

Note on option for self-employed to contribute to PFMLI programs:

Many existing PFMLI programs allowed self-employed individuals to opt into coverage. They typically included certain restrictions on when individuals may opt in to prevent people from enrolling solely when they feel they immediately need the leave and then dropping coverage shortly after. For example, the CT and WA programs provide that self-employed persons opting in for the first time must enroll for a minimum of three years, and that they can only reenroll: (1) for at least a year, and (2) immediately after a period in which they were already enrolled. MA's bill is slightly different, and less common: it provides that self-employed persons must have paid premiums for at least two consecutive quarters in the past year in order to be eligible for benefits.

Sample language from CT & MA:

Connecticut:

"Employee" means any person engaged in service to an employer in the state in the business of the employer and shall include a self-employed person or sole proprietor in the state who elects coverage under section 8 of this act;

A self-employed person or sole proprietor, upon application to the administrator, in a form and manner as prescribed by the administrator, may enroll in the Family and Medical Leave Compensation Program, provided such self-employed person or sole proprietor is enrolled in the program for an initial period of not less than three years. Such self-employed person or sole proprietor may reenroll in the program for a subsequent period, or periods, of not less than one year, provided (1) such self-employed person or sole proprietor provides written notice of such reenrollment to the administrator, and (2) such reenrollment begins immediately following a period of participation in the program. A self-employed person or sole proprietor may withdraw from the program upon submitting written notice to the administrator not less than thirty days prior to the expiration of the initial enrollment period, or at such other times as the administrator may prescribe by rule.

Massachusetts:

"Self-employed person" means a business owner whose state and federal income tax returns for the two years preceding the business owner's first claim for family or medical leave benefits identify and substantiate ownership of a bona fide business enterprise.

A participating self-employed person shall be eligible for family or medical leave if the self-employed person has paid a premium for at least 2 consecutive quarters during the past 12 month base period prior to the claim and meets the eligibility requirements of subparagraph (1) of subsection (a) of section 2 of this chapter.

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