claimant is normally entitled to a weekly benefit equal to 4.62 percent of the worker's earnings in the one quarter of the four-quarter base period when earnings were highest, but not more than 85 percent of the statewide average weekly wage among workers covered by the state unemployment insurance program in the preceding calendar year.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Temporary Disability Insurance Unit, Income Support Division, Rhode Island Department of Labor and Training, Cranston, Rhode Island 02920 (401-462-8420)*. The Department administers all aspects of the temporary caregiver insurance program, from collection of contributions, to payment of benefits. There are substantial penalties for an employer's failure to forward contributions to the state for proper credit to the employee's account, and any worker who believes contributions are not being correctly withheld, remitted or reported should promptly contact the Department. Claims for caregiver benefits may be filed online, at <https://uiclaims.ri.gov/tdionline/>.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Washington

● FAMILY LEAVE INSURANCE LAW

STATUTORY CITATION: Wash. Rev. Code §§ 49.86.005 – 49.86.903

GENERAL SUMMARY: Chapter 49.86 of the state statutes authorizes the payment of up to 5 weeks of cash benefits to workers who (1) are unable to perform their regular or customary work because they are caring for a newborn or newly adopted child, and (2) have been employed for at least 680 hours during the first four of the last five complete calendar quarters preceding the claim for benefits. In general, the amount of benefits is set by law at \$250 per week for an individual who was regularly working 35 hours or more per week when the period of family leave began. The benefit amount is prorated if the claimant is regularly working less than 35 hours per week, and is reduced for weeks when there is partial work during the leave period.

The family leave insurance program applies to employers and employment to the same extent as those terms are defined in the state Employment Security Act, summarized in the previous entry.

PROVISIONS APPLICABLE TO AGRICULTURE: Farm operators, crew leaders and other agricultural establishments that (1) paid \$20,000 or more in cash wages for agricultural labor during any calendar quarter in the current or preceding calendar year, or (2) employed 10 or more workers in agricultural labor for some part of a day in each of 20 different calendar weeks in the current or preceding calendar year, are covered by the family leave insurance program. A farmworker who is employed by such an establishment, and who meets the work-hours requirement noted in the summary above, may be eligible for paid family leave for care of a newborn or newly adopted child.

SPECIAL NOTES OR ADVISORIES

LAW UNIMPLEMENTED — Although enacted in 2007 and set to take effect on July 1, 2008, the family leave insurance law has not been implemented, pending legislative action to appropriate funding and enact an implementation date.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – No state agency has been designated to administer the family leave insurance program.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*